

Ordinance No. 11-05

ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TO PROVIDE CLARIFICATION AND CONSISTENCY BETWEEN SECTIONS; TO STREAMLINE AND CLARIFY PROCESS AND PROCEDURES FOR SUBDIVISION PLATS, CONDITIONAL USE PERMITS, MASTER PLANNED DEVELOPMENTS, AND PLAT AMENDMENTS; TO CLARIFY AND/OR ADD DEFINITIONS FOR AMENITIES CLUB, FIRST STORY, GOOD CAUSE, HOTEL, PHYSICAL MINE HAZARDS, RECYCLING FACILITIES, STORY, AND SUBDIVISION; TO RESOLVE PLANNING AND ZONING ISSUES RELATED TO ARCHITECTURAL GUIDELINES, SKYLIGHTS, SOLAR PANELS, AMENITIES CLUBS, AND PHYSICAL MINE HAZARDS; AND ENSURE CONSISTENCY WITH THE GENERAL PLAN AND CITY COUNCIL GOALS BY SPECIFICALLY AMENDING SECTIONS 15-1, 15-2.13, 15-2.16, 15-5, 15-6, 15-7.1, 15-7.3, 15-7.4, 5-11, 15-12 AND 15-15

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote and protect the health, safety and welfare of the present and future residents, businesses, visitors, and property owner's of Park City;

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan and promote Council goals to protect and enhance the vitality of the City's resort-based economy, overall quality of life, historic character, and unique mountain town community; and

WHEREAS, the City reviews the Land Management Code on a bi-annual basis and identifies amendments that address planning and zoning issues that have come up in the past year, applicable changes to the State Code, to align the Code with the Council's goals, and to correct inconsistencies between Sections of the Code;

WHEREAS, Chapter 1 provides general provisions and procedures pertaining to the development of land, implementation of the General Plan and promotion of Council goals and the City desires to clarify and revise these regulations as they pertain to identification of physical mine hazards, time extensions of planning applications, time extensions of approved conditional use permits, plats, and master planned developments; and clarification of notification requirements; and

WHEREAS, Chapter 2.13 provides regulations and procedural requirements regarding development and land uses in the Residential Development (RD) zoning district and the City desires to clarify and revise these regulations and procedures for consistency with the General Plan, Council goals and between related code sections as they pertain to inclusion of amenities clubs as a Conditional Use; and

WHEREAS, Chapter 2.16 provides regulations and procedural requirements regarding development and land uses in the Resort Commercial (RC) zoning district and the City desires to clarify and revise these regulations and procedures for consistency with the General Plan, Council goals, and between related code sections as they pertain to site and development regulations for single family and

duplex lots for consistency with HR-1 regulations, and inclusion of amenities clubs as a Conditional Use; and

WHEREAS, Chapter 5 provides regulations and procedural requirements regarding architectural design and the City desires to clarify and revise these regulations and procedures as they pertain to skylights, solar panels, trash and recycling enclosures, and synthetic stone products; and

WHEREAS, Chapter 6 provides regulations and procedural requirements regarding Master Planned Developments and the City desires to clarify and revise these regulations and procedures as they pertain to pre-Application review, time extensions of MPD approval, identification and mitigation of physical mine hazards, and requirements for recycling programs and facilities; and

WHEREAS, Chapters 7.1, 7.3 and 7.4 provide procedures, requirements, and specifications regarding the subdivision of land and the City desires to clarify and revise these procedures, requirements, and specifications regarding standards of review for preliminary and final plats, procedures and requirements for time extensions of approvals of plats, and procedures, requirements, and specifications for the identification of physical mine hazards; and

WHEREAS, Chapter 11 provides regulations and procedural requirements for the Historic Preservation Board pertaining to historic preservation and the City desires to clarify and revise these regulations and procedures to remove the two (2) year term limit restriction and clarify that fences and driveways in the historic districts are subject to the pre-application design review requirements; and

WHEREAS, Chapter 12 provides regulations and procedural requirements for the Planning Commission and the City desires to clarify and revise these regulations pertaining to expiration of inactive planning applications and time extensions of approvals for conditional use permits and plats; and

WHEREAS, Chapter 15 - Planning Commission, provides definitions of terms used in the LMC and the City desires to clarify, revise, provide consistency with the building code, and add terms pertaining to amenities clubs, crawl space, floor area, good cause, hotel, physical mine hazards, property owner, recycling facilities, story, and subdivisions of one lot; and

WHEREAS, the Planning Department duly noticed and conducted a public hearing at the regularly scheduled meeting on December 15, 2010 and on January 12, 2011, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 27, 2011; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and

City Council to protect health, safety, and welfare; to maintain and enhance quality of life for its residents and visitors; preserve and protect the environment, ensure preservation of the community's unique character, and enhance the vitality of Park City's resort economy.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 1- General Provisions and Procedures. The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 2- Section 15-2.13- RD zoning district. The recitals above are incorporated herein as findings of fact. Chapter 15-2.13 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 2- Section 15-2.16- RC zoning district. The recitals above are incorporated herein as findings of fact. Chapter 15-2.16 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 5- Architectural Review. The recitals above are incorporated herein as findings of fact. Chapter 5 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code
Chapters 7.1 (Subdivision Procedures), 7.3 (Subdivision Requirements), and 7.4 (Subdivision Specifications) - The recitals above are incorporated herein as findings of fact. Chapters 7.1, 7.3, and 7.4 of the Land Management Code of Park City are hereby amended as redlined (see Exhibits F, G, and H).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code is hereby amended as redlined (see Exhibit I).

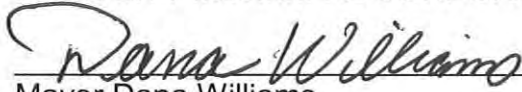
SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 12- Planning Commission. The recitals above are incorporated herein as findings of fact. Chapter 12 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit J).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code
Chapter 15- Definitions. The recitals above are incorporated herein as findings of fact.
Chapter 15 of the Land Management Code of Park City is hereby amended as redlined
(see Exhibit K).

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon
publication.

PASSED AND ADOPTED this 27th day of January, 2011

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark Harrington, City Attorney



PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

Chapter adopted by Ordinance No. 00-25

**CHAPTER 1 - GENERAL PROVISIONS
AND PROCEDURES.**

15-1 -1. SHORT TITLE.

This Title shall be known as the Park City Land Management Code (LMC).

**15-1 -2. STATEMENT OF
PURPOSE.**

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- (B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,
- (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,

(D) To protect the tax base and to secure economy in governmental expenditures,

(E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

(F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,

(G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,

(H) To protect and ensure access to sunlight for solar energy devices, and

(I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the

Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

(Amended by Ord. No. 06-22)

15-1 -3. CONFLICT.

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

15-1 -4. DEFINITIONS.

All capitalized proper nouns in the text of the LMC are defined terms. Defined terms are located in LMC Chapter 15-15.

15-1 -5. ZONING MAP ADOPTED.

The zoning map for Park City as adopted by the City Council and executed by the Mayor is the Official Zoning Map for Park City. Upon amendment to the Official Zoning Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

15-1 -6. ZONE DISTRICTS AND ZONE MAP.

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

(A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.

(B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

(C) There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District nor the number of landowners within the district may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.

(Amended by Ord. No. 06-22)

15-1 -7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.

All amendments to the LMC must be made in the following manner:

(A) **APPLICATION**. An Application must be filed first with the Planning Department on a form prescribed for that purpose. The Planning Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic Preservation Board may initiate an amendment as provided below.

(B) **HEARINGS BEFORE PLANNING COMMISSION**. The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission shall be given by posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing.

Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

(C) **ACTION BY PLANNING COMMISSION**. Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL**. The City Council must hold a public hearing on all amendments to the

LMC. Notice of the hearings shall be given by providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS**. At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall be given by posting notice in at least three (3) public places within the City and by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.

(F) **TEMPORARY OR EMERGENCY ZONING**. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an Ordinance establishing temporary zoning regulations for any part or all of the Area within the municipality if:

- (1) The City Council makes a finding of compelling, countervailing public interest; or
- (2) The area is unregulated.

Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

(Amended by Ord. No. 06-22)

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

(A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.

(B) No new Use shall be valid on any Property within the City unless the Use is allowed.

(C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.

(D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application per type, per Property, will be accepted and processed at a time.

(E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments, Administrative Permits, and Administrative Conditional Use permits.

(F) Projects in the Historic Districts and Historic Sites outside the Historic Districts are subject to design review under the Design Guidelines for Historic Districts and Historic Sites.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.

(H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.

(I) Variances, Special Exceptions, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

(J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other fees including engineering fees have been paid, and following applicable staff review.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures

15-1-5

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic	X	z			
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X			z	
MPD				X	z
Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance/Special Exception			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

*All Applications shall be filed with the Planning Department. Planning Department staff makes a recommendation to the appropriate decision making body (X).

