

Ordinance No. 2017-56

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, UTAH,
AMENDING 4-3-1 LICENSING APPLICATION; AMENDING 4-3-4 CODE
COMPLIANCE INSPECTION; 4-3-8 LICENSING PERIOD; AND AMENDING 4-7-3
CONVENTION SALES AND COMMERCIAL HOSPITALITY APPLICATIONS**

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 business license, planning and zoning issues that have come up; to address specific Municipal Code 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, 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 states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." 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 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 a unique 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, uniqueness 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 October 24, 2017; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah to amend the Municipal Code 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; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 1 License Application of the Municipal Code of Park City as hereby amended as redlined in Attachment A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 4 Inspections for Compliance of the Municipal Code of Park City as hereby amended as redlined in Attachment A.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 8 Licensing Period of the Municipal Code of Park City as hereby redlined in Attachment B.

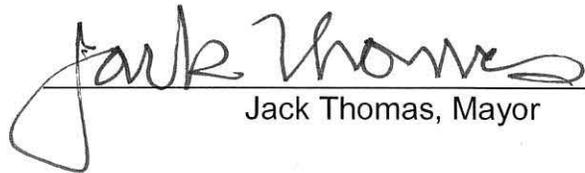
SECTION 4. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 7, Section 3 Commercial Sales And Commercial Hospitality Applications of the Municipal Code of Park City as hereby redlined in Attachment C.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 24th day of October, 2017

PARK CITY MUNICIPAL CORPORATION





Jack Thomas, Mayor

Attest:



Michelle Kellogg
City Recorder

Approved as to form:



Mark Harrington, City Attorney

Attachments

- Attachment A – Municipal Code - Sections 4-3-1 License Application, and 4-3-4 Code Compliance Inspection
- Attachment B – Municipal Code Section 4-3-8 License Period
- Attachment C – Municipal Code Section 4-7-3 Convention Sales And Commercial Hospitality

4-3-1 License Application

A. All Business license applications with a physical location within City limits require a passed Business License Inspection from the Building Department to ensure life safety standards, proper measurements for fee calculation, and Code compliance.

B. Applications without an Inspection

1. If the Business is a Conventional Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply for a Business License without an Inspection only if the applicant provides a letter of intent agreement between the landlord and tenant, with monetary or other proprietary terms redacted if necessary.
2. The applicant will be notified in writing within ten business days of affirmation or denial of the application.
3. Within 120 days from the day of application a signed lease or memorandum of lease must be submitted to Finance with monetary or other proprietary terms redacted if necessary or the application shall be denied.
4. The business license application will be denied after 180 days from application unless the applicant has submitted and paid for a building permit.
5. The business license application shall be deemed denied if it is pending more than 24 months from application date.
6. Any denial can be appealed pursuant to Section 4-3-15.
7. Prior to the License being issued, the applicant must provide a Passed Business License Inspection report to Finance. The Finance Department will recalculate the fees based on the final square footage and either issue a refund or collect additional fees and issue the License.

A.C. A Business License Inspection will only be scheduled if:

1. A Certificate of Occupancy has been issued by the Building Department;
2. A Letter of Completion has been issued by the Building Department; or
3. There is already an existing licensed Business occupying the space and a building permit is not required to accommodate the new Business.

B.D. Applications for Business licenses shall be made in writing to the Finance Manager or his/her designee. Each application shall include the:

1. Name of the applicant and DBA, if applicable;
2. Location and contact information of the Business;
3. Payment of the applicable fee and tax to be paid, based on the information recorded on the Business License Inspection or previous Business License at that location if within the HRC or HCB Districts as defined in the Land Management Code; or estimated amount if undergoing significant construction or tenant improvements;
4. Name and ~~address~~ contact information of the local Business agent who is authorized to receive service of process and any communication regarding applicant's license, if applicable
- ~~4.5.~~ Federal entity identification number;
- ~~5.6.~~ State sales tax reporting number, if applicable;
- ~~6.7.~~ Copy of the Business License Inspection report showing passed;
- ~~7.8.~~ State contractor's license number, if applicable;
- ~~8.9.~~ State real estate broker's license number, if applicable; and
- ~~9.10.~~ Other information, as needed, for the purpose of guidance of the Finance Manager in issuing the license.

C.E. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Finance Manager or his/her designee. License application forms shall be prepared and kept on file by the Finance Department.

