

**Ordinance No. 2022-15**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY TITLE 4  
GENERAL LICENSING SECTION 4-2-15 VIBRANT COMMERCIAL STOREFRONT IN  
HCB AND HRC DISTRICTS; TITLE 12 SIGN CODE SECTION 12-3-1 PERMITS  
REQUIRED; AND TITLE 15 LAND MANAGEMENT CODE SECTION 15-15-1  
DEFINITIONS**

WHEREAS, the Land Management Code protects and enhances the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community;

WHEREAS, the Land Management Code implements the goals and policies of the Park City General Plan;

WHEREAS, General Plan Goal 12, Objective 12D is to foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City and minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience;

WHEREAS, General Plan Goal 16 is to maintain the Historic Main Street District as the heart of the City for residents and visitors;

WHEREAS, General Plan Goal 16, Objective 16B is to limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian and to discourage office, real estate showrooms, and parking uses;

WHEREAS, General Plan Goal 16, Objective 16E is to encourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant buildings;

WHEREAS, land use regulations including Vertical Zoning to direct active uses like retail, restaurants, and bars to the street level, Vibrant Commercial Storefront Incentives to keep street-level businesses open and vibrant year-round, Conventional Chain Business regulations to support unique local businesses, and Storefront Enhancement Zoning to ensure future development is compatible with the historic rhythm and pedestrian scale of Main Street, are all based on the definition of *Storefront Property*;

WHEREAS, the Land Management Code definition of *Storefront Property* is key to applying land use regulations designed to preserve the historic character and vibrancy of the City's iconic Main Street, which was listed on the National Register of Historic Places in 1979. *Storefront Property* encompasses portions of buildings that

have a pedestrian-level presence with an entrance and window display along Main Street;

WHEREAS, the City Council hereby determines it necessary to clarify the *Storefront Property* definition as it was amended in different code sections over the years;

WHEREAS, on November 11, 2021, the City Council directed the Planning, Finance, and Economic Development Departments to evaluate code amendments to clarify the definition of *Storefront Property*, to require a Storefront Property to be vibrant to be eligible for a temporary sign permit, and to require an active business license to be eligible to maintain a sign installation;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on April 27, 2022, and unanimously forwarded a positive recommendation for City Council's consideration;

WHEREAS, the City Council conducted a duly noticed public hearing on May 26, 2022.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY TITLE 4. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 4, *General Licensing*, Section 4-2-15, *Vibrant Commercial Storefront In HCB and HRC Districts*, is hereby amended as outlined in Attachment 1.

SECTION 2. AMEND MUNICIPAL CODE OF PARK CITY TITLE 12. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 12, *Sign Code*, Section 12-3-1, *Permits Required*, is hereby amended as outlined in Attachment 1.

SECTION 3. AMEND MUNICIPAL CODE OF PARK CITY TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15, *Land Management Code*, Section 15-15-1, *Definitions*, is hereby amended as outlined in Attachment 1.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 26<sup>th</sup> day of May, 2022.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

*Nann Worel*

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Nann Worel, Mayor

Attest:



DocuSigned by:

*Michelle Kellogg*

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City Recorder

Approved as to form:

DocuSigned by:

*Mark Harrington*

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City Attorney's Office

1 Attachment 1

2 **4-2-15 Vibrant Commercial Storefront In HCB And HRC Districts**

3 A. A vibrant commercial storefront is a Storefront Property, as defined  
4 in Section 15-15-1 of the Land Management Code in the HRC or  
5 HCB zoning Districts, which meets the following conditions:

- 6 1. Is found to be Engaging in Business for at least sixty (60) days  
7 during each quarter; and  
8 2. Has an active Business License.

9 B. If a property does not meet the standards of 4-2-15(A) the property  
10 may be considered vibrant for a maximum of one year if it meets one  
11 (1) of the following exceptions:

- 12 1. There is an open building, planning, or construction permit for  
13 repair, rehabilitation, or construction of a building on the  
14 parcel and the owner receives a certificate of occupancy for  
15 the repair, rehabilitation, or construction within one year from  
16 the date the initial permit was issued; or  
17 2. The owner provides satisfactory evidence that the property is  
18 actively being offered for sale, lease, or rent from the date of  
19 vacancy/finding of closure by the City, or closure of previous  
20 Business License, whichever is first. Satisfactory evidence  
21 shall include, but is not limited to, evidence that the owner has  
22 hired a real estate agent or other rental agent who advertises  
23 and promotes the commercial storefront for rent, lease, or  
24 sale, or proof the commercial storefront is offered for sale on

25 multiple listing services or any other comparable real estate  
26 listing services.

