

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 18, 1996**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 18, 1996.

AGENDA

Closed Session

3:00 p.m. Property acquisition
Litigation

Work Session

4:00 p.m.	Council comments and questions
4:15 p.m.	Grant process
4:45 p.m.	Film contract with Arts Council
	Review of regular meeting
5:00 p.m.	Sign Code
5:30 p.m.	Meeting questions/comments

Dedication of trolley

5:45 p.m.

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Amendments to the LMC - Historic District

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 4, 1996

V PUBLIC HEARINGS

1. An ordinance approving a record of survey for the Mountainview Condominiums and amending the amended Park City Survey, Lots 5, 6, 24 and 25, Block 66, located at 267 and 269 Deer Valley Drive, Park City, Utah
2. An ordinance approving an amendment to the Snyder's Addition to the Park City Survey, Portions of Lots 24, 25, and 27, Block 29, to be known as the Wilson Resubdivision located at 934 Lowell Avenue, Park City, Utah

3. Ordinance repealing Title 12, Sign Code, of the Municipal Code of Park City, Utah and replacing it in its entirety
4. Authorize staff to apply for \$638,850 in FTA Section 5311 grant funds toward the purchase of one compressed natural gas trolley vehicle, and three diesel coaches

VI CONSENT AGENDA

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2. An ordinance approving an amendment to the Snyder's Addition to the Park City Survey, Portions of Lots 24, 25, and 27, Block 29, to be known as the Wilson Resubdivision located at 934 Lowell Avenue, Park City, Utah
3. Authorize staff to enter into agreements with Staker Paving for asphalt overlays and bike paths in the amount of \$277,816; Intermountain Slurry Seal for slurry seals in the amount of \$39,850; and Rivas Construction for utility adjustments in the amount of \$49,550
4. Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 1996 and repealing Resolution No. 1-96
5. An ordinance amending Title 11, Chapter 13, Buildings and Building Regulations - Impact Fees of the Municipal Code of Park City, Utah to cease the collection of school facilities impact fees
6. Authorize staff to apply for \$638,850 in FTA Section 5311 grant funds toward the purchase of one compressed natural gas trolley vehicle, and three diesel coaches

VII NEW BUSINESS

Authorization to the Mayor to execute a preliminary agreement to purchase 372.5 acre feet of water and 218 acres of land

VIII OLD BUSINESS

Appeal of Planning Commission approval of February 28, 1996 of the Sweeney Town Run Large Scale MPD

IX ADJOURNMENT

Posted: 4/15/96

Note: It should be noted that the entry under Public Input occurred during the meeting and was not posted. It appears here on the agenda for reference purposes.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 18, 1996

Present: Mayor Brad Olch; Council members Hugh Daniels, Roger Harlan, Shauna Kerr, Paul Sincok, and Chuck Klingenstein

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Tom Bakaly, Finance Manager; Janice Lew, Planner

1. Council questions/comments. Roger Harlan commented on his recent trip to Paris and the comprehensive transportation system there; he felt that Park City should consider long-term transportation options. He complimented Jodi Hoffman on her thorough workload report. Paul Sincok recommended that the City Council send its congratulations to the Performing Arts Center on its \$1 million grant from the Eccles Family. Chuck Klingenstein reported that he and Rick Lewis met with Commissioner Provost and Bob Mathis of Wasatch County and pointed out the merits of interlocal planning agreements. Council was informed that the Telemark Park application to Wasatch County was available for review in the Planning Department. Councilman Klingenstein urged staff to be proactive with the design of the improvements on SR248 and discussed the Aspen trip which will focus on transportation systems. The Mayor reported that he attended a conference of ski resorts at our sister-city Courchevel and a lot of the discussions revolved around transportation. He discussed systems that Aspen is exploring and information he will share from Poma as he met with them in France. Ms. Kerr suggested that if the Poma people come to Park City, it would be beneficial to have them meet with the Flagstaff applicants. Ms. Kerr corrected the master docket and discussion ensued regarding the Brookside Subdivision. Hugh Daniels reported on the spring conference in St. George that he and Chuck Klingenstein attended. He commented on theories of creating neighborhoods, not subdivisions; instead of building more parking, to reduce parking requirements forcing the use of public transportation; and encouraging in-fill of cul-de-sacs as the nemesis of neighborhoods. Mr. Daniels relayed that he has received complaints about speeding vehicles in Park Meadows and discussed concepts outlined in various publications of slowing traffic down in neighborhoods. Mr. Daniels expressed his appreciation of not using the Old Town CIP Fund for the signalization project and funding it from the future projects line item. He discussed Council's office hours and a routing system at the work station so that information doesn't have to be duplicated. Mr. Daniels thanked staff for shortening the Historic District grant program agreement.

2. Grant process. Tom Bakaly asked for direction from the Council on grants for budget purposes. He discussed the categories for grants and pointed out that it is appropriate to assign funding percentages from the General Fund as opposed to the total City budget. Categories include special services, arts and culture, youth, rent contributions, housing, historic preservation, and grant contingency. Special services are contracted services including the Chamber/Bureau, Recycling, Historical Society, and Domestic Peace Task Force. For youth and arts funding, the Council would identify an organization for these categories and appropriate a percentage dollar

amount and the organization would be responsible for distributing grant funds with criteria consistent with the City Council's general guidelines. Mr. Bakaly suggested that rental contributions not be part of an annual review as leases could be longer-term. He continued that rather assigning a percentage of the budget for housing and historic preservation to determine a dollar amount. He again emphasized that the grant policy would contemplate a set percentage per category and this policy would be incorporated into a section in the budget.

Hugh Daniels suggested that grants be allocated for a two-year period in tandem with a two-year budget. This would provide organizations a better opportunity to plan its finances. He also suggested that for special services increases that funds could be utilized from the contingency fund. Roger Harlan pointed out the difficulty in evaluating the teen program and although criteria is important, Council should be sensitive to the fact that this program is going through a transitional period. Mr. Bakaly added that if a youth organization is not available, the funds will remain in the youth fund until there are project requests. Paul Sincock added that Recycle Utah receives \$4,000 in free rent and that should be noted in the appropriate category. The City Manager explained that the new site at the new Public Works facility for Recycle Utah will be a lease, not a grant arrangement with the City. With regard to obtaining funding from other sources than the City, Mr. Klingenstein indicated that he would like to see stronger leverage language. Hugh Daniels emphasized that he would like to see the unspecified amounts in each category be transferred into the contingency fund. He clarified that it looks as if youth is not funded to the extent of the arts, but if the rent contribution is added back in, the amount increases to \$31,500.

Paul Sincock explained that he suggested funding the arts at a higher amount than youth, because the arts has an umbrella organization that ties directly to Park City, while youth has no organization and half of the kids are from the county, making it more community-wide. He suggested a \$21,000 unspecified amount for the arts in the event there is an appealing project later in the year. Hugh Daniels felt that it would be prudent for organizations to plan for a contingency and would not expect grant recipients to come back to Council with additional mid-year requests. Shauna Kerr stated that this plan is close to what was done in the past and it increases funding for the arts and agreed with Mr. Daniels with regard to placing unspecified funds into one contingency fund. She disagreed with Mr. Sincock's concept of the arts being specifically tied to Park City, as the Arts Foundations serves Snyderville Basin residents and other outlying areas and youth and arts should be funded equally. Ms. Kerr felt that 2.25% of the General Fund for total grants was an appropriate percentage. Mr. Sincock suggested that the total grant percentage be increased to 2.5% and that resulting additional funds be placed in the contingency fund. Mr. Klingenstein pointed out that the Council is in the middle of its two-year budget and suggested that if the amount needs to be revisited, the Council could review it at the next budget cycle. Also, it is uncertain where the additional \$30,000 would come from. The Mayor felt that Council would be always be open to considering programs or projects with merit and Mr. Daniels added that the 2.25% is a quarter of a percent higher than previous funding. He continued that the arts have been increased from \$16,500 to \$31,500, youth programs from \$14,000 to \$26,000 and special services from \$107,000 to

\$117,000 and agreed with Mr. Klingenstein's comments.

In response to a question from Joanna Charnes of the Arts Foundation, Toby Ross explained that grant recipients would follow the general three criteria established by Council, but could be more specific with their own additional criteria, which would not necessarily be approved by Council.

3. Parking requirement for 303 Main Street. This item was not on the work session agenda, but Mr. Klingenstein requested that it be addressed. City Attorney Jodi Hoffman explained that this was discussed by Council about a year ago and has again become an issue as a result of a lawsuit filed in federal court in November which was unsealed until last week. The lawsuit alleges that the 1993 purchase of the lot located at 330 Main Street by Jon Olch was not right and there is a footnote in the suit that indicates that because Jon Olch is brother to the Mayor that he received special consideration with regard to parking requirements. She discussed a parking covenant for this property and a lot behind the Barking Frog that was a result of a 1984 master plan for the Main Street Mall. This referred to 22 existing parking spaces but did not indicate how the spaces are allocated. There is also provision for relief at \$10,000 per space. Staff made a calculation based on a ratio of the square footages of the lots and came up with 15 spaces for 330 Main and seven for the Barking Frog. It came to staff's attention that there are only nine legal spaces for 330 Main Street because of snow shedding from the Egyptian Theater and staff determined that the obligation would be ten parking spaces. The lower floor of the new building on the Swede Alley side provides ten parking stalls, one of which does not comply with handicap standards. Because of this deficiency, Jon Olch was assessed and paid \$10,000 for that space. Ms. Hoffman discussed discovering more information regarding parking for the Fields Master Plan, which allocates nine parking structures for 330 Main Street and 13 spaces behind the Barking Frog. She added that Jon Olch has not asked for his money back.

4. Sign code amendments. Planner Janice Lew pointed out that the ordinance reflects the planning staff's recommendation, not the Planning Commission's input. As a Municipal Code amendment, it is not required to have Planning Commission review. There was a review, however, since the Planning Commission uses the Sign Code for various projects. There were three public hearings on this matter and it has been reviewed by the Main Street Merchants, Board of Realtors, and Prospector Square Property Owners Association. A major change is the reduction in the maximum size requirements from 45 square feet to 20 square feet. There was a problem with the maximum in trying to negotiate the size down in consideration of the scale of the building. A formula is proposed to calculate the size. The Planning Commission felt that 20 square feet is too small and felt that the code should not be amended. Ms. Lew also discussed the provision allowing staff discretion for additional signage as opposed to the request going before the Planning Commission. Roger Harlan pointed out that the Dan's sign fits the current standards but in his mind is not aesthetic because it is too small and out of proportion. Mr. Ross pointed out that staff could approve a sign larger than 45 square feet based on 5% of the square foot calculation of the facade.

Mr. Sincock noted that flags and umbrellas are new categories and asked if there were complaints. Ms. Lew responded that umbrellas had advertising and staff felt they should be regulated. She continued that in some instances for development in the frontage protection zones, the business receives approval for a monument sign and then also displays a logo flag. Shauna Kerr discussed Freedom Mortgage in Salt Lake who didn't like the signage approved and is flying an American Flag as large as the building. In response to a question from Roger Harlan, Ms. Lew explained that the prohibition of subdivision monument signs came from the Planning Commission who likened it to a gated community. Ms. Lew asked for direction about allowing signage for multi-family developments for tourists looking for lodging. Ms. Kerr felt that neighborhoods should be identified as signage is helpful and informational, and Roger Harlan agreed. Ms. Kerr stressed that a subdivision monument sign is substantially different than a gated community. Chuck Klingenstein feared that the community would be cluttered with subdivision monument signs and urged Council to look ahead. Ms. Kerr stated that she understood Mr. Klingenstein's point but suggested that the signage be reasonable and consistent. Hugh Daniels stated that he would like to reduce the clutter unless signage is standardized. Ms. Kerr suggested a change in the seasonal outdoor lighting limitations indicating that it cannot be illuminated before November 1 and After March 1, since it may be difficult to remove lighting because of weather. She also suggested that the frontage protection zone setbacks be identified where mentioned.

Prepared by Janet M. Scott

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 18, 1996**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 18, 1995. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Rick Lewis, Community Development Director; Kirsten Whetstone, Planner; Janice Lew, Planner; Hope Bleecker, Transportation Director; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

Amendments to the LMC - Historic District - Peter Barnes, resident of the Historic District, thanked City staff for its help and professionalism in his investigations. He stated that he has expressed that the December 7, 1995 ordinance was flawed to the Historic District Commission, Planning Commission and City Council. He discussed the many departments that reviewed the legislation including the City Attorney's Office, but pointed out the typographical error regarding heights in the Code. He didn't expect the attorney to catch everything, but expected staff to be responsible and accountable and to respond to legitimate concerns of an angry group of people. He noted that he and Quentin Scott represent a substantial civic interest and in that regard spoke with the City Council on December 14, asking that the ordinance be revisited and wrote regarding this legislation. He asked why it takes two months to receive a reply which was at best dismissing. He now finds that they need an attorney because as concerned citizens cannot find a suitable forum where our elected officials and paid officials feel able to respond. He felt that there could be system to engage in a dialog whereby planners, designers, developers and the community at large can work together.

Don Bloxom, designer, urged people to recognize their errors and go forward and find good solutions and hoped that the City Council would respond to this flawed legislation and rebuild something from the beginning.

Quentin Scott, designer, stated that there should be some embarrassment at the City since the height limit throughout the City by Code is 27 feet. He reiterated that this legislation is badly flawed and Leslie Miller warned that this was rushed through. There are now applications for other subdivisions in town at 33 feet. People live in Old Town, expect to build a house and be a part of the community in the same way as people in Deer Valley and Park Meadows. He would like to discuss the fundamental problems of different standards and correcting the Code could be an "excuse" to revisit the problems of Old Town. He pointed out that at the December 7 meeting, the Council directed the Planning Department to come up with multiple lot combinations to lower density within 45 days.

The Mayor asked for clarification from staff. Rick Lewis stated that he didn't recall a 45 day stipulation and added that other time consuming priorities have come up. He stated that staff will continue to work on a height envelope between two large structures. There were several meetings held by the Historic District Commission, Planning Commission and meetings with Messrs. Scott and Barnes and others with regard to approach. Since the ordinance has passed, there have been a number of applications meeting the 27 feet and staff is more than willing to meet with

anyone regarding this matter. Ms. Kerr felt it would be helpful to look at new buildings. In response to a question from Don Bloxom, Mr. Lewis indicated that the square footage of these buildings are close to 2,000 square feet, depending on the lot.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Senior Center luncheon - Toby Ross advised Council that the seniors will be hosting a luncheon on May 2 at noon.

IV MINUTES OF WORK SESSION NOTES AND MEETING OF APRIL 4, 1996

Roger Harlan corrected a name in the minutes. Roger Harlan, "I move acceptance of the Minutes as amended". Shauna Kerr seconded. Motion unanimously carried.

V PUBLIC HEARINGS

1. An ordinance approving a record of survey for the Mountainview Condominiums and amending the amended Park City Survey, Lots 5, 6, 24 and 25, Block 66, located at 267 and 269 Deer Valley Drive, Park City, Utah - Planner Kirsten Whetstone explained that there is an existing duplex at 267-269 Deer Valley Drive which sits on four lots. Approval would condominiumize two units and at the same time will create one legal lot for the structure. With no comments or questions, the public hearing was closed.

2. An ordinance approving an amendment to the Snyder's Addition to the Park City Survey, Portions of Lots 24, 25, and 27, Block 29, to be known as the Wilson Resubdivision located at 934 Lowell Avenue, Park City, Utah - Kirsten Whetstone explained that this is a lot combination to create a single lot for the construction of a single family house. Ms. Whetstone explained the ownership in the area in response to a question from Ms. Kerr. There has been no input from neighbors. With no comments or questions, the public hearing was closed.

3. Ordinance repealing Title 12, Sign Code, of the Municipal Code of Park City, Utah and replacing it in its entirety - Planner Janice Lew explained that the revisions suggested by staff further clarify existing regulations and add language for signage not previously addressed by the Code. There are definitions for new signage, and amended size requirements from 45 square feet to 20 square feet on a building facade. This includes a formula which calculates the square footage permitted. With these amendments, free-standing, window, projecting, hanging, temporary construction and directory signs have been down-sized. Staff is proposing a change to the review process for requests to increase the amount of signage on multi-tenant and mixed use buildings which could be approved by the Planning Department as opposed to going to the Planning Commission. Lighting plans will be considered during the review process for sign proposals and spot and flood lights are prohibited. There is also language to address seasonal lighting. There is a reduction to the monument height to five feet, as well as proposing limitations to where these signs can be constructed. Ms. Lew clarified that they would be limited to basically commercial zones. There is now language and criteria addressing flags and umbrellas, and subdivision temporary signs. The Mayor invited the public to comment.

Bill Coleman, resident and businessman, relayed that he didn't feel that the business community was aware of how massive the changes are and it has been downplayed. Although this would make staff's job easier, Council needs to examine the economic impacts. The Planning Commission modified a couple of the sections, and business groups in town have reviewed the ordinance. Mr. Coleman stressed that the Sign Code was designed for Main Street and it didn't take into considerations businesses north of the 7-11. He believed that the biggest problem is the sign reduction and the Planning Commission recommended leaving the 45 square foot maximum. He added that this ordinance is poorly written and doesn't take into consideration existing signage and there is a huge economic impact to bring signage into conformance. Mr. Coleman didn't believe that businesses will be aware that they have to move their signs and felt that the illumination section could be more creative. He didn't feel that monument signs should be eliminated in the RDM Zones. He complained that he has to put a sign five feet from his window at his Main Street building resulting in a waste of space in his office and creating an economic hardship. He felt that the seasonal lighting deadline should be extended to April 15 and the five foot sign height seems impractical with the amount of snow. It is his understanding that you can't have a sign on your car and park it in the Main Street right-of-way which would be difficult to enforce and is "silly". Mr. Coleman continued that it may be good to limit subdivision monument signs, but it would be better to standardize them. He criticized the resulting "Dan's" sign which defeats common sense. He again emphasized the importance that the ordinance deal with all parts of town; this is not a housekeeping matter and the non-conformance language should be stricken. Mr. Coleman concluded that this is an overreaction to problems that really don't exist.

Janice Lew stated that it may be helpful for her to meet with Mr. Coleman. With no further comments or questions, the Mayor invited the Council to comment.

Hugh Daniels stated that he does support a strict sign code, but is concerned about over-regulation, increased staff workload, and the financial impact to businesses. He felt that 45 feet to 20 feet seems extreme and a 4.5 x 4.5 configuration is not a big sign, particularly on a large building. There is a 5% exception which is a step in the right direction, but there is a fairness flaw as it relates to a one lot building and two lot building on Main Street. He pointed out that a one story 50 foot wide building with 5% would be allowed a 30 square foot sign, however, if a building is less than 30 linear feet, the maximum would result in a 20 square foot sign. He agreed with Mr. Coleman that there are two different areas in town. Mr. Daniels was not sure if signage is as big a problem as staff perceives it. He continued that Council is constantly talking about traffic and circulation and he would not want it harder for motorists to find businesses. Businesses need some reasonable signage to get people into their doors, and successful businesses are good for our community. With regard to illumination, he did not want the ability to light Historic District signs in an historic manner. He appreciated the Assistant City Attorney's comments with regard to content of signs. Monument signs have been decreased by 45% and height by 50% as are frontage signs and he reiterated his comments about people not circling to find a business. Projecting signs have been reduced by 55% to eight square feet and this is a huge decrease. Mr. Daniels felt that the City would be jeopardizing many good signs on Main Street. He understood the concerns with logo flags but pointed out that if the U. S. Ski Team flew its flag, it would be counted as signage, but if that same flag were in front of First Security Bank, it would be allowed as supporting an organization and not considered advertising. He felt that flags are going to be a problem in prohibiting and noted that America's Opening has many flags but that could be tied to a master festival license. Mr. Daniels stated that he does not have a problem with the size of the flag or flagpole but the pole now has to

be brown, black or bronze. He asked if the flagpole would have to be replaced and flagpoles are costly items as are interior halyards. He stated that the City has anodized aluminum flagpoles and has five flags at the corner of Heber Avenue and Deer Valley Drive and believed that only three are allowed. Mr. Daniels agreed with Mr. Coleman that the replacement of non-conforming signs is a big expense to the community, including leased signs. Mr. Daniels stated that he continues to be supportive of a strong sign code, but this has not been thought through clearly. Paul Sincock agreed. Ms. Kerr pointed out that there is provision for directional signage for entertainment centers with more than 3,000 seats. Since there is no situation like that here, but the Performing Arts Center will be coming on with 1,200 seats, suggested that there be provision for that number. She added that the definition of umbrella is not correct, and the setbacks of the frontage protection zone should be clarified. Mr. Harlan discussed the lack of dealing with non-conforming signs in the current code and felt that the City would be criticized if it started to enforce the sign code. He also felt that the economic impacts of replacing signs would be substantial. Roger Harlan discussed subdivision monument signs, and particularly the Prospector Park sign which indicated a pride in the neighborhood. He discussed the expense in replacing signs, and not removing certain signs, but maybe bringing a uniformity of design. Janice Lew explained that notice would be given of a non-conforming sign. Staff has not been providing notice or enforcing non-conformance, but rather achieving conformance with new revisions. Mr. Harlan felt that there would be questions of why staff has not been enforcing it when it has been on the books, and why is it now going to be enforced. Shauna Kerr felt that rather directing staff to put more effort into enforcement to make sure that new applications meet the code. Mr. Klingenstein agreed with many of the comments and felt that the 45 square feet is working and that there may be language to clarify determinations based on scale. He echoed Commissioner Calder's comments that enforcement is a problem already.

The Mayor reported that there will be a work session on May 2 and the public hearing will be continued as well. Hugh Daniels, "I move that we continue the public hearing on the ordinance repealing Title 12, Sign Code, of the Municipal Code of Park City, Utah and replacing it in its entirety to May 2". Shauna Kerr seconded. Motion carried unanimously.

4. Authorize staff to apply for \$638,850 in FTA Section 5311 grant funds toward the purchase of one compressed natural gas trolley vehicle, and three diesel coaches - Hope Bleecker explained that the City will be submitting a grant application to fund the purchase of the trolley and diesel coaches. The Mayor invited the public and the Council to comment. Hearing none, the public hearing was closed.

VI CONSENT AGENDA

Shauna Kerr, "I move approval of the consent agenda Items 1 through 6". Chuck Klingenstein seconded. Discussion ensued regarding Item 3, and the bid amount for Staker Paving was clarified. Motion carried unanimously.

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2. An ordinance approving an amendment to the Snyder's Addition to the Park City Survey, Portions of Lots 24, 25, and 27, Block 29, to be known as the Wilson Resubdivision located at 934 Lowell Avenue, Park City, Utah - See public hearing and staff report.
3. Authorize staff to enter into agreements with Staker Paving for asphalt overlays and bike paths in the amount of \$277,816; Intermountain Slurry Seal for slurry seals in the amount of \$39,850; and Rivas Construction for utility adjustments in the amount of \$49,550 - See staff report.
4. Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 1996 and repealing Resolution No. 1-96 - See staff report.
5. An ordinance amending Title 11, Chapter 13, Buildings and Building Regulations - Impact Fees of the Municipal Code of Park City, Utah to cease the collection of school facilities impact fees - See staff report.
6. Authorize staff to apply for \$638,850 in FTA Section 5311 grant funds toward the purchase of one compressed natural gas trolley vehicle, and three diesel coaches - See public hearing and staff report.

VII NEW BUSINESS

Authorization to the Mayor to execute a preliminary agreement to purchase 372.5 acre feet of water and 218 acres of land - Roger Harlan, "I move to continue the authorization to execute a preliminary agreement to purchase 372.5 acre feet of water and 218 acres of land. Paul Sincock seconded. Motion carried unanimously.

VIII OLD BUSINESS

Appeal of Planning Commission approval of February 28, 1996 of the Sweeney Town Run Large Scale MPD - The Mayor read a letter from Scott and Susan Gilson regarding the proposed special improvement district, expressing their opposition and criticizing the lack of notice for this meeting. Ms. Hoffman explained that this meeting is not addressing the special improvement district, which requires a special and involved public process. Ms. Hoffman stated that this is a continuation of two appeals. At the April 4 meeting, Council heard background presentations from both appellants and the staff and at the conclusion of that meeting, Council submitted questions to staff to distribute to the appellants. The appellants have prepared responses for this meeting and there will be an opportunity for Council to ask questions at the end of the presentations. Because this is an appeal, there will be no opportunity for the public to testify.

Pat Sweeney noted that there are written answers available to questions for the Council and the public. He felt it easier to highlight concerns with renderings. With regard to measurement of Deer Valley bridges he noted that the run under the Homestake Bridge measures 58 feet and the second bridge where the run goes over the road measures 110 feet. The upper Last Chance Bridge measures 60 feet and the lower bridge measures 30 feet. Kimberley measures 50 feet for the bridge and the run. Mr. Sweeney felt that this demonstrates that the 35 feet of skiable width proposed is on the narrow side, particularly in considering that it is at the bottom of the funnel. He added with regard to ski bases, the Plaza Bridge at Snowbird is 32 inside rail to rail; a tunnel at

Mammoth is 50 feet; and the Blackholm Bridge at Whistler is 40 feet. He emphasized again that their proposal is at the bottom of the standard. With regard to moving the bridge to the west side of Park Avenue, Mr. Sweeney stated that it is probably too late to consider this option and if moved, the elevation of the skier surface would have to be altered and would require retaining walls. Additionally, the zone would have to be changed to accommodate a ticket office. Maintaining the downloading would eliminate all of the commercial in the current proposed Town Run Project and about half of the residential development. Mr. Sweeney continued that since the original concept approval in 1991, there has been a lot of money and time put into this base facility and it would make no economic or planning sense to move the commercial into the residential area. He added that in 1991, the City was adamant that the only thing that could happen in the HR-1 Zone was that the lift could cross it, but there could be no base facility in that zone.

With regard to the style of the bridge, Mr. Sweeney reported that the girder system works and they would be interested in other alternatives but they would have to meet the engineering and design constraints. He discussed the concern of projectiles being thrown off the bridge and pointed out that caged bridges do not always work and are unsightly. He stated that at the terminal does not need to be adjusted and described the trails from Woodside and Norfolk Avenues. With regard to the bridge abutments, the concept is to have an arcade effect with commercial uses in a pedestrian atmosphere. He felt that there are financial impacts which need to be discussed at a future meeting, and pointed out that the special improvement district is addressed in his written material. He displayed graphics of the bridge from several perspectives and depictions of buildings approved in the master plan. Mr. Sweeney illustrated the approved density with and without the bridge. In response to a question from Mary Wintzer, Mr. Sweeney explained that the approved bridge respects all of the ordinances in terms of site distances and there would not be any obstructions in the vision of people turning right onto Park Avenue from 8th Street.