4-3-4 Code Compliance Inspection

A. INSPECTIONS FOR CODE COMPLIANCE. Prior to applying for a license under this Title for a new Business not previously licensed at that location, or an existing Business with a change of Square Footage, use, or location, the applicant shall be required to have the prospective Place of Business inspected prior to application by the Building Department, and if necessary, other government agencies to ensure compliance with building, fire, municipal, and health codes. Except if the Business is a Conventional Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply without an Inspection, but must provide a copy of the Business License inspection report showing passed prior to the License being issued.

4-3-8 License Period

A. Renewed license certificates shall be valid October 1 through September 30 of the year of renewal unless revoked pursuant to this Title. New license certificates issued between October 1 and June 30 shall be valid through September 30 of the year of issuance unless revoked. New license certificates issued between July 1 and September 30 may be valid through September 30 of the year following the year of issuance, unless revoked. An applicant applying for a license between July 1 and September 1 shall pay one hundred and twenty-five percent (125%) of the amount otherwise imposed for new licenses issued and the license shall be valid through September 30 of the year following the year of issuance, unless revoked. However, an applicant may elect to pay the prorated fee pursuant to this Title on new applications between July 1 and September 30 if the applicant does not intend to do Business in Park City the following year.

-B. Conventional Chain Business License Renewal - If the total cap of allowed Conventional Chain Businesses in the HRC and HCB Districts is met and if a Conventional Chain Business no longer maintains its Business License, the location is eligible to replace the Storefront with another Conventional Chain Business prior to September 30 of that year. If the period of time when the Conventional Chain Business vacates the premises is less than six months from September 30, the location's representative may put the City on formal notice and have up to 180 days to replace the Conventional Chain Business tenant from the time that notice is received by the City. If the Storefront is not replaced with another Conventional Chain Business within the allocated timeframes above the license shall become available. Formal notice shall be in writing, filed with the City Recorder within ten (10) business days of vacancy.

4-7-3 Applications

A. For Type 1 and Type 3 convention sales licenses, the City may take up to ten (10) business days to complete the licensure process to permit adequate time for the Police, Building, Finance, and Planning Departments for review and investigation. The Departments may request reasonable evidence of title to goods proposed to be offered for sale as part of the review.

B. Retained Council Authority for Type 2 licenses:

1. The Finance Manager or his/her designee shall refer the Type 2 convention sales license application to the Building, Planning, Parking, and Public Safety Departments for approval.
2. After obtaining department approval, all Type 2 licenses shall require City Council approval at a publically noticed meeting. All Type 2 license applications must be

completed and received at least seven (7) calendar days prior to a regular scheduled meeting and three (3) business days prior to a special meeting.

3. All Type 2 license applications require the applicant to have a pre-inspection prior to application at the Place of Business conducted by the Building Department for compliance with the building and fire codes. A copy of said pre-inspection report must accompany the license application submittal. The pre-inspection prior to application shall remain valid for one hundred and twenty (120) days.
4. All Type 2 license applications shall require an accurate floor plan and a design occupancy load stamped by a design professional to be submitted at the time of application.
5. All Type 2 license applicants require a final inspection by the Building Department post application after the space has been set up for the event. Business shall not be conducted until the final inspection has been passed and the applicant has been issued a Type 2 convention sales license.
6. All Type 2 convention sales license applications for locations within the Main Street Business Improvement District (BID) boundaries shall require a deposit receipt with Republic Services in the amount of one hundred dollars (\$100), to be submitted at time of application, and be required to pay the Main Street BID tax set forth by ordinance.
7. All Type 2 convention sales licenses will be assessed the Enhanced Enforcement Fees of forty-five dollars and fifty-eight cents (\$45.58) to be paid at time of application.
8. The loading operations of each Type 2 convention sales license shall be permitted by the Parking Division with three (3) different permits: Red, Green, and Blue, depending on the type of loading: Red, large-scale operations; Green, food and beverage; and Blue, musical equipment. Any violation of the regulations specified on each permit may result in the revocation of the Type 2 convention sales license or the inability to obtain a Type 2 convention sales license in the future.
9. Large scale load-out operations for Type 2 convention sales licenses will not be permitted until Day 6 (Tuesday) of the Sundance Film Festival.

C. Type 1 and Type 2 Convention Sales and Hospitality Licenses, located in a Storefront that meet the definition of a Conventional Chain Business, must comply with the Land Management Code Section 15-2.5-2 in the Historic Recreation Commercial District or 15-2.6-2 in the Historic Commercial Business District.