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(Amended by Ord. Nos. 06-22; 09-10; 09-23)

15-1-9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Planning Department, and include

payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning

Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Design Guidelines for Historic Districts and Historic Sites, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and
- (7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER**. No permit issued shall be valid if any of the criteria listed in this section have not been met.

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(Amended by Ord. Nos. 06-22; 09-23)

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

(A) PRE-APPLICATION

CONFERENCE An Applicant may request a pre-Application conference with the Planning Department to discuss the proposed Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts.

(B) THE APPLICATION An Applicant must file a Complete Application on forms provided by the Planning Department for Conditional Uses.

(C) NOTICE/POSTING Upon receipt of a Complete Application, the Planning Department shall provide notice and posting per Section 15-1 -12. NOTICE.

The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit Application and shall either approve, deny, or modify and approve the permit.

(D) STANDARDS FOR REVIEW

The City shall not issue a Conditional Use

permit unless the Planning Commission concludes that:

- (1) the Application complies with all requirements of this LMC;
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
- (3) the Use is consistent with the Park City General Plan, as amended; and
- (4) the effects of any differences in Use or scale have been mitigated through careful planning.

(E) REVIEW The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

- (1) size and location of the Site;
- (2) traffic considerations including capacity of the existing Streets in the Area;
- (3) utility capacity;
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;
- (6) internal vehicular and pedestrian circulation system;

Comment [kaw1]: No changes in the way notice is currently done. Because there are different noticing requirements it is better to refer all noticing to the section that specifies the different requirements for different types of projects, etc.

Deleted: provide published notice once fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposal. (See

Deleted:)

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

(9) usable Open Space;

(10) signs and lighting;

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Physical Mine Hazards, Slope retention, and appropriateness of the proposed

Structure to the topography of the Site.

(F) **TRANSFERABILITY**. A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION**. Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditional Use has commenced on the project or a Building permit for the Use has been issued.

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The Planning Director may grant an extension of a Conditional Use permit for one (1) additional year, when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted prior to the expiration of the Conditional Use permit.

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The Planning Commission may grant an additional one year extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a

finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted prior to the expiration of the Conditional Use permit.

(H) **APPEALS**. Appeals must be pursuant to Section 15-1-18 herein.

(Amended by Ord. No. 06-22)

15-1-11. SPECIAL APPLICATIONS.

(A) **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS**. Applications for MPDs shall be reviewed according to LMC Chapter 15-6.

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES**. The Board of Adjustment must review Applications for Variances, Special Exceptions and Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior to the issuance of any Conditional Use permit or Master Planned Development, or other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

(C) **PLAT AMENDMENTS/ SUBDIVISION**. Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS**. The Planning Director shall review and take Final Action on Administrative Conditional Use permits. Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

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(E) **ADMINISTRATIVE PERMITS**. The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and overcrowding permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

(Amended by Ord. Nos. 06-22; 09-10)

15-1-12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission must be provided in accordance with this section. All notices,

unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property, ~~or the proposed~~ modification to the Park City General Plan ~~or to the Land Management Code~~, and ~~shall state~~ the time, place and date set for public hearing on the matter. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

(A) **POSTED NOTICES** The Planning Department must post notice on the Property affected by the Application and on the City's official website or in at least three (3) public locations within the municipality.

(B) **PUBLISHED NOTICE** Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) **COURTESY NOTICE** As a courtesy to adjacent Property Owners, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) **APPLICANT NOTICE** For each land Use Application, the Planning

Department must notify the Applicant of the date, time and place of each public hearing and public meeting to consider the Application and of any final action on the pending Application.

(E) **EFFECT OF NOTICE** Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days after the date of the hearing or action for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

(F) **OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION**

(1) **REGISTRATION** Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00). The registration must consist of a copy of the Owners association's Utah State Business or corporate registration and the name(s), addresses including post office box numbers, and telephone numbers of at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

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Comment [kaw2]: Staff will review State Code and return to Planning Commission with future revisions for consideration. At this time staff is not making substantive changes to the way Notice is done.

Associations not registered with the City will not be included in the published list of Owners associations and do not receive notice of Building Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the Building Department within ten (10) days of the change.

(2) **NOTICE.** Prior to, or at the time of Application for a permit for any Development, the Applicant must file with the City evidence of notification to the appropriate registered Owners association(s). Acceptable evidence of notification shall be the following:

- (a) the properly executed notice form, as approved by the City; or
- (b) a signed return receipt from a certified letter posted to the registered association representative, with a copy of the notice form approved by the City.

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an Applicant and an Owners association. Nothing herein shall be interpreted to require Owners association consent prior to City Final Action.

(Amended by Ord. Nos. 02-57; 06-22; 09-10)

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) **POLICY.**

(1) **GUARANTEE REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site or Public Improvements on construction projects, it is the policy of the City to require that Developers either complete all Site or Public Improvements prior to occupancy, or if that is not possible, that adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until an adequate financial Guarantee is posted in accordance with this section. It is also the policy of the City to require Developers to post a financial Guarantee to ensure compliance with a Historic Preservation Plan whenever a Building project affects a Historic Building, Structure, Site or Object, as defined by this Title.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial Guarantee given by the

Developer is limited to a contract between the City and the Developer for the express purposes of providing for the protection of City facilities, eliminating conditions which could become public nuisances, and ensuring compliance with a Historic Preservation Plan. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects, which are the fault of the Developer.

(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.**

All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site and Public Improvements shown on the Site plan. Where applicable, the approved plans shall also include a Historic Preservation Plan. For purposes of this Code, the term "Site Improvement" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. The term "Public Improvement" is defined in Chapter 15 of this Title. The term "Historic Preservation Plan" means a plan approved by the Planning Director and Chief Building Official, or their ~~designees that~~ specifies the Historic character of a Historic Building Structure, Site or Object, and the methods and means a Developer will use to preserve that Historic character during the Building

project. Deviations from the approved plans must be approved in advance by the Chief Building Official.

(C) **GUARANTEE FOR COMPLETION.**

No Certificate of Occupancy will be issued, nor any plat approved when plats are required by this Code, unless the Building and all required Site or Public Improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site or Public Improvements. When the Site or Public Improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

(1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site or Public Improvement work remains unfinished; and

(2) The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site or Public Improvements is safe and that Access for emergency vehicles is adequate with the Site or Public Improvements unfinished; and

Deleted: designees, that

(3) The Developer posts an adequate Guarantee for the benefit of the City to insure completion of the Site or Public Improvements in full compliance with the approved plans within one (1) year from the date of plat approval, if required, or issuance of the Certificate of Occupancy, whichever occurs first.

(D) **AMOUNT OF GUARANTEE FOR SITE OR PUBLIC IMPROVEMENTS.** The amount of the Guarantee for Site or Public Improvements to be posted by the Developer, shall be equal to 125% of the amount reasonably estimated by the City Engineer, or his designee, as being necessary to complete remaining Site or Public Improvements as shown on the approved plans. In the event that the Developer disputes the City's cost estimate, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF GUARANTEE.** The terms of any Guarantee arrangement offered to the City shall state a date by which the Developer agrees to have Site or Public Improvement work completed in accordance with the plans, and shall further provide that in the event that the Developer has not completed the required Site or Public Improvements work by that date, the City may at its option and on its schedule, draw on the Guarantee by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Guarantee.

(F) **FORM OF GUARANTEE.** Guarantee arrangements offered in lieu of simultaneous completion of Buildings and Site or Public Improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit issued by a bank authorized to do Business in the State of Utah or an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or
- (2) A deposit of cash with a third party Escrow, or

(3) A deposit of cash with the City, or

(4) Some combination of the above as approved by the City or an approved equal.

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request

modifications to plans covering Site or Public Improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer a Guarantee for the performance of the Site or Public Improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other Guarantee held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site or Public Improvements, additional Guarantee must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST.** The City shall not be required to pay interest to the Developer on any funds in escrow or on cash held by the City as a Guarantee.

(J) **DETAILED SITE PLANS.** A detailed Site plan shall be presented, showing the location and nature of drainage works, Grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

(K) **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of Guarantee required for single family homes shall be the reasonably estimated cost to complete construction of any Site or Public Improvements on a labor and materials basis, and the estimated cost to complete

landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) **PHASED PROJECTS.** Site or Public Improvements applicable to each phase of a phased project or Development shall be completed or Guarantee for completion provided as each phase is constructed and either platted or occupied. Site or Public Improvements on other phases of the project shall be completed or Guarantee offered as those phases are completed.

(Amended by Ord. Nos. 02-07; 06-22; 09-09)

15-1 -14. TERMINATION OF APPLICATIONS FOR INACTION.

