

Ordinance No. 05-49

AN ORDINANCE AMENDING CHAPTER 2 OF THE LAND MANAGEMENT CODE OF PARK CITY, UTAH TO ALLOW THE ADMINISTRATIVE APPROVAL OF OUTDOOR DISPLAY OF MERCHANDISE, AND DISPLAY OF MOTORIZED SCOOTERS IN THE HR-2 (15-2.3-14), HRC(15-2.5-13), HCB(15-2.6-12), RC(15-2.16-9), RCO(15-2.17-8), GC(15-2.18-9), LI(15-2.19-11), AND PUT(15-2.22-9) ZONES.

WHEREAS, the Land Management Code places limitations on the outdoor display of merchandise, outdoor storage and outdoor dining uses; and

WHEREAS, the City Council finds that it is in the public interest to regulate the outdoor display of merchandise, in certain pedestrian-oriented commercial districts in order to reduce visual clutter, protect and preserve the unique aesthetic character of the City, and enhance the community's economic viability; and

WHEREAS, public hearings were duly held before the Planning Commission on July 13, 2005, and before the City Council on August 4, 2005; and

WHEREAS, public notice and opportunity to comment were provided, pursuant to the Land Management Code; and

WHEREAS, the City Council finds and determines that, subject to certain criteria, display of Outdoor Merchandise can enhance the pedestrian appeal and vitality of certain commercial areas; and

WHEREAS, the City Council finds and determines that, subject to certain criteria, the outdoor storage of motorized scooters promotes alternative modes of transportation and strengthens the outdoor recreation character of the City; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City;

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

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Chapter 2, Sections 15-2.3-14, 15-2.5-13, 15-2.6-12, 15-2.16-9, 15-2.17-8, 15-2.18-9, 15-2.19-11, and 15-2.22-9 of the Land Management Code is amended to read as follows:

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES. Outdoor storage and display of bicycles, kayaks, and canoes is subject to the following criteria:

(b) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(f) Additional outdoor ~~bicycle~~ storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(5) DISPLAY OF MERCHANDISE. Display of Outdoor Merchandise is subject to the following criteria.

(a) The display is immediately available for purchase at the business displaying the item.

(b) The merchandise is displayed on private property directly in front of or appurtenant to the business which displays it, so long as the private area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned property including any sidewalk or prescriptive right-of-way regardless if the property line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned property; however, written permission for the display of the merchandise must be obtained from the owner's association.

(c) The display is prohibited from being permanently affixed to any building. Temporary fixtures may not be affixed to any historic building in a manner that compromises the historic integrity or façade easement of the building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency access, or circulation. At minimum, 44" of clear and unobstructed access to all fire hydrants, egress and access points must be maintained. Merchandise may not be placed so as to block visibility of or access to any adjacent property.


(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

- (g) 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.
- (h) No inflatable devices other than decorative balloons smaller than 18" in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the building.
- (i) No additional signs are allowed. A sales tag, four (4) square inches or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve (12) square inches. The proposed display shall be in Compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City Codes.


SECTION III. EFFECTIVE DATE. This ordinance shall become effective upon publication.

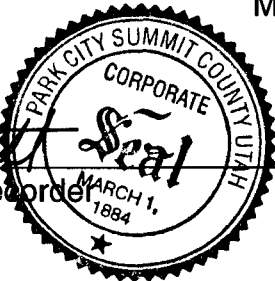
PASSED AND ADOPTED this 4th day of August, 2005

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to Form:


Mark D. Harrington, City Attorney