

Planning Commission Staff Report



Subject: Special Events
Application: PL-20-04531
Author: Rebecca Ward
Date: June 10, 2020
Type of Item: Work Session - Legislative

Summary Recommendations

Staff requests feedback from the Planning Commission regarding amendments to Special Events in the Sign Code and Land Management Code.

Description

Applicant: Planning Department

Title 12, Sign Code: § 12-7-1; §12-12-1; § 12-12-2; § 12-12-3; § 12-12-4; § 12-12-5; § 12-12-6

LMC: § 15-1-11; § 15-2.3-2; § 15-2.5-2; § 15-2.6-2; § 15-2.16-2; § 15-2.23-2;
§ 15-4-16; § 15-4-20; § 15-15-1; § 15-15-2

Reason for Review: Land Management Code amendments require Planning Commission review and recommendation to the City Council for Final Action

While the Commission does not recommend Title 12 Sign Code amendments to City Council, the Commission has the authority and duty to interpret the Sign Code at the request of the Planning Director. MCPC [§ 12-1-2](#).

Acronyms

LMC Land Management Code
MCPC Municipal Code of Park City

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Executive Summary

This work session is the first in an ongoing discussion. Tonight, staff proposes LMC amendments specific to Special Event permitting, which is regulated solely through the Economic Development Department and City Council.

Staff will return with another work session to discuss recurring Outdoor Event and temporary change of occupancy permits, which are permits that are (1) not associated with a Special Event; (2) run with the land; and (3) require administrative staff-level or Planning Commission Conditional Use Permit approval.

Background

Over the years, several Municipal Code of Park City (MCPC) and Land Management Code (LMC) amendments were enacted to regulate Special Events – not always concurrently. Some of these amendments created specialized temporary permits issued through the Planning Department in addition to Special Event permits issued through the Economic Development Department. These dual temporary permits were designed to mitigate impacts to the community while allowing temporary uses associated with important economic and community events. However, as MCPC Title 4A evolved, all Special Event permits are now regulated and issued solely through the Economic Development Department, subject to inter-department review, including Planning Director review.

The most recent amendments to Special Events in the LMC include the following:

- In 2005, City Council passed [Ordinance No. 05-57](#), which created a *Special Events Overcrowding Administrative Conditional Use Permit*. This permit was created specifically to increase building occupancy loads on a temporary basis. The code outlined criteria to address public safety, transportation, parking, pedestrian circulation, noise restrictions, and street/sidewalk maintenance.
- In 2012, City Council passed [Ordinance No. 12-37](#) to eliminate the overcrowding permit and to create a temporary change of occupancy permit to allow a building owner to temporarily change the use of a building, but without an overcrowding exception. When the overcrowding permit was removed from the code, the term *Special Events Overcrowding Permit* was changed to *Special Events*.

Due to the broad definition of *Special Events* in LMC [§ 15-15-1](#), the 2012 amendment to the LMC that changed the term *Special Events Overcrowding Permit* to *Special Events* unintentionally resulted in a code that could be interpreted to require two permits for Special Events – one through the Planning Department and one through the Economic Department. However, under current policy and practice, Special Event permits are issued exclusively by the Economic Development Department and City Council.¹

Special Events regulations and permitting standards are outlined in MCPC Title 4A. Since 2016, several amendments have been made to Title 4A and the LMC has not yet been updated to reflect these changes:

- In 2016, City Council passed and adopted [Ordinance No. 16-07](#) to remove the definition and term *Master Festival* from the Special Events Sections within the Municipal Code and to classify Special Events into three levels based on attendance and traffic impact. In 2017, City Council passed and adopted [Ordinance No. 2017-51](#) to move Special Events from Title 4, Licensing, to [Title 4A](#).

¹ Also, until recently, the LMC was a stand-alone document so the definitions in the Municipal Code did not overlap. Incorporation of the LMC as a title within the Municipal Code created definitional overlap.

- On [September 27, 2018](#), City Council passed and adopted [Ordinance No. 2018-52](#) to amend [Title 4A](#). The 2018 changes (1) limit events during peak times; (2) re-classify event levels into five categories based on attendance, transportation, and public safety impacts; (3) cap the annual number of Level 3, 4, and 5 events; (4) deregulate Level 1, 2, and 3 events at the resorts within the Master Planned Developments in the Recreation Commercial and Residential Development Districts; (5) establish a review/approval process three times each year for Level 3, 4, and 5 events and a 30-day review process for Level 1 and 2 events; and (6) impose a five-year limit for fee reduction applicants.

As a result of the evolution of MCPC Title 4A and remnant provisions in the LMC, the MCPC and LMC contain conflicting provisions. The purpose of the proposed code amendments is to remove these conflicting provisions. Staff recommends the following amendments:

- Remove all Special Event references from the LMC.
- Remove Special Events from the LMC Zoning District Use Sections.
- Make technical changes to update and correct the code.

Analysis

(I) Remove all Special Event references from the LMC.

The Economic Development Department issues Special Event permits specific to an event, not to the use of land. Special Events are defined in MCPC [§ 4A-1-1.7](#) and regulated through MCPC [Title 4A](#).