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their Applications either to approval or denial in a reasonably expeditious manner. The Planning Director may formally deny Applications which remain inactive for a period of 180 days or longer due to acts or omissions of the Applicant.

(A) **TERMINATION OF APPLICATIONS.** When the Planning Director finds an Application to be inactive, the Planning Director may deny the Application and close the files with respect to that project. No Application shall be denied on the basis of Inaction without giving fourteen (14) days written notice to the Applicant. Such notice must state the intent of the Planning Director to have the Application denied because of Inaction and

the right to contest said denial to the Planning Commission.

Delays occasioned by the City shall not constitute cause for terminating an Application.

(B) **REINSTATEMENT.** An Applicant may appeal the Planning Director's denial of an Application for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate said Application subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

(Amended by Ord. No. 06-22)

15-1 -15. PENALTIES.

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

Private citizens of Park City or Property Owners have the right to file actions to enjoin the continuation of a violation affecting their interests, provided that the

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plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. LICENSING.

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. VESTING.

(A) An Applicant is entitled to approval of a land Use Application if the Application conforms to the requirements of an applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

(1) the land Use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or

(2) in the manner provided by local ordinance and before the Application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the Application as submitted.

(B) The municipality shall process an Application without regard to proceedings initiated to amend the municipality's ordinances if:

(1) 180 days have passed since the proceedings were initiated; and

(2) the proceedings have not resulted in an enactment that

prohibits approval of the Application as submitted.

(C) An Application for a land Use approval is considered submitted and complete when the Application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

(D) The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.

(B) A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

(Amended by Ord. No. 06-22)

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E). All appeals must be filed with the Planning Department within ten (10) days of Final Action.

There shall be no additional notice for appeal of the staff determination other than listing the matter on the agenda, unless notice of the staff review was provided in

which case the same notice must be given for the appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB)**. Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION**. Final Actions by the Planning Commission on appeals of Staff action may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

(1) **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS**. The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a

duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

- (a) Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
- (b) Follow complex oral and written arguments and identify key issues of local concern.
- (c) Master non-legal concepts required to analyze specific situations, render findings and determinations.
- (d) Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.

(2) **PROCESS**. Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the

“City Council” in this section 15-1-18 (G-I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.

(Amended by Ord. No. 10-15)

(D) **STANDING TO APPEAL**. The following has standing to appeal a Final Action:

- (1) Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
- (2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING**. All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(F) **FORM OF APPEALS**. Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW**. The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority below.

(H) WRITTEN FINDINGS

REQUIRED. The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

(I) CITY COUNCIL ACTION ON APPEALS

- (1) The City Council, with the consultation of the appellant, shall set a date for the appeal.
- (2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.
- (3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
- (4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) CITY COUNCIL CALL-UP

Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1 -12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(K) NOTICE. Notice of all appeals to City Council or call-ups shall be given by:

- (1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City and
- (2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action. The City Recorder shall provide noticing for Council call-ups.

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL.** Upon the filing of an appeal, any approval granted by the Planning Commission will be suspended until the City Council has acted on the appeal.

(M) **APPEAL FROM THE CITY COUNCIL.** The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

(N) **RECONSIDERATION.** The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(O) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 10-15)

15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE.** Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES.** The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action

deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

(C) **APPEAL.** Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) **TAKINGS APPEAL BOARD.** There is hereby created a three (3) member Takings Appeal Board. The City Manager shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection (C), the City Manager shall appoint a member or sufficient members to fill the vacancies.

15-1 -20. EXACTIONS.

Exaction or exactions may be imposed on Development proposed in a land Use Application if:

(A) An essential link exists between a legitimate governmental interest and each exaction; and

(B) Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed Development.

(Created by Ord. No. 06-22)

15-1 -21. NOTICE MATRIX.

(See following pages)

NOTICE MATRIX

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ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions <u>or</u> City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.
Conditional Use Permit	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures

15-1-23

Administrative Conditional Use Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.	Formatted Table Deleted: The Property shall be posted
Administrative Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.	Deleted: The property shall be posted Comment [kaw3]: Affected entity is a defined term in state code for code amendments and annexations. Staff will return at a later date with definitions for affected entities that are consistent with the State Code.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to Owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.	Deleted: affected
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.	
Designation of Sites to the Historic Sites Inventory	7 days prior to hearing before the Historic Preservation Board.	-----	Once 7 days prior to hearing before the Historic Preservation Board.	Deleted: Once
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. Other posted legal notice not required. Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply.	First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14	See appeals from Planning Director, Historic Preservation Board, Planning Commission, including City Council Call-Up. Section 15-1-18.	Deleted: ¶ Deleted: 4 Deleted: Development Deleted: ies

	or do not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	day <u>initial</u> public comment period. The second mailing occurs <u>once the Planning Department determines the proposed plans comply or do not comply with</u> the Design Guidelines for Historic Districts and Historic Sites <u>and no later than 45 days after the end of the initial public comment period. This establishes a</u> 10 day period in which the Planning Department's decision may be appealed.	Deleted: es
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	-----	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	-----
Lot Line Adjustments: Between 2 Lots without a plat amendment.	<u>10 days prior to Final Action on the Property.</u> <u>Other posted legal notice not required.</u>	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	Deleted: -----
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Condominium	14 days prior to the	14 days prior to the hearing	Once 14 days prior to

Comment [kaw4]: This is the language in the Design Guidelines. The deleted language is not consistent with Guidelines.

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures

15-1-25

Applications; Record of Survey Plats	hearing before the Planning Commission.	before the Planning Commission, to Owners within 300 ft.	the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Vacating or Changing a Street	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.
<p>Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.</p> <p>Appendix A – Official Zoning Map (Refer to the Planning Department)</p>			

(Amended by Ord. Nos. 06-22; 09-10; 09-23)

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.13 - RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

- (A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9 for Child Care Regulations

- (14) Parking Area or Structure with four (4) or fewer spaces
- (15) Recreation Facility, Private
- (16) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling⁶
- (2) Multi-Unit Dwelling⁶
- (3) Guest House
- (4) Group Care Facility
- (5) Child Care Center⁴
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁷
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹⁰
- (16) Office, General^{6,9}
- (17) Office, Moderate Intensive^{6,9}
- (18) Office, Medical^{6,9}
- (19) Financial Institution without drive-up window^{6,9}
- (20) Commercial Retail and Service, Minor^{6,9}
- (21) Commercial Retail and Service, personal improvement^{6,9}
- (22) Commercial, Resort Support^{6,9}
- (23) Café or Deli^{6,9}
- (24) Restaurant, Standard^{6,9}
- (25) Restaurant, Outdoor Dining¹⁰
- (26) Outdoor Event¹⁰
- (27) Bar^{6,9}
- (28) Hospital, Limited Care Facility^{6,9}
- (29) Parking Area or Structure with five (5) or more spaces
- (30) Temporary Improvement¹⁰

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an administrative Conditional Use permit.

- (31) Passenger Tramway Station and Ski Base Facility¹¹
- (32) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial⁶
- (35) Entertainment Facility, Indoor^{6,9}
- (36) Commercial Stables, Riding Academy¹²
- (37) Master Planned Development with moderate income housing density bonus¹²
- (38) Master Planned Development with residential and transient lodging Uses only¹²
- (39) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
- (40) Heliport¹²
- (41) Vehicle Control Gate¹³
- (42) Fences and walls greater than six feet (6') in height from Final Grade¹⁰
- (43) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴

¹¹ As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

¹² Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³ See Section 15-4-19 for specific review criteria for gates

¹⁴ Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

(44) Amenities Club

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-08; 04-39; 06-76)

15-2.13-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **DENSITY.** The maximum Density is three (3) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum density of five (5) units per acre with a Master Planned Development.

Development must be clustered to preserve common Open Space, and shall protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.

(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front

in an Area other than the original location set forth in the services agreement and/or Master Festival License

Facing Garages for Single-Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line.

(C) **FRONT YARD EXCEPTIONS.**

(1) Within any subdivision, the Planning Commission may designate specific Single Family and Duplex Dwelling Lots on which the Front Yard Setback is ten feet (10') for the Main Building and fifteen feet (15') for the new Front Facing Garage or garage element, including any Habitable Space above the garage. This exception may be granted to:

- (a) solve Access problems to Lots with relatively steep Grades,
- (b) preserve Significant Vegetation,
- (c) eliminate or minimize cut and fill Areas,
- (d) promote Clustered Development, and
- (e) preserve Open Space.

Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.

(2) **EXCEPTIONS FOR STRUCTURES.** The Front Yard must be open and free of any Structure except:

(a) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(b) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(c) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(d) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(e) Sidewalks, patios, and pathways.

(f) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, patios, allowed

Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

(g) Circular driveways, meeting all requirements stated in Section 15-3-4 herein.