Doug Clyde stated that the Park City Ski Area is interested in the ability of a skier to negotiate the bridge safely and to make sure that the bridge is not a perpetual safety and maintenance problem for them. He felt that the data gathered at Deer Valley indicates what a person with his own checkbook believes a bridge should be even if it is more expensive. The Ski Area was asked the minimum number they would accept and that is 35 feet. There is a perception that they are unwilling to compromise and he stressed that the 35 feet is the ultimate compromise and that is where their comfort lies. He continued that there was a recommendation to build a narrower bridge and slow and stop skiers uphill and then meter them across the bridge. Mr. Clyde noted that the Ski Area did not feel that that was very practical and it creates a perpetual manning. He stated that they wouldn't do that if it were their own bridge, and to a large degree it is felt that the benefits of the bridge and the Town Lift accrue to the surrounding property owners. They are not willing to take on a permanent maintenance problem for something that is substantively substandard. He stressed that the Ski Area is supportive of the project, but this is the essence of their position. With regard to the Ski Area's master plan, they have looked at the Town Lift basically as it is currently approved. He explained that the Town Lift is basically a transportation lift and that is how it is evaluated in the master plan. It is estimated that it will carry 1,500 to 2,000 skiers with the proposed bed base. Mr. Clyde noted that there may be an opportunity to improve the Town Lift by realigning it so that it reaches the top of Payday which would utilize terrain for repeat skiing and shorten the lift ride by about two minutes. Relocating the lift, cutting new runs, installing snow-making would probably total some \$700,000, but the Ski Area would commit to these improvements if the Council felt it is desirable. In response to a question from the Mayor, Mr. Clyde indicated that he did not feel that

the skier traffic on the lift would change if there were a ski connection to Deer Valley. He explained that the Ski Area leases most of its property and the most of the fee land is located at the base. All of the fee land and associated density within its control has been incorporated into the current planning process at the base of the resort. To a large degree, the future development of the lands of the Ski Area is pretty limited. The City limits run almost all the way to the top of Payday so all of Treasure Hill, the Hollow, and a good portion of King Road are in the City limits but most of that is zoned ROS. With regard to the concern that all skill levels could use the run, Mr. Clyde explained that there is a cut-off of Nastar so that novice skiers have an access that would take them to the bottom of the Creole Run. There was discussion of whether improvements would require a zone change or whether it would require a grading permit and if there would be a public hearing process. Kirsten Whetstone stated that if a conditional use is required, there will be a public process before the Planning Commission. Discussion ensued regarding ticket sales for the Town Lift, and Mr. Clyde stressed that the merit of the lift is that it keeps people from driving from Old Town to the base of the resort. On a peak day, riders totaled 900 to 1,000 and as high as 1,300 and when the area is built out it seems clear that there will be 1,500 to 2,000 skiers.

In response to a question from Mary Wintzer, Pat Sweeney explained that the Planning Commission asked what would happen if the Town Run came down to the Creole and the mid-station site. A 44 lot plan was developed and he described where those parcels are located. That plan is discussed in detail in the written answers. For the benefit of Mary Wintzer, Ms. Whetstone explained that in some zones a ski run, tow or lift would require a conditional use permit which would prompt a public hearing process. She stated that she would check the Land Management Code regarding the ROS Zone.

Eleanor Griffin, appellant, stated that a private agreement between the Ski Area, Kimball Family and Pat Sweeney should not supersede a City ordinance. They would like to see the documentation, the City noise ordinance and the exemption for snow-making. They would like a comprehensive, fact-finding study of traffic issues caused by this project which should be initiated immediately. She asked how the 8th Street and Park Avenue intersection comply with present site standards. Ms. Griffin noted that alternatives to a bridge do exist but have been discounted by the developers and the number of skiers who would use the bridge has not been carefully documented and the bridge may benefit only a few number of skiers at a great cost to taxpayers. The bridge also has a negative impact on the Historic District. Ms. Griffin felt that the City Council should reject the 40 foot bridge as too costly when other alternatives exist. The Council should demand a scientific study of the number of skiers using the lift and reject the request for liability for the bridge and requests to form a special improvement district. Commercial uses on the west side of Park Avenue will negatively impact area residences, and increase traffic and congestion. Ms. Griffin asked if a zone change was made since the 1985 approval and if not, the commercial should be limited to the east side. If approved, commercial on the west side should be low impact. The City Council should require the developer to provide employee housing as promised regardless of whether an employee housing ordinance is in place. Ms. Griffin continued that the Planning Commission should be required to initiate a review of the entire master plan as a result of these changes. The developer has not answered questions or addressed issues which could have enhanced the decision process and errors were made in the calculation of square footage of commercial space. She asked why the ten foot minimum setback required in the condition of approval for the Coalition West portion of the Sweeney master plan was not addressed. Why was the promise not to allow commercial on the west side not kept and the loss of six acres of open space contingent to Creole

Gulch development in the new proposed changes not being addressed. She discussed the relocation of the historic mining tower. There was a failure to adhere to the parking code. Ms. Griffin noted that the promise to save historic buildings was eliminated, the promise to remove the chairs in the summer is not kept, the promise to be responsive to the citizens' most recent request to address traffic and parking problems and construction noise and impacts is not being kept.

Mary Wintzer, appellant, stated that the skier numbers really need to be looked at and pointed out that there are many people against the bridge, although the packet included only pro-bridge letters. She discussed the expense in administering special improvement districts and the costs to properties deemed to be benefitted by the improvements. Ms. Wintzer questioned whether the bridge is a public improvement that would be subject to construction under a special improvement district. She questioned if it would be legal and if the properties would be benefitted other than the commercial properties. She felt that the Sweeney Family has the right to develop their property with buildings and she stated that we have to look closely at removing the mid-station and opening the door for the 44 houses and the ski runs. Ms. Wintzer discussed making a conscious choice and rather than having a ski-to access to properties, the town really needs to be able to have the visual relief and the enjoyment of that recreational open space.

Marianne Cone, appellant, stated that in the past there has been a strong demolition code, the renovation grants have been well funded, and Park City has a Historic District Commission. The request for demolition needs to be discussed now. In 1991, Mr. Sweeney indicated to the Historical Society that he would not move the tramway tower. If it is relocated, it loses its historical significance. She referred to 721 Woodside which Mr. Sweeney is proposing to move which is believed to have been owned by the Silver Queen. She appreciated Mr. Sweeney's renderings and felt that the buildings were more compatible than a ski run with a bridge.

Ms. Wintzer continued that they have no financial interest in the project, but feel strongly about it. She felt that the three new Council members were elected because of platforms dealing with growth management. She encouraged everyone to be candid and stated that the Planning Commission let everyone down when they failed to call up the entire master plan development. She asked how this first phase, the bridge, relates to the Creole Gulch. The Creole Gulch amendment could not happen if we don't open the door with the bridge and eliminate the mid-station.

In response to a question from Roger Harlan, Mr. Sweeney explained that part of the assessment of the SID funds administration and his documentation includes a plan. If the populace votes it down, Mr. Sweeney believed that there are a number of benefitted properties that could come up with a fund that would do the same thing. Shauna Kerr pointed out that in order for the SID to occur and for the City to assume liability, the bridge would have to be considered a public improvement. Mr. Sweeney felt that the bridge qualifies in several ways as it creates an opportunity to create a park on Main Street that connects to the Treasure Hill to the west and to the existing City Park to the east and north and compared this to the pocket parks on Main Street. He stated that they are not asking the City to buy the land where the park is located which is valued at approximately \$1.5 million and there will be a significant tax base to continue to support the park. He discussed the paved surface of the bridge and the configuration of the park. Mr. Sweeney indicated that they would be liable for any damage of cars in the parking structure under the bridge. Discussion ensued regarding indemnification.

For the benefit of Mr. Sincock, Mr. Clyde reiterated the improvements to the run and the lift if Council indicated it was desirable. Mr. Sincock discussed his written notes which include issues he considers relevant to making a decision on the Town Run. The second page deals with the various stakeholders and the underlying interests that each of those stakeholders have in the design and construction of the ski run. The fourth page is a copy of the plan of the bridge and page five illustrates the bridge with its shadow which covers the intersection. The bridge abutment on the east side of Park Avenue is 86 feet from the west side, which is not typically depicted accurately in the renderings. The next page is a photograph of existing Park Avenue and the following page is a rendering to show the actual mass and scale of the proposed bridge and it does come across 8th Street. Mr. Sincock suggested the option of narrowing the bridge to something less than 40 feet, making it of a different design so that it is open which he illustrated in his report. Mr. Sincock asked Mr. Sweeney to think about his options and respond at the next meeting. Mr. Sincock discussed the option of closing Park Avenue rather than Woodside Avenue, recognizing that this proposal was rejected by the previous Council. He pointed out that most people turn left at the Kimball Art Center and could easily turn two blocks earlier. This would make Woodside Avenue accessible and would provide more developable property, more parking, and the buildings could be of a more historic design. Mr. Sincock discussed a third option of no bridge and improving the mid-station into a plaza. He asked that the appellants and applicants to review these options.

Chuck Klingenstein questioned the peak number of skiers and noted that both resorts are concerned about speeding skiers. Doug Clyde stated that the Ski Area would have a problem if there were 1,000 skiers per hour on a 35 foot bridge. Speed control may be necessary here, but the Ski Area doesn't want the bridge to be so poorly designed that they can't turn their back on it for a minute. Mr. Clyde reported that Deer Valley pulls the ropes on the runs of the smaller bridges to discourage repeat skiing on 20 foot bridges. Mr. Clyde discussed the 50 foot Kimberley Bridge in Deer Valley, and Shauna Kerr pointed out that it was designed for access to the Bald Eagle Subdivision. Mr. Klingenstein stated his concern of long-term costs, and parking enforcement. He pointed out that people are already parking around the Town Lift and there will have to be a rigorous parking system. There are long-term maintenance, liability, and capital repair considerations. Mr. Sweeney explained that with the original Town Lift approval, there was extensive research on historic preservation. There were conclusions that for an historic district to be preserved, it needs to have a present and future economic purpose, and this was the idea behind the skiing connection to the Historic District. Mr. Sweeney continued that another conclusion was to the extent that an historic district is successful, there are going to be parking problems, but there are ways to manage it so that it pays its own way. He discussed the tax base of the commercial development and resort residential. In response to a question from Chuck Klingenstein, the City Manager stated that a fiscal impact study has not been performed for this project. He added that Council needs to decide to what extent it would be willing to commit to maintenance and the fiscal analysis could be governed by making that determination.

In response to a question from the Mayor, Rick Lewis stated that the revised proposal of residential development in the Creole Gulch area before the Planning Commission was very preliminary. Staff identified some significant problems, particularly with the grading and the Planning Commission reviewed it but not in great detail. Although the Planning Commission found it an interesting proposal, it had a minimal amount of impact on the bridge proposal itself and the two projects have never been tied together. Ms. Kerr asked if the proposal with the bridge and the resulting change in concept in Creole Gulch would require an entire master plan review. In his

opinion, Mr. Lewis did not believe this was before Council. Mr. Sweeney explained that they could do either plan, and would not consider the alternative unless there was support in the community. Kirsten Whetstone explained that any revisions to Creole Gulch would require an amendment to the master plan and require full review from the Planning Commission. Ms. Griffin believed that the additional bridges associated with the Creole Gulch proposal has a connection to the Town Run. Mary Wintzer stressed that if the bridge goes away, so do the 44 houses and that is why they are related and this is the trigger. The City Manager explained that Mr. Sweeney is not obligated to propose 44 units and all he would have to do is indicate that he is not proposing a change and there would be no trigger. Mary Wintzer discussed the mixed messages from the Ski Area and asked if the bridge is approved, would the elimination of the 44 houses have an impact. Doug Clyde responded that the Ski Area applies a factor of zero for skier days to single family residences as they produce a small number of skiers. From the Ski Area's perspective, it would be more desirable that there be a multi-family development versus the 44 houses.

Hugh Daniels thanked the appellants for all of the information prepared. Mr. Daniels stated the importance of getting the big picture and to assess the plans of the Ski Area and the Sweeney's. Kirsten Whetstone advised that in all zones, ski runs and lift improvements require a conditional use permit. In response to a question from Mr. Daniels, Mr. Sweeney indicated that they are currently building parking but need to get a feel if there is going to be a bridge in order to incorporate the landing of the bridge into the structure. Mr. Sweeney stated that they are willing to look at any design as long as it can fit in that space and meet the criteria from the City Engineer and the Ski Area. Mr. Daniels asked if Mr. Sweeney has thought about a parking management plan. Mr. Sweeney responded that that was a requirement with the original approval and the resident permit system was initiated at that time. He recalled that the \$50,000 initial start-up costs were funded by the Park City Ski Area. Mr. Sweeney admitted that there would be added parking pressures from more use of the lift, but not beyond that originally contemplated. Mr. Daniels reported that Council would like to move on this issue in practical manner, but this will not be scheduled next week. Meetings will still be held on this even if a Council member is absent, but everyone will be present for the final decision. He hoped that the appeal would be completed by the last week in May.

Hugh Daniels, "I move to continue the appeals until the next scheduled meeting of May 2". Chuck Klingenstein seconded. Motion carried unanimously.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincok. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; Tom Bakaly, Finance Manager; Jerry Gibbs, Public Works Director; Rick Lewis, Community Development Director; and Jodi Hoffman, City Attorney. Shauna Kerr, "I move to close the meeting to discuss property acquisition". Paul Sincok seconded. Motion carried unanimously.

The meeting opened at approximately 4 p.m.

* * * * *

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

Prepared by Janet M. Scott



Janet M. Scott, Deputy City Recorder





COUNCIL AGENDA REPORT

DATE: April 12, 1996
DEPARTMENT: Administrative Services
AUTHOR: Tom Bakaly, Finance Manager
TITLE: Grant Distribution Budget Policy
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The City Council should review and make recommendations regarding the proposed FY 1996-97 budget policy for the Grant process

DESCRIPTION:

A. Topic:

A budget policy for the distribution of Grant funds by the City Council.

B. Background:

As part of the budget process, the City Council has appropriated funds to organizations and endeavors whose missions are consistent with those of the City. Grants have been awarded for programs which include, but are not limited to: 1) Youth activities; 2) Arts and Culture; 3) Affordable housing; 4) Business development; 5) Recycling and 6) Public information access (radio). Grants have taken the form of ongoing cash contributions for operations, one-time capital project donations, and forgone fees or rent relating to City property.

Over the years, the total grant appropriation amount has averaged about \$275,000 per year until FY 1994-95 when the total grant appropriation amount increased to roughly \$1 million. Approximately half of this amount was related to a City Council commitment to affordable housing which included an appropriation for the prior year.

During the two-year budget process for FY 1995-96 and FY 1996-97, the City Council invested a large amount of time and energy into the grant evaluation process. The City Council established detailed criteria for evaluating grant proposals from numerous community organizations. The result was a successful, if not trying, grant process that awarded roughly \$440,000 in cash and in-kind appropriations for worthy Park City goals and objectives.

In the upcoming months, the City Council will update the second year of the two-year budget (FY 1996-97) and make adjustments to the current year's budget (FY 1995-96). One such recommended adjustment to the current year budget will be to appropriate an additional \$250,000 to affordable housing, thus bringing the FY 1995-96 grant total to approximately \$690,000. This action will implement City Council direction to commit \$250,000 per year to affordable housing beginning in FY 1993-94.

At its January retreat, the City Council charged a group of staff and two City Council representatives with the responsibility of refining and simplifying the annual grants process. The result of this collaborative effort has been a new conceptual approach to the grant process. The revised grant process has been summarized into a proposed grant policy that is attached to this report. The grant policy follows the same format of the general budget policies that appear in the "Policies and Objectives" section of the budget document. The grant policy needs consensus approval from City Council as it is an attempt by staff to incorporate comments from individual City Council members.

C. Analysis:

The basic goal of the grant policy is to designate a certain percentage of the City's General Fund budget to various grant categories or disciplines. In addition, the grant policy discusses funding for non - General Fund categories. The distinction between funds is made because the General Fund represents discretionary funds available for grants. Also, the total amount of the General Fund should be less likely to change dramatically due to large capital expenditures. Last year, roughly 2% of the City's General Fund was appropriated to a portion of what was being classified as grants. The revised grant process seeks to clearly define grant areas and identify what percentage of the General Fund budget should be designated General Fund categories. Staff and City Council members involved in revising the grants process were in agreement that it is important to tie the amount of discretionary grants to the economy of the City.

A key conceptual aspect of the revised grant process is that the City will enter into "Special Service Contracts" with specific non-profit organizations for the provision of services not otherwise offered by the City. Organizations that fall into this category would include the Chamber Bureau, the Historical Society, Recycle Utah, and the Domestic Peace Task Force.

In an effort to simplify the appropriation of grant funding, the grant policy also seeks to designate a percentage of the General Fund budget that will be dedicated to Youth and Cultural Activities. Rather than give grants to several different organizations within each of these two distinct categories, the grant policy proposes that a certain percentage of the City's General Fund budget be appropriated to one representative organization from each category. It will then be the responsibility of the representative organization to fairly distribute funds to organizations that fall within the category. Naturally, a condition of the grant award to the representative organization would be that it works in a collaborative manner with the other organizations in its category (Youth or Cultural Activities). The grant policy also states that in instances where a representative organization cannot be identified, the appropriation will be held in a City trust account until an appropriate representative organization is identified by City Council.

In addition to the three categories discussed above, the grant policy also addresses a Housing Category, a Historic Preservation Category, a Rent Contribution Category and a Grant Contingency Fund.

Attached to the Grants Policy is a spreadsheet that depicts possible budget allocation percentages for each of the General Fund categories and specific dollar amounts for non General Fund categories. The spreadsheet shows grant amounts and percentages for the FY 1996 and FY 1997 budgets, the proposal from the grant review group, and the proposal from Council member Sincock in essentially the same format as was presented to City Council on April 4, 1996. The spreadsheet shows individual organizations within the categories in order to provide a history of the grants distribution. The Grants policy contemplates percentages and dollar amounts at the category level only.

D. Department Review: The Grants Policy has been reviewed by the Administrative Services Department, the Leisure Services Department, the City Manager, and the Legal Department.

ALTERNATIVES:

- 1) Make no changes to the Grants process and allocate funds as originally budgeted.
- 2) Approve the Grants Policy (or a revision thereof) and adopt the budget allocation percentages and dollar amounts as reflected in the original FY 1996-1997 budget. No additional funds need be appropriated as part of the budget process.
- 3) Approve the Grants Policy (or a revision thereof) and adopt the budget allocation percentages and dollar amounts as proposed by the grants review committee. Additional funds in the amount of \$10,000 would be appropriated from the fund balance of the Housing Authority for the FY 1996-7 budget.
- 4) Approve the Grants Policy (or a revision thereof) and adopt the budget allocation percentages and dollar amounts as proposed by Council member Sincock's Option-1. Additional funds need to be appropriated for the FY 1996-97 budget as follows:

General Fund	Increase grant appropriation	37,279
Capital Projects Fund	Decrease grant appropriation	-8,634
Redevelopment Agencies	Increase grant appropriation	20,161
<u>Housing Authority (Fund Bal.)</u>	<u>Increases grant appropriation</u>	<u>10,000</u>
Net Impact of Alternative #4	Increase grant appropriation	\$58,806

RECOMMENDATION:

The City Council should review and make a recommendation regarding the attached grant policy, General Fund budget allocation percentages, and dollar amounts. The budget allocation percentages and dollar amounts attached to the grant policy represent a preliminary proposal from the grant review group and a recommendation from Council member Sincock. The grant policy, General Fund category allocation percentages, and non - General Fund grant amounts agreed upon by City Council will be incorporated as part of the FY 1996-97 budget.

PROPOSED BUDGET POLICY FOR THE DISTRIBUTION OF GRANT FUNDS

GRANTS:

As part of the budget process, the City Council appropriates funds to organizations and endeavors whose missions are consistent with those of the City. Depending upon the type of grant category, grants may take the form of ongoing cash contributions for operations, one-time capital project donations, and forgone fees or rent relating to City property.

Grant Distribution Criteria: Organizations or projects must meet the following criteria in order to be eligible for a grant: 1) Accountability and Sustainability of Organization; 2) Program Need and General Public Benefit and; 3) Fiscal Stability and other Financial Support.

Criteria #1 - Accountability and Sustainability of Organization or Endeavor: The organization or endeavor must have: 1) Quantifiable goals and objectives; 2) Non-discrimination in providing programs or services; 3) Cooperation with existing related programs and community service; 4) The ability to be evaluated for success and 5) Not-for-profit Status.

Criteria #2 - Program Need and General Public Benefit: The organization or endeavor must have: 1) A clear demonstration of public benefit and provision of direct services to City residents and; 2) A demonstrated need for the program or activity.

Criteria #3 - Fiscal Stability and other Financial Support: The organization or endeavor must have: 1) A clear description of how public funds will be used and accounted for; 2) A sound financial plan that demonstrates managerial and fiscal competence and 3) A history of performing in a financially competent manner.

Total Grant Appropriations: The City appropriates a total of % of its annual General Fund budget (minus grant appropriations) each year for grants in categories 1 - 5 as described below. In addition, the City appropriates specific dollar amounts from other funds specifically related to categories 6 - 7 as described below. The General Fund budget is defined as the total of the General Fund, less interfund transactions and ending balances.

Grant Categories and Percentage Allocations: For the purpose of distributing grant funds, grants are placed into the following categories: 1) Special Services; 2) Arts, Culture, Humanities; 3) Youth; 4) Rent Contribution; 5) Grant Contingency 6) Housing and; 7) Historic Preservation. A percentage of the General Fund budget (whose sum does not exceed %) is allocated to each of the first five individual categories by the City Council. A specific dollar amount is allocated to categories 6 and 7.

The General Fund category percentage allocation does not vary from year-to-year. However, as the City's budget fluctuates (up or down) due to economic conditions, the dollar amounts applied to each category will fluctuate proportionally.

1) Special Services: % of the General Fund budget will be designated for grants relating to services that would otherwise be provided by the City. Special services that fall into this category would include, but not be limited to; economic development, historical preservation, public safety, and recycling.

To the extent that is possible, individual special services will be delineated in the budget. Each special service grant will have a special service contract with a term of one year. If a special service grant recipient wishes to increase their budgeted grant amount, they must justify why a change is needed. Funds used to increase individual special service contracts must come from within the Special Services Category.

2) Arts, Culture, Humanities: % of the total General Fund budget will be designated for a grant to a representative organization of the arts, culture, and humanities community. The representative organization will propose a plan by June 1st of each year of how the grant funds will be distributed to organizations in the arts, culture, and humanities community.

The distribution plan must include a reserve of % of the category grant amount for additional arts, culture, humanities requests that may arise throughout the year. The representative organization must inform the City Council in writing when the reserve is distributed. The proposal will also include criteria for the distribution of funds.

The proposal must be consistent with the criteria listed in this policy. In particular, criteria 1-3: (cooperation with existing related programs and community services) will be closely monitored. Failure to comply with this criteria may result in loss of representative organization status.

Upon being designated by the City Council as the representative organization, the representative organization will enter into a contract prior to July 1st with the City for the distribution of grant funds for a one year period. If a representative organization is not identified by City Council, the grant funds will be held in a City trust fund until a representative organization is identified.

3) Youth: % of the total General Fund budget will be designated for a grant to a representative organization for youth services. All of the policies relating to category #2 also apply to the youth category.

4) Rent Contribution: % of the General Fund budget will be used as a rent contribution for organizations occupying City owned property. The City is required to make lease contributions to the Park City Building Authority for

buildings that it occupies. Organizations may enter into a lease with the City to occupy City space at a reduced rental rate. The difference between the reduced rental rate and the rate paid to the Park City Building Authority will be funded by the rent contribution amount. The City Council may make long term lease commitments for reduced rental rates under this policy. Please note that this policy only applies when a reduced rental rate is being offered. This policy does not apply to lease arrangements at "market" rates.

5) Grant Contingency: % of the General Fund budget will be designated as a grant contingency reserve for organizations, programs, or endeavors that arise throughout the year. The policies stated above will be applied to requests from the Grant Contingency Category.

6) Housing: Each year, the City Council will appropriate a specific dollar amount relating to housing issues. The City Council will designate the funding for these expenditures during the annual budget process. In instances where another organization is involved, a contract delineating the services will be required.

7) Historic Preservation: Each year, the City Council will appropriate a specific dollar amount relating to historic preservation. The City Council will designate the funding for these expenditures during the annual budget process. In instances where another organization is involved, a contract delineating the services will be required.

It is at the discretion of the City Council as to which categories individual organizations or endeavors are placed. Any percentage changes to the General Fund categories described above must be approved by the City Council. All final decisions relating to grant funding are at the discretion of the City Council.

PARK CITY MUNICIPAL CORPORATION
GRANTS 1996-1997 (Draft) Page 1

FUND	CATEGORY/DESCRIPTION	PROJECT NO.	GRANTS FY 1996	% OF BUDGET GENERAL FUND	ORIGINAL BUD FY1997	% OF BUDGET GENERAL FUND	GRANTS FY1997 - GROUP	% OF BUDGET GENERAL FUND	GRANTS FY1997 - SINCOCK	% OF BUDGET GENERAL FUND
SPECIAL SERVICES										
11	Recycling	40120	8,000		8,000		8,000		10,000	
11	Chamber Bureau	40121	65,000		65,000		65,000		65,000	
11	Historical Society	40122	34,621		34,621		34,621		35,000	
11	Domestic Peace Task Force	40135	10,000				10,000		10,000	
11	Unspecified								24,820	
	Sub-total Special Services		117,621	1.10%	107,621	1.00%	117,621	1.10%	144,820	1.36%
ARTS/CULTURE/HUMANITIES										
11	Park City Performing Arts Foundation	40129	6,000		6,000		6,000		8,000	
11	Park City Arts Council	40135	10,500		10,500		10,500		10,500	
11	Park City International Music Society	40135	8,500		0		8,500		8,500	
11	Arts Unspecified						6,500		21,273	
	Sub-total Arts		25,000	0.23%	16,500	0.15%	31,500	0.29%	48,273	0.45%
YOUTH										
11	Youth Programs/Center	40124	5,500		5,500		5,500		5,500	
11	Norwegian School of Nature Life	40135	8,500		8,500		8,500		8,500	
11	Youth Unspecified						12,000		10,137	
	Sub-total Youth		14,000	0.13%	14,000	0.13%	26,000	0.24%	24,137	0.23%
RENT CONTRIBUTIONS										
11	Teen Center		5,500		5,500		5,500		0	
11	KPCW	40123	25,172		25,172		25,172		25,172	
11	State Liquor	40125	19,320		19,320		15,320		15,320	
11	Unspecified		0		0		0		7,781	
	Sub-total Rent Contribution		49,992	0.47%	49,992	0.47%	45,992	0.43%	48,273	0.45%
11	GRANT CONTINGENCY FUND	40135	23,679	0.22%	42,179	0.39%	19,179	0.18%	12,068	0.11%
	TOTAL GRANTS - GENERAL FUND*		230,292	2.15%	230,292	2.15%	240,292	2.24%	277,571	2.60%
	GENERAL FUND BUDGET W/O GRANTS		10,696,968		10,723,599		10,713,599		10,676,320	
HOUSING										
36	Mountain Lands Community Housing Trust	40135	10,000		10,000		10,000		10,000	
31	Affordable Housing**	49058	250,000		250,000		250,000		231,366	
	Sub-total Housing		260,000		260,000		260,000		241,366	
HISTORIC PRESERVATION										
31	Historic Incentive Grants (Non-RDA)	43013	0		0		0		10,000	
33	Historical Incentives (RDA) Lower Park Ave.	49032	75,000		75,000		75,000		75,000	
34	Historical Incentives (RDA) Main Street	49013	75,000		100,000		100,000		100,000	
34	Fire Sprinkler Grant Program	49061	50,000		0		0		0	
	Unspecified								20,161	
	Sub-total Historic Preservation		200,000		175,000		175,000		205,161	
	TOTAL GRANTS - ALL FUNDS		690,292		665,292		675,292		724,098	
	TOTAL CITY BUDGET W/O GRANTS**		25,031,794		24,158,866		24,158,866		24,158,866	

* Please note that in the FY 1995-1996 and FY 1996-97 budgets, the \$10,000 grant to the Mountain Lands Community Housing Trust was in the General Fund
 ** Reflects an adjusted affordable housing amount that will be requested as an amendment to the 1996 Budget



COUNCIL AGENDA REPORT

DATE: April 12, 1996
DEPARTMENT: Leisure Services and Administrative Services
AUTHOR: Melissa Call, Facilities Manager and Tom Bakaly, Finance Manager
TITLE: Proposed Contract Amendment: Park City Auditorium Film Services
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The City Council should amend the film services contract with the Park City Arts Council as described in this Agenda Report.