The LMC—in its current form—also requires Special Event Applicants to obtain a Special Event permit from the Planning Department. Yet, the application submittal requirements and deadlines, the criteria evaluated to approve a permit, noise ordinance regulations, notice requirements, and event duration are not aligned, shown in the table on the next page:

	Municipal Code of Park City Title 4A Special Events	Land Management Code Title 15 Special Events
Application Submittal Requirements	MCPC § 4A-2-3	LMC § 15-4-20
Application Deadlines	<p>Title 4A requires Level 1 and 2 event applications to be submitted to the Economic Development Department at least 30 days prior to the start of the event. MCPC § 4A-2-3(C)(2)</p> <p>Title 4A establishes three review periods for Level 3, 4, and 5 Special Event applications. Applications received by the first Friday in December are reviewed by City Council by the end of February; applications received by the first Friday in April are reviewed by Council by the end of June; applications received by the first Friday in August are reviewed by Council by the end of October. MCPC § 4A-2-3(C)</p>	<p>The LMC requires that an “[a]pplication must be submitted no less than fifteen (15) days prior to the Special Event. . . The Planning Director may reduce this timeframe to ten (10) days upon written request of the Applicant.” LMC § 15-4-20(C)</p>
Criteria to grant, modify, or deny a Special Event Permit	MCPC § 4A-2-4	LMC § 15-4-20
Noise Ordinance	<p>A Special Event applicant may obtain an exemption from the Noise Ordinance. MCPC § 4A-2-3(G)(2)</p>	<p>The LMC requires those seeking a Special Event permit to comply with the Noise Ordinance. LMC § 15-4-20(D)(4)</p>
Notice Requirements	<p>When the Special Events Department grants a Special Event permit pursuant to Title 4A, the Economic Development Manager or designee determines the notice the permittee must provide, depending on the size and scope of the event. MCPC § 4A-2-11(B)(1)(g)</p>	<p>The LMC requires that applicants provide 10-day notice for the Special Event in compliance with LMC § 15-1-21, which requires a courtesy mailing to adjacent property owners and notice posted on the City website and within three public places. LMC 15-4-20(D)(12)</p>
Event Duration	<p>Title 4A allows the Economic Development Department and City Council discretion when establishing the duration of Special Events. MCPC § 4A-2-4</p>	<p>The LMC places a fifteen-day restriction on the duration of a Special Event, no more than twelve times per year per building, and there may be times when the LMC conflicts with Economic Development Department and City Council discretion. LMC § 15-4-20(B)</p>

MCPC Title 4A includes protections to ensure that Special Events do not conflict with the General Plan. The Economic Development Manager, designee, or City Council may deny a Special Event if the event is not consistent with the Park City General Plan or if the proposed event is “to avoid more restrictive general zoning.” MCPC [§ 4A-2-4](#).

The Special Events manager sends an email to all City Departments to review proposed Special Events. The Planning Director reviews all proposed Special Events for General Plan and zoning compliance.

(II) Remove Special Events from the LMC Zoning District Use Sections.

The table below outlines Special Events in the current LMC Use Sections:

Zoning District	Special Event
Historic Residential-Low Density	Not Allowed
Historic Residential	Not Allowed
Historic Residential	Conditional Use – subject to 15-2.3-8; 15-2.3-9
Historic Residential-Medium Density	Not Allowed
Historic Recreation Commercial	Administrative Conditional Use or Conditional Use
Historic Commercial Business	Administrative Conditional Use or Conditional Use
Recreation and Open Space	Not Allowed
Protected Open Space	Not Allowed
Rural Estate	Not Allowed
Estate	Not Allowed
Single Family	Not Allowed
Residential	Not Allowed
Residential Development	Not Allowed
Residential Development –Medium Density	Not Allowed
Recreation Commercial	Administrative Conditional Use or Conditional Use
General Commercial	Not Allowed
Light Industrial	Not Allowed
Public Use Transition	Not Allowed
Community Transition	Administrative Conditional Use

Over the years, Special Events were added to Zoning District Use Sections for specific limited temporary permits issued through the Planning Department. This was done to allow some limited properties to get pre-approved to host temporary events without having to go through the Special Event process each time. However, the Use Sections do not reflect Special Events permitting. Staff recommends removing the term *Special Event* from all Zoning District Use Sections. To obtain a Special Event permit, an Applicant does not need to meet land use standards and requirements of the LMC, rather, the applicant must meet the MCPC Title 4A standards and requirements.

(III) Make technical changes to the LMC to update and correct the code.

In 2016, City Council passed and adopted [Ordinance No. 16-07](#) to remove the definition of *Master Festival* and to replace the term *Master Festival* with *Special Event*. Staff recommends amending the Sign Code and LMC to reflect this change.

Staff also recommends technical revisions to the LMC to update internal citations, to comply with LMC § 15-15-1, which requires that terms defined in the LMC appear as capitalized proper nouns, and to correct internal citations to align with Municipal Code § 1-1-1, which clarifies citation to titles, chapters, and sections.

Lastly, staff recommends amending the definition of *Special Event* in the LMC to refer to the definition in Title 4A.

Department Review

The Economic Development, Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on May 27, 2020. The *Park Record* published notice on May 20, 2020. LMC [§ 15-1-21](#).

Public Input

No input was received at the time this report was published.