(D) **REAR YARD.** The minimum Rear Yard is fifteen feet (15') for Main Buildings and ten feet (10') for Accessory Buildings and detached garages.

(E) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

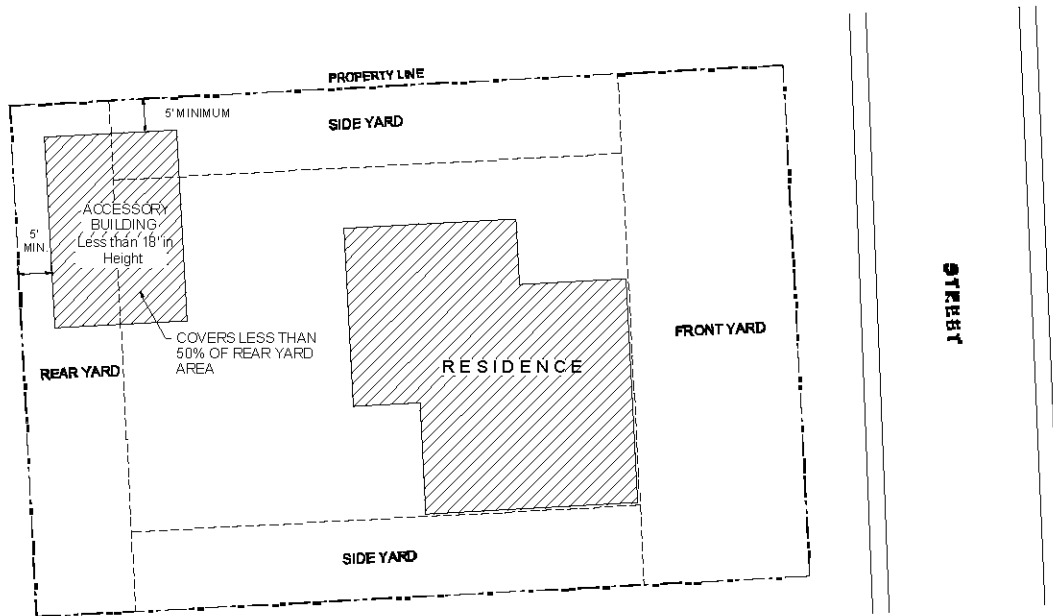
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) Hard-Surfaced Parking Areas subject to the same location requirements as detached Accessory Buildings.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific

review.¹⁵

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD.**

(1) The minimum Side Yard is twelve feet (12').

¹⁵Fences and walls greater than six feet (6') in height requires an administrative Conditional Use permit

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(G) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided

there is at least one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(G) **OTHER EXCEPTIONS.** The Planning Commission may vary Side Yards in Subdivisions and Master Planned Developments. In no case shall the

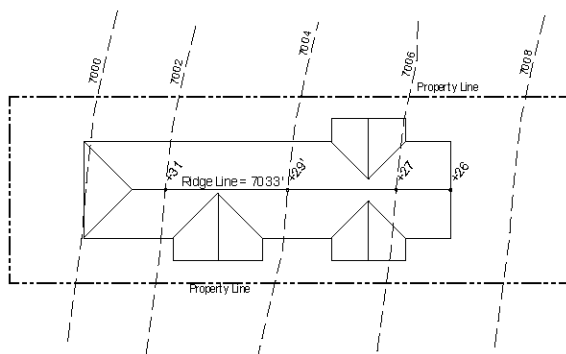
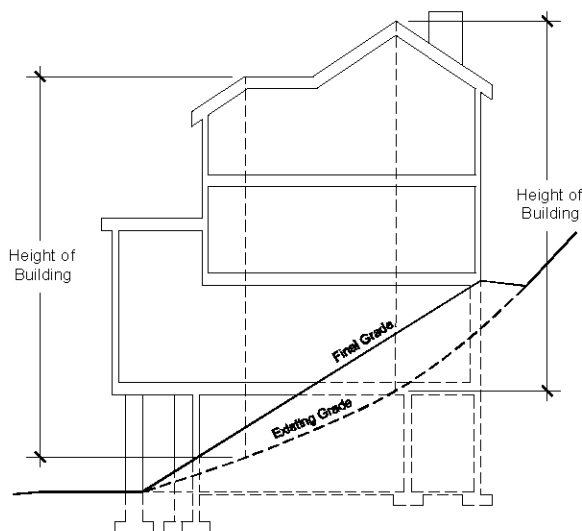
Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in Section 15-2.13-3(F)(2).

(1)

(Amended by Ord. No. 06-76)

15-2.13-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.



(A) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

- (1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
- (5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.
- (6) Ski lifts and tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(B) **OTHER HEIGHT EXCEPTIONS.**

The Planning Commission may designate and condition a recorded Subdivision Plat to restrict Building Height to less than twelve feet (12') above Natural Grade for uphill Lots between the ten foot (10') Setback allowed for garages, Section 15-2.13-3(C) (1) Front Yard Exceptions, and the normal twenty-five foot (25') Setback.

(Amended by Ord. Nos. 02-38; 06-76; 07-25)

15-2.13-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.13-6. MAXIMUM HOUSE SIZE AND SETBACKS ON COMBINED LOTS.

As part of a Master Planned Development, or a subdivision, the Planning Commission may designate maximum house sizes to

ensure Compatibility. An Owner may combine Lots with designated maximum house sizes and achieve approximately 150% of the maximum house size attributed to a particular Lot. The Owner must request an increase in maximum house size prior to or concurrent with, the Lot combination plat. The request must be made on forms provided by the Planning Department for review by the Planning Director for compliance with the following:

(A) **HOUSE SIZE.** The maximum house size may not exceed 150 percent (150%) of the house size allowed on each single Lot when those maximums are combined and averaged. The following formula must be used to calculate the maximum house size (MHS):

$$MHS = ((hsLot1 + hsLot\ 2...hsLotn) \div n) \times 1.50$$

*where n is the number of Lots being combined, and hsLot1, hsLot2, hsLotn are the allowed house sizes in square feet, for the individual Lots in the Lot combination.

For example: if two (2) Lots, one with a 4000 square foot maximum house and one with a 3000 square foot maximum, are combined the maximum house size would be 5250 square feet. The average of the two Lots is 3500 square feet. $3500 \times 150\% = 5250$ square feet, i.e.

$$((4000 + 3000) \div 2) \times 1.5 = 5250 \text{ sq. ft.}$$

In Subdivisions where maximum house size is not specified, the house size on combined Lots must be determined by the Planning Director based upon neighborhood Compatibility, Lot size, visibility from

Public Streets, and visual analysis.

(B) **SETBACKS.** The allowed minimum Setbacks (MSB) for the proposed house size (PHS) on combined Lots must increase in proportion to the percentage of increase in the house size (%IHS) over the average maximum house size (AMHS) for the Lots being combined, according to the following formulas:

$$\%IHS = ((PHS-AMHS) \div AMHS) \times 100$$

$$MSB = \text{Zone Setback} + (\text{Zone Setback} \times \%IHS)$$

For example: Using the previous example, where two Lots, one with a 4,000 sq. ft. maximum house size and one with a 3,000 sq. ft. maximum, are combined yielding a proposed house size (PHS) of 5,250 sq. ft., the percent increase in house size (%IHS) is fifty percent (50%).

$$\%IHS = ((5,250-3,500) \div 3,500) \times 100 = 50\%$$

If the increased house size (%IHS) is fifty percent (50%) greater than the average maximum house size (AMHS) on any of the Lots being combined, the allowed minimum Setbacks (AMSB) must be fifty percent (50%) greater than the standard Setbacks of the zone.

For example: If the zone Setback for Side Yards is twelve feet (12') and the percent increase in house size is fifty percent (50%) then the minimum Setback for the combined Lot is eighteen feet (18'), as follows:

$$MSB = 12' + (12' \times 50\%) = 18'$$

Therefore:

$$\text{Minimum Setback (Side)} = 12' + (12' \times 50\%) = 18' \text{ if zone Setback is } 12'.$$

Lots with unusual configurations, topography, Access, or Significant Vegetation may have the Setbacks shifted upon approval of the Planning Director but in no case may they be less than the required Setbacks.

(C) **EASEMENT VACATIONS.** If an easement must be vacated to allow construction on a combined Lot, the Applicant must show evidence that the easement can be vacated or relocated without affecting service to the adjacent Lots. The easement relocation agreement must be recorded and/or shown on the plat amendment for the Lot combination.

(D) **PLAT AMENDMENT.** The Lots must be legally combined through plat amendment or administrative approval as provided in LMC Chapter 15-7, Subdivisions.

(Amended by Ord. No. 06-76)

15-2.13-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of

rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-10, Conditional Use review.

15-2.13-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. An Applicant must submit a Site plan and written description of the event, addressing the following:

(A) Notification of adjacent property Owners.

(B) No violation of the City Noise Ordinance, Title 6.