DESCRIPTION:

A. Topic:

Amendment of Film Services contract between the Park City Municipal Corporation and the Park City Arts Council.

B. Background:

In January of 1995, the Park City Municipal Corporation (PCMC) purchased film and sound equipment at the request of the Park City Arts Council (Arts Council). Subsequently, the Park City Arts Council and the PCMC entered into a two-year contract for the rental of the film equipment and the rental of the Park City auditorium for the purpose of operating an on-going "alternative" film series.

The first year of the contract ended on February 10, 1996. During that time period, film equipment rent totaled \$5,800 and auditorium rent totaled \$2,100. The total amount of revenue resulting from the contract was \$7,900 for a one-year period.

On April 3, 1996, PCMC staff and the City Council received a memorandum from the Arts Council/Park City Film Society regarding the amendment of the existing film contract (attached). Over the last several months, staff has had discussions with Arts Council representatives about the prospect of amending the contract. PCMC staff has been waiting for a formal proposal from the Arts Council before bringing this issue to the City Council.

C. Analysis: It is important to note that the proposal from the Arts Council/Film Society only addresses an amendment to the rental of the auditorium, not the film equipment. The proposal states, "We feel that we will be able to meet our equipment lease obligation and are not requesting any changes to that part of the contract. The key issue is the evening rental fee." Currently, the evening auditorium rental fee is based upon attendance and ranges between \$50 - \$150 per screening. During the first year, the average screening rental amount equaled approximately \$100. However, attendance has been steadily increasing, and it is likely that, under the existing contract, the per screening rental fee will approach \$150.

The Arts Council/Film Society are proposing that this screening rental be eliminated or reduced due to the fact that their film series has switched from quarterly events to an "ongoing" event. The Arts Council/Film society makes the point that if the rental fees are reduced or eliminated, resources would then be redirected towards free films tailored to specific audiences, i.e. teens and children. For further details about the Arts Council/Film Society's proposal, please see attached.

Due to the success, reliability and the community's acceptance of the film series program, and the fact that the equipment rental provision is not changing, City staff is amenable to the proposal with the following conditions:

- 1) The per screening auditorium rental amount equals \$50 with a minimum of 30 screenings per year. This minimum annual rental amount of \$1,500 is \$600 less than last year's Arts Council obligation.
- 2) The term of the contract be extended until July 1, 2000.
- 3) All other terms and conditions of the original contract remain unchanged.

D. Department Review:

This proposal has been reviewed by the Leisure Services Department, the Administrative Services Department, the City Manager and the Legal Department.

ALTERNATIVES:

- 1) Eliminate the auditorium rent obligation through the remaining term of the contract (July 1, 1997) - Arts Council/Film Society First Preference
- 2) Decrease the auditorium rent and charge between \$50 and \$125 per screening - Arts Council/Film Society Second Preference
- 3) Make no change to the existing contract and continue to charge between \$50 and \$150 per screening based upon attendance.
- 4) Decrease the auditorium rent and charge \$50 per screening (minimum of 30 screening per year) and extend the term of the contract to July 1, 2000 - City staff recommendation

RECOMMENDATION:

Amend the existing contract as follows:

- 1) Replace section 1 with the following: **Term.** February 1, 1995 through July 1, 2000, subject to biannual renewal upon mutual consent of the parties.
- 2) Replace section 2,C. with the following: **Auditorium Lease/Rental Rates.** The Arts Council shall enter into the City's standard Auditorium Lease for the regular use of the Auditorium, for multiple film screenings approximately, shall comply with all reasonable regulations pertaining to the use of the facility, and shall pay to the City an auditorium rental fee of \$50 per screening with a minimum of 30 screenings per year.

PARK CITY FILM SOCIETY

TO: City Council and Staff

FROM: Park City Arts Council /Park City Film Society

Date: April 3, 1996

RE: Film Series contract negotiations

The purpose of this memo is to summarize where we currently are in the process of the contract negotiations, and to outline three options for completing this process. Our current contract, ending July 1997, requires a remaining payment of \$5800 for equipment, and a facility rental fee of \$150 per night. With the help of Scott Low, we have reviewed this current contract, and have also reviewed an alternative offered by the city which has a five year term.

In order to simplify this process, we propose that we amend the existing contract. We feel that we will be able to meet our equipment lease obligation, and are not requesting any changes to that part of the contract. The key issue is the evening rental fee. When we entered into this contract, our plan was to run a 6 week film series, 3, or possibly four times, during the year. Each series was considered to be a special event from a rental perspective. Currently, we have booked the auditorium for every Saturday night that is available during 1996. Due to the fact that we are now an ongoing event, it seems reasonable that our evening rental fee be decreased. If the event that it is decreased, we are planning to use these additional funds to offer films that are tailored to specific audiences, for example children and teens.

There are three options that currently exist:

1. Eliminate the rent obligation through July 1997
2. Decrease the rent and charge between \$50 and \$125 per screening
3. Make no change to the existing contract and continue to charge \$150 per screening.

It is our hope that the facility rental obligation will be eliminated, or at least decreased. Since we now use the facility on a consistent weekly basis, it seems reasonable to alter the facility rental aspect of our current agreement.



CITY COUNCIL STAFF REPORT

DATE: April 18, 1996
DEPARTMENT: Planning Department
AUTHOR: Kirsten Whetstone
TITLE: Condominium Conversion at 267 &
269 Deer Valley Drive and Plat
Amendment for Lot 5, 6, 24, and 25,
Block 66 of the Amended Park City
Survey
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt an ordinance approving the record of survey plat for the condominium conversion of a duplex located at 267 and 269 Deer Valley Drive for the Mountain View Condominiums.

DESCRIPTION:

A. Topic

PROJECT STATISTICS

Project Name: 267 & 269 Deer Valley Drive Mountain View Condominiums
Applicant: Mary and Michael Wilson
Location: 267 & 269 Deer Valley Drive
Proposal: Condominium plat and plat amendment
Zoning: R-1 Residential District
Adjacent Land Uses: Residential
Project Planer: Kirsten Whetstone
Recommendation: Approve with conditions

B. Background

The applicant owns several lots on Deer Valley Drive in the vicinity of the Deer Valley Drive and Heber Avenue intersection. There is an existing duplex at 267 and 269 Deer Valley Drive located on Lots 5, 6, 24, and 25, Block 66, Amended Plat of the Park City Survey. This request is to formally condominiumize the duplex which will enable the property owner to sell the units separately.

On March 27, 1996 the Planning Commission recommended approval of the proposed condominium plat.

C. Analysis

The condominium conversion is straightforward and the staff has no outstanding concerns about the request. No external changes are proposed. The record of survey also serves as a plat amendment to combine the four lots into one. The typical dedication of a ten foot non-exclusive public and snow storage easement along Deer Valley Drive will not be required for this plat, as the property line is 30' to 35' from the paved roadway.

D. Department Review

The Community Development Department and City Attorney's Office have reviewed this application. This request was discussed at a Staff Review meeting on February 6, 1996 where the City Engineer, Chief Building Official, and representatives from local utilities were in attendance. Their concerns have been addressed by the applicant.

ALTERNATIVES:

- A. Approve the proposed amendment thereby allowing individual ownership of each unit.
- B. Deny the condominiumization and retain the current form of ownership.
- C. Continue the item and request additional evaluation from the staff.

SIGNIFICANT IMPACTS:

The proposal results in a record of survey which allows individual ownership of each unit. Approval of this application will not result in any significant impacts to the neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Commission denies the condominium conversion as proposed, the property will remain under single ownership.

PUBLIC INPUT: The property' was posted and legal notice sent to all property owners within 300 feet. As of April 11, 1996, no public input has been received in opposition of the proposal.

RECOMMENDATION:

The Staff recommends approval of the proposed condominium conversion for the Mountain View Condominiums located at 267 and 269 Deer Valley Drive based upon the following:

Findings of Fact:

1. The proposed record of survey changes the type of ownership to condominium and combines the four lots into one lot for the existing structure.
2. Dedication of a ten foot non-exclusive snow storage and public utility easement along Deer Valley Drive is not required by the City Engineer, as the property line is 30' to 35' away from the paved roadway.
3. The proposal is consistent with both the Park City Land Management Code and Comprehensive Plan in that the R-1 zoning district allows duplex structures on lots with a minimum lot area of 3750 square feet and all minimum setbacks, heights, parking, and lot width requirements are met.
4. On February 27, 1996 the Planning Commission recommended approval of this record of survey plat.
5. The property was posted and legal notice published according to requirements of the LMC. Proper notice was sent to all property owners within the Amended Park City Survey and within 300' of the property in question.

Conclusions of Law:

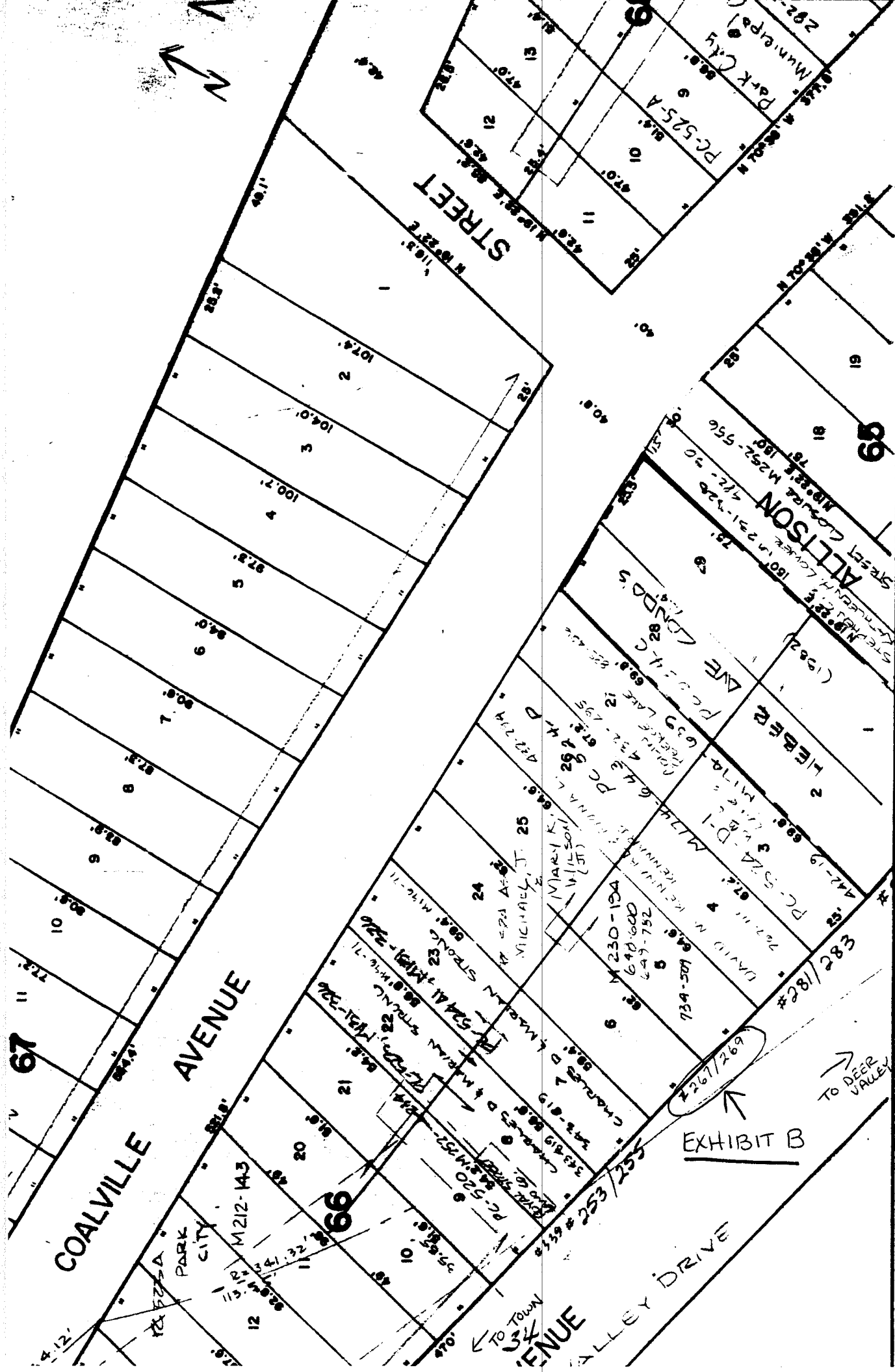
1. There is good cause for the amendment as there will be no external changes.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the final plat and CC&R's for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Amended Park City Survey Map
Exhibit C- Proposed Record of Survey Plat
Exhibit D- Ordinance



ONE IN	
BOOK	
SUMMIT COUNTY, UTAH	
(In Pencil)	

1. John Blankenship, do hereby certify that I am a Registered Land Surveyor and that I find Certificate No. 103431 as prescribed under the laws of the State of Utah, I further certify that by authority of the Surveyor General I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, corners and limited Common Areas to be hereafter known as MCKINLEY MOUNTAIN LOT SUBDIVISION, in accordance with Utah Code Section 56-1-13.

15 63 910 5.1 7 3100 000 00 000 000

LEGAL DESCRIPTION

ALL ON 1915 3, 6, 24, 25, GROUP 66, WILL BE REVERTING TO PUBLIC SURVEY, AS REQUIRED IN THE ORDER OF THE JOINT COUNTY COURTS. WE COULD TO THE 34 AS ENTRY NO. 5 1816

OWNERS DEDICATION AND CONSENT TO RECORD

[illegible]

by MICHAEL J. MULLIN
Deputy

ACKNOWLEDGEMENT

On the ... day
of ...
19...

History Practice

Quesada

NOTES:
If there is the within a Hazard Area identified by the Federal Emergency Management Agency

RECORD OF SURVEY

MOUNTAIN VIEW CONDOMINIUM

LOCATED IN THE SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 3

DATE	STATE OF UTAH COUNTY OF SUMMIT	RECORDED	BOOK	PAGE
	AT THE REQUEST OF			
	TITLE			

COUNCIL APPROVAL AND ACCEPTANCE

CERTIFICATE OF ATTEST

APPROVAL AS TO FORM

ENGINEERS' CERTIFICATE

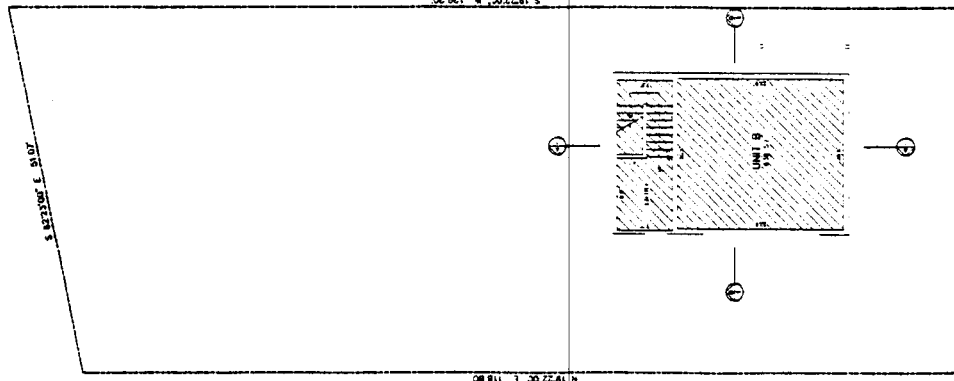
PLANNING: COMMISSION

NYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT

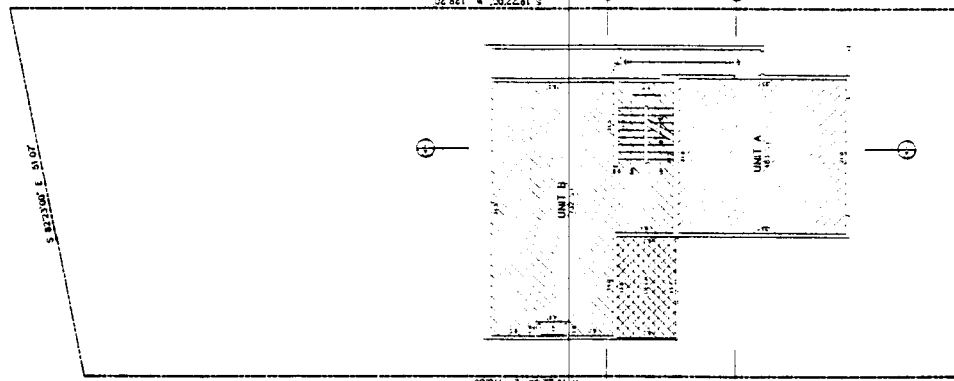
ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH
(801) 649-9467

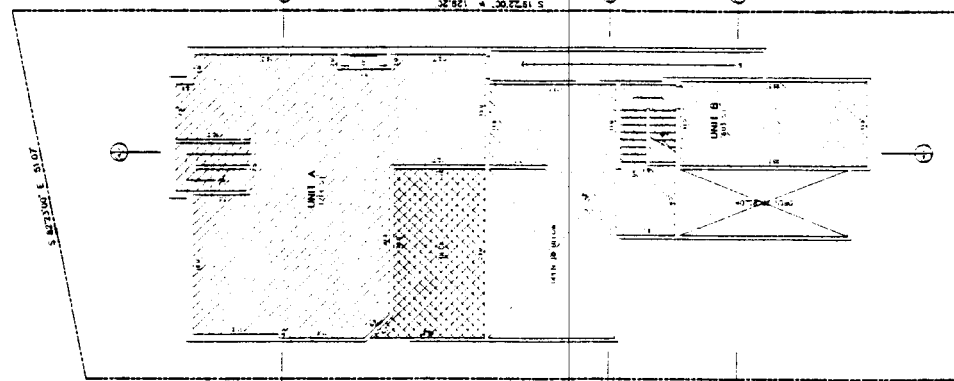
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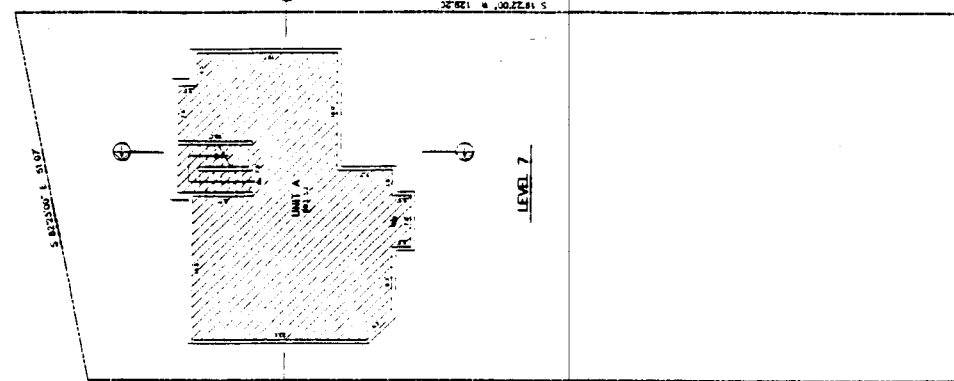
LEVEL 1 & 2



LEVEL 3 & 4



LEVEL 5 & 6



LEVEL 7

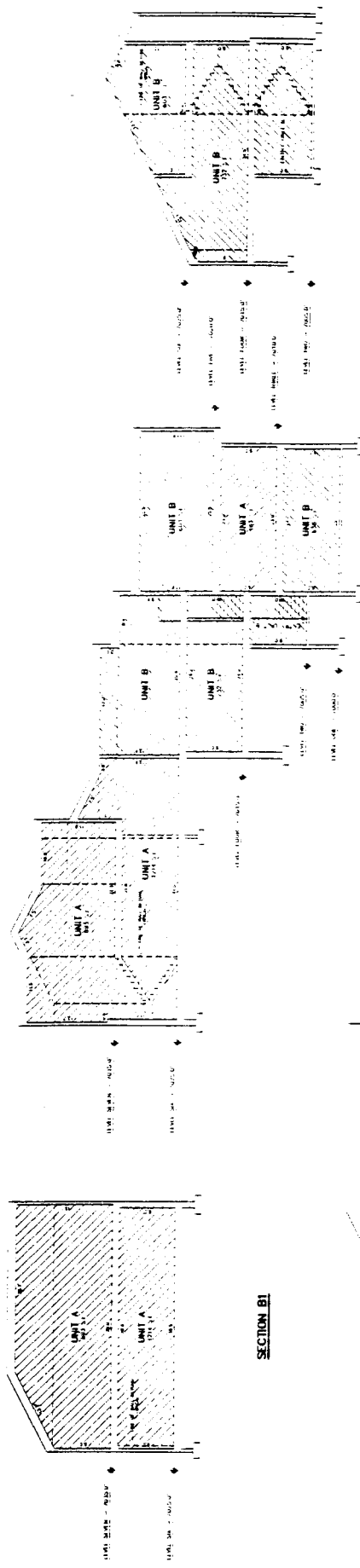
- COMMON AREA
- UNIT A (PRIVATE OWNERSHIP)
- UNIT B (PRIVATE OWNERSHIP)
- UNITED COMMON AREA



RECORD OF SURVEY MOUNTAIN VIEW CONDOMINIUM

LOCATED IN SECTION 16
TOWNSHIP 2 NORTH RANGE 1 EAST
AND MORGAN PARK CITY, SANBUT COUNTY, UTAH

RECORDED	FILE	RECORDED
STATE OF UTAH COUNTY OF SANBUT AND FIELD		
AT THE REQUEST OF		
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RECORD OF SURVEY **MOUNTAIN VIEW CONDOMINIUM**

LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 11 EAST, AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORDED	
DATE	TIME
BY	FILE
STATE OF UTAH COUNTY OF SUMMIT AND FIELD	
AT THE REQUEST OF	

APR 10, 1995 11:45 PCS/PJ/UNP/MS



Ordinance No. 96-

**AN ORDINANCE APPROVING A RECORD OF SURVEY
FOR THE MOUNTAINVIEW CONDOMINIUMS
AND AMENDING THE AMENDED PARK CITY SURVEY,
LOTS 5, 6, 24, AND 25, BLOCK 66,
LOCATED AT 267 AND 269 DEER VALLEY DRIVE
PARK CITY, UTAH**

WHEREAS, the owners of the property at 267 and 269 Deer Valley Drive, Lots 4, 5, 24, and 25, Block 66 of the Amended Park City Survey, to be known as the Mountainview Condominiums, have petitioned the City Council for approval of a condominium plat for a condominium conversion of an existing duplex; and

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

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

WHEREAS, on March 27, 1996 the Planning Commission held a public hearing to receive public input on the record of survey; and

WHEREAS, on March 27, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 18, 1996 the City Council held a public hearing to receive input on the proposed record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey and plat amendment;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey and plat amendment and that neither the public nor any person will be materially injured by the proposed plats.

SECTION 2. PLAT APPROVAL. The record of survey for the condominium project, known as Mountainview Condominiums, and the amendment to the Amended Park City Survey for Lots 5, 6, 24, and 25, Block 66, are approved as shown on Exhibit A, with

the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat and CC&R's for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.
3. A ten-foot non-exclusive snow storage and public utility easement along Lowell Avenue shall be dedicated on the plat.
4. A note shall be added to the plat stating that this re-subdivision does not create separately developable lots, as a result of leaving portions of adjacent remnant lots.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of April, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

I, John Demko, do hereby certify that I am a Registered Land Surveyor and that I had Certificate No. 163931 as prescribed under the laws of the State of Utah. I further certify that by authority of the Surveyors I have made a survey of the tract of land shown on this plan and described herein and subdivided said tract of land into Units, Common Areas and Limited Common Areas to be hereinafter known as MOUNTAIN VIEW CONDOMINIUM, in accordance with Utah Code Section 57-8-12.

JOURNAL OF DOCUMENTATION, vol. 55, no. 5, 2000, pp. 352-353.

ALL OF 1915 3, 6, 24, 25, BLOCK 66, MINNESOTA
CITY SURVEY, AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY
RECORDER, RECORDED TO 19 94 AS ENTRY NO 5 1816

OWNERS DEDICATION AND CONSENT TO RECORD

[illegible]

by: MICHAEL J. WILSON
Declarant

ACKNOWLEDGMENT

STATE OF UTAH
 105

On the day of 1995, the foregoing record of Survey Map and Owner's Consent to Record for the Mountain View Condominium was acknowledged before me by Michael J. Wilson and Mary K. Wilson, who personally appeared before me, and being by me, I, the undersigned, declared that they signed the foregoing in witness whereof, I have set my hand and seal this day of 1995.

Notary Public

Emergency Management Agency

FOUND

RECORD OF SURVEY

MOUNTAIN VIEW CONDOMINIUM

LOCATED IN THE SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

OB NO. 8-11-95 PCS\PI\MW\MWP1

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

PENNSYLVANIA BASIN SETTER IMPROVEMENT DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER
IMPROVEMENT DISTRICT STANDARDS ON THIS
DAY OF 1995 A.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS
DAY OF 1995 A.D.

ENGINEERS CERTIFICATE

I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS
DAY OF _____, 1992 A.D.

