

Ordinance No. 03-13

AN ORDINANCE AMENDING CHAPTER 15-4-15 OF THE LAND MANAGEMENT CODE

WHEREAS, a Land Management Code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to develop standards so that there is consistent criteria for review of applications for public display of works of art on public property and the community has clear notice of the Land Management Code standards; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to encourage and accommodate the placement and enjoyment of public works of art, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations;

WHEREAS, the Council has identified public displays of art as an important economic element in Park City;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort, and;

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

SECTION 1. AMENDMENT TO CHAPTER 15-4-15 OF THE PARK CITY LAND MANAGEMENT CODE

The recitals above are hereby incorporated herein as findings of fact. Chapter 15-4-15 of the Land Management Code of Park City is hereby amended to read as follows:

~~15-4-15. OUTDOOR DISPLAY OF WORKS OF ART.~~

~~The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, public Property and Buildings, and other locations where such art can be viewed by the public. Outdoor display of works of art is an Administrative Conditional Use permit subject to the criteria of this Section and the Conditional Use permit criteria of LMC Chapter 15-1-10 (E). Approved outdoor displays of works of art may be exempt from Municipal Code Section 12-9-1(r) provided such displays meet the following criteria:~~

~~(A) The location and work of art must be reviewed by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed by the Historic District Commission.~~

~~(B) The display must be of a permanent nature and able to withstand the elements if located outside.~~

~~(C) The City accepts no liability in case of damage or theft.~~

~~(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.~~

~~(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.~~

~~(F) A Building Permit may be required in situations requiring installation of a base and/or electrical connections.~~

~~(G) In the case of the denial of a request for a display of a work of art, the Applicant may appeal to the City Council.~~

~~(H) All works of art shall meet the Setbacks and height limitations of the zone.~~

~~(I) Any illumination of the work of art shall be reviewed and approved by the Community Development Department prior to installation of such lighting. All lighting shall conform to the lighting regulations in LMC Chapter 15-5.~~

15-4-15 OUTDOOR DISPLAY OF WORKS OF ART ON PUBLIC/CITY-OWNED PROPERTY

(A) POLICY AND PURPOSE. It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain Public/City-Owned properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, a resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) REVIEW CRITERIA. The Outdoor Display of Works of Art on City-Owned Property shall be reviewed by the Planning, Engineering, and Building Divisions for compliance to the following criteria.

(1) The display must comply with the height and setback requirements of the zoning district where it is located.

(2) Displays in excess of six (6) months must be designed and created with materials that will withstand the weather conditions and the elements.

(3) The display must comply with all applicable building codes.

(4) In cases where the City is not the owner of record of the work of art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one (1) square foot, may be attached to the work or its support base.

(6) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public rights-of-way, including sidewalks, or pedestrian and vehicular areas; nor shall the display restrict vision at intersections.

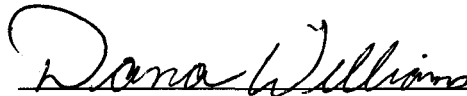
(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(l) Lighting.

(C) CITY COUNCIL REVIEW. Upon compliance with all criteria set forth in this section, the City Council shall review and take Final Action on all requests for the Outdoor Display of Works of Art on City-Owned Property. The City Council may seek a recommendation on requests for the Outdoor Display of Works of Art on City Owned Property from the Planning Commission, Arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking Final Action. The City and the applicant shall execute all necessary agreements prior to installing any approved public art on City-owned/public property.

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

PASSED AND ADOPTED this 1st day of May, 2003.

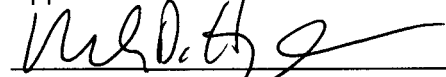
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