(C) Impacts on adjacent Residential Uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

(Amended by Ord. No. 04-08, Criteria for Vehicle Control Access Gates Deleted)

15-2.13-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following

criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay

15-2.13-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet

(20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-76)

15-2.13-11. SIGNS.

Signs are allowed in the RD District as provided in the Park City Sign Code, Title 12.

15-2.13-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. LMC Chapter 15-3-3(D); Title 14.
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

PARK CITY MUNICIPAL CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.16 - RECREATION COMMERCIAL (RC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

- (A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) limit new Development on visible hillsides and sensitive view Areas,
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and to adjacent Areas,
- (G) minimize architectural impacts of the automobile,

(H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,

(I) promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and

(J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹

¹Nightly Rental of Lockout Units requires a Conditional Use permit

- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting⁴
- (10) Child Care, Family⁴
- (11) Child Care, Family Group⁴
- (12) Child Care Center⁴
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces
- (20) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9, Child Care Regulations

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License. Requires an Administrative Permit.

- (3) Public and Quasi-Public Institution, Church, and School
- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna⁶
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (7) Raising, grazing of horses
- (8) Cemetery
- (9) Hotel, Major
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office
- (12) Private Residence Club Project and Conversion⁹
- (13) Office, General⁸
- (14) Office, Moderate⁸
- (15) Office and Clinic, Medical⁸
- (16) Financial Institution without drive-up window⁸
- (17) Minor Retail and Service Commercial⁸
- (18) Retail and Service Commercial, personal improvement⁸
- (19) Transportation Service⁸

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

- (20) Neighborhood Market, without gasoline sales⁸
- (21) Café or Deli⁸
- (22) Restaurant, General⁸
- (23) Restaurant, Outdoor Dining^{8,9}
- (24) Bar⁸
- (25) Hospital, Limited Care Facility⁸
- (26) Parking Area or Structure with five (5) or more spaces
- (27) Temporary Improvement⁹
- (28) Passenger Tramway Station and Ski Base Facility¹⁰
- (29) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹⁰
- (30) Outdoor Events and Uses⁹
- (31) Recreation Facility, Public and Private⁸
- (32) Recreation Facility, Commercial⁸
- (33) Entertainment Facility, Indoor⁸
- (34) Commercial Stables, Riding Academy⁸
- (35) Master Planned Developments
- (36) Heliport⁸
- (37) Special Events⁹
- (38) ~~Amenities Club~~

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

⁹Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

¹⁰ As part of an approved Ski Area Master Plan

(Amended by Ord. Nos. 02-38; 04-39; 06-76; 09-10)

15-2.16-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **SINGLE FAMILY AND DUPLEX DWELLINGS.** For Single Family and Duplex Dwellings see Section 15-2.16-5.

(B) **DEVELOPMENT FLOOR AREA RATIO.** For all Development, except Single Family and Duplex Dwellings, the maximum Floor Area Ratio is one (1.0), not including underground Parking Structures.

(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). See Section 15-2.16-5 for Front Yard requirements for Single Family and Duplex Dwellings.

(D) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

- (1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet

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(25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(3) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) Roof overhangs, eaves and cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard except for approved driveways, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD.** The minimum Rear Yard is ten feet (10'). See Section 15-2.16-5 for Rear Yard requirements for Single Family and Duplex Dwellings.

(F) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

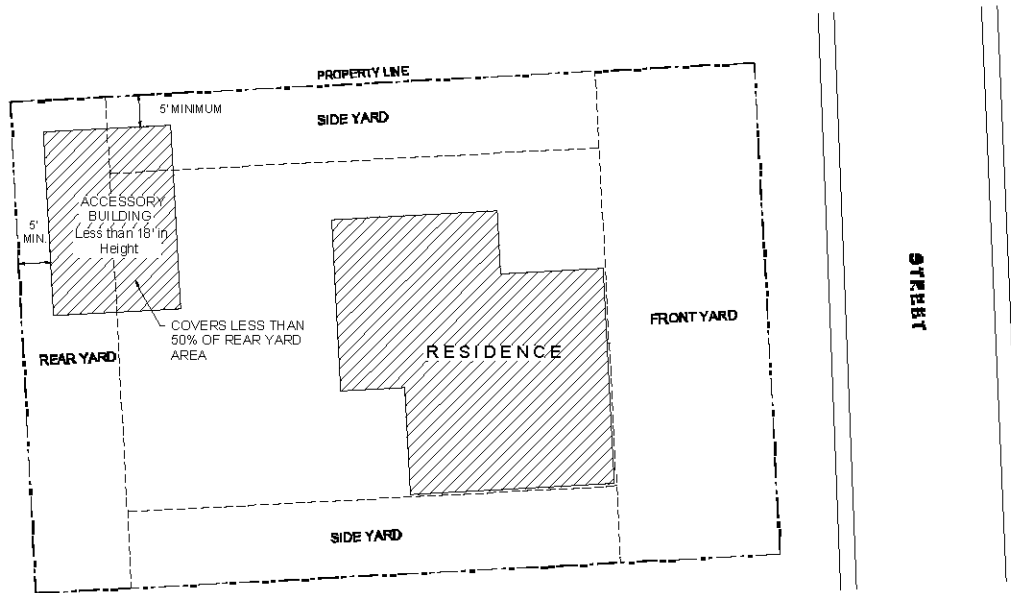
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning

Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10'). See Section 15-2.16-5 for Side Yard requirements for Single Family and Duplex Dwellings.

(2) A Side Yard between connected Structures is not required

where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tub, and similar Structures provided it is located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **OPEN SPACE.** On any Lot greater than 25,000 sq. ft. in Area, at least sixty

percent (60%) of the Lot must be devoted to Transferred Development Right (TDR) Open Space. This is in addition to any Open Space required as part of a Master Planned Development. TDR Open Space may be either Natural or Landscaped Open Space.

(Amended by Ord. Nos. 06-76; 09-10)

15-2.16-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height. See Section 15-2.16-5 Building Height for Single Family Dwellings and Duplexes.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features,

subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Ski Lifts and Tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. Nos. 02-38; 06-76; 07-25)

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

The following minimum Lot and Site

Comment [kaw1]: Purpose of amendments are to make this section consistent with the HR-1 and HRL Districts for single family and duplexes.

requirements apply to Single Family and Duplex Dwellings in the RC District:

(A) **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE - RC DISTRICT**. The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by Section 2.16-5(C).

(C) **BUILDING PAD - RC DISTRICT**. The Building Pad is the Lot Area minus required Front, Rear and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;

(f) Sidewalks, pathways, and steps;

(g) Screened hot tubs; and

(h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

(a) provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Sites; and

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT - RC DISTRICT**. The maximum Building Footprint of any Single Family or Duplex Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.16.

The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500

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**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.16 Recreation Commercial
(RC) District** **15-2.16-9**

square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A

Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

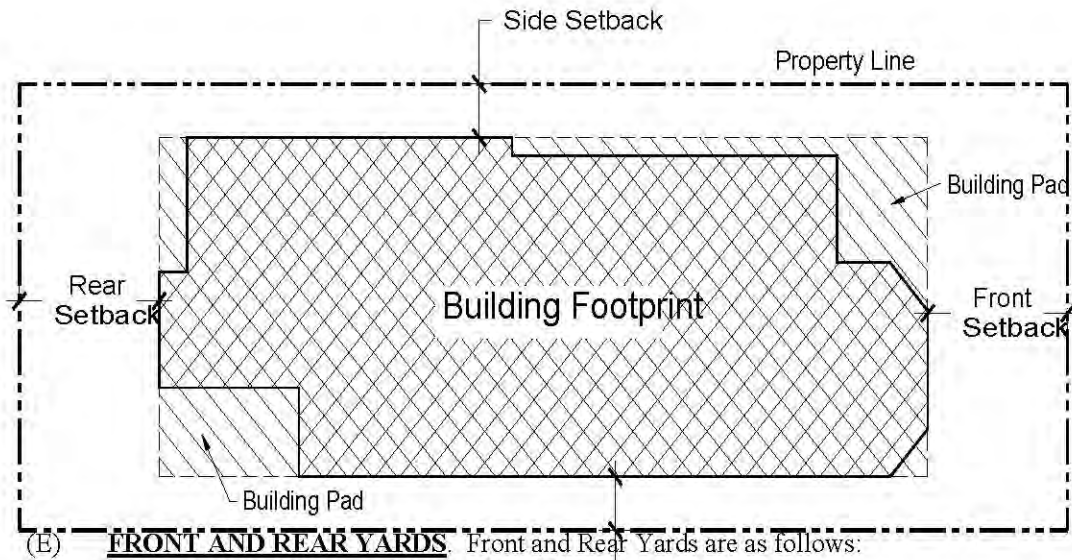
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.16- below for a schedule equivalent of this formula.