CERTIFICATE OF A TEST

CERTIFICATE OF ATEST
 CERTIFY THIS RECORD OF SURVEY
 MAP WAS APPROVED BY PARK CITY
 COUNCIL THIS DAY

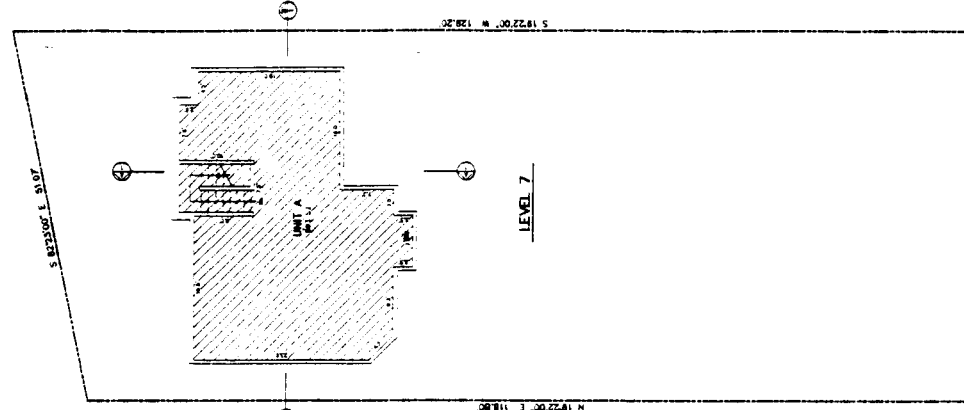
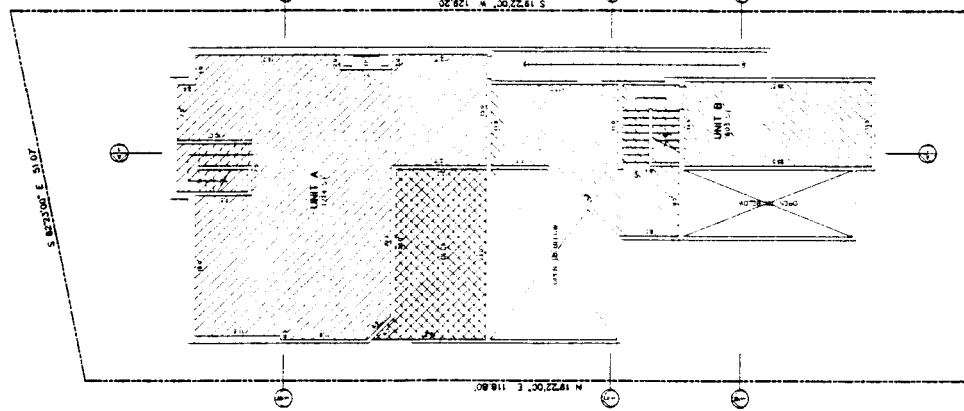
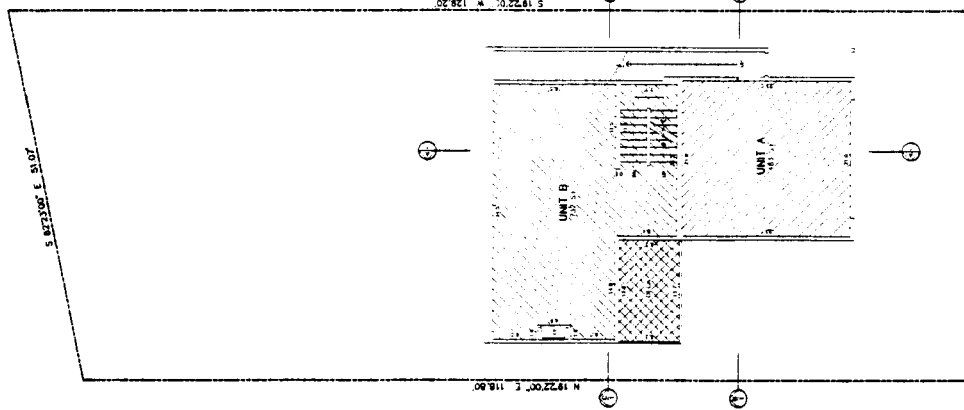
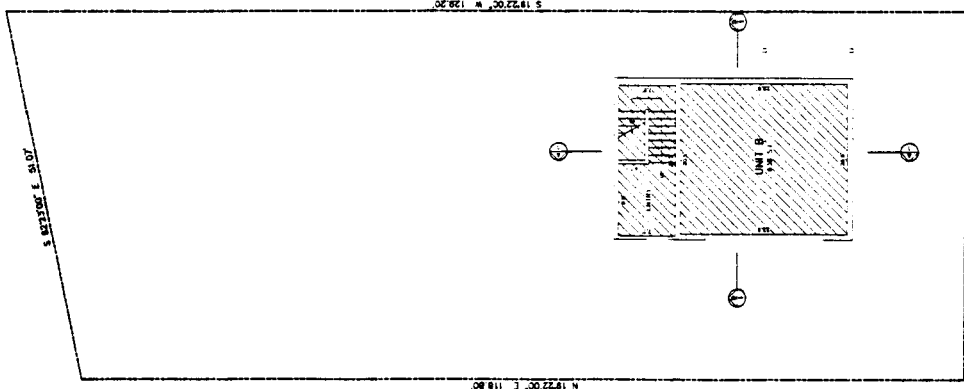
COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS DAY OF
1995 A.D.

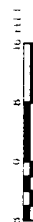
RECORDS

STATE OF UTAH COUNTY OF SUMMIT
AT THE REQUEST OF

PAGE 1 OF 3



- COMMON AREA
- UNIT A (PRIVATE OWNERSHIP)
- UNIT B (PRIVATE OWNERSHIP)
- UNITED COMMON AREA

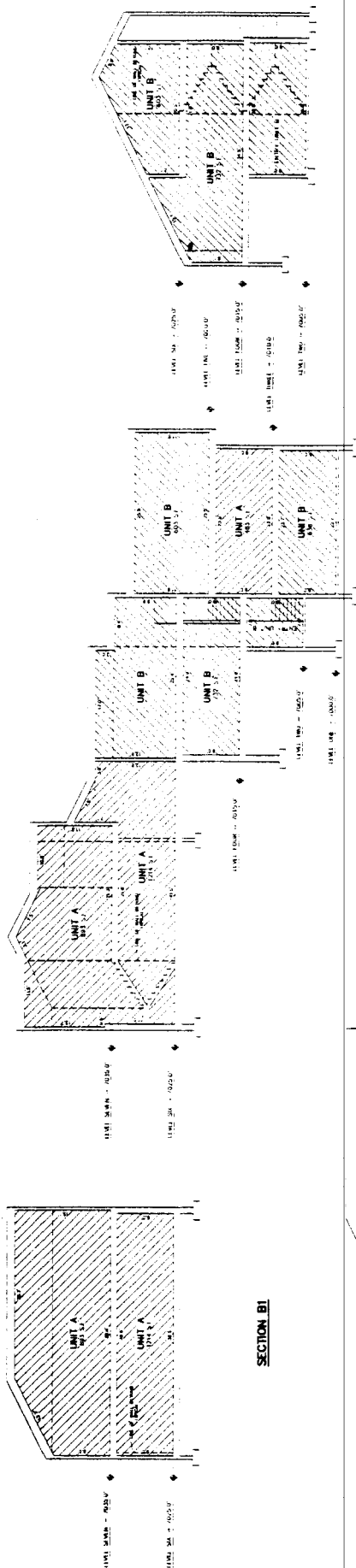


RECORDED OF SURVEY MOUNTAIN VIEW CONDOMINIUM

LOCATED IN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORD OF SURVEY
MOUNTAIN VIEW CONDOMINIUM

LOCATED IN SECTION 16.
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY SUMMIT COUNTY, UTAH



SECTION A1



CITY COUNCIL STAFF REPORT

DATE: April 18, 1996
DEPARTMENT: Planning Department
AUTHOR: Kirsten A. Whetstone
TITLE: 934 Lowell Avenue, plat amendment
for Lots 24, 25, 26, and 27, Block 29,
Snyder's Addition to Park City
Survey, to be known as the Wilson
Resubdivision.
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt an ordinance amending the Park City Survey plat at 934 Lowell Avenue, to combine portions of Lots 24, 25, 26, and 27, Block 29, Snyder's Addition to Park City Survey, to be known as the Wilson Resubdivision, to create one lot for the purpose of constructing a single family house.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	John and Joanne Wilson
Proposal:	Plat amendment for portions of Lots 24, 25, 26, and 27 of Block 29, Snyder's Addition of the Park City Survey
Zoning:	HR-1, Historic Residential
Adjacent Land Uses:	Residential- single family and condominiums
Date of Application:	December 11, 1995, revised February 8, 1996

Project Planner: Kirsten A. Whetstone
Recommendation: Approve with conditions

B. Background.

The applicants, John and Joanne Wilson, are the owners of portions of several adjacent vacant lots located on the downhill (east) side of Lowell Avenue. The property is located in the HR-1, Historic Residential zoning district (see Exhibit A).

A legal settlement left portions of Lots 24, 25, 26, and 27 of Block 29, Snyder's Addition of the Park City Survey under common ownership. The old Crescent Tramway right-of-way was located at the back of the property.

The applicants are requesting a plat amendment to combine the lots into a single lot for the purpose of constructing a single family home on the property (see Exhibit B).

On February 27, 1996 the Historic District Commission reviewed and approved the proposed house design.

On March 27, 1996 the Planning Commission voted to forward to City Council, a positive recommendation to approve the proposed ordinance.

Property owners within 300' and within the affected plat were sent notice of this proposal. At this time, no concerns or opposition to this proposal have been raised by the affected property owners. Staff has received several phone calls from people asking for clarification of the proposal.

C. Analysis.

If this plat amendment is approved, one single family house could be constructed on the newly created lot. The size of the structure and setbacks are determined from the size of the lot, according to requirements of the HR-1 zoning district. The pie shaped lot has approximately 82' of frontage on Lowell Avenue with a minimum lot width of zero feet and an average lot width of 41'. The north line is essentially zero feet deep and the south side is approximately 66' deep. The minimum lot depth is zero feet and the average lot depth is 33'. The lot is approximately 2,990 square feet in area.

This proposed amendment results in one lot approximately 1,115 square feet larger than a standard old town lot, 177 square feet larger than the common configuration of one and one-half "old town" lots, and 760 sf smaller than a double lot.

Lot combinations which result in larger than standard lots have been allowed in the past, in areas where ownership patterns are generally one and a half to two lots and where surrounding houses are larger than typical old town houses. Floor areas have typically been restricted to approximately 2,000 square feet. In the surrounding area,

the lot ownership patterns are typically two contiguous lots (3750 sf). The Yellow Slicker condominiums directly to the south of this property are located on 5.25 lots (see Exhibit C). North Star Subdivision, located across the street, is a subdivision of larger new houses on large lots.

The floor area of the proposed structure is 2,015 square feet with an additional 400 square feet for the garage. According to the Land Management Code, the maximum allowable floor area for the combined lot is 2,021 square feet plus 400 sq. ft. for the garage. The proposed structure meets required setbacks of 5' on the south side, 15' on the north side, and 10' in the front and rear. These setbacks are based on the average yard widths and depths given the irregular shape of this lot. The proposed structure also meets the amended height requirements for the HR-1 zoning district. Due to the wider lot, the applicant is able to provide parking in a two car garage located to the side and rear of the structure, avoiding the garage as the dominant element of the front facade.

Staff has visited the site and reviewed the applicant's submitted streetscape exhibit and believes that the proposed structure is compatible in mass and scale with structures in the immediate neighborhood and the historic district in general.

D. Department Review

The Community Development Department and City Attorney's Office have reviewed this plat amendment request. The request was discussed at a Staff Review meeting on February 6, 1996 where the City Engineer, Chief Building Official, and representatives from local utilities were in attendance. Their concerns have been addressed by the applicant.

ALTERNATIVES:

- A. Approve the proposed amendment thereby allowing the lots to be combined into a single building lot.
- B. Deny the plat amendment request thereby retaining the original lot configuration.
- C. Continue the item for further discussion and input.

SIGNIFICANT IMPACTS:

This proposed amendment will result in one lot larger than the standard old town lot, but smaller than a standard double lot. The applicants do not own enough of each individual lot to build a single family house on any lot alone and therefore the amendment increases, from zero to one unit, the density which could occur with the existing ownership. The proposal decreases the density which could occur if the four lots were individually owned in their entirety.

Staff believes that given required setbacks for the odd-shaped lot, the new height restrictions, and the predominant ownership pattern and house sizes in the area, the lot combination will result in a structure which is compatible in mass and scale with the immediate neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the owner will be unable to construct houses on his portions of Lots 24, 25, 26, and 27 without pursuing a variance to the lot size requirement.

RECOMMENDATION:

The Staff recommends approval of the proposed plat amendment at 934 Lowell Avenue based on the following:

Findings of Fact

1. The plat amendment combines portions of four lots into one.
2. The applicant has agreed to dedicate a ten foot non-exclusive snow storage and public utility easement along Lowell Avenue.
3. The proposed lot configuration is consistent with the existing ownership patterns in the surrounding neighborhood. The proposed structure is 2015 sq.ft. in floor area and is compatible in mass and scale with the surrounding structures.
4. On February 27, 1996 the Historic District Commission granted architectural design approval for the proposed structure, subject to compliance with the Land Management Code requirements.
5. On March 27, 1996 the Planning Commission recommended approval of this plat amendment.
6. The property was posted and legal notice published according to requirements of the LMC. Proper notice was sent to all property owners within the plat and within 300' of the property in question.

Conclusions of Law:

1. There is good cause for the amendment in that the lot combination will result in a net decrease in the density when compared to individual ownership of the four lots.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.
3. A ten-foot non-exclusive snow storage and public utility easement along Lowell Avenue shall be dedicated on the plat.
4. A note shall be added to the plat stating that this re-subdivision does not create separately developable lots, as a result of leaving portions of adjacent remnant lots.

EXHIBITS:

Exhibit A- Location map

Exhibit B- Proposed plat amendment map

Exhibit C- Snyder's Addition plat map

Exhibit D- Ordinance

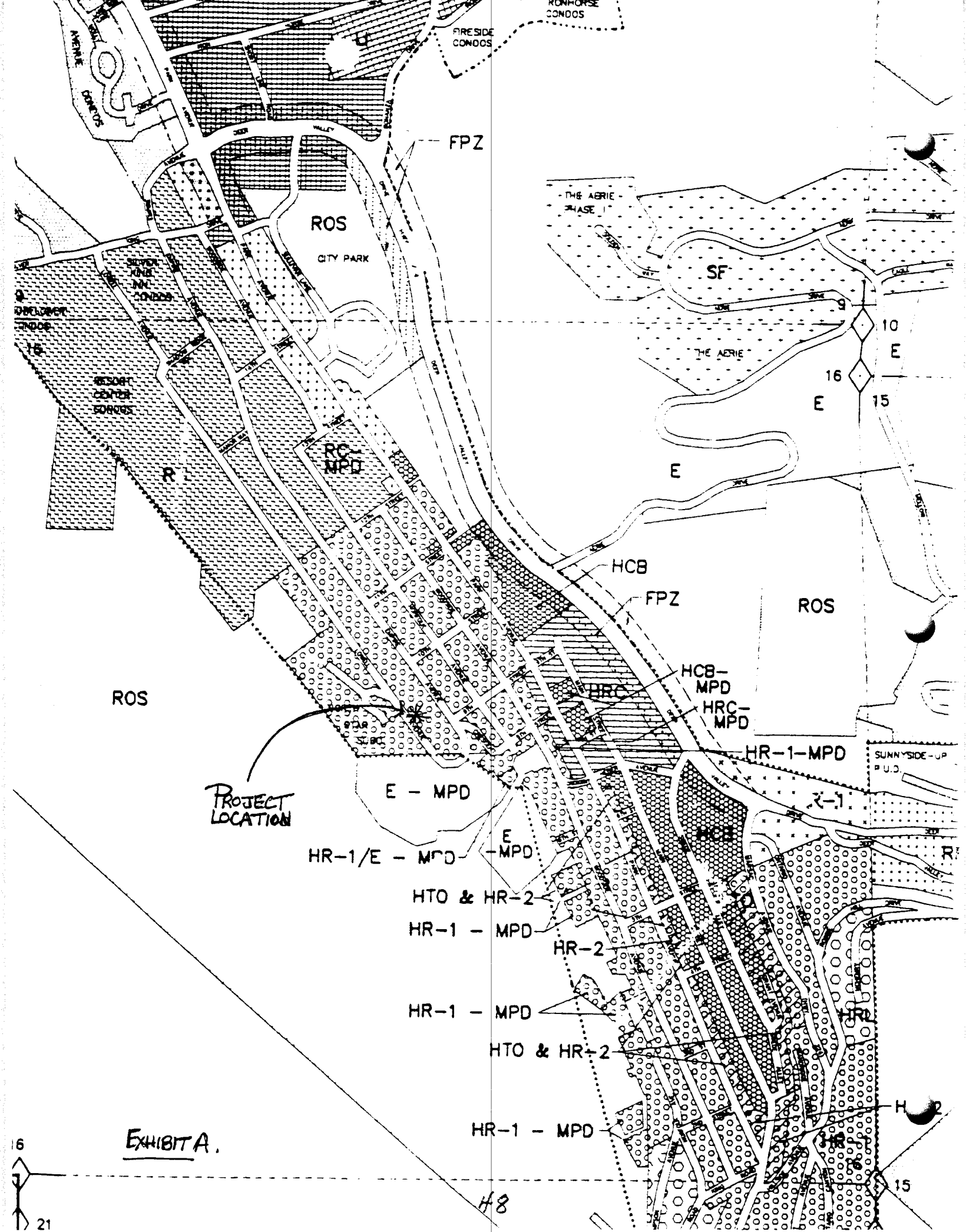


EXHIBIT A.

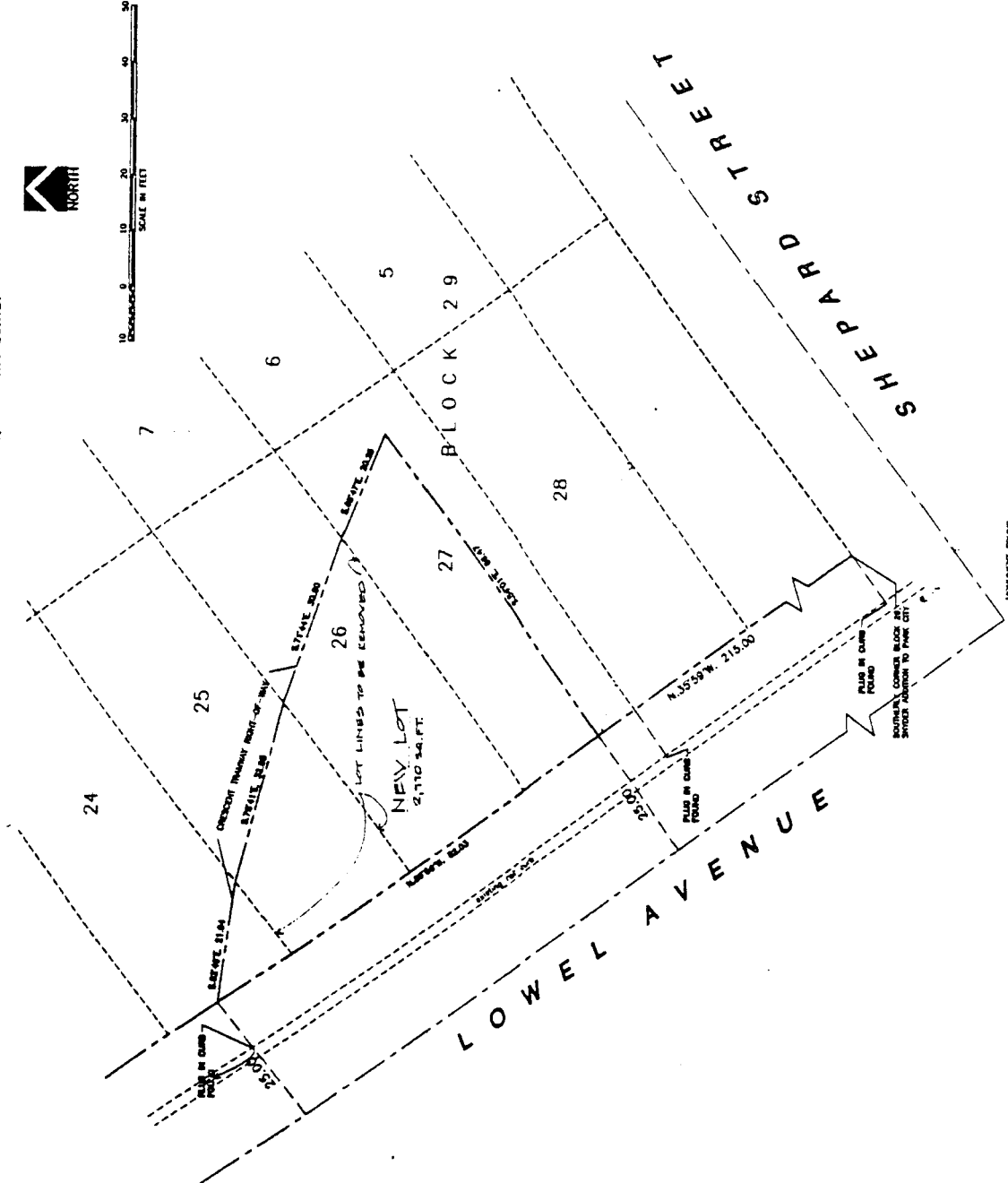
H8

AMENDED PLAT PARK CITY SURVEY AMENDING LOTS 24, 25, 26 AND 27 OF BLOCK 29, PARK CITY SURVEY

EXHIBIT B.



10 20 30 40 50
SCALE IN FEET



SURVEYOR'S CERTIFICATE

I, Patrick C. Altop, do hereby certify that I am a Registered Civil Engineer and Land Surveyor, No. 4609 as prescribed under the Laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and that the description correctly discloses the land and upon which there has been constructed AMENDED PLAT PARK CITY SURVEY. I further certify that the same has been surveyed and staked on the ground as shown on this map.

BOUNDARY DESCRIPTION

COURSE	DIST	REMARKS
S 82° 49' E	21.94	PART OF LOTS 24, 25, 26, AND 27 OF BLOCK 29, PARK CITY SURVEY MORE PARTICULARLY DESCRIBED AS FOLLOWS:
S 76° 41' E	32.98	BEING AT A POINT ON THE SOUTHERLY BLOCK LINE OF BLOCK 29, SURVEYED TO PARK CITY, WHICH IS
S 71° 44' E	30.80	N 35° 59' W 215.00 FEET FROM THE SOUTHERLY CORNER OF SAID BLOCK 29, AND RUNNING THENCE
S 68° 47' E	20.35	FEET; THENCE
S 64° 47' E	66.47	FEET; THENCE
N 88° 59' W	82.03	FEET TO THE POINT OF BEGINNING.



Patrick C. Altop

OWNER'S DEDICATION

Know all men by these presents that we the undersigned Owners of the above described tract of land have dedicated and do hereby dedicate the same to the public for the use of the same as a public street, and we hereby dedicate the same to the public for the use of the same as a public street, and we hereby dedicate the same to the public for the use of the same as a public street.

In witness whereof we have hereunto set our hands this _____ day of _____ 19____ A.D.

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }

ON THE _____ DAY OF _____ A.D. 1991 PERSONALLY

AMENDED PLAT PARK CITY SURVEY AMENDING LOTS 24, 25, 26 AND 27 OF BLOCK 29, PARK CITY SURVEY

CITY PLANNING COMMISSION
PRESENTED TO THE BOARD OF PARK CITY PLANNING COMMISSION
DAY OF _____ A.D. 19____
AT WHICH TIME THIS DEDICATION WAS APPROVED AND ACCEPTED

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY
OF _____ A.D. 19____

ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT THIS OFFICE HAS
EXAMINED THIS PLAT AND IT IS CORRECT
AND ACCORDS WITH THE RECORDS ON
FILE IN THIS OFFICE

SEWER DISTRICT APPROVAL
APPROVED THIS _____ DAY OF _____
A.D. 19____ BY _____
THE SEWER DISTRICT BOARD MEMBER REPRESENTATIVE

CITY COUNCIL APPROVAL
APPROVED THIS _____ DAY OF _____
A.D. 19____ BY THE
BOARD OF THE PARK CITY COUNCIL

PREPARED BY
VANWAGONER AND ASSOCIATES, INC.
3008 SOUTH WEST TEMPLE
SALT LAKE CITY, UTAH

CHAIRMAN

CITY ATTORNEY

CITY ENGINEER

CITY RECORDER

CLERK

STATE COUNTY RECORDER

VACATED BY ORDINANCE, MG-418
PACIFIC AVENUE (N 35°59'W)

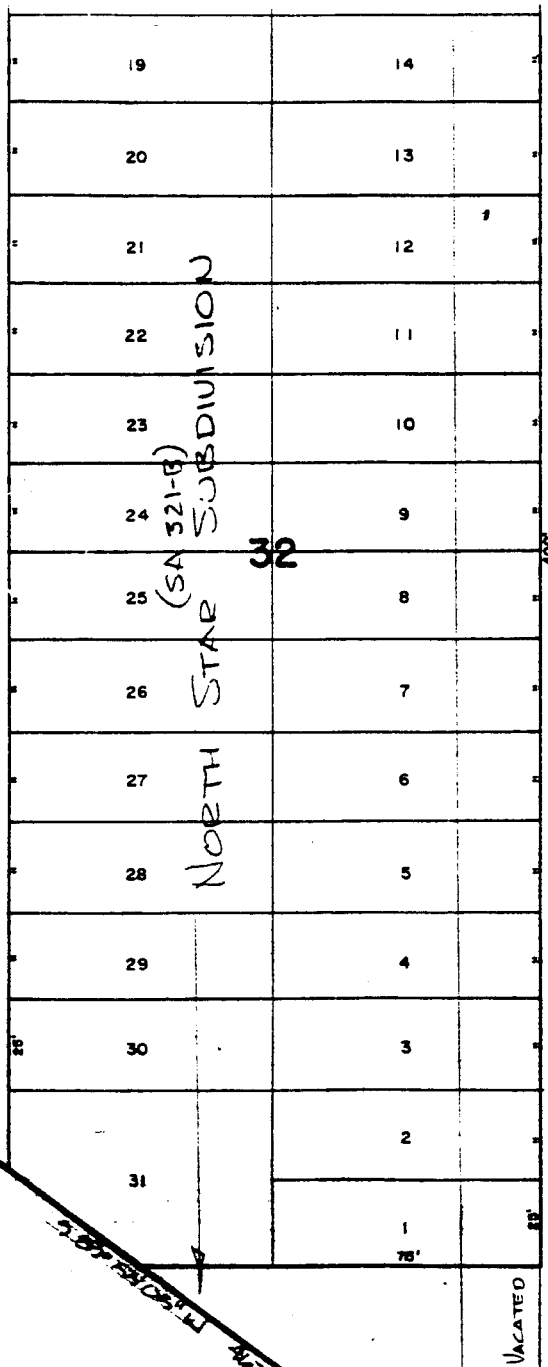
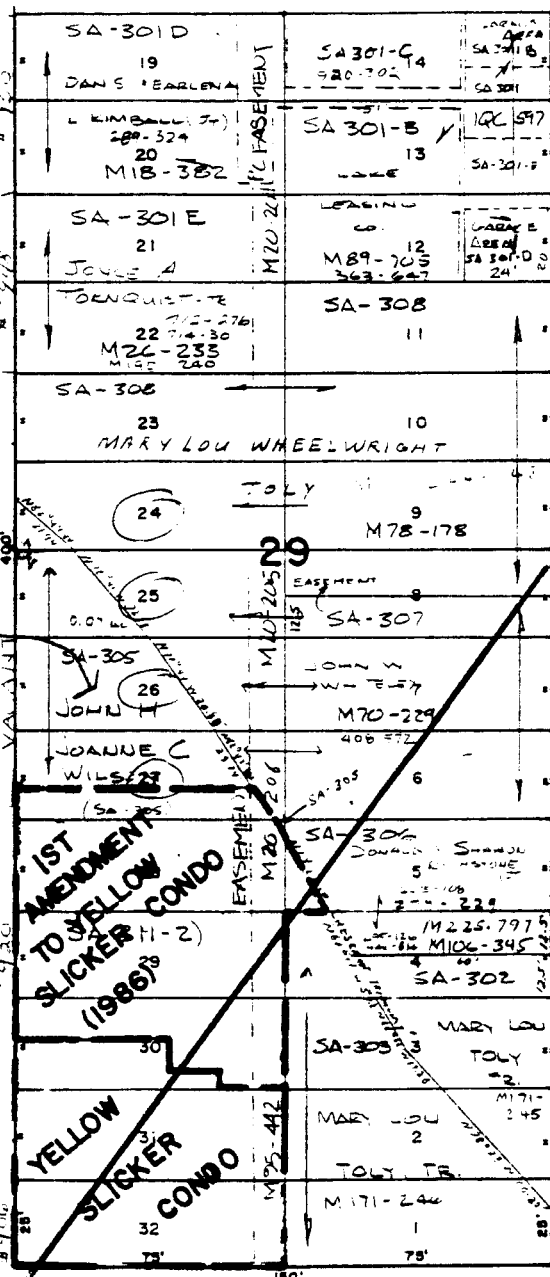


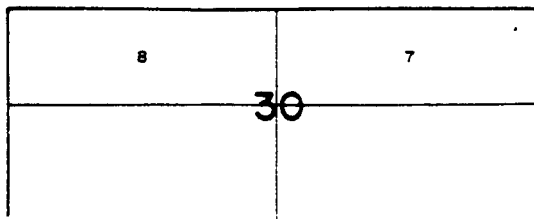
EXHIBIT C.

