

Ordinance No. 2017-31

AN ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 29 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the City Council of Park City has been monitoring its tenant mix on Main street closely since 2002, and has provided regular updates to City Council; and

WHEREAS, the City Council and the Historic Park City Alliance have identified vacant storefronts as the largest threat to our vibrancy and long term economic stability; and

WHEREAS, storefronts that are vacant disrupt the natural rhythm and vibrancy of the National Registered Historic District; and

WHEREAS, storefronts that are only occupied during special events bring impacts that outweigh their benefit including trash and noise; and

WHEREAS, storefronts that are only occupied during special events, through issuance of additional temporary liquor licenses create the need for additional public safety resources; and

WHEREAS, the Municipal Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Municipal Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Municipal Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, specific LMC issues raised by Staff, Planning Commission, and City Council, and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Title 4 amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City," Objective 12C that states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience," Objective 12D that states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience," and the Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHEREAS, Park City has an interest in the preservation of the historic integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents, maintaining and improving the balance of sustainable community goals by going beyond economic initiatives to include social and environmental strategies, and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 29, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend Title 4 to be consistent with the values and goals of the Park City General Plan and the Park City Council, to protect health and safety and maintain the quality of life for its residents and visitors, preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area, ensure compatible development, and preserve historic resources and the community's unique character.

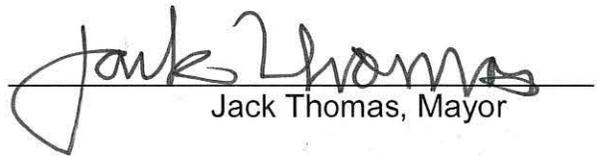
NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. ADOPTION OF 4-2-29 Vibrant Commercial Storefront in HCB and HRC. The recitals above are incorporated herein as findings of fact. Title 4 of the Municipal Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

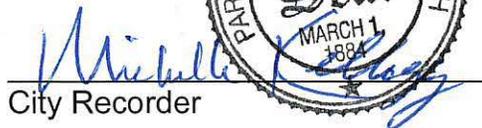
PASSED AND ADOPTED this 29th day of June, 2017

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, Mayor

Attest:



City Recorder



Approved as to form:



Mark Harrington, City Attorney

4-2-29 **Vibrant Commercial Storefront in HCB and HRC**

- (1) A Vibrant Commercial Storefront is a Storefront Property which cannot meet four (4) or more of the seven (7) following conditions:
 - A. Is a Storefront Property as defined section 15-15-1 in the HRC or HCB Districts of the Land Management Code without a current lease in place or that is not actively advertising, utilizing, or occupying the property in a way that constitutes Engaging in Business for at least 270 days per year, or that is not open and physically occupied during the hours typically consistent with the licensed use of the property for at least the past 30 days; or
 - B. Has an approved business license but is not open during typical business hours consistent with its licensed use to the public, or is consistently open for less than five days a week, or under 270 days per year; or
 - C. There is not an active business license in place, or any pending business license application in the past 30 days; or
 - D. Tenants are not actively advertising, utilizing, or occupying the property in a way that fulfills the definition of Engaging in Business 4-1-1.20; or
 - E. A commercial storefront without signs, displays, or clear indication that they are open or occupied such as having an employee on site, doors open or clearly marked as open to the public, or lights on within the premises; or
 - F. Over a quarterly period cannot provide sales tax receipts, payroll records, quarterly profit/loss statements, or similar financial records that show consistent month-to-month occupation and commercial activity; or
 - G. Cannot provide utility bills or meter readings (water, gas, trash or electric) that are consistent the use of with similarly active licensed businesses.

- (2) If a property is not considered a “Vibrant Commercial Storefront”, and the property is located in in HCB and HRC zones, the property owner or business licensee must provide proof that the property meets one (1) of the following exceptions:
 - A. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction within one year from the date the initial permit was issued; or
 - B. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on multiple listing services or any other comparable real estate listing services.

- (3) Failure to maintain a Vibrant Commercial Storefront in the HCB or HCR zone shall result in the following:
 - A. The Business at the Storefront Property will not receive local consent or be eligible for a Liquor License of any kind including Single Event Temporary Liquor permits; and,

- B. The City reserves the right to utilize the area in front of the Storefront Property to display art or other educational materials in the pedestrian area in front of the property as approved by the City Council until such a space is occupied by a Vibrant Commercial Storefront.
- (4) Any property designation under this Chapter may be appealed any shall be conducted as set forth in Chapter 2 of this Title.