TABLE 15-2.16

Lot Depth, ≤ ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

* For Lots > 75' in depth use Footprint formula and Table 15-2.16a for Front and Rear Setbacks.



Front and Rear Yards are as follows:

Table 15-2.16a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS**

The Front Yard must be open and free of any Structure except:

(1) Fences, ~~or walls~~, not more than four feet (4') in height, or as permitted in Section 15-4-2, ~~Fences and Walls~~. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the

steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

(3) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

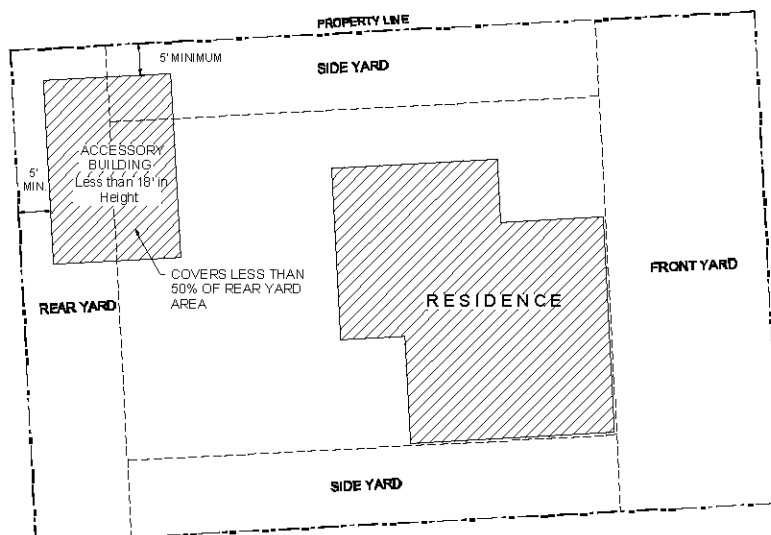
(4) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

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- Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structures may not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:

- (1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear Yard.
- (2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
- (4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.
- (5) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

- (6) Detached Accessory



(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences and walls as permitted in Section 15-4-2, Fences and Walls.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways and steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16 above.

(2) Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(3) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not

Deleted: , walls, and retaining walls not more than six feet (6') in height.

more than two feet (2') into the Side Yard.¹¹

(2) Chimneys not more than five Feet (5') wide projecting not more than two feet (2') into the Side Yard.¹¹

(3) Window wells and light wells Projecting not more than four feet (4') into the Side Yard.¹¹

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹¹

(5) Window sills, belt courses, trim, cornices, exterior siding, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.

(7) Fences and walls as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps

¹¹ Applies only to Lots with a minimum Side Yard of five feet (5') or greater

connecting to a City staircase or pathway.

(10) A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(L) **BUILDING HEIGHT.** No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height

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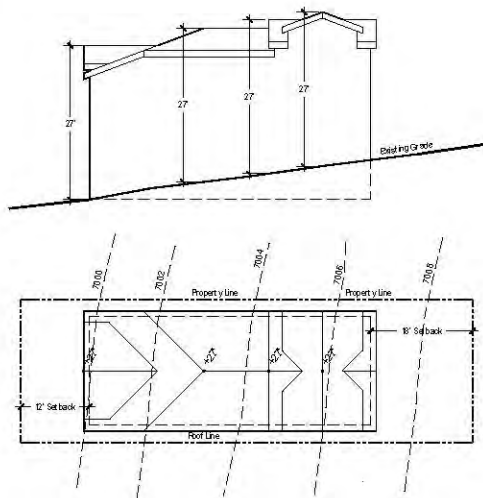
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requirements must be met:

(A) A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finished Grade on all sides of the Structure. On a Structure in which the first Story is located completely under finished Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

(C) **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.



(M) **BUILDING HEIGHT**

EXCEPTIONS. The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with the American Disability Act standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with

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Deleted: To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement, and the plans comply with height exception criteria in Section 15-2.2-6(B)(10)(a-j).

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the American Disability Act (ADA) standards.

(4) GARAGE ON

DOWNHILL LOT. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-76; 09-10)

15-2.16-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Sites, the Planning Commission may grant an

exception to the Building Setback and driveway location standards for additions to Historic Buildings upon:

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-76)

15-2.16-7. ARCHITECTURAL REVIEW.

(A) **ALL DEVELOPMENT.** Prior to the issuance of Building Permits for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(B) SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE HISTORIC AREAS.

- (1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within

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the Area specified below:

- (a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and
- (b) Any residential Development that is located along or Accessed off of Park Avenue.

The Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.

- (2) Appeals of departmental determinations of compliance with the Design Guidelines for Historic Districts and Sites, LMC Section 15-11 and Section 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of this Code.

(Amended by Ord. Nos. 06-76; 09-10)

15-2.16-8. PARKING REGULATIONS.

(A) Tandem Parking is allowed for Single Family and Duplex Dwellings in the RC District.

(B) Common driveways are allowed along shared Side Yard Property Lines, to provide Access to parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of such a shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and

- (2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A Parking Structure may occupy below Grade Side and Rear Yards if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Chapter 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area. Driveway widths are regulated in Section 15-3.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-76; 09-10)

15-2.16-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

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(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.16-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.**
Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise in excess of the City Noise Ordinance.

(f) No Use after 10:00 p.m.

(g) Review of the restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for

the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

(a) 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.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) 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.

(4) OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use Review. An Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of

adjacent Property Owners.

(b) No violation of the City's Noise Ordinance.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise requires an Administrative Permit and 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,

forty-four inches (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.

(Amended by Ord. Nos. 05-49; 06-76; 09-10)

15-2.16-10. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No permit may be issued unless the following criteria are met:

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible

with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental room(s).

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-76)

15-2.16-11. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.16-12. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground,

groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

(Amended by Ord. No. 06-76)

15-2.16-13. SIGNS.

Signs are allowed in the RC District as provided in the Park City Sign Code, Title 12.

15-2.16-14. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.

- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 5 - ARCHITECTURAL REVIEW

Chapter adopted by Ordinance No. 02-07

**CHAPTER 5 - ARCHITECTURAL
REVIEW**

15-5 -1. POLICY AND PURPOSE.

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those Building materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely

developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

(Amended by Ord. Nos. 06-56; 09-23)

15-5-2. HISTORIC DISTRICTS AND HISTORIC SITES.

All Uses within the Historic Districts and on Historic Sites outside the Historic Districts, both Allowed and Conditional, are subject to design review by the Planning Department for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted by the City Council in a resolution of July 9, 2009, and requirements stated in Section 15-11-12, Historic District or Historic Site Design Review of this Code. Those guidelines are incorporated into this Code by reference, but may be revised from time to time by resolution of the City Council.

Design review for all Uses, Allowed and Conditional, within the HRL, HR1, HR2, HRM, HRC, HCB Districts, and Historic Sites located outside these districts is initially performed by the Planning Department as set forth in LMC Chapter 15-11-12 Historic District and Historic Site Design Review, with a right of appeal to the Historic Preservation Board.

Design review by the Historic Preservation Board is limited to matters of design compliance, with all functional review of Conditional Uses performed by the City staff and/or Planning Commission per Section 15-1-11.

(Amended by Ord. Nos. 06-56; 09-23)

15-5-3. CONDITIONAL USE REVIEW.

Conditional Uses outside the Historic District zones are subject to design review

by the Planning Department, with a right of appeal to the Planning Commission. The standards of review are set forth in this Code, but additional design review standards may be adopted by resolution of the City Council, provided that resolution is consistent with the provisions of this Code and the Park City Design Guidelines.

(Amended by Ord. No. 06-56)

15-5-4. PERMITTED USE REVIEW.

Permitted Uses in all zones outside the Historic District are subject to design review by the Planning Department, with a right of appeal to the Planning Commission. The standards of review are set forth in this Code and the Park City Design Guidelines.

(Amended by Ord. No. 06-56)

15-5-5. ARCHITECTURAL DESIGN GUIDELINES.

(A) **PROHIBITED ARCHITECTURAL STYLES AND MOTIFS.** The following architectural styles and motifs are prohibited in Park City because these styles and motifs have a strong connection or association with other regions:

- (1) A-frame Structures;
- (2) Geodesic dome Structures;
- (3) Mediterranean motifs;
- (4) Tudor or mock Tudor, half timbering;

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Comment [kaw1]: The deleted language was confusing as it did not refer to anything in Section 15-1. City council does not review design unless on appeal.

Deleted: Decisions regarding design review may be reviewed by the City Council in the manner described in LMC Chapter 15-1.