LOTS LOCATION
LOWELL AVENUE (N 35°59'W)



SHEPARD STREET (N 54°01'E)

EMPIRE AVENUE (N 35°59'W)



REVISIONS - DATE AND INITIAL (In Pencil)				
Comm	4/1/74	2/2/74		

SUMMIT COUNT

Ordinance No. 96-

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
SNYDER'S ADDITION TO THE PARK CITY SURVEY,
PORTIONS OF LOTS 24, 25, 26, AND 27, BLOCK 29,
TO BE KNOWN AS THE WILSON RESUBDIVISION
LOCATED AT 934 LOWELL AVENUE
PARK CITY, UTAH**

WHEREAS, owners of the property at 934 Lowell Avenue, being portions of Lots 24, 25, 26, and 27, Block 29 of the Snyder's Addition to the Park City Survey, and known as the Wilson Resubdivision, have petitioned the City Council for approval of an amendment to the Snyder's Addition to the Park City Survey subdivision plat; and

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

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

WHEREAS, on March 27, 1996 the Planning Commission held a public hearing to receive public input on the proposed plat amendment; and

WHEREAS, on March 27, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council with conditions regarding easements; and

WHEREAS, on April 18, 1996 the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by this plat amendment.

SECTION 2. PLAT APPROVAL. The amendment to the Snyder's Addition to the Park City Survey for portions of Lots 24, 25, 26, and 27, Block 29, is approved as shown on Exhibit A, with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.
3. A ten foot non-exclusive snow storage and public utility easement along Lowell Avenue shall be dedicated on the plat.
4. A note shall be added to the plat stating that this re-subdivision does not create separately developable lots, as a result of leaving portions of adjacent remnant lots.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of April, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



I, Patrick C. Sharp, do hereby certify that I am a Registered Civil Engineer and Land Surveyor, State of Ohio, with Field Certificate No. 4609 as prescribed under the laws of the State of Ohio. Further certify that by authority of the Owners, I have made a survey of the land shown on this plat and described below, and that the description exactly describes the land surface upon which there has been construction. **STATE OF OHIO PLANK CITY SURVEY** I further certify that the same has been surveyed and stoned on the ground as shown on this map.

COURSE	DIST	REMARKS	BOUNDARY DESCRIPTION
S 82.49 E	21.94	CONTR. OF 340 BLOCK 29;	
S 76.41 E	32.98	FEET; THENCE	
S 71.44 E	30.80	FEET; THENCE	
S 65.47 E	20.25	FEET; THENCE	
S 54.01 E	66.47	FEET; THENCE	
S 89.59 W	82.03	FEET TO THE POINT OF BEGINNING AT A POINT ON THE	
		WEST LINE OF 340 BLOCK 29;	
		N 33.59 W, 215.00 FEET FROM	
		340 BLOCK 29, SUTHERLAND	
		CITY SURVEY MORE PARTICULAR	
		LOT 24, 25, 28, & 29	

POINT OF REGISTRATION
REGISTERED
4609
MURRAY
PAINTS & VARNISHES
N.Y.S.

October 31, 1995
DATE

Know all men by these presents that we the undersigned Owners of the above described tract of land have caused same to be subdivided into lots and streets in the hereafter known as **AMHERST PLAT PARK CITY SURVEY** and do hereby dedicate for perpetual use of the public all parcels of land shown in this plat as intended for public use.

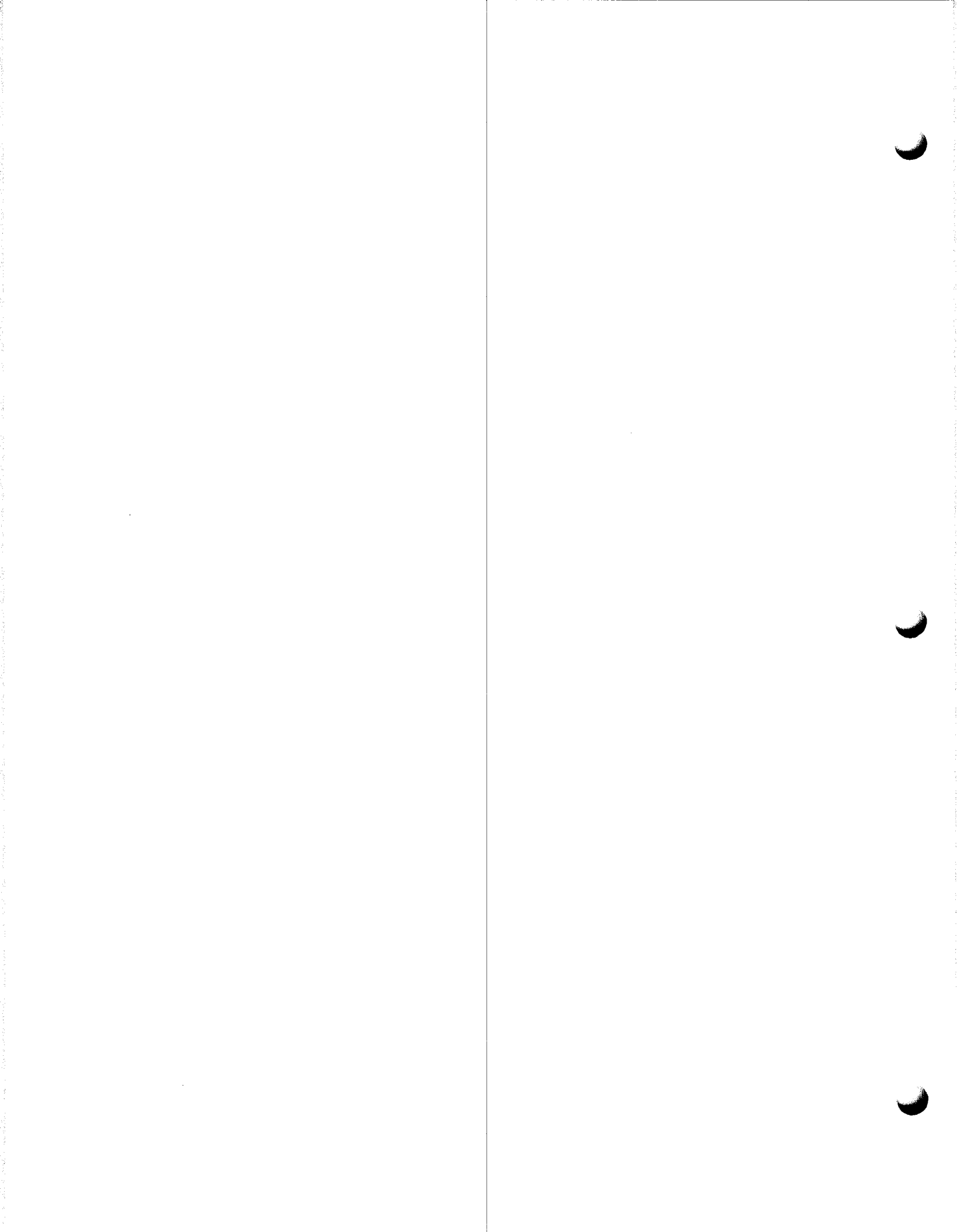
In witness whereof we have hereunto set our hands this
day of _____ 19____ A.D.

STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }

ON THE _____ DAY OF _____ A.D. 1991 PERSONALLY

AMENDED PLAT PARK CITY SURVEY
AMENDING L.O.'S 24,25,26 AND 27 OF BLOCK 20, PARK CITY SURVEY

PREPARED BY VANWAGHNER AND ASSOCIATES, INC. 3808 SOUTH WEST TEMPLE SALT LAKE CITY, UTAH	CITY COUNCIL APPROVAL APPROVED THIS _____ DAY OF _____ A.D. 19____ BY _____ BOARD OF THE PARK CITY COUNCIL	SEWER DISTRICT APPROVAL APPROVED THIS _____ DAY OF _____ A.D. 19____ BY _____ THE BRIDGEMOORE BOON SENIOR IMPROVEMENT	ENGINEER'S CERTIFICATE I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAN AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE _____ CITY ENGINEER _____	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 19____ CITY ATTORNEY _____	CITY PLANNING COMMISSION PRESENTED TO THE BOARD OF PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED
--	--	---	--	--	--





COUNCIL AGENDA REPORT

DATE: April 18, 1996
DEPARTMENT: Planning Department
AUTHOR: Janice Lew
TITLE: Revisions to Title 12 of the Park City
Municipal Code
TYPE OF ITEM: Work Session and Public Hearing

SUMMARY RECOMMENDATIONS:

Following Thursday night's work session and public hearing, direct staff to make any additional revisions to the Sign Code.

DESCRIPTION:

A. Topic/Background.

These proposed changes are in response to the inconsistencies and difficulties in the application of the standards. The purpose of the Sign Code is threefold: 1) to set forth explicit parameters which will enhance the appearance of the community by allowing businesses to clearly identify themselves; 2) to encourage good design; and 3) to give the business community very clear direction on what is permitted.

The staff initiated the proposed amendments in October of 1995. The Planning Commission held three public hearings during their review of the Code revisions and encouraged the staff to solicit public input. The staff met with the Main Street Merchants Association to review the proposed changes. Subsequent meetings between members of a sign committee formed by the Association and the Planning Staff took place to discuss additional changes to the Code. Staff worked with these groups to rework the proposed amendments. The Merchants generally support the current draft and in addition recommended that the staff emphasize pre-application conferences to familiarize applicants with the design standards and review process. As a result of these discussions, the staff will revise the business license brochure to include information about sign permit applications.

Several local sign companies received copies of the draft Code for review and comment. The Park City Board of Realtors was also notified of the pending revisions and a draft was sent to the Prospector Square Property Owners Association as well.

The Planning Commission reviewed the public input and proposed amendments at their meeting of April 10, 1996 and forwarded a recommendation that the revisions, as modified, be adopted by the City Council.'

B. Analysis.

Summary of Revisions Proposed by the Planning Staff: Some of the proposed amendments were intended to provide minimum standards for signage previously not addressed in the Code. Other revisions related to clarification of existing regulations. These revisions will enable the Planning Staff to provide clearer direction to applicants and ensure consistent application of the Sign Code provisions. The proposed changes are highlighted for ease of identification (see attached copy of Code). The amendments also include minor changes to language in several other sections which will clarify the Code. The Planning Staff recommended changes to the following sections of the Park City Municipal Sign Code:

1. Definitions (Chapter 1). Amend to include:
 - additional types of signage (*banners, directional, electronic, flags and umbrellas*), and
 - a general clarification of terms so that they are more easily understood.
2. Size Requirements (Section 12-4-1). The following provisions are intended to:
 - avoid potential hazards to the public caused by confusing or cluttered signage, and
 - enhance pedestrian scale and orientation of signage.

a. Amend the maximum area allowed. The total area of all permanent signage on a building facade is currently limited to 45 square feet. The staff believes this standard is difficult to apply and negotiate because there is a public perception that 45 square feet of signage is permitted on all building facades on all types of buildings. The maximum is not always compatible with the scale of small or uniquely designed facades. Staff attempts to coordinate signage with the mass and scale of the building, maintain pedestrian orientation and establish a visual continuity with adjacent building facades. To ensure that signage is in scale with the building, the staff is proposing the area of signage permitted on a building facade be calculated using the following formula and not exceed 20 square feet on any frontage:

Linear frontage of building X .66 = total square footage permitted.

- b. Amend and down size the allowable area for the following types of signs:
- free-standing signs (*currently 45 sf, 20 sf proposed*),
 - window signage (*currently 50%, 30% proposed*),

- projecting signs (*currently 18 sf, 8 sf proposed*),
- hanging signs (*currently no requirement, 8 sf proposed*),
- temporary construction signage (*currently 32 sf, 24 sf proposed*), and
- directory signs (*currently 36 sf, 20 sf proposed*).

c. The staff is proposing that requests for additional signage on multi-tenant, mixed use or retail buildings be reviewed and approved by the Planning Department subject to criteria addressing location, compatibility and scale. Currently, the Planning Commission may grant additional signage.

3. Illumination (Section 12-4-6). Include additional criteria which will ensure lighting plans are considered during review of sign proposals. Spot and flood lights are prohibited. Lighting sources must be shielded and directed downward. Provisions for seasonal lighting also are included.

4. Free-standing Signs (Section 12-5-1). Limit this type of signage to commercial zones only with a maximum height of 5 feet. This is in response to growing concerns amongst the Planning Staff and Commission that subdivision and 10-foot high free-standing signs are inappropriate. These changes would prohibit permanent free-standing residential identification signs. Other changes are intended to provide additional directional signage for properties with more than one entrance and frontage on more than one street. Municipal and public necessity signage would be exempt from these requirements.

5. Sign Types (Chapter 5). Add language addressing flags, umbrellas, subdivision development temporary signs and special event flyers to provide direction regarding their regulation. Currently there are no standards regulating these signs. Language addressing ornamental or decorative flags also was added in response to concerns expressed by Commissioner Child and Council Member Daniels.

6. Master Planned Developments (Section 12-3-7). The staff is proposing that MPD projects which house more than one use or tenant submit Master Sign Plans as part of the MPD review process. This is intended to encourage designers to consider project identification during initial development of the project.

7. Temporary Signage (Chapter 7). Add language clarifying allowed text. Add language addressing directional signage for special events, festivals and parking.

8. Neon (Section 12-5-1). The staff is proposing the regulation of neon lighting as signage if within 20 feet of a window. The standard is currently 10 ft.

9. Location (Section 12-6-1). Signage should be located below the finished floor of the second floor or twenty feet above adjacent natural grade. This is intended to encourage pedestrian oriented signage and to avoid creating a "billboard effect" on building facades.

Planning Commission Recommendations: The Planning Commission made the following recommendations after considering public testimony at their April 10, 1996 meeting.

1. Maintain the current 45 square foot maximum size requirement and use language from other sections of the Code to determine the appropriate size of signage based upon the size and scale of the structure. The Commission felt that this amount seemed to be working and that a maximum of 20 square feet of signage per building facade is too small. Additionally, an applicant may appeal to the Planning Commission or Historic District Commission if they cannot reach an agreement with the staff.
2. Based upon comments from Bill Coleman during the last public hearing, the Commission recommends that signs which do not conform to the new standard be exempt from the removal process outlined in Section 12-10-3 for non-conforming signs if the size requirements are reduced to a 20 square foot maximum. This exemption would not be needed if the maximum size requirement remained at 45 square feet.
3. Limit Temporary Subdivision Signs to one sign per subdivision. Two signs were proposed by staff.
4. The Commission was in support of including language which addressed flags. The proposed language would: 1) regulate flags with advertising copy as signage; 2) set pole standards for height and color; 3) set maximum size requirements; 4) regulate illumination; and 5) limit the number of flags per property. The staff proposed limiting property owners to three (3) flags per site. The Commissioners recommended that properties be allowed three poles and that no maximum be set for flags attached to buildings. The staff would have the discretion to determine the number in the later case. Staff has concerns on how to determine those criteria and is discussing alternatives. Any direction from Council is appreciated.
5. Commissioner Calder noted several existing Sign Code violations and expressed concern about further modifying the code when enforcement is a problem currently. He suggested that the Council may wish to consider additional staffing for enforcement of City Codes.

D. Department Review:

The Community Development and Legal Departments have reviewed the proposed amendments. Following the Planning Commission public hearing on April 10, 1996, the Planning Department was made aware of a potential problem with prohibiting free-standing signs for condominium projects. Some condominium projects set back from the main thoroughfare and rely on free-standing signs to identify the entrance to the development. If the Council would like to allow this type of signage, the staff will set criteria to be included in Section 12-3-7, Master Planned Developments, of the Code.

RECOMMENDATION:

The Staff recommends the City Council:

- take public comment and
- direct staff to make any additional changes.

The Sign Code amendments have been scheduled for City Council action on May 2, 1996.

Ordinance No. 96-

AN ORDINANCE AMENDING AND REORGANIZING THE SIGN CODE, TITLE 12 OF THE MUNICIPAL CODE OF PARK CITY, REGARDING THE REGULATION OF SIGNS, FLAGS AND UMBRELLAS

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

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

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

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

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

SECTION 1. FINDINGS. The above recitals are hereby incorporated herein.

SECTION 2. AMENDMENT. The Sign Code, Title 12 of the Municipal Code of Park City is hereby amended to read as follows:

TITLE 12 - SIGN CODE

CHAPTER 1 - DEFINITIONS

For purposes of this Title, the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

(A) **ABANDONED SIGN.** Any Sign applicable to a use which has been discontinued for a period of three (3) months.

(B) **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 location or position to another.

(C) **AREA OF SIGN**. The area of a Sign shall include the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the Sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle or triangle of the smallest size sufficient to cover the entire area of the Sign and computing the area of the parallelogram, circle or triangle.

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

(E) **BANNER**. A strip of cloth, plastic, paper or other material on which a Sign is painted or written hung up or carried on a crossbar, staff, string or between two poles. A banner is characterized as a free flowing Sign. ~~Banners shall include signs, posters and banners and their common definitions.~~

(F) **BILLBOARD OR OFF-PREMISE SIGN**. A permanent outdoor advertising Sign which advertises goods, products, or services not necessarily sold on the premises on which said Sign is located. This includes umbrellas displaying verbiage other than the on-premise business name.

(G) **BUILDING FACE OR WALL**. All window and wall area of a building in one plane or elevation.

(H) **CANOPY**. A roofed structure constructed of fabric or other material placed so as to extend outward from a building 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.

(I) **CHANGEABLE COPY SIGN**. A Sign which is characterized by changeable copy, whether said Sign is free-standing or wall Sign, or whether said Sign projects from and is supported by a building.

(J) **COMMUNITY OR CIVIC EVENT**. A public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader or commercial goods or services.

(K) **DIRECTIONAL SIGN (GUIDE SIGN)**. Signs which serve as directional guides to recognized areas of regional importance and patronage. To clarify and define such areas of regional importance and patronage, five (5) ~~three (3)~~ types of areas are intended to be included:

- (1) Recreational and entertainment centers of recognized regional significance.
- (2) Major sports stadiums, entertainment centers or convention centers having a seating capacity in excess of 3,000 persons.
- (3) Historical landmarks.

(4) Temporary special events & festivals.

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

(L) **ELECTRONIC SIGN**. A window, wall or other Sign which changes copy electronically.

(M) **FLAG**. A piece of cloth, plastic, paper or similar material, usually rectangular or triangular, attached by one edge to a staff, pole or rope as a distinctive symbol of a country, government, organization or other entity or cause. All flags which contain the name or logo of an establishment or advertising copy shall be considered Signs for purposes of this chapter.

(N) **FREE-STANDING SIGN**. A Sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation in the ground. Free-standing Signs refer to on-premise advertising or project identification Signs for the purpose of this Code.

(O) **HEIGHT OF SIGN**. The height of a Sign is the vertical distance measured from natural grade or final grade (which ever yields the lower Sign) ~~the ground plane~~ to the top of the Sign, including the air space between the ground and the Sign.

(P) **HOURS OF OPERATION SIGN**. A Sign which displays hours of operation, including "open" and "closed" Signs.

~~(O) **LOW PROFILE SIGN**. On-premise identification sign having a maximum height of eight (8) feet which is incorporated into a landscape planter.~~

(Q) **MASTER IDENTIFICATION SIGN**. A Sign which identifies only the name and/or logo and/or address of a commercial or industrial complex, the owner and tenants thereof.

(R) **MONUMENT SIGN**. A free-standing Sign with an enclosed base meant to serve as a major identification Sign.

(S) **NAME PLATE**. Signs identifying the name, occupation, and/or professions of the occupants of the premises.

(T) **NATURAL GRADE**. The elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance.

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

(V) **ON-PREMISE OR BUSINESS IDENTIFICATION SIGN**. A Sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which the Sign is located, or to which it is affixed.

(W) **PROJECTING SIGN**. A Sign attached to a building or other structure and extending in whole or in part more than six (6) inches beyond any wall of the building or structure.

(X) **PUBLIC NECESSITY SIGN**. A Sign which informs the public of any danger or hazard existing on or adjacent to the premises.

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

(Z) **SIGN**. Sign shall mean and include every advertising message, announcement, declaration, demonstration, display, 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 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.

(AA) **SIGNAGE 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.

(BB) **SOLICITATION SIGN**. Sign used to advise solicitors that they are not welcome on the property.

(CC) **SPECIAL PURPOSE SIGN**. 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.

(DD) **SPECIAL SALE SIGN**. Temporary Signs used to advertise a special sale on the premises.

(EE) **STRUCTURE**. The supports, uprights, bracing, guy rods, cables, and framework of a Sign or outdoor display.

(FF) **SUBDIVISION OR PROJECT ENTRANCE SIGN**. An identification Sign located at the entrance to a residential or commercial development.

(GG) **TEMPORARY SIGN**. A Sign which is intended for use during a specified limited time. Temporary Signs, as defined by this Code, shall include real estate Signs and construction Signs.

(HH) **THEATER MARQUEE**. A permanent structure with changeable letters, which is used to advertise theater events.

(II) **UMBRELLA**. a collapsible shade for protection against weather consisting of fabric stretched over hinged ribs radiating from a central pole, or any structure meeting the common definition of umbrella, that has letters and symbols which display the name of the on-premise business.

(JJ) **WALL SIGN**. A Sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building and extending not more than six (6) inches from the wall.

(KK) **WALL MURAL**. Murals which are purely decorative in nature and content, and do not include advertising by picture or verbal message are exempt from Sign regulation.

(LL) **WINDOW SIGN**. A Sign installed upon or within ~~one~~ five feet of a window for the purpose of viewing from outside of the premises. This term does not include merchandise displays.

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

CHAPTER 2 - IN GENERAL

12- 2- 1. PURPOSES AND SCOPE. The City Council of Park City, Utah finds and declares that by controlling and standardizing signage 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 a place in which to live and work; create an attraction to non-residents to come to visit or trade; 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- 2- 2. INTERPRETATION. The Planning Commission, or Historic District Commission if the Sign is in the Historic District, shall have the authority and duty to interpret the provisions of this Title at the request of the Community Development Director or when a written appeal from a decision of the Community Development Department is filed with the Planning Commission or Historic District Commission for Signs in the Historic District.

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 Department and/or the Planning Commission may determine a smaller Sign would be appropriate based on the size and scale of the structure (s), pedestrian traffic, and neighborhood compatibility (See Section 12-4-1). The types of Signs allowable by this Title shall be plenary and Sign types not specifically allowable as set forth within this Title, shall be prohibited.

CHAPTER 3. APPLICATION AND REVIEW PROCEDURES FOR PERMANENT SIGNS

12- 3- 1. PERMITS. No person shall erect, alter, or relocate any permanent or temporary Sign

within Park City without first obtaining a Sign permit and a building permit from the City, unless the Sign is exempt under this code. Any person who hangs, posts, or installs a Sign which requires a permit under this code and who fails to obtain a permit before installing the Sign, shall be guilty of a Class C misdemeanor and shall be fined accordingly.

12-3-2. PRE-APPLICATION CONFERENCE. A pre-application conference with the Community Development Department is encouraged in order for the applicant to become acquainted with application procedures, design standards, and related city ordinances. Completed Sign permit applications are to be submitted to the Department. The staff may assist in the preparation of the application, and shall provide information to applicants on the regulations created by this Code. (See Sign Application brochure - handout at Planning Dept.)

12-3-3. APPLICATIONS. Applications for Sign permits for permanent Signs must include the following:

(A) A site plan drawn to scale which specifies the location of the Sign structure, or drawings or photographs which show the scale of the Sign in context with the scale of the building if the Sign is to be mounted on the building.

(B) Colored rendering or scaled drawing including dimensions of all Sign faces, descriptions of materials to be used, manner of construction and method of attachment, and color samples.

(C) A complete signage plan, also referred to as a Master Sign Plan, for any commercial building which houses more than one use. The Master Sign Plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering style, symbols, scale, and size of Signs and/or identical background. This must be submitted prior to issuance of a permit for any one Sign on the building. (See Section 12-5-3 for further information).

(D) A Sign permit application on the form provided by the Community Development Department.

(E) Building permit application on a form provided by the Community Development Department.

(F) Appropriate fees.

12-3-4. FEES. Sign permit applications shall be reviewed according to a fee schedule established by resolution. See Fee Schedule at the Planning Department.

12-3-5. REVIEW PROCEDURES. Complete Sign permit applications will be reviewed by the Planning Staff and Building Official, subject to the review of the Community Development Director, within ~~ten (10)~~ thirty (30) days of receipt of ~~the~~ **a complete application** and application fee. The application will be either approved, denied or returned with requested modifications. Both the Planning and Building Departments must approve the application before a permit can be issued. Either department may return the application for modifications or clarification. ~~If a permit application has not been processed within ten (10) working days, and written reasons given for the denial of the permit issued within that time, the application is deemed approved.~~

Any applicant who believes a denial was not justified, has the right to appeal to the Planning Commission or, if the property is in a Historic district, to the Historic District 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 Director in writing within ~~three (3)~~ ten (10) business days following the denial of the permit by the Department.

Applicants may have any action of the Planning or Historic District Commissions reviewed by the City Council by petitioning in writing for a hearing before that body within ten (10) days following Planning Commission or Historic District 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, Chapter 1.

12-3-6. CONDITIONAL USES. The following types of Signs require conditional use review by the Planning Commission:

(A) Free-standing Signs located in the HCB zone, ~~as defined by Section 7.2 of the Land Management Code.~~

(B) Free-standing Signs located in the highway frontage protection zone, as defined in ~~Section 8.8 of the Land Management Code.~~

(C) Requests for increased signage above the maximum allowed by this code (See Section 12-5-1).

Projects which require Conditional Use Permits may have their signage reviewed as part of the CUP review for no additional fee, if processed concurrently with the CUP.

12-3-7. MASTER PLANNED DEVELOPMENTS. Master Planned Development (MPD) projects with buildings which house more than one use or tenant shall have their Master Sign Plan reviewed as part of the MPD review process and for no additional fee.

CHAPTER 4 - DESIGN STANDARDS. [Note: "Sign Types" was moved to Chapter 5.]

All Signs must comply with the following design standards:

12-4-1. SIZE REQUIREMENTS. The ~~total~~ maximum area of all permanent Signs on one building face, including window Signs, wall Signs, projecting Signs, and hanging Signs ~~shall not exceed 45 square feet per building face or 36 square feet per building face if used in conjunction with a free standing sign, regardless of the number of business occupying the building shall be~~ calculated by the following formula:

MAXIMUM TOTAL SIGNAGE AREA = Linear frontage of building facade X .66

Additionally, the maximum area of all permanent Signs shall not exceed twenty (20) square feet per building face, or ten (10) square feet if used in conjunction with a free-standing or monument Sign. (Please see Section 12-5-1(a) for Free-Standing and Monument Signs). If additional

~~signage is necessary~~, In the case of multi-tenant, mixed-use, or retail buildings, the Planning Commission Department may grant additional signage on a building face with more than fifty (50) feet of linear frontage, but in no case may the total signage area exceed 5% of the building face to which the Sign is attached. (See Section 12-5-1(f) for specific size requirements for awning Signs, Section 12-5-1(a) for free-standing and monument Signs; Section 12-5-1(a) for temporary Signs; Section 12-5-3(a) for project construction Signs; and Section 12-5-4(a) for portable yard Signs.) Additional signage may be permitted subject to all requirements of this code and including the following criteria:

(A) **Location.** The signs shall fit within and emphasize architectural elements of the building's facade.