27 C. Businesses within a Storefront Property that fail [~~Failure~~] to maintain  
28 a vibrant commercial storefront in the HCB or HRC zone [~~shall result~~  
29 ~~in the Business at the Storefront Property will~~] are not [~~be~~] eligible to  
30 apply for a Single Event Alcoholic Beverage Licenses or temporary  
31 sign permit; and,

32 D. The City reserves the right to utilize the area in front of the storefront  
33 property to display Art or other educational materials in the  
34 pedestrian area in front of the property as approved by the City  
35 Council while under an exception shown in 4-2-15(B) or until such a  
36 space is occupied by a vibrant commercial storefront.

37 E. The burden is on the Business to show that it is Engaging in Business  
38 for the requisite period of time and if one of the exceptions applies.

39 F. Any designation under this Section may be appealed to the Finance  
40 Manager or designee; any license denial appeal shall be conducted  
41 as set forth in 4-3-15 of this Title.

42 . . . .

43 **12-3-1 Permits and Licenses Required**

44 No person shall erect, install, alter, or relocate any permanent or  
45 temporary sign within Park City without first submitting a sign application  
46 and receiving approval of the sign permit from the City, unless the sign  
47 is exempt pursuant to Section 12-8-1. An active Business License is

48 required to retain the installation of an approved Commercial Sign. A  
49 Business shall remove an installed sign within 30 days of Business  
50 License expiration, vacancy, or closure. Any person who erects, installs,  
51 alters, or relocates a sign that requires a permit under this Code and  
52 who fails to obtain an approved permit before installing the sign, shall be  
53 guilty of a Class C misdemeanor.

54 . . . .

55 **15-15-1 Definitions**

56 . . . .

57 **Property, Storefront.** A separately enclosed space, Floor Area, tenant  
58 space or unit that has a storefront window or storefront entrance that  
59 fronts on a Public Street. [~~Storefront Property includes the entire Floor~~  
60 ~~Area associated with the storefront window or storefront entrance that~~  
61 ~~fronts on the Public Street.] Storefront Property includes a storefront  
62 window and/or storefront entrance that is not more than eight feet (8')  
63 above or below the grade of the adjacent Public Street and where such  
64 entrance is not a service or emergency entrance to the Building.~~

65  
66 For purposes of this provision, the term “fronts on a Public Street” shall  
67 mean a separately enclosed space, Floor Area, tenant space or unit with:

- 68 1. For Vertical Zoning regulations outlined in Sections 15-2.5-3(J)  
69 and 15-2.6-3(H), Conventional Chain Business regulations outlined in  
70 Sections 15-2.5-2 footnote 10 and 15-2.6-2 footnote 11, and Vibrant

71 Commercial Storefront regulations outlined in Section 4-2-15, a storefront  
72 window and/or storefront entrance at the adjacent Public Street, or within  
73 fifty lateral/horizontal feet (50') ~~[of]~~ from the adjacent Public Street  
74 measured from the edge of pavement to the storefront window or  
75 storefront entrance. ~~[; or]~~

76 2. For Storefront Enhancement Zoning regulations outlined in  
77 Sections 15-2.5-3(K) and 15-2.6-3(I), a storefront window and/or  
78 storefront entrance at the adjacent Public Street, or within thirty  
79 lateral/horizontal feet (30') ~~[of]~~ from the adjacent Public Street measured  
80 from the edge of pavement to the storefront window or storefront  
81 entrance. ~~[; and]~~

82 3. ~~[A storefront window and/or storefront entrance that is not more~~  
83 ~~than eight feet (8') above or below the grade of the adjacent Public Street~~  
84 ~~and where such entrance is not a service or emergency entrance to the~~  
85 ~~Building.]~~

86 In the case of split-level, multi-level or multi-tenant Buildings with only one  
87 primary storefront entrance, only those fully enclosed spaces, Floor Areas,  
88 tenant spaces, or units that directly front on the Public Street, as set forth  
89 above, shall be designated as a "Storefront Property." The Planning Director  
90 or designee shall have the final determination of applicability.

91 . . . .