- (5) Swiss chalets;
- (6) Highly ornate Victorian;
- (7) Rustic frontier;
- (8) Colonial;
- (9) Nouveau-Chateau, French Provincial, Fairy Tale or Castle. Tower features and turrets may be allowed if roofs are not conical and if the roof line is integrated into the main Structure. Round exterior walls are permitted but not as semi-detached round rooms, i.e., a round room may not exceed 270 degrees;

(10) New Structures designed to imitate Historic Structures built in Park City or elsewhere, unless the project complies with the Historic District Architectural Guidelines.

(11) **Exemption.** The above provisions addressing Tudor, Victorian, and colonial styles and tower elements shall not apply in the Prospector Park Subdivision.

(B) **PROHIBITED SIDING**

MATERIALS. The following siding, fascia, and soffit materials are prohibited because they have proved to be unsuitable for Use in Park City due to the extreme climate, or because their appearance is such that the values of adjoining or abutting Properties are adversely affected:

- (1) Thick shake shingles;

- (2) Ceramic tiles;
- (3) Slump bloc, weeping mortar;
- (4) Plastic or vinyl siding;
- (5) Used brick;

(6) Synthetic stone products such as simulated stone or brick, cultured stone or brick, pre-cast stone, or concrete imbedded with stone fragments;

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(7) Lava rock, clinkers;

(8) Asphalt siding;

(9) Plywood siding, except that plywood may be approved by the Planning Director if utilized as a base for board and batten siding;

(10) Aluminum siding is generally not considered an appropriate material. The Planning Director may, however, consider requests for the Use of aluminum siding. The design of the Structure shall be consistent with the Park City Design Guidelines. The Applicant will be required to bring a sample of the type and color of siding to be approved by the Planning Director. When aluminum siding is approved by the Planning Director, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard of polystyrene foam;

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(11) **Exemption.** Aluminum siding, including soffits and fascia, and synthetic stone products may be permitted upon approval by the Planning Director, on Structures when such Structures are located in Areas predominately developed with Structures utilizing the same type of materials, such as in Prospector Village, Park Meadows, and Prospector Park Subdivisions.

Existing Buildings with synthetic stone products and aluminum or vinyl siding may be re-sided or repaired using synthetic stone products and aluminum or vinyl siding with specific approval by the Planning Director.

The Applicant is required to bring a sample of the material and description of the application method of the requested siding and/or synthetic stone to be approved by the Planning Director and an exhibit documenting siding materials found in the surrounding neighborhood.

(C) **DESIGN ORNAMENTATION.** Architectural design in Park City has historically been simple. Highly ornate Buildings are inconsistent with the architectural patterns of the community, and due to the close proximity of one Development to another, inconsistent ornamentation may become unsightly and detract from Property values.

To add architectural interest to Buildings, special ornamental siding materials may be used, provided that no more than twenty five

percent (25%) of any facade of the Building is covered with ornamental siding.

Examples of ornamental siding provided for information purposes only and not as a limitation, are as follows:

- (1) Fish scale cut shingles;
- (2) Half-timbered stucco;
- (3) Match-sticked wood or other inlays.

(D) **NUMBER OF EXTERIOR WALL MATERIALS.** Different exterior siding materials add interest to a Building, and to the community as a whole, however, the Use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining Properties. Exterior walls of any Building may be sided with up to three (3) different materials per Building, but no more than three (3) materials may appear on any one (1) wall, including ornamental siding. Trim shall not be counted as a siding material, but ornamentation is counted as a siding material. If trim covers more than ten percent (10%) of a side of the Building, it shall be counted as a siding material on that side.

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(E) **ROOFING MATERIALS.** Because of the steep Grade changes within Park City, and the fact that residents and visitors are frequently in a position to look down on the City from the adjoining mountains, the appearance of roofs in Park City is of more significance than in other communities. Some roof types do not perform well in Park City=s harsh climate. In addition, the Area=s dry climate creates a

high potential for wild land fires which makes the Use of wood roofs unsafe in some Areas. For these reasons, the following roof types are prohibited in Park City:

- (1) Untreated aluminum or metal, except that copper may be used;
- (2) Reflective materials;
- (3) Brightly colored roofing such as bright red, blue, yellow, green or similar colors are highly visible. Exception: Green is allowed if it is determined that its hue, color, chroma and other attributes of color are similar to other earth tone colors currently approved in Park City. In no case shall the color be determined to be bright or highly reflective or towards the yellow tones of the color spectrum;
- (4) Wood shingles, including fire retardant, prohibited only in wild land interface zones. Wood roofs may be allowed on additions to existing Structures with wood roofs, only upon specific approval of the Chief Building Official. In addition, wood roofing may be allowed on later phases, which continue the specific design of existing projects and where the original phase has wood roofing.

Existing non-conforming Structures must comply with this section when the Structure's roof is replaced;

- (5) Except on Historic renovations or reconstructions with adequate documentation, roof ornamentation such as scroll work, finials, and bead-and-dowel work are prohibited.

(F) **ROOF SHAPES.** The following roof shapes are prohibited in Park City as the dominant roof form because they either do not perform well in the harsh climate, or tend to detract from the value of adjoining Property. As minor roof elements, the following shapes may be allowed if approved by the Planning Director:

- (1) Mansard or fake mansard roofs;
- (2) Gambrel roofs;
- (3) Curvilinear roofs;
- (4) Domed roofs;
- (5) Geodesic domes;
- (6) Conical roofs, greater than 270 degrees around;
- (7) A-frame or modified A-frame roofs.

Mechanical equipment on roofs must be hidden with a visual barrier so it is not readily visible from nearby Properties.

(G) **SOLAR PANELS AND SKYLIGHTS.** Any solar panel or skylight, or other translucent roof material, which allows the transmission of light from the

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interior of the Building to the exterior, shall be designed as follows:

(1) ~~Skylights shall be~~ limited to no more than twenty-five percent (25%) of the ~~total~~ roof Area;

(2) The ~~skylight~~ design shall facilitate the Use of natural light in to the Building and any light emitted ~~or reflected~~ from the ~~skylight~~ shall be shielded from adjacent Properties;

(3) The ~~skylight~~ feature ~~shall~~ not be the highest point of the Structure; and

(4) The ~~skylight~~ feature shall be designed to fit as flush as possible with the roof. ~~Skylights shall generally extend no more than~~ two feet (2') above the roof plane.

(5) Solar panels shall be designed so as to be incorporated in the roof plan or architectural features ~~of the structure~~ to the best extent possible. ~~Solar panels shall generally be mounted flush to the roof plane. In instance where due to the existing roof angle the panel needs to be angled from the roof plane for optimum solar gain, alternative designs may be consider upon review of a visual analysis and mitigation of visual impacts from surrounding properties.~~

(6) Skylights and solar panels in the Historic Districts are subject to the Design Guidelines for Historic Districts and Historic Sites.

(H) **WINDOW TREATMENTS**

Windows other than rectangular windows may be used as accents and trim, but arched, rounded, or Bay Windows as the primary window treatment are prohibited. Untreated aluminum and untreated metal window frames are prohibited. Small pane colonial style windows are not allowed.

(I) **LIGHTING**

(1) **PURPOSE.** The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign and Business identification. Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

With the exception of Americans with Disabilities Act lighting requirements, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

(2) **CONFORMANCE WITH APPLICABLE CODES.** All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the International Building Code, the

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Electrical Code, and the Sign Code under the appropriate permit and inspection. When discrepancies in these Codes exist, the most restrictive shall apply.

(3) APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION.

The provisions of this Code are not intended to prevent the Use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing he/she finds that:

(a) The alternative provides approximate equivalence to the applicable specific requirement of this Code;

(b) The alternative is otherwise satisfactory and complies with the intent of this Code; or

(c) The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

(4) SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE.

(a) The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting fixtures and Light Source will comply with this Code. The submission shall contain the following:

(i) Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;

(ii) Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings, including section where required;

(iii) Photometric data, such as that furnished by

manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.

Additional information may be required elsewhere in the laws of this jurisdiction upon Application for the required permit.

(b) **Lamp or Fixture Substitution.** On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed to be changed after the permit has been issued, a change request must be submitted to the Planning Department for approval. Adequate information to assure compliance with this Code must be provided and the request must be received prior to substitution.

(5) **SHIELDING.** All non-exempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Chapter below.

(a) **Historic District Shielding and Fixture Exemption.** Fixtures in the HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts that replicate a Historic fixture shall be permitted to be installed without partial shields with the approval of the Planning Director. All fixtures shall be filtered and refractors that direct the light downward shall be installed if the bulb is exposed.

Historic fixtures that are fifty (50) years or older and contribute to the architectural and cultural character of the Historic District, are exempt from these requirements. Architectural features on Historic Structures may be illuminated with fully shielded fixtures.