(B) **Compatibility.** The signs shall establish a visual continuity with adjacent building facades.

(C) **Scale.** The signs shall be oriented toward pedestrians or vehicles in close proximity.

12- 4- 2. AREA OF SIGN. The area of a Sign shall include the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the Sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle, or triangle of the smallest size sufficient to cover the entire area of the Sign and computing the area of that parallelogram, circle, or triangle. The area of the second side of a two-sided Sign shall not be included when calculating signage area unless the sides diverge more than 30 degrees. Where a Sign has more than two (2) faces, the total area of the third face and all additional faces shall be included in determining the area of the Sign. All existing Signs, whether conforming or non-conforming Signs shall be counted in establishing the permitted area of size of all new Signs to be allowed on the property.

12- 4- 3. SIGNAGE PLANS. Buildings or clusters of buildings having more than one tenant or use, **shall provide a signage plan** for the entire structure or project. The signage plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering style, symbols, scale and size of Signs and/or identical background.

Signage plans for office buildings must have their primary focus on the identification of the building, and individual tenants may be identified by using small lettering on a window or door or directories. Total signage area within the plan is subject to the maximum size limitations of this Title. Signage area cannot be transferred to a single building or facade from other buildings in the project.

For multi-tenant retail and mixed-use buildings, which contain any combination of uses including residential, office, service or retail uses, Sign plans shall be designed so that ~~with~~ signage is confined to the building surface below the finished floor elevation of the second floor or twenty (20) feet above adjacent natural grade whichever is lower. Signs ~~below the finished floor elevation of the second floor~~ may be located on flat wall areas, within windows or on Sign bands above windows. For buildings with pre-existing Sign bands or architectural features, the Community Development Director may grant exceptions to the second floor level signage restriction (See Section 12-6-1).

12-4-4. SIGN MATERIALS. Exposed surfaces of Signs may be constructed of metal, glass, stone, concrete, 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 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 cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Ivory colored plastic may be used for internally illuminated letters (See Section 12-5-6(b)). 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.

12-4-5. COLOR. Signs must be finished in subdued earthtone colors. Earthtones may be defined in this context to include the full spectrum of soil and clay 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. In no case will "day-glo", fluorescent, reflective colored materials that give the appearance of changing color or brilliant luminescent colors be permitted.

12-4-6. ILLUMINATION.

All lighting plans shall be submitted with Sign plans.

(A) **Externally Illuminated Signs.** Light fixtures for externally illuminated Signs must be simple in form and mounted so they do not obscure building ornamentation. The light fixtures should emphasize the continuity of the building surface and should not clutter the building in an unorganized manner. ~~Spot lights and flood lights shall be directed only at the sign surface. Light shall not be directed off the property.~~ No exposed light sources are allowed, and all light sources must be shaded to contain light rays to the sign and mercury vapor is prohibited. Colored and flashing lights are prohibited. All lighting shall be shielded and directed downward only at the sign surface.

(B) **Seasonal.** These restrictions apply to all zones except HR-1, HRL, SF, RM, and RD. Strings of lights which outline buildings, building architectural features and surrounding trees, shall be allowed every year from the 1st of November through the 1st of March only. These lights shall not flash, blink or simulate motion.

(C) **Internally Illuminated Signs.** Internally illuminated Signs shall be limited to individual letters not to exceed 18" high. Individual pan-channel letters with a plastic face or individual

cut-out letters (i.e. letters routed out of the face of an opaque cabinet Sign) are permitted. Cut-out letters shall consist of a single line with ~~have~~ a maximum stroke width of 1 1/2 inches. Variations in stroke width may be reviewed and approved by the 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. The light source for internally illuminated Signs must be white. Internally illuminated pan-channel letters are not permitted on free-standing Signs. Internally illuminated Signs are not considered appropriate in the Historic District and are prohibited.

(See Section 12-12-2 for further information regarding the inspection of electrical Signs.)

12-4-7. SIGN CONTENT. Signs shall be limited in content to material that is intended to be permanent (with the exception of theater or gallery marquees). It is the City's intent to facilitate traffic flow and avoid traffic hazards caused by confusing or cluttered signage. Because tourists, who may be looking for a specific business often depend on Sign text that assimilates business names as listed in telephone directories or other promotional advertisements, the name of the business, nature of the goods or services offered, and street address may be contained in the Sign except that a free-standing Sign may only identify the name of the building, project or ~~one~~ primary business. Statements of prices for specific items, listing of items beyond a general category of merchandise, telephone numbers, or similar information directed at the merchandise sold or service provided, rather than the identification of the business are prohibited. The use of logotypes or other symbols is appropriate in addition to the name of the business. Applications for Signs which contain misleading content or false information shall be denied.

In each instance, and under the same conditions to which this code permits any sign, a sign containing and ideological, political, or other ~~non-commercial~~ similar message and constructed to the same physical dimensions and character shall be permitted.

CHAPTER 5 - SIGN TYPES [Note: "Design Standards" was moved to Chapter 4.]

12-5-1. TYPES OF SIGNS ALLOWED. The following types of Signs are allowed subject to Planning staff review based upon the regulations set forth in this code:

(A) **Free-standing and Monument Signs.** Municipal, public safety and municipal directional Signs are exempt from these requirements.

(1 ~~3~~) **Size.** Free-standing Signs and monument Signs shall be limited to a maximum of ~~thirty-six (36)~~ twenty (20) square feet in area, unless there are other approved Signs on the building, in which case this maximum shall be reduced to ten (10) square feet. ~~unless the building to which the sign applies has no other signage, in which case a forty-five (45) square foot sign is allowed. However, in no case may the area of a free-standing exceed a total of one (1) square foot for every three (3) feet of frontage occupied by the business or enterprise or 5% (five percent) of the building facade area to which sign applies.~~

(2 ~~4~~) **Height limit.** Free-standing and monument Signs are limited to low profile Signs

which may not exceed a height of ~~ten (10)~~ five (5) feet. ~~Exception: Free-standing monument signs with solid or enclosed bases may not exceed a height limit of five (5) feet.~~

(3) 2) Design. Free-standing monument Signs with solid or enclosed bases are permitted. 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 50% of the Sign's overall height (i.e., the height of the open area beneath a Sign cannot exceed 50% of the Sign's total height). Single pole Signs are not considered appropriate in Park City except in the case where a single pole is used in conjunction with a horizontal cross-bar to support hanging Signs on one side of the pole only subject to the projection and clearance provisions defined in Section 12-6-3.

(4) Density. Businesses, projects or parcels are limited to one (1) free-standing Sign. ~~except that properties with more than 1000 (one thousand) feet of continuous frontage and If the property has with more than one entrance and frontage on more than one street may, install a free-standing sign at each entrance, one additional Sign may be permitted for directional proposes only. The directional sign shall not exceed three (3) square feet in area. The combined square footage of all free-standing signs shall not exceed twenty (20) square feet in area, unless there are other approved Signs on the building, in which case this maximum shall be reduced to ten (10) square feet. provided that the combined square footage of all free-standing signs does not exceed 72 (seventy-two) square feet (two 36 square foot signs). Where there is frontage on more than one street, each frontage is treated independently. Signage area may not be transferred from one frontage to another.~~

(5) Setback and orientation. Free-standing Signs are subject to the setback requirements for each zone or as defined in Section 12-6-2. They 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 25 (twenty-five) feet from the curb or edge of pavement. With the exception of those in the Frontage Protection Zone, the Community Development 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.

(6) Zoning restrictions. Free-standing Signs may be allowed in the commercial zones GC, RC, and HCB. ~~in the HCB Zone only with Conditional Use approval from the Planning Commission (Section 12-3-6). Free-standing signs are permitted in all other zones except that in the HR-1, HRL, HRC and RD zones, they are permitted only as part of subdivisions of 50 (fifty) lots or more or master planned developments, subject to the provisions of Section 12-4-1(k).~~

(7) Content. Because it is the City's intent to facilitate traffic flow and avoid traffic hazards caused by confusing or cluttered signage, and because tourists, who may be looking for a specific business often depend on Sign text that assimilates business names as listed in telephone directories or other promotional advertisements, free-standing Signs are permitted for the purpose of identifying the name of ~~the~~ a building, project or one

primary business only.

(8) **Illumination.** Please refer to Section 12-4-6 of this Title.

(B) **Window Signs.** Permanent window Signs may be placed in or upon ~~any window;~~ provided that on windows below the elevation of the second floor level provided that no more than ~~fifty percent (50%)~~ thirty percent (30%) of the total transparent area of the window is obscured ~~except that in multi-tenant buildings, window Signs shall be restricted to windows below the second floor level. (See Section 12-5-3).~~ Windows on or above the elevation of the second floor level shall be limited to not more than two rows of lettering identifying the business with characters not exceeding six (6) inches in height.

(C) **Wall Signs.** Wall Signs may be placed upon a building provided that they meet the size, material, content, location and other standards of this Code. Wall Signs shall be placed so as to utilize existing architectural features of a building without obscuring them. Wall Signs shall be oriented toward pedestrians or vehicles within close proximity. Please refer to Section 12-4-6 of this Title for Illumination Standards.

(D) **Projecting Signs.** No single projecting Sign may exceed ~~18 (eighteen)~~ 8 (eight) square feet in area or may project more than thirty-six (36) inches from the face of the building to which it is attached. Projecting Signs must have at least eight (8) feet of ground clearance unless reduced according to the projection and clearance provisions of Section 12-6-3; ~~and cannot be higher than the building to which they are attached.~~ They may not extend beyond the applicant's property, except those which are proposed to be placed over the Main Street sidewalks. Signs may extend over City property only with the written approval of the Community Development Director and an ~~certificate of insurance~~ encroachment agreement acceptable to the City Attorney.

(E) **Hanging Signs.** A single hanging Sign may not exceed 8 (eight) square feet in area and ~~hanging sign~~ may be placed on a building or underneath an approved canopy, awning, or colonnade, as long as it does not project beyond the same. It must have at least eight (8) feet of ground clearance, unless reduced according to the projection and clearance provisions of Section 12-6-3; ~~and cannot be higher than the building to which they are attached.~~ Signs may extend over City property only after review by the City Engineer and with the express written approval of the Community Development Director and an ~~certificate of insurance~~ encroachment agreement acceptable to the City Attorney.

(F) **Awnings** Awnings are permitted as signage provided they blend with the architecture of the building and do not obscure details of the building. Awnings should serve as an accent to the building's design but should not be the dominant architectural feature. Awnings are counted as signage if they have lettering or other graphics conveying a commercial message or name of a business or project sold in the building to which the awning is attached.

(1) **Signage Area.** Only 20% of any one face of an awning may be used for signage regardless of the size of the building facade to which the Sign applies.

(2) **Material.** Only fire resistant canvas will be permitted. Material should be high quality, colorfast and sunfade resistant. Vinyl or plastic materials are not ~~considered~~

~~appropriate~~ permitted in Park City.

(3) Color. Awning colors are generally limited to a single field color with a single contrasting color for lettering and logos. However, if the awning 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 conform to color requirements as specified in Section 12-5-5 of this Code.

(4) Illumination. Illuminated (back-lit) translucent awnings or translucent letters on opaque backgrounds are ~~not appropriate in Park City and are not permitted~~ prohibited. Canvas awnings illuminated in the traditional manner with incandescent lighting are permitted.

(5) Clearance and projection. Awnings must have a minimum clearance of eight (8) feet to the frame and 7 (seven) feet to the bottom of the valance. They may project a maximum of 36 inches from the face of the building except when used as entrance canopies, in which case awnings may extend to the setback lines.

(6) Entrance canopies. Entrance canopies may be used only if they lead to a bona fide business entrance, if they are compatible with the architecture of the building, and follow relevant design guideline criteria.

(7) Location of Awnings. Awnings must be located in a traditional manner above doors, windows, or walkways, provided said walkways lead to a bona fide entrance. All other locations are prohibited. Free-standing awning Signs are prohibited.

(G) Umbrellas. Umbrellas are counted as signage if they have lettering or other graphics displaying the name of the on-premise business. It is the City's intent to facilitate traffic flow and avoid traffic hazards caused by confusing or cluttered signage. Because tourists, who may be looking for a specific business often depend on Sign text that assimilates business names as listed in telephone directories or other promotional advertisements, umbrellas may not contain any language or symbols other than that of the on-premise business name or logo. Unless approved as a Conditional Use Permit, Umbrellas shall meet the following requirements:

(1) Signage Area. Signage on Umbrellas is limited to a height of no more than 5" letters and graphics. Only the area of the Umbrella containing signage, as opposed to the entire area of the Umbrella, shall be considered for purposes of calculation the maximum allowable square footage.

(2) Material. Materials should be high quality vinyl or canvas in order to withstand the weather and climate changes.

(3) Color. 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 conform to the color requirements as specified in Section 12-4-5 of this Title.

(H) Illuminated Signs. Illuminated Signs are permitted subject to the provisions of Section

12-4-6 below.

(I) **Neon Signs.** Neon used to draw attention to a business or building in any manner, including (but not limited to) neon text, or logos ~~or outlining of a building's architectural features~~, is considered signage and shall be regulated according to the provisions of this code as follows:

(1) **Size.** All other size requirements set forth in this Code must be adhered to.

(2) **Zoning Restrictions.** Neon Signs may be used only in the HCB, HRC, ~~RC~~ and GC zones. Neon Signs are prohibited in all other zones.

(3) **Location.** Neon signage must be located within a building and displayed through a window rather than being attached to the exterior of the building. If the neon signage is located within ~~ten (10)~~ twenty (20) feet of the front window, visible from the street and exceeds two (2) square feet, it is considered signage and must have a permit. Neon located ~~ten (10)~~ twenty (20) feet back from the window is considered interior lighting and is not regulated. The neon Sign must be designed to be compatible with the space in which it is located, and have a sense of balance and proportion.

(4) **Colors.** 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 ~~RC~~ and GC zones, but are subject to the design standards of Chapter 4.

(5) **Content.** Neon signage may include letters graphics and symbols displaying the name of the on-premise business. ~~may possibly include a description of use in conjunction with the name (e. g. Dolly's Bookstore).~~ Graphics and symbols may be permitted and should be historic or traditional in design.

(6) **Prohibited Neon Signs.** The following are prohibited in neon: open/closed Signs; vacancy/no vacancy Signs, product brand names, message/sales promotion. Neon may not flash, move, alternate, or show animation. The neon outlining of a building's architectural features is prohibited. In certain cases, open/closed directional Signs for drive-throughs, may be permitted to facilitate traffic circulation and control traffic congestion.

(7) **HDC or Planning Commission Review.** The Historic District Commission or Planning Commission shall review neon Signs at the option of the Planning Staff if or when there are questions about compliance with these requirements.

(J) **Changeable Copy Signs.** Changeable copy Signs may only be used in conjunction with gas station pricing Signs, theaters, entertainment and educational facilities and non-profit art galleries, or similar exhibit facilities or master address identification Signs in conjunction with a signage plan. Changeable Copy Signs shall be included in the calculation of the total maximum allowable square footage (see Chapter 4 Design Standards for these Size Requirements.) Please also refer to Section 12-5-1 (L) for Menu/Event Displays.

(K) **Directory Sign.** Directory Signs shall be permitted to provide information for multi-tenant projects. Multi-tenant projects, either commercial or residential, may have a maximum of ~~thirty-six (36)~~ twenty (20) square feet of signage 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 signage purposes if the project is joined by a common conditional use permit, zoning approval or management structure such as a condominium homeowners' association. The contents of such Signs shall be limited to the name of the multi-tenant structure, its street address, and the names and unit numbers of the tenants of the project. Signs shall be located in the common area of the project and oriented toward a central pedestrian path or common parking area. Directory Signs may not be oriented for off-site viewing. No telephone numbers, rental information, or sales information shall be permitted on the directory Sign.

(L) **Name plates for multi-family residences.** Individual name plates may be used in lieu of a directory Sign on multi-family projects. They may be located near the entrance of the unit to which the Sign applies and shall be limited to one (1) square foot in size. The content of name plates shall be limited to the name of the residence and the unit number or street address. Directory Signs may not be used in conjunction with individual name plates except that each unit may be identified by a unit number.

(M) **Menu/Event Display.** Displays for menus and events ~~Menus for restaurants~~ may be displayed on the inside of windows of a restaurant or inside a wall mounted or free-standing display box. This display may be used for changeable copy signage provided the signage remains inside the mounted display box or inside the window frame. Free-standing display boxes shall be designed and constructed to withstand wind and may be located only on private property. The maximum size shall be two square feet and shall be included in the calculation of total wall or window signage. If a display box is used, it must be constructed to coordinate with the building design, must contain a clear face which would protect the menu/event display from the weather and must not extend over public property.

(N) **Entrance/Exit Signs.** Two entrance/exit Signs are allowed at each approved driveway opening for commercial uses and multi-tenant dwellings provided that each Sign is not larger than three (3) square feet per side and no higher than five (5) feet above the ground at the top of the Sign.

(O) **Directional or Guide Signs.** Directional or guide Signs which give direction to recognized areas of regional importance and patronage (See definitions in Section 1) may be a maximum of sixteen (16) square feet and must be approved by the ~~Community Development~~ Director.

(P) **Public Necessity Sign.** Public necessity Signs such as "Bus Stop", "No Parking" and street name Signs may be a maximum of twelve (12) square feet and must be approved by the Public Works Director and the Community Development Director, if the Sign is to remain in place for more than five working days. These Signs shall contain no advertising of any kind. This shall not apply to Signs erected by the City, state highway department, franchised utilities, or their contractors.

(Q) **Special Purpose Signs.** Signs and banners promoting events sponsored by 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 two (2) ~~five~~(5) days following the conclusion of the event. Signs or banners located on or over public property easements or rights-of-way are subject to the requirements of this Code and require approval by the City Manager. (Requirements for the erection of banners over public property are found in Section 12-7-11) Special purpose Signs erected on private property shall be erected only after issuance of a permit from the Planning Department.

(R) **Temporary Signs.** Temporary Signs are permitted subject to the requirements found in Chapter 7.

(S) **Flags.** No more than three Flags 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 100 yards may be allowed an additional three Flags per additional 100 yards. Flag poles may not exceed the maximum height of the nearest building or 25 feet measured from natural or final grade, whichever yields the smaller pole. The maximum size of any one flag shall be 24 square feet. The staff or pole must be black, brown or bronze, containing internal halyards. Flags may be illuminated so that the light is fully shielded. Please see Section 12-4-6 for Illumination standards. 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 of maximum allowable square footage calculation, but are subject to the restrictions of this section.

(T) **Banners.** Banners as defined in Chapter 1 of this Title are prohibited, except as provided in Sections 12-7-11 and 12.

CHAPTER 6 - LOCATION STANDARDS

12- 6- 1. LOCATION ON BUILDING. Signage shall be designed so that it is confined to the building surface below the finished floor of the second floor or twenty (20) feet above adjacent natural grade whichever is lower. For buildings with sign bands or significant architectural features, the Community Development Director may grant exceptions to the second floor level signage restriction. Signage above the finished floor elevation of the second floor shall be restricted to one sign per building face identifying the building name and address. Architectural details of a building often suggest a location, size, or shape for a Sign. Signage should compliment the architectural details of the building. Signs should help to establish a visual continuity with adjacent store fronts and relate directly to the store entrance. Signs must be oriented toward pedestrians or vehicles in close proximity; Signs oriented for distance viewing will not be permitted. Signs shall be designed and located on the building or on the premises in a manner that is compatible with the mass and scale of the building to which the Sign applies. Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the facade. Signs shall not obstruct views of nearby intersections and

driveways.

12-6-2. SETBACK REQUIREMENTS. Permanent 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 Zone, Signs may be set back ten (10) feet from the property line. With the exception of those in the Frontage Protection Zone, the Community Development Department Director may decrease the setback if it is determined that the public will be better served with a Sign located otherwise, due to site specific conditions such as steep terrain, integration of signage on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties. (See Section 12-7-2(b) for specific setback requirements for temporary Signs and Section 12-7-3(b) for setback requirements for temporary construction project Signs).

12-6-3. PROJECTION AND CLEARANCE. No Sign may project more than 36 (thirty-six) inches from the face of a building or pole. Projecting and hanging Signs must maintain at least 8 (eight) feet of clearance from ground level. Clearance for Signs projecting or hanging over landscaped areas may be reduced to 7 (seven) feet if the Sign is set back at least three (3) feet from any hard surface or pavement. Signs may not extend over the applicant's property line except those which are proposed to be placed over the Main Street sidewalk. Signs may extend over City property only after review by the City Engineer and with the written approval of the Community Development Director and ~~a certificate of insurance~~ an encroachment agreement acceptable to the City Attorney.

CHAPTER 7 - TEMPORARY SIGNAGE & PORTABLE YARD SIGNS

12-7-1. POLICY. It is the policy of the City as outlined in this Section to restrict the use of temporary signage. Temporary signage is 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 signage has 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 signage is permitted for those and similar purposes subject to the regulations of this Chapter.

12-7-2. 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, but which are not a part of a permanent land use on the property, and are not intended to be displayed for more than one year. Temporary Signs include Signs announcing properties for sale, lease or rent, and campaign Signs and other similar Signs ~~of a non-commercial nature~~. Temporary Signs are permitted subject to the following regulations on placement and location.

(A) **Size.** Temporary Signs (other than construction project entry Signs and subdivision development Signs dealt with in Sections 12-7-3 and 12-7-4) shall not exceed three (3) square feet of area on the exposed Sign face.

(B) **Location.** Temporary Signs are permitted in any zone, provided that they are located a minimum of twenty (20) feet 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 (20) foot distance would be within a structure, the Sign may be within three (3) feet 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(i) and 12-8-1(m). On vacant lots, where there is no structure, the Sign shall be approximately centered on the lot, and shall maintain the twenty (20) foot setback from the street.

(C) **Height.** No portion of the Sign shall extend more than ~~six (6)~~ five (5) feet above natural grade or finished grade (whichever yields the lower Sign) ~~the existing ground level (without snow) at the location of the sign.~~ Mounting devices may extend above the Sign by not more than six (6) inches.

(D) **Number.** Only one temporary Sign is permitted on any one parcel of property, except that for sixty (60) days preceding a general or special election, up to three (3) election-related temporary Signs may be placed on any one parcel of property, all of which must comply with the size, color, and placement standards of this Code.

(E) **Sign Content.** The name of the business, nature of the goods or services offered, and street address may be contained in the Sign. It is the City's intent to facilitate traffic flow and avoid traffic hazards caused by confusing or cluttered signage. Because tourists, who may be looking for a specific business often depend on Sign text that assimilates business names as listed in telephone directories or other promotional advertisements, statements of prices for specific items, listing of items beyond a general category of merchandise, or similar information directed at the merchandise sold or service provided, rather than the identification of the business are prohibited. The use of logotypes or other symbols is appropriate in addition to the name of the business. Applications for Signs which contain misleading content or false information shall be denied.

12- 7- 3. TEMPORARY SIGNAGE FOR CONSTRUCTION PROJECTS. Because of the unique need to identify construction projects clearly for material suppliers, deliveries, and construction workers, ~~and to allow for initial marketing,~~ temporary construction project entry Signs are permitted subject to the following regulations:

(A) **Size.** Projects containing four (4) or more dwelling units, or four thousand (4,000) square feet or more of commercial floor area are allowed one project Sign on the property in conjunction with a project under development or construction. Three (3) square feet of signage area is allowed for each residential unit, and two (2) square feet of signage allowed for each one thousand (1,000) square feet of commercial floor area, provided that in no event may the Sign exceed ~~thirty-two (32)~~ twenty four (24) square feet in area.

(B) **Location.** Temporary signage on construction sites may not be closer than twenty (20) feet 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 (20) foot setback places the Sign within the construction limits of disturbance, the Sign may be placed closer to the street, but not more than ten (10) feet outside of the construction

limits of the disturbance. In the HCB Zone, and the Prospector Commercial Subdivision, and other areas which have been approved or zoned with no setback or sideyard 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.

(C) **Height.** Construction project Signs may not exceed ~~ten (10)~~ eight (8) feet 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.

(D) **Clear window maintained.** Construction project Signs must be located in a manner that does not obstruct the view of adjoining streets from the driveway of the site to the adjoining street, for normal passenger vehicles.

(E) **Time limit.** Temporary construction project Signs ~~are to be~~ may not be installed ~~upon~~ prior to granting of conditional use permits by the City for the project the Sign pertains to and ~~or upon~~ prior to the issuance of footing and foundation permits on permitted uses which do not require conditional use approval. On conditional uses, if the footing and foundation permits have not been taken out within six (6) months of the erection of the Sign, the Sign must be removed until permits are issued. Temporary project Signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a subsequent phase is commenced during that time, the Sign may remain so long as construction continues on the project's initial construction. If a permanent Sign is constructed on the site, all temporary signage must be removed. When a project is owned by one party and units are being marketed, but the time limit is beyond the 30 days after a certificate of occupancy is issued, the Community Development Director may authorize the temporary placement of a Sign which is subject to the limitations of this section, except that it may be displayed for a period of 90 days. This Sign would be in lieu of standard real estate Signs.

12-7-4. SUBDIVISION DEVELOPMENT TEMPORARY SIGN. These Signs function as initial marketing tools for new subdivisions and are permitted with the following regulations:

(A) **Size, Height and Density.** Signs shall be no more than twenty four (24) square feet in area and no more than eight (8) feet in height measured from natural grade. Two Signs are permitted per site.

(B) **Location.** Temporary signage on construction sites may not be closer than twenty (20) feet 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 (20) foot setback places the Sign within the construction limits of disturbance, the Sign may be placed closer to the street, but not more than ten (10) feet outside of the construction limits of the disturbance. In the HCB Zone, and the Prospector Commercial Subdivision, and other areas which have been approved or zoned with no setback or sideyard 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.

(C) **Clear Window Maintained.** Signs must be located in a manner that does not obstruct the view of adjoining streets from the driveway of the site to the adjoining street, for normal passenger vehicles.

(D) **Time Limit.** Subdivision development temporary Signs may not be installed until a Sign permit is approved by the Community Development Department and issued by the Building Department. The Sign may then be displayed no more than one year from the date of issuance.

(E) **Illumination.** Illumination is prohibited.

(F) **Sign Content.** The name of the business or project, nature of the development, and street address may be contained in the Sign. Applications for Signs which contain misleading content or false information shall be denied.

12- 7-5. PORTABLE YARD SIGNS. Portable yard Signs are Signs intended to be displayed for less than twenty-four (24) hours at a time for the purpose of announcing a garage sale, yard sale, open house, or similar event on a property, and public necessity signs which serve as **directional** guides for special events, festivals and parking. Portable yard Signs may be located in any zone subject to the following regulations:

(A) **Number.** No more than two (2) yard Signs are permitted, one of which must be on the property to which the Sign pertains, and the other placed off-site for directional purposes. If the property is located on a cul-de-sac or dead end street, one additional off-site Sign may be placed off-site for directional purposes. Municipal, public safety and municipal directional Signs are exempt from this requirement.

(B) **Location.** Yard Signs may be located anywhere on the property to which the Sign pertains. Off-site yard Signs may be located within the public right-of-way, but not within the paved area of any street, and not on any sidewalk. Off-site yard Signs must be weighted with sand bags or otherwise supported to withstand the forces of the wind. Yard Signs may not be attached to street Sign posts, light posts, public utility poles, or any other facility within the public right-of-way. Signs so placed are deemed refuse, and will be removed by the City.

(C) **Size.** Yard Signs shall not exceed three (3) square feet in area on any Sign face, but may be double-sided, ~~awning~~ or A-frame type construction, for a total Sign area of six (6) square feet.

(D) **Time limit.** Yard Signs shall be displayed only immediately prior to and during the yard sale, garage sale, or open house actually in progress, and shall be removed at sundown if located within public rights-of-way to avoid creating a trip 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" misdemeanor for littering.

12-7-6. MOUNTING DEVICES. Temporary and yard Signs, excluding construction project entry 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 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 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.

12-7-7. LIGHTING PROHIBITED. No temporary Sign, yard Sign, or construction project entry Sign may be illuminated in any manner.

12-7-8. COLOR AND MATERIALS. Temporary Signs, yard Signs, and construction project Signs are subject to the Design Standards of Chapter 4

12-7-9. MAINTENANCE. Temporary Signs shall be maintained as provided in Chapter 11 of this Code, and it shall be a violation of this Title to permit a temporary Sign, yard Sign or construction project entry Sign to fall into disrepair.

12-7-10. EXCEPTIONS. Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that makes the Sign placement standards of this Chapter impractical because the Sign is not visible from the street, the Community Development Director, or some member of that department so authorized, may grant an exception of the Sign setback standards, but not the size or street orientation standards. In no event may temporary Signs subject to the setback requirements be placed within the public right-of-way.

12-7-11. EXISTING TEMPORARY SIGNS. ~~Existing temporary Signs, and construction project entry Signs not brought into full conformance with this Code on or before October 1, 1984 or thereafter are in violation of Title. All Signs erected after the effective date of this Title shall be erected in full compliance, or are otherwise unlawful.~~

12-7-11. BANNERS OVER PUBLIC PROPERTY.

(A) Administration. The City Manager is authorized to administer the placement of banners over public property.

(B) Approval. Approval of all applications to display banners over public property shall be given by the City Manager only if all conditions in this section are met.

(C) Terms and conditions. In order to receive approval to display a Sign or banner over public

property, the applicant shall meet the following terms and conditions:

(1) The banner or Sign shall only inform the community of an upcoming community event. A banner may be approved by meeting at least two of the following criteria:

(a) the event is open to the public to view and/or participate;

(b) the event supports the resort nature of Park City;

(c) the event is governmental; or

(d) the event has an approved Master Festival License.

(2) The banner may only be displayed immediately prior to and during a community event which it advertises, and in no case shall the banner be displayed for less than five (5) days, more than ten (10) days, or more than two (2) weekends.

(3) Banners shall only be displayed at site(s) approved by the City Manager.

(4) Reservation of dates for a banner site may be made up to three (3) months prior to the date of display. Site(s) are generally reserved on a first-come, first-served basis; however, preference may be given for recurring annual events, historically or traditionally tied to a specific date, holiday or season. Additionally, a request to advertise the reoccurrence of the same event or same type of event within any one calendar year (IE., plays or class registrations) may be honored if no request for the banner site for an un-repeated scheduling is received.

(5) All banners over public property shall be hung by City personnel, and must meet the following specifications:

(a) Maximum banner size over public property (Park Avenue location) shall not exceed four (4) feet by thirty (30) feet and the minimum size shall not be less than three and one-half (3.5) feet by twenty-four (24) feet. Banners not over the Park Avenue location shall not exceed the above-mentioned maximum size, and must be approved by the Planning Director.

(b) Day-glo, or fluorescent colors shall not be allowed.

(c) Banners shall be constructed of durable canvas or similar type weather resistant fabric.

(d) Banners must be slit to reduce wind resistance.

(e) Banners must be reinforced with rope within a casing at the bottom and the top of both banner edges.

(f) Each corner of the banner must have a grommet and a lead of 1/4" rope from each corner, no less than four (4) feet long.

(g) Banners must have a minimum of seven (7) grommets (including the two corner grommets) across the top edge, which allows the banner to be attached to a cable.

(h) An additional one hundred and fifty (150) feet of 1/4" rope is required to hang each banner, and shall be provided to the Public Works Department by the applicant or sponsor of the banner.

(6) The primary purpose of banners which extend over public property shall be to advertise and inform of upcoming community events. No more than twenty-five per cent (25%) of each side of the banner space shall be used for the name or logo of a commercial sponsor.

(7) Prices or fees charged for the event shall not be displayed.

(8) Banners shall be hung or displayed in a manner that does not interfere with or impede traffic or interfere with or obscure traffic Signs or control devices.

(9) The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City.

(10) If the banner is not picked up from the Public Works Department by the applicant or sponsor within ten (10) days after it has been taken down, the banner shall become the property of the City and will be disposed of.

(11) Banners should be received by the Public Works Department one week prior to the date of scheduled display.

(12) The City is not responsible for any damage that may occur to the banner from any cause.

(D) **Fee.** A fee shall be payable to the City when the banner is dropped off at the Public Works Department before its reservation commences to cover manpower costs associated with installation and removal of the banner. Said fee shall be set by resolution.

12- 7-12. BANNERS ON CITY LIGHT STANDARDS.

(A) **Administration.** The City Planning Department is authorized to administer the placement of banners on City light standards.

(B) **Approval.** Approval of all applications to displays banners on City light standards shall be given by the Planning Department only if all conditions in this section are met.

(C) Terms and Conditions. Banners displayed in the Park City Main Street or Empire Avenue area shall be either: (a) those sponsored by, designed for and commissioned by, fabricated for, and installed by the direction of the Planning Department and Parks staff, or (b) those sponsored by outside entities (Sponsors) that meet the following terms and conditions.

- (1) The eligible sponsor must be a non-commercial, non-profit entity whose primary purpose is the offering of cultural, educational, or entertainment enrichment to the community.
- (2) The design of banners must be presented to the Planning Department, or a designated committee thereof, for review and approval. Artwork should be of sufficient size and show actual colors and banner material in sufficient detail to adequately represent the proposed final product. Design specifications are shown below.
- (3) The cost of the design and fabrication of the banners is to be borne by the Sponsor. Fabrication of the banners must meet the minimum standards adopted by the Park Staff, or a designated committee of Park City Municipal Corporation. Cost of installation and dismantling will be borne by the organization sponsoring the banners.
- (4) Applications shall be presented to the Planning Department in sufficient time to allow the determination of eligibility of the Sponsor, design review, fabrication of the banners and verification of the scheduling of their period of display.
- (5) Sponsors 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 Sponsor's banner. Park City acknowledges that a Sponsor's interest and ability to participate may be contingent upon a minimum period which would warrant the expense of the fabrication of the banners. The display period will be based on a first-come basis.
- (6) All banners on City light standards shall be hung by City personnel and must meet the following specifications.
 - (a) Fabrication and colors are to be within color guidelines of the Planning Department and Historic District.
 - (b) The dates for the banners to be installed and dismantled will be arranged by the Sponsor and the Parks staff.
 - (c) Size of the Main street banners are 29" X 72"; or as otherwise approved by the Parks staff.
 - (d) The number of banners to be hung for winter and summer is 55. Five additional banners must be submitted for replacement.

- (e) The design must be on both sides, or as otherwise approved by the Parks Department.
- (f) One and one half inch (1 ½") brass grommets should be installed on both bottom corners. A three and one half to four inch (3 ½" to 4") by 29 inch wide sleeve at the top of the banner is required to hang the banners on brackets.
- (g) Banners must be sewn for mounting on existing brackets. A sample will be provided by the Parks Department. Sponsors are required to contact the Parks Department for review of their proposal for compliance with the actual specifications.
- (h) Fabric must be of a durable material to withstand snow and heavy winds.
- (i) Sponsors will pay for artwork, banner production, installation and dismantling of banners.
- (j) Artwork should be approved at least two months prior to hanging date. A written permit will be issued by the Planning and Parks staff.
- (k) The owner of a banner shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banner by the City.
- (l) If the banner is not picked up from the Parks Department by the applicant or sponsor within ten days after it has been taken down, the banner shall become the property of the City and will be disposed of.
- (m) Banners should be received by the Parks Department one week prior to the date of scheduled display.
- (n) The City is not responsible for any damage that may occur to the banner from any cause.

(D) **Fee.** A fee shall be payable to the city when the application is dropped off at the Parks Department before its reservation commences to cover costs associated with installation and removal of the banners. This fee shall be established by the Fee Resolution and checks shall be made payable to the Park City Leisure Services department and submitted with the application.

CHAPTER 8 - CRITERIA FOR NON-REGULATED SIGNS

12- 8- 1. SIGNS EXEMPT FROM PERMIT REQUIREMENT. The following Signs are not subject to a permit requirement if the following standards are met. They shall be regulated by the following size and placement standards and 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) **Nameplates (residential)**. One nameplate Sign for each single family residence, which shall not exceed one square foot in area. If lighted, a building permit is required.

(B) **Vacancy Signs**. Vacancy Signs are allowed only for those buildings which are permitted and licensed for nightly rentals within the HCB, HRC, GC and RC zones. Vacancy Signs may be a maximum of two (2) square feet. If illuminated, approval from the Community Development Department and a building permit is required. Neon is prohibited.

(C) **Solicitation Signs**. One "no solicitors" Sign, not to exceed one square foot, is allowed per major entrance to any building or apartment complex.

(D) **Hours of operation Sign**. One "hours of operation" Sign is allowed per entryway. Each Sign may not exceed one square foot in area. The Sign may not be illuminated.

(E) **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 in area, and may not be illuminated.

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

(G) **Interior Signs**. Non-illuminated Signs which are on the interior of buildings set back at least five (5) feet ~~set back at least two (2) feet~~ from any window are not regulated at all. Illuminated interior Signs setback at least ten feet are not regulated for design but a building permit is required.

(H) **Flags, symbols, or insignias**. The flag of the United States, the state of Utah flag, other flags or insignias of governmental entities or agencies and decorative flags may be displayed, and not counted as signage. However, these types of flags are subject to the same standards as found in Section 12-5-1(S).

(I) **Special sale Signs**. Merchants may advertise special sales with temporary paper Signs on the inside of windows provided that all window signage does not cover more than ~~fifty percent (50%)~~ thirty percent (30%) of the window area. Special sale Signs may be displayed two (2) weeks at a time, five (5) times a year. Please see Section 12-7-2 for Temporary Signs.

(J) **Private plazas**. Signs on privately owned walls or plazas that are so located as to be oriented to the plaza and not to public streets are not regulated, except that building permits may be required for mounting and wiring.

(K) **Private recreational facilities**. Signs located inside open air recreational facilities which are not oriented to public streets, e. g. directional Signs in ski resorts and golf courses are not regulated.

(L) **Public necessity Signs.** Public necessity Signs such as bus stop, no parking and street name Signs installed by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director and Community Development Director is required in order to insure safe placement and prevent unsightly or distracting Sign placement.

(M) **Special events fliers.** Fliers or posters advertising special events may be displayed on the inside of windows of businesses, provided all window signage does not exceed 30% of window area and the owner of the business approves of the placement. Such posters may be displayed for up to one week prior to an event, and must be removed within 48 hours after the event. Posters or fliers may not be tacked up to the exterior of any building or to telephone/utility poles or distributed by placement on parked automobiles or on door steps, etc.

CHAPTER 9 - PROHIBITED SIGNS AND SIGNAGE ILLUMINATION

12-9-1. PROHIBITED SIGNS. No person shall erect, alter, maintain, or relocate any Sign as specified in this Chapter in any zone:

(A) **Signs creating traffic hazards.** No Sign shall be erected at or near any public street or the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic Sign.

(B) **Hazardous Signs.** No Sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety and welfare of any person or property.

(C) **Signs resembling traffic or signal Signs.** No Sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic Sign or signal except those Signs officially authorized by Park City or other governmental entities.

(D) **A-frame Signs.** Any portable Sign or structure composed of two (2) Sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.

(E) **Flashing Signs or lights.** Any Sign which contains an intermittent or flashing light source, or which 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) **Electronic message Signs.** A permanent free-standing roof, wall, or other Sign which changes copy electronically using switches and electric lamps. Automatic changing Signs, such as public service announcements, time, temperature and date signage are prohibited. Municipal, public safety and municipal directional Signs are exempt.

(G) **Off-premise Signs and billboards.** A permanent outdoor advertising Sign which advertises goods, products, or services not sold on the premises on which the Sign is located.

- (H) **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.
- (I) **Animated Signs.** A rotating or revolving Sign, or Signs where all or a portion of the Signs moves in some manner.
- (J) **Wind Signs.** Any propeller, whirling, or similar device which is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include "gasoline flags", or banners.
- (K) **Bench Signs.** Any outdoor bench or furniture with commercial signage.
- (L) **Mobile or portable Signs.** A Sign not permanently attached to the ground or building, except for public necessity Signs and temporary Signs as allowed by this Code.
- (M) **Vehicle Signs.** Roof or antenna mounted Signs on automobiles, except for student driver Signs. Vehicle Signs may be allowed on the sides of vehicles but they may not be illuminated nor may the vehicle be parked in the public right-of-way or municipal owned property adjacent to the business advertised on said vehicle.
- (N) **Home occupation Signs.** Business identification Sign for a home occupation.
- (O) **Video Signs.** Animated visual messages which are projected on a screen.
- (P) **Illuminated awnings.** Illuminated (back-lit), Translucent, awnings are not considered appropriate in Park City and are prohibited.
- (Q) **Inflatable Signs or displays.** Any inflatable object used for signage or promotional purposes.
- (R) **Outdoor displays.** Outdoor display of merchandise is considered as advertisement and is prohibited except as allowed under Title 4, Chapter 3, and/or Chapter 8.
- (S) **Abandoned Signs.** Any Sign applicable to a use which has been discontinued for period of three (3) months.
- (T) **Banners.** All banners except those approved under Sections 12-7-11 and 12-7-12 of this Title.
- (U) **Umbrellas.** Any product advertisement other than the name of the on-premise business. See Section 12-5-1 (G) for permitted umbrella regulations.
- (V) **Residential Free-standing and Monument Signs.** Any Sign which serves to identify the name of a subdivision or residential project. Please refer to Section 12-7-4 for regulations on Subdivision Development Temporary Signage.

CHAPTER 10 - REMOVAL OF ILLEGAL AND UNSAFE SIGNS

12-10- 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, unmaintained, 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 five (5) 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 a imminent hazard to the public safety.

12-10- 2. ABATEMENT AND REMOVAL OF ILLEGAL SIGNS VIOLATIONS OF SIGN CODE

Any person who hangs, posts, or installs a Sign which requires a permit under this Code, and who fails to obtain a permit before installing the Sign, shall be guilty of a Class C misdemeanor and be fined accordingly.

12-10- 3. REMOVAL OF NON-CONFORMING SIGNS. All Signs, except billboards, (see below), which are not in conformance with this Title shall be removed by the owner or user of the Sign within two (2) years from the date on which the Department gives notice to the owner that the Sign is non-conforming, unless another date is agreed to pursuant to subsection (B) below. In any event, the non-conforming Sign shall not be transferred to a new tenant or occupant of the premises on which the Sign is erected, but shall be removed at the termination of the tenancy to which it applies.

(A) **Notice.** Notice of the non-conforming status of Signs shall be given by the Department in writing. The notification shall state the location of the Sign, and the modifications needed to bring it into conformance, or that the Sign must be removed entirely if it cannot be made to conform. Notices may be sent by regular United States mail and notice is deemed complete upon mailing. Notices may be sent by certified or registered mail, but that is not required.

(B) **Amortization period.** Upon receipt of notice, the owner of any non-conforming Sign may enter into an agreement with the City to bring the Sign into compliance, or to remove the Sign, after a reasonable period of amortization which shall not, in any event, exceed five (5) years. In the absence of such an agreement, the owner of the Sign is deemed to have consented to the two year amortization period. Signs which have been in place for more than three (3) years prior to the adoption of this Code, and were non-conforming under the previous ordinance, shall not be eligible for an amortization period of more than two (2) years. Signs which have been in place for less than three (3) years prior to the effective date of this Code will be given a two (2) year amortization period, unless the owner can establish a necessity for a longer period, such as a lease agreement on the Sign itself, recent improvements of substantial cost, or similar investment or commitment that makes an amortization period of longer than two (2) years necessary to avoid an economic loss. In no event will the amortization period exceed five (5) years from the date of notice that a Sign is non-conforming.

12-10-4 NON-CONFORMING BILLBOARDS. A non-conforming billboard may be

terminated by acquiring the billboard and associated property rights through:

- (i) gift;
- (ii) purchase;
- (iii) agreement;
- (iv) exchange; or
- (v) eminent domain.

A legislative body may also remove a billboard without providing compensation if, after providing the owner with reasonable notice of 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 an unreasonable state of repair; or
- (D) the billboard has been abandoned for at least 12 months.

12-10- 5. REPAIR OF DAMAGED NON-CONFORMING SIGNS. No Sign which 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.

12-10- 6. ALTERATION OF NON-CONFORMING SIGNS. Non-conforming Signs may be maintained and repaired in accordance with Section 12-12-1 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 which change the size, use, content, color, lighting, or appearance of a non-conforming Sign are subject to design review and approval by the Community Development Department. To be considered, substantial modifications must be proposed which bring the sign closer to full compliance with the standards of this Code. ~~but In no case shall a non-conforming Sign be conveyed to a new tenant, and the amortization period of the Sign shall not be extended. Alterations of a substantial nature which bring the sign closer to full compliance with size, location, or height standards may be made, and if those modifications are substantial, the Director may start a new five (5) year amortization period from the date of the substantial modification. To be considered substantial, the modification must have brought the sign into conformance with the lighting, color, and materials standards in addition to making a major modification to height, size, or location.~~

12-10- 7. REMOVAL OF SIGNS BY THE BUILDING OFFICIAL AND COST ACCESSED 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 ~~Ordinance No. 85-9~~ the Municipal Code of Park City Section 6-1-5, as amended.

CHAPTER 11 - MAINTENANCE

12-11-1. RESPONSIBILITY OF OWNER. It is the affirmative obligation of the owner of every Sign erected in Park City to maintain that Sign and to keep it in a good state of repair at all times. Upon discovery of a Sign in need of maintenance, the Community Development Department shall give written notice to the owner of the Sign or the owner of the property on which the Sign is located if the owner of the Sign itself cannot be determined. This notice shall state the item or items requiring repair or maintenance. The owner shall have fourteen (14) days in which to repair the Sign before a citation is issued. If the owner has failed to make repairs within that time, the Community Development Department shall cause a citation to be issued. It shall be unlawful, after the fourteen (14) days notice has expired, for any person to display a Sign in any of the following conditions:

- (A) Lettering or other elements of the Sign have become detached and have fallen off the Sign or become misaligned;
- (B) Painted surfaces on the Sign have begun to peel, flake over a substantial portion of the Sign, or have faded or oxidized to an extent that the Sign no longer displays the colors approved by the Department as shown on the application for a Sign permit;
- (C) The information on the Sign has become obsolete or abandoned due to changed use or occupancy of the property.

CHAPTER 12 -~~INSPECTION OF SIGNS~~ BUILDING DEPARTMENT REVIEW & APPROVAL OF SIGNS

12-12- 1. INSPECTION BY BUILDING DEPARTMENT. The Building Department shall inspect, as it deems necessary, Sign applications regulated by this Code to ascertain whether the Signs have been adequately installed and adequately maintained to minimize risks to the public.

12-12- 2. CERTAIN SIGNS TO BE APPROVED BY ELECTRICAL INSPECTOR. The application for a permit for erection of a Sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the ~~electrical inspector~~ Building Department. The ~~electrical inspector~~ 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 13 - VIOLATION OF TITLE

12-13- 1. PENALTY. Violation of this Title is a Class "C" misdemeanor.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED this ____ day of _____, 1996

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



DATE: April 18, 1996
DEPARTMENT: Public Works
AUTHOR: John Lind, Assistant Public Works Director
TITLE: 1996 Pavement Management Program
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Accept 1996 Pavement Management bids and authorize staff to enter into agreements with Staker Paving for asphalt overlays and bike paths (\$277,816), Intermountain Slurry Seal for slurry seals (\$39,850), and Rivas Construction for utility adjustments (\$49,550).

DESCRIPTION:

A. Topic. 1996 Pavement Management Program

B. Background. Pavement Management is a program that maximizes pavement benefits and minimizes pavement costs by identifying the time frame for carrying out appropriate maintenance or rehabilitation. The benefit of this practice is to extend pavement life and reduce the overall life cycle cost. Pavements typically deteriorate in a non-linear fashion. Twenty-five percent of the deterioration occurs during the first seventy-five percent of pavement life. The more cost-effective maintenance should occur when the pavement is still in fair condition. Pavement repairs can be done inexpensively using sealing and overlay techniques. Proper pavement management should minimize the need for costly pavement reconstruction.

In 1993, Park City completed its third pavement management review. The review consisted of visually inspecting the surface of every city street, testing pavement and subgrade deflection, analyzing the data, and ranking streets and developing implementation plans based on different funding levels.

There are over 3000 feet of pathway construction programed for the golf course. The long-term effort is to provide a hard-surface pathway along the entire length of the course. The 1996

summer project is an extension of this program.

The City entered into a contract with UDOT for the demolition and removal of buildings on the City's farm property. The project included constructing the bike path on the east side of the pedestrian underpass. Completion of the path will conclude Park City's obligation and allow the release of the final UDOT payment of approximately \$63,000.

The Silver Meadows project included a bike path/walkway along and through the property. The 875 linear-foot section between the project and Comstock is the City's responsibility. This section will be added to Staker's contract as a change order to be completed prior to the start of the 1996-97 school year.

Utility adjustments are a necessary part of an overlay project. The adjustments will lower and then raise manhole lids, water valves and survey monuments. This type of activity has traditionally been included in the overlay contract. The general contractor has added his overhead cost to the subcontractor's bid, allowing the City to coordinate the overall effort.

C. Analysis. The Pavement Management Program for summer 1996 identifies the following streets for overlays and slurry seals.

OVERLAYS

- Three Kings Dr. from Silver King to Thaynes Canyon Dr. and from Thaynes Canyon Dr. to Payday Dr.
- Thaynes Canyon Dr. from Hwy. 224 to Three Kings intersection
- Iron Mountain Dr. to end of cul-de-sac from Iron Canyon Dr.
- From Meadows Dr. on Sunny Slopes 575' to new asphalt on Sunny Slopes
- From Meadows Dr. on Silver Cloud Dr. 745' to new asphalt on Silver Cloud Dr.
- Holiday Ranch Loop Rd. from Little Kate Rd. To Lucky John Dr.
- Woodbine Way from Munchkin intersection to Kearns
- Poison Creek Dr. from Sidewinder to Prospector Dr.
- Little Bessie from Doc Holiday to Monarch Rd.
- Ina Ave. From Comstock to Monarch Rd.
- Wyatt Earp Way from Kearns south to old railroad track area
- Sidewinder from Wyatt Earp Way to Buffalo Bill Dr.
- Telemark Dr. from Solamere Dr. intersection
- Swede Alley from Heber Ave. 100' uphill from intersection south to Main and Swede intersection
- Short Line Dr. from Iron Horse intersection to Deer Valley Loop intersection

TYPE III SLURRY SEALS

- Solamere Dr. from Deer Valley Dr. to Telemark Dr.
- Solamere Dr. from Telemark Dr. to Sun Ridge Court
- Evening Star Dr. from Little Kate to Meadows Dr.
- Sullivan Lane from Deer Valley Dr. to south end of City Park
- Creek Dr. from entry intersection to end of cul-de-sac
- Prospector Dr. from intersection to intersection
- Morning Star Dr. from Thaynes Canyon Dr. to west end of cul-de-sac
- Crescent Rd. From Three Kings Dr. to end
- McHenry St. from Rossi Hill Dr. to end

The street overlays total 8,448 tons of asphalt. Type III slurry seals total 51,865 square yards. The golf cart (875 linear feet) and bike paths (180 linear feet) total 1,055 tons of asphalt. Bids are firm for 45 days from the the bid opening date.

There were four bids received for street overlays:

1. Staker Paving in the amount of \$248,316.00
2. Miller Paving in the amount of \$278,769.60.
3. Gibbons and Reed in the amount of \$282,341.10
4. Geneva Rock in the amount of \$366,291.20

The estimated project cost was \$267,815.00 for grinding and asphalt.

There were two bids received for Type III slurry:

1. Intermountain Slurry Seal in the amount of \$39,832.32.
2. California Pavement Maintenance Company in the amount of \$50,309.05.

The estimated project cost was \$44,085.00.

Rivas Construction provided the only bid of \$57,200.00 for utility adjustments. Our cost estimate was \$49,550.00. Rivas has agreed to reduce its bid price to \$49,550.00 and to perform the work for 1995 bid prices.

There were four bids received for 875 linear feet of bike path construction, Bid Schedule "C":

1. Gibbons and Reed in the amount of \$14,198.50.
2. Staker Paving in the amount of \$14,633.97.
3. Miller Paving in the amount of \$18,925.50.
4. Geneva Rock in the amount of \$25,116.70.

The estimated project cost was \$18,200.00 with the specialized weed barrier being supplied by the City. The additional 875 linear feet for the Silver Meadows portion are estimated to cost \$14,600.00, increasing the contract amount for Bid Schedule "C" by that amount.

D. Department Review. Bids were reviewed and analyzed by the Public Works Department. Finance has verified that funding is available for pavement management and utility adjustments

(31-44018), as well as golf cart paths (31-34661-490) and bike paths (31-42078).

ALTERNATIVES:

A. Approve awarding of the contract to the lowest bidders. Staker Paving (overlays), Intermountain Slurry (seals), Gibbons & Reed (cart paths), and Rivas Construction (utility adjustments).

B. Approve an award of the contract to the combined low bidder. Staker Paving (asphalt overlays and cart paths), Intermountain Slurry (seals) and Rivas Construction (utility adjustments).

C. Reject all bids.

SIGNIFICANT IMPACTS: The pavement management plan is designed to maintain and improve Park City pavement quality. Approval of less than the recommended program will cause a decline of pavement quality.

G & R's bid for cart paths was contingent upon receiving the contract for overlays. Schedule C "Golf Course Cart Path and Bike Path" was added as an addendum to the original bid package. Staker Paving's bid for Schedule A & C is the lowest.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Failure to maintain an adequate pavement management program will increase maintenance dollars in subsequent years and lower overall pavement quality.

RECOMMENDATION: Alternative B: Accept bids and authorize staff to enter into agreements with:

1. **Staker Paving in the amount of \$248,316 for asphalt overlays and \$29,500 for cart and bike path construction.** Although their bid for cart and bike path construction is slightly higher than G & R's bid, their combined bid for overlay and paths is the lowest.
2. **Intermountain Slurry Seal in the amount of \$39,860 for Type III slurry seals.**
3. **Rivas Construction in the amount of \$49,550 for utility adjustments.**



DATE: April 18, 1996
DEPARTMENT: City Manager's Office
AUTHOR: Jan Scott
TITLE: Amendment to Resolution Setting Forth Meeting Date, Time and Location for Meetings of the City Council
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Amend the resolution to better describe the purpose of work and regular sessions, describing them as open sessions, and deleting language that no formal action may be taken by Council during work session.

DESCRIPTION: As a result of the January retreat, Council directed staff to schedule regular City Council meetings the first and third weeks of the month and work sessions alternating weeks, as consistently as possible. This approach has worked fine, except on a few occasions when no regular City Council meeting was scheduled or advertised, and Council desired to make a formal motion. The most recent circumstance was the difficulty in providing Council the opportunity to make a motion to call up the Town Run approval. Again, there was no regularly scheduled meeting and there were time constraints on taking that action. This amendment provides Council more flexibility to comply with its meeting schedule while conducting the City's business.

The Legal Department has reviewed the resolution and supports the amendment.

ALTERNATIVES: Staff's recommendation is to approve the amendment. Council may determine not to approve the drafted resolution, to continue the item, or do nothing.

SIGNIFICANT IMPACTS: None.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The current meeting resolution conflicts with occasional practices. Council may continue to have conflicts or experience time restraints if it doesn't adopt a resolution with more flexibility.

RECOMMENDATION: Adopt the resolution as drafted.

**A RESOLUTION ESTABLISHING A REGULAR MEETING DATE,
TIME, AND LOCATION FOR MEETINGS OF THE
CITY COUNCIL OF PARK CITY, UTAH FOR 1996
AND REPEALING RESOLUTION NO. 1-96**

BE IT RESOLVED by the City Council of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Park City Council shall be held ~~every~~ on Thursdays at 6 p.m. at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah. Regular meetings are open meetings, where agenda items are scheduled for public hearing and/or action. The time may change if it is felt appropriate to schedule issues of general interest at a time that may better accommodate the public. Meetings may be canceled ~~except~~ when there is no pending business, no quorum, or the regular meeting date falls on a holiday.

The schedule for City Council meetings in 1996 are as follows:

January 11, 18, 25	July 11, 18, 25
February 1, 8, 15, 22, 29	August 1, 8, 15, 22, 29
March 7, 14, 21, 28	September 5, 12, 19, 26
April 4, 11, 18, 25	October 3, 10, 17, 24, 31
May 2, 9, 16, 23, 30	November 7, 14, 21
June 6, 13, 20, 27	December 5, 12, 19

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, indicating the specific date, time, and location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. ~~Work sessions may be held by the Council as specified on the agenda. No formal action shall be taken by the City Council during work sessions.~~ Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the City's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND ADOPTED this 18th day of April, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



DATE: April 18, 1996
DEPARTMENT: City Manager's Office
AUTHOR: Jan Scott
TITLE: Amendment to Municipal Code - Ceasing the collection of school facilities impact fees
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Amend Title 11, Chapter 13, Impact Fees, of the Municipal Code to reflect the elimination of the collection of school facilities impact fees.

DESCRIPTION: This is a house-keeping matter. On March 28, 1996, Council adopted a joint resolution of its intent to cease the collection of these fees. See recitals in ordinance for history and description.

The Legal Department has reviewed and recommends approval.

ALTERNATIVES: Staff recommends approval of the ordinance so that the Municipal Code is consistent with the Council's recent action with regard to the collection of school facilities impact fees. The Council could deny the amendment, continue it, or do nothing.

SIGNIFICANT IMPACTS: None.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: It is confusing to the public to have conflicting or outdated provisions in the Municipal Code. The Code should clearly reflect the practices of the City.

RECOMMENDATION: See summary recommendation.

Ordinance No. 96-

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 13,
BUILDINGS AND BUILDING REGULATIONS - IMPACT FEES
OF THE MUNICIPAL CODE OF PARK CITY, UTAH
TO CEASE THE COLLECTION OF SCHOOL IMPACT FEES**

WHEREAS, in June 1995, Park City, Park City School District, and Summit County entered into an interlocal agreement, and the City and County enacted legislation authorizing the collection of school facilities impact fees for new residential development; and

WHEREAS, during the 1995-96 Utah Legislative session, law-makers established new standards for collecting impact fees and terminated local authority to collect school facilities impact fees without specific authorization from the Legislature; and

WHEREAS, May 1, 1996 is the deadline established by the Utah Legislature for local entities to eliminate fees which no longer fit the criteria established by the Legislature; and

WHEREAS, on March 28, 1996 the City Council adopted a joint resolution of Summit County, Park City, and the Park City School District to amend the interlocal agreement to cease the collection of school impact fees effective March 31, 1996 and to schedule public meetings regarding the disposition of school facilities impact fees;

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

SECTION 1. AMENDMENTS TO TITLE 11, CHAPTER 13 OF THE MUNICIPAL CODE OF PARK CITY, UTAH ADOPTED. Title 11, Chapter 13 of the Municipal Code is hereby amended to read as follows:

**TITLE 11 - BUILDING AND BUILDING
REGULATIONS**

CHAPTER 13 - IMPACT FEES.

11-13- 1. DEFINITIONS.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise:

(A) **BUILDING PERMIT** - the permit required for any Development Activity, as defined herein, and pursuant to Chapter 11-3 et seq. of the Municipal Code of Park City, Utah.

(B) **CONSTRUCTION VALUE** - the value of construction per square foot used by the Park City Building Department to determine plan check and Building Permit fees, multiplied by the area of Development Activity

(C) **DEPARTMENT** - the Community Development Department.

(D) **DEVELOPMENT ACTIVITY** - any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which is accompanied by a request for a Building Permit.

(E) **DIRECTOR** - the Director of Community Development or his/her designee.

~~(F) **DWELLING UNITS** - any Primary or Secondary Residential Unit, including, but not limited to single-family detached, duplex, condominium unit, town-house, apartment unit, multifamily unit or mobile home, but excluding hotels, motels, and time-shares, or other similar forms of periodic ownership.~~

~~(G)~~(F) **ENCUMBER** - to reserve, set aside or otherwise earmark, the Impact Fees in order to pay for commitments, contractual obligations or other liabilities incurred for Public Facilities.

~~(H)~~(G) **IMPACT FEE** - Any fee levied pursuant to this chapter as a condition of issuance of a Building Permit. "Impact Fee" does not include fees imposed under Title 11, Chapter 12 of the Municipal Code.

~~(H)~~(H) **INDEPENDENT FEE CALCULATION** - an impact fee calculation prepared by a fee payer to support assessment of an Impact fee different from any fee set forth herein.

~~(I)~~(I) **OWNER** - the owner of record of real property, or a person with an unrestricted written option to purchase property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the Owner of the real property.

~~(K)~~(J) **PARKS, TRAILS AND OPEN SPACE IMPACT FEE** - the impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of City-owned parks, trails and open space

~~(L) **PRIMARY DWELLING UNIT** - any Dwelling Unit used as a full-time residence and taxed as such pursuant to U.C.A. Chapter 59-2 et. seq.~~

~~(M)~~(K) **PROJECT IMPROVEMENT** - site improvements and facilities that are planned and designed to provide service for the Development Activity and are necessary for the use and convenience of the users of the development resulting from the Development Activity.

~~(N)~~(L) **PUBLIC FACILITY** - any structure built by or for, or maintained by, a governmental entity.

~~(O)~~(M) **PUBLIC SAFETY FACILITIES IMPACT FEE** - the impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, acquisition, engineering, financing and construction of public safety facilities.

~~(P)~~ **QUALIFIED SECONDARY DWELLING UNIT** - a Dwelling Unit that the Director determines is intended for use as a Secondary Dwelling Unit for a period of no less than one (1) year from certificate of occupancy. The Director shall determine whether a Dwelling Unit is a Qualified Secondary Dwelling Unit based on all of the facts and circumstances, including but not limited to the design and location of the Dwelling Unit and an Owner declaration, sworn under oath and penalty of perjury, that the Dwelling Unit is intended to be occupied as a Secondary Dwelling Unit for a period of no less than one (1) year.

~~(Q)~~ **SCHOOL FACILITIES IMPACT FEE** - the impact fee imposed as a condition precedent to a Dwelling Unit Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering and construction of improvements of Park City School District schools, associated park, recreation, and sports facilities, parking, lighting, landscaping, access roads, internal streets and all other improvements on the school site; legal, appraisal and all other costs associated with the acquisition of land; financing and development costs; site preparation costs; and costs associated with preparation and updating of the District Capital Improvements Plan; and costs associated with implementing a School Facilities Impact Fee program. School Facilities Impact Fees include charges to mitigate the cost of constructing elementary, middle and high schools, but do not include the cost of creating School District administrative space or storage facilities.

~~(R)~~ **SCHOOL FACILITIES CAPITAL IMPROVEMENT PROGRAM** - the Long Range Capital Facilities Improvement Program prepared for the Park City School District and adopted by the Board of Education of the Park City School District, Park City, which is incorporated herein by reference, and is on file with the City Recorder, with any subsequent amendments. For the purpose of this Chapter, the School Facilities Capital Improvement Program and attendant School Facilities Impact Fees, apply only to those properties within Park City that lie within the Park City School District.

~~(S)~~ **SECONDARY DWELLING UNIT** - any residential Dwelling Unit used for a purpose other than as a full-time residence and taxed as such pursuant to U.C.A. Chapter 59-2 et. seq., for a period of no less than one (1) year from the City's issuance of a certificate of occupancy.

~~(T)~~(N) **STREETS AND STORM WATER IMPACT FEE** - the impact fee imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of additional street and storm water management facilities.

~~(U)~~(O) **System Improvement** - Public Facilities identified in the 1995 Capital Facilities Plan and Impact Fee Analysis, or the 1995 Water Capital Facilities Plan and Analysis, ~~or the 1993 School Facilities Capital Improvement Program, that are not Project Improvements.~~

~~(V)~~(P) **WATER CONNECTION IMPACT FEE** - the impact fee, calculated as an expression of new equivalent residential units (ERUs) (to assess the impact of indoor Development Activity) and increased area of irrigated landscape (to assess the impact of outdoor Development Activity), imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the planning, design, engineering, acquisition, financing and construction of water delivery systems.

~~(X)~~(Q) **WATER DEVELOPMENT IMPACT FEE** - the impact fee, calculated as an expression of new equivalent residential units (ERUs) (to assess the impact of indoor Development Activity) and increased area of irrigated landscape (to assess the impact of outdoor Development Activity), imposed as a condition precedent to a Building Permit that is used to offset the proportionate impact of the Development Activity on the need for the acquisition and transfer of water rights and points of diversion and the planning, design, engineering, acquisition, financing and construction of physical sources to realize those water rights.

11-13- 2. ASSESSMENT AND CALCULATION OF IMPACT FEES.

(A) **ASSESSMENT OF IMPACT FEES.** The City shall collect the following Impact Fees from any applicant seeking a Building Permit:

(1) **Parks, Trails and Open Space Impact Fee:** 1.35% of Construction Value.

(2) **Public Safety Facilities Impact Fee:** 0.05 % of Construction Value.

~~(3) **School Facilities Impact Fee:** \$ 3393 per Primary Dwelling Unit, \$ 848 per Qualified Secondary Dwelling Unit~~

~~(4)~~(3) **Streets and Storm Water Facilities Impact Fee:** 0.60 % of Construction Value.

~~(5)~~(4) **Water Connection Impact Fee:** The sum of the applicable indoor and outdoor fees established as follows:

Size (sf)	Up to 1000	1001-1500	1501-3000	3001-4500	4501-6000	6000+
Bedrooms	2	3	4	5	6	7+
ERU	.50	.75	1.00	1.25	1.50	1.75
Charge	\$150	\$225	\$300	\$375	\$450	\$525

Indoor (Commercial) ¹	
USE	ERU
Industrial or warehousing	0.05 per 1000 sf
Laundry	1.05 per machine
Theater or auditorium	0.08 per 10 seats
Office	0.20 per 1000 sf
Restaurant	0.05 per seat
School	0.03 per occupant
Retail Shops	0.35 per 1000 sf
Service Commercial or large retail ²	0.20 per 1000 sf
Hotel or motel	0.03 per room
Taverns or bars	0.03 per seat

Outdoor						
Irrigated Area (sf)	0-2000	2001-4000	4001-6000	6001-8000	8001-10000	10000+
Charge	\$70	\$210	\$350	\$490	\$630	\$630+x ³

(6) **Water Development Impact Fee:** The sum of the indoor and outdoor fees established as follows:

¹ Uses not in the commercial table shall be computed by the Public Works Director as follows: The Public Works Director shall estimate the annual indoor use in gallons; shall divide that number by 100,000 gallons; and shall round that quotient down to the nearest 0.05 ERU. (1 ERU = \$300.00)

² 10,000 sf or greater

³ x=\$70.00 for each 1000 square feet of irrigated area over 10,000 square feet

Indoor (Residential):						
Size (sf)	0-1000	1001-1500	1500-3000	3001-4500	4501-6000	6000+
Bedrooms	2	3	4	5	6	7+
ERU	.50	.75	1.00	1.25	1.50	1.75
Charge	\$850	\$1275	\$1700	\$2125	\$2550	\$3000

Indoor (Commercial) ⁴	
USE	ERU
Industrial	0.05 per 1000 sf
Laundry	1.05 per machine
Theater or auditorium	0.08 per 10 seats
Office	0.20 per 1000 sf
Restaurant	0.05 per seat
School	0.03 per occupant
Retail Shops	0.35 per 1000 sf
Service Commercial or large retail ⁵	0.20 per 1000 sf
hotel or motel	0.03 per room
Taverns or bars	0.03 per seat

Outdoor						
Irrigated Area (sf)	0-2000	2001-4000	4001-6000	6001-8000	8001-10000	10000+
Charge	\$400	\$1200	\$2000	\$2800	\$3600	\$3600+x ⁶

⁴ Uses not in the commercial table shall be computed by the Public Works Director as follows: The Public Works Director shall estimate the annual indoor use in gallons; shall divide that number by 100,000 gallons; and shall round that quotient down to the nearest 0.05 ERU. (1 ERU = \$1700.00)

⁵ 10,000 sf or greater

⁶ x=\$400.00 for each 1000 square feet of irrigated area over 10,000 square feet

(B) **COLLECTION**. Impact Fees shall be collected ~~form~~ from the fee applicant prior to issuing the Building Permit, using the Impact fees in effect on the date of filing a complete application for the Building Permit.

~~(C) **CALCULATION**. Upon receipt of an application for Development Activity, the Director shall determine:~~

- ~~—— (1) whether the proposed Development Activity is residential or non-residential;~~
- ~~—— (2) if residential, the number of Dwelling Units applied for; and~~
- ~~—— (3) whether the Dwelling Units are Primary or Secondary~~

~~(D) Secondary Dwelling Units. Qualified Secondary Dwelling Unit Owners shall pay a portion of the School Facilities Impact Fee imposed on a Primary Dwelling Unit, and shall execute a promissory note and lien on the property (or such other adequate security interest approved by the City Attorney) on behalf of the City for the remainder of the School Facilities Impact Fee, as a condition precedent to receipt of a Building Permit. The City shall forgive such note, and shall release such lien or security interest, if the Owner later demonstrates that the property has been taxed as a secondary residence for a period of one (1) year from the date of the certificate of occupancy.~~

11-13-3. EXEMPTIONS FROM SCHOOL FACILITIES IMPACT FEES.

~~(A) The following Development Activities shall be exempt from the payment of Impact Fees:~~

- ~~—— (1) Replacement of a habitable structure with a new structure of the same use at the same site or lot when such replacement occurs within twelve (12) months of the demolition or destruction of the structure and does not result in the construction of an additional Dwelling Unit or a change in use.~~
- ~~—— (2) Alterations to, or expansion, enlargement, remodeling, rehabilitation, or conversion of an existing Dwelling Unit where no additional dwelling Unit is created, or alteration to, or remodeling or rehabilitation of an existing Development Activity that does not result in expansion of the existing use.~~
- ~~—— (3) For School Facilities Impact Fees only, the construction of an accessory apartment, pursuant to Section 8-19 of the Land Management Code.~~

~~(B) The Director shall determine whether a particular Dwelling Unit falls within an exemption identified in this section or any other section. Determinations of the Director shall be reduced to a writing, which shall state the basis therefore, and shall be subject to the appeals procedures set forth in Section 11-13-6 below.~~

1-13-3. OFFSETS.

(A) A fee payer can request that an offset or offsets be awarded to him/her for the value of a required System Improvement identified in the Capital Facilities Plan and Impact Fee Analysis, or the Water Capital Facilities Plan and Analysis. ~~or the School Facilities Capital Improvement Program.~~

(B) For each request for an offset or offsets, unless otherwise agreed, the fee payer shall retain an appraiser approved by the Department to determine the value of the System Improvement provided by the fee payer.

(C) The fee payer shall pay the cost of the appraisal.

(D) After receiving the appraisal, the Director shall provide the applicant with a letter or certificate setting forth the dollar amount of the offset, the reason for the offset, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the offset may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the Director before the Impact Fee offset will be awarded. The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the offset.

(E) Any claim for offset must be made not later than the time of application for Building Permit. Any claim not so made shall be deemed waived.

(F) Determinations made by the Director pursuant to this section shall be subject to the appeals procedure set forth in Section 11-13-6 below.

11-13- 4. WAIVER

The City Council may waive Impact Fees for:

(A) Construction of Affordable Housing (up to \$5,000 per unit);

(B) Construction of a Public Facility.

11-13- 5. APPEALS.

(A) A fee payer may appeal the Impact Fees imposed or other determinations which the Director is authorized to make pursuant to this Chapter. However, no appeal shall be permitted unless and until the Impact Fees at issue have been paid.

(B) Appeals shall be taken within ten (10) days of the Director's issuance of a written determination, by filing with the Department a notice of appeal specifying the grounds for the appeal, and depositing the necessary fee, which is set forth in the existing fee resolution for appeals of land use decisions.

(C) The Department shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

(D) The Hearing Officer is authorized to make findings of fact regarding the applicability of the Impact Fees to a given Development Activity, the availability or amount of the offset, or the accuracy or applicability of an Independent Fee Calculation. The decision of the Hearing Officer shall be final, and may be appealed to the Third Judicial District Court for Summit County.

(E) The Hearing Officer may, so long as such action is in conformance with the provisions of this Chapter, reverse or affirm, in whole or in part, or may modify the determinations of the Director with respect to the amount of the Impact Fees imposed or the offset awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the Director by this Chapter.

(F) Where the Hearing Officer determines that there is a flaw in the Impact Fee program or that a specific exemption or offset should be awarded on a consistent basis or that the principles of fairness require amendments to this Chapter, the Hearing Officer shall advise the City Attorney as to any question or questions that the Hearing Officer believes should be reviewed and/or amended.

11-13- 6. ESTABLISHMENT OF IMPACT FEES ACCOUNTS.

(A) Impact Fees shall be earmarked specifically and deposited in special interest-bearing Accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the City.

(B) Funds withdrawn from these Accounts must be used in accordance with the provisions of Section 11-13-9 below. Interest earned on the Impact Fees shall be retained in each of the Accounts and expended for the purposes for which the Impact Fees were collected. Money in these Accounts shall not be commingled with other funds.

(C) Impact Fees shall be disbursed, expended, or encumbered within six (6) years of receipt, unless the Council identifies in written findings an extraordinary and compelling reason or reasons for the City to hold the fees beyond the six-year period. Under such circumstances, the Council shall establish the period of time within which Impact Fees shall be expended or encumbered.

11-13- 7. REFUNDS.

(A) If the City fails to disburse, expend, or Encumber the Impact Fees within six (6) years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Section 11-13-7(C) above, the current Owner of the property on which the Impact Fees have been paid may request a refund of such fees. In determining whether Impact Fees have been disbursed, expended, or Encumbered, such fees shall be considered disbursed, expended, or Encumbered on a first in, first out basis.

(B) Owners seeking a refund of Impact Fees must submit a written request for a refund of the fees to the Director within 180 days of the date that the right to claim the refund arises.

(C) Any Impact Fees for which no application for a refund has been made within this 180 day period shall be retained by the City and expended on type of Public Facilities.

(D) Refunds of Impact Fees under this section shall include any interest earned on the Impact Fees.

(E) When the City seeks to terminate any or all components of the Impact Fee program, any funds not disbursed, expended, or Encumbered from any terminated component or components, including interest earned shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination, and the availability of refunds, in a newspaper of general circulation at least two (2) times. All funds available for refund shall be retained for a period of 180 days. At the end of the 180 day period, any remaining funds shall be retained by the City, but must be expended on the type of Public Facilities for which they were collected.

(F) The City shall refund to the current Owner of property for which Impact Fees have been paid all Impact Fees paid, including interest earned on the Impact Fees attributable to the particular Development Activity, within one (1) year of the date that right to claim the refund arises, if the Development Activity for which the Impact Fees were imposed did not occur, no impact resulted, and the Owner makes written request for a refund within 180 days of the expiration or abandonment of the permit for the Development Activity.

11-13- 8. USE OF FUNDS

(A) Pursuant to this Chapter, Impact Fees:

- (1) Shall be used for Public Facilities that reasonably benefit the new development; and
- (2) Shall not be imposed to make up for deficiencies in Public Facilities serving existing developments; and
- (3) Shall not be used for maintenance or operation of Public Facilities.

~~(B) School Facilities Impact Fees may be spent for school facilities within the Park City School District, including but not limited to, construction of facilities, and/or the expansion of existing facilities, and auxiliary facilities, such as cafeterias and principals' offices, including the cost of land, design, structures, equipment and furniture, site improvements, and legal and administrative costs associated with collection and disbursement of the fees and the construction of such facilities.~~

~~(C)~~(B) Impact Fees may be used to recoup costs of designing, constructing and/or acquiring Public Facilities previously incurred in anticipation of new growth and development to the extent that the Development Activity will be served by the previously constructed improvements or the incurred costs.

~~(D)~~(C) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of Public Facilities for which Impact Fees may be expended, Impact Fees may be used to pay debt service on such bonds, or similar debt instruments, to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the Development Activity.

11-13-9. INDEPENDENT FEE CALCULATIONS.

(A) If a fee payer believes that a fee should be charged, other than the Impact Fees determined according to this Chapter, then the fee payer shall prepare and submit to the Director an Independent Fee Calculation for the Impact Fee(s) associated with the Development Activity for which a Building Permit is sought. The documentation submitted shall show the basis upon which the Independent Fee Calculation was made. The Director is not required to accept any documentation which the Director reasonably deems to be inaccurate, unsubstantiated, or unreliable and may require the fee payer to submit additional or different documentation prior to the Director's consideration of an Independent Fee Calculation.

(B) Any fee payer submitting an Independent Fee Calculation shall pay an administrative processing fee, per calculation, of \$100.

(C) Based on the information within the Director's possession, the Director may recommend, and the City Manager is authorized to adjust, the Impact Fee to the specific characteristics of the Development Activity, and/or according to principles of fairness. Such adjustment shall be preceded by written findings justifying the fee.

(D) Determinations made by the Director pursuant to this section may be appealed subject to the procedures set forth herein.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 18th day of April, 1996

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

PARK CITY

1981

COUNCIL AGENDA REPORT

DATE: April 18, 1996
DEPARTMENT: Public Works
AUTHOR: Hope Bleecker, Transportation Director *Hope 4/12/96*
TITLE: Replacement Vehicle Grant Proposal
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS: Authorize staff to apply for \$638,850 in FTA Section 5311 grant funds toward the purchase of one compressed natural gas trolley vehicle, and three diesel coaches.

DESCRIPTION:

A. Topic.

FY 96 and 97 Grant Funding under Section 5311, Federal Transit Act of 1992, as amended.

B. Background.

The Public Works Department applies for annual transportation grant appropriations under Section 5311 of the Federal Transit Act each April. This year the department is submitting two applications which will cover last year's FY96 apportionment and the upcoming FY97 apportionment. The department did not submit an FY96 application last April, but there is a reserved apportionment which can still be received as a reimbursement for Park City's new compressed natural gas trolley. The FY97 application specifies the purchase of three 30-foot diesel replacement busses for operation on Park City fixed-route service. These vehicles will replace three smaller El Dorado 16-passenger coaches which are currently operating in fixed-route service.

C. Analysis.

Staff presented the advantages for purchase of a compressed natural gas trolley in August 1995. The trolley has been purchased, delivered, and accepted by the City. It is expected that the vehicle will be placed in service this summer. The total purchase price of the trolley is \$276,563. The grant application specifies a reimbursement request of \$221,250 (80%).

The FY97 application requests \$417,600 (80%) for the purchase of three 30-foot lift equipped heavy duty replacement coaches. Park City presently operates three 16 passenger vehicles which provide fixed-route service on the Silver Lake route, tripper service for winter peak loads, special events for the recreation department, and summer service. Present routing design requires the small busses to traverse steep grades, constantly start and stop, and carry heavier than usual passenger loads. As a result, the small 5-year busses require constant maintenance and do not last well beyond their useful life. The 30-foot vehicles specified in this application are 10-year busses which are better suited to the challenges posed by steep grades, adverse weather, and growing passenger loads. The total purchase price of the three recommended vehicles is \$522,000. This procurement will be recommended for Council approval in subsequent weeks.

D. Department Review.

This proposal has been reviewed by the City Manager and the Director of Public Works.

ALTERNATIVES:

A. Approve Submittal of the Grant Applications - By authorizing submittal of the grant applications, council acknowledges the importance of receiving federal dollars to supplement local expenditures. This is the recommended alternative.

B. Disapprove Submittal of the Grant Applications - If Council does not approve the submittal, no federal dollars will be received, which means that the City will pay the full purchase price of the replacement vehicles.

SIGNIFICANT IMPACTS:

The City is eligible to receive up to 80% of the total cost for these two projects. The amount of Section 5311 funds appropriated by Congress varies annually and the state has additional discretion regarding the award amounts. Therefore, the exact award to be received by Park City is unknown. Historically, our department has received 70% reimbursement on recent capital grant applications, which in this case approximates \$559,000. The local share is anticipated to be \$239,560.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The net result of not approving submittal of these applications may be the unnecessary expenditure of approximately \$559,000 from the vehicle replacement fund.

RECOMMENDATION:

Authorize staff to submit the FY96 and FY97 applications for vehicle replacement funding in the amount of \$638,850 for one compressed natural gas trolley and the purchase of three 30-foot replacement busses.



DATE: 4-15-96
DEPARTMENT: City Manager
AUTHOR: Toby Ross
TITLE: Pace Water Purchase
TYPE OF ITEM: Property Acquisition

SUMMARY RECOMMENDATIONS: The Council should authorize the purchase of land and water.

DESCRIPTION:

A. Topic: Offer to sell water rights and land to Park City

B. Background: The Paces have offered to sell 95% of their share of Decreed Right 820, or a total of 372.5 acre feet and about 218 acres of land plus any water converted to municipal use from Decreed Right 938. The basic price is still subject to negotiation and will be announced at the regular meeting. A \$100,000 deposit is required with the acceptance.

C. Analysis:

The sale would require a water revenue bond issue which would cost about \$200,000 per year for 20 years. The City could afford to pay for some of the cost from reserves but financing the whole amount is more attractive for the City. Reselling the land could dramatically reduce the net costs but may be limited by the option provisions of the agreement and the bond requirements. The purchase of land is necessary to acquire the water and the City would reserve the right to sell or use the land as the deems appropriate.

D. Department Review: This proposal has been reviewed generally by Jerry Gibbs, Jodi Hoffman, and Tom Bakaly.

ALTERNATIVES:

A. Approve the Purchase: Staff would begin preparing final documents and initiate bonding. The preliminary agreement should be approved at a public session, it is on the regular agenda for potential action. The bond authorization and agreements would return to the Council for action. A \$100,000 deposit will be required with acceptance. The purchase could close by the end of July.

B. Reject the Offer: If the Council is not interested in this water at this price or with these terms, we should advise the Paces of our position.

C. Continue the Item: If the Council needs more time or information, the Council could continue the item. The offer is scheduled to expire on April 19 based on a two-week extension.

SIGNIFICANT IMPACTS: The proposed purchase would require financing with an annual debt service of about \$200,000.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The City risks losing this water to another buyer.

RECOMMENDATION: The Council should authorize the Mayor to sign a preliminary agreement for purchase of the land and water at the regular session. The Council should also authorize the requested \$100,000 deposit. The staff would prepare and present the documents necessary to complete the transaction.