(6) **WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS.** Wattage, fixture and Light Source requirements as outlined in the following Table 1 apply to all zones throughout the City:

Table 1

Light Source	Fully Shielded	Partially Shielded	Watt (Maximum Per Fixture)
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High Pressure Sodium ¹		x	50
Low Pressure Sodium		x	55
Metal Halide ²	x		1,500
Low Voltage/Halogen ³		x	50
Compact Fluorescent		x	75

Other Sources: As approved by the Planning Director

Note: "x" indicates the required standard.

¹ This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may utilize incandescent bulbs, provided that the bulbs are Shielded. Lighting for signs may use halogen bulbs, provided that they are Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

² Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

³ Low voltage/halogen sources are permitted in landscaping lighting only.

(7) **GAS STATION CANOPIES.** Gas station canopies may not exceed an average horizontal luminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy.

(8) **AREA LIGHTING - BUILDING CANOPY AND SOFFIT, WALL MOUNTED.** Area, stand alone or wall mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. The horizontal luminance level along the sidewalk

or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.

(9) **CONSTRUCTION SITES.**

All commercial construction Sites shall submit a lighting plan as part of the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.

(10) **LANDSCAPE LIGHTING.**

The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings.

(a) **Pathway Lighting.**

Two types of lights can be selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall be low voltage. The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.

(b) **Highlighting, Backlighting.** Only low

voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is 0.6 Horizontal Foot Candles from the Light Source. Up-lighting is prohibited.

(c) **Moonlighting.** Low voltage systems may be placed in trees or on Buildings to give the effect of moonlight. Lights must be down-directed and partially shielded. A maximum Foot Candle permitted at ten feet (10') is 0.25 Horizontal Foot Candle from the Light Source. Up-lighting is prohibited.

(11) **RECREATIONAL**

LIGHTING. Because of their unique requirements for nighttime visibility and their limited hours of operation, baseball diamonds, playing fields, tennis courts and ski area runs may Use the Light Source permitted under Table 1 above with the following conditions and exceptions:

(a) The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary

with a uniformity ratio of 4:1.

Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in the LMC.

(b) All fixtures used for event lighting shall be fully shielded as defined in Section (4) herein, or be designed or provided with sharp, cutoff capability, so as to minimize up-light, spill light and glare.

(c) Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off after 11:00 p.m., unless an exception is granted by the Planning Director for a specific event or as approved as part of a Master Festival license.

(12) RESIDENTIAL LIGHTING.

(a) All exterior lights on porches, garage doors or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass in to the night sky. Lights shall be directed at walkways or

entries and shall not be directed into the night sky.

(b) Compact fluorescent fixtures are the recommended Light Source. High pressure sodium and incandescent bulbs may be permitted, provided the wattage is low and the light is Shielded and down-directed.

(c) Bare bulb light fixtures such as flood or spotlights are not permitted.

(d) Lighting exterior Building features for architectural interest is prohibited.

(e) Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.

(f) Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.

(13) SEASONAL DISPLAY OF LIGHTS. Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal

displays are permitted from the first of November to the 31st of March. Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

(14) **OUTDOOR DISPLAY LOTS.** Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

(a) All fixtures shall be Fully Shielded as defined in LMC Chapter 15-15.

(b) The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.

(c) Display lighting shall be turned off within thirty (30) minutes of closing of the Business. Lighting used after 11 p.m. shall be security lighting. Security lighting shall be required to be motion sensitive not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

(15) **PROHIBITIONS.** The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

(16) **OTHER EXEMPTIONS.**

(a) **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) **Fossil Fuel Light.** All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

(17) **TEMPORARY EXEMPTION.**

(a) **Requests.** Any Person may submit a written request to the Planning Director for a temporary exemption. A temporary exemption request shall contain the following information:

- (i) Specific exemption or exemption request;
- (ii) Type and Use of outdoor light fixtures involved;
- (iii) Duration of time for requested exemption;
- (iv) Total wattage;
- (v) Proposed location on Site;
- (vi) Description of event or reason for need of exemption; and
- (vii) Other data as deemed necessary to adequately review and made a determination on the request.

(b) **Approval; Duration.** The Planning Department shall have ten (10) Business days from the date of a

complete submission of the temporary request to act, in writing, on the request. The Planning Department shall approve the request if it finds that the exemption is necessary for public safety, security or other public necessity and the exemption does not materially subvert the purpose of this Chapter.

If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Planning Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this Chapter is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

(c) **Denial/Appeal.** If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in LMC Chapter 15-1.

(J) **TRASH AND RECYCLING ENCLOSURES.** In addition to County

health standards, the following trash enclosure design standards shall apply:

(1) Trash and storage Areas shall be Screened by landscaping, Fencing, berms or other devices integral to overall Site and Building design;

(2) Trash and storage enclosures shall be designed and constructed of materials that are Compatible with the proposed or existing Building and with surrounding Structures. The enclosure's design, construction, and materials shall be substantial and consisting of masonry, steel, or other materials approved by the Planning and Building Department and capable of sustaining active use by residents and trash/recycling haulers. The design shall, if physically possible, include both a pedestrian door and a truck door or gate;

(3) Trash and storage Areas shall be well maintained including prompt repair and replacement of damaged gates, Fences and plants;

(4) Openings of trash enclosures shall be oriented away from public view or Screened with sturdy gates wide enough to allow easy Access for trash collection, where practical;

(5) The consolidation of trash Areas between Businesses and the Use of modern disposal techniques is encouraged.

(6) **Exception.** These standards shall not apply to existing Structures that have been built with zero Setbacks or when such enclosures would negatively impact Access, circulation, or snow removal efforts.

(K) **MECHANICAL EQUIPMENT**

All electrical service equipment and sub-panels and all mechanical equipment, including but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure.

(Amended by Ord. No. 06-56)

15-5-6. PERMITTED DESIGN FEATURES.

Any design, or any material that is not expressly prohibited by this Chapter, or a resolution adopted to supplement it, or by the Historic District Architectural Design Guidelines are permitted.

15-5-7. EXCEPTIONS.

In some cases, the Planning Director may vary from these standards if warranted by unusual or unique circumstances. In Single-Family Subdivisions, the Planning Department will consider the predominant architectural style and materials in the

neighborhood to determine Compatibility. This may result in variation from the strict interpretation of this section and may be granted by the Planning Director.

(Amended by Ord. No. 06-56)

15-5-8. FACADE LENGTH AND VARIATIONS.

(A) Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in the Building Height, or a combined change in Building Facade and Building Height totaling ten feet (10').

(B) Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.

(C) The special facade and volume requirement of the Historic District are found in LMC Chapter 15-2 and in the

Historic District Architectural Design Guidelines.

(D) The facade length and variation requirements apply to all sides of a Building.

15-5-9. SENSITIVE LAND REVIEW.

Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional architectural review requirements and regulations as outlined in the Sensitive Area Overlay Zone regulations, LMC Chapter 15-2.21.

(Amended by Ord. No. 06-56)

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

**CHAPTER 6 - MASTER PLANNED
DEVELOPMENTS (MPD)**

15-6-1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the

community.

(Amended by Ord. No. 10-14)

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any Residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.

(C) The Master Planned Development process is allowed in Historic Residential (HR-1) and (HR-2) zones only when:

- (1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties; or

- (2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. Nos. 04-08; 06-22; 10-14)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density transfer between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone,

may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

(Amended by Ord. Nos. 06-22; 10-14)

15-6 -4. PROCESS.

(A) PRE-APPLICATION

CONFERENCE. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.

In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of a Large Scale MPD, the Planning Director may waive the requirement for a pre-Application meeting.

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Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

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(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written

findings of fact, conclusions of law, and in the case of approval, conditions of approval.

Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT**

Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developers agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

(8) A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement.

The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.** Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development

Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

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Comment [kaw1]: Included change of circumstance as physical change to property or surroundings.

(I) **MPD MODIFICATIONS.** Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning

Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

(Amended by Ord. Nos. 06-22; 09-10)

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY**. The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

- (a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/Affordable Housing consistent with the City's adopted employee/Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 DISTRICTS.

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade parking in the HR-1 and HR-2 zones shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.

(b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.

(c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

(C) SETBACKS. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic

Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those

otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation of Historic Structures.

(2) **TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

(E) **OFF-STREET PARKING.**

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or

decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

- (a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- (b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
- (c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
- (d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
- (e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

- (f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

- (2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

- (a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;
- (b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;
- (c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

- (d) The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1 and HR-2 Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

- (3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

- (4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

- (5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation

and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for trash, storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

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No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect

which may includes Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning

Department capable of sustaining active use by residents and trash/recycle haulers.

The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET**
SCAPE. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

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Comment [kaw2]: Recycling facilities as defined in Chapter 15 are required for Commercial development and multi-family residential developments. Single family development should include mandatory recycling programs with curb side recycling.

Comment [kaw3]: Commercial and Multi family MPD must include a recycling program and they may include Recycling Facilities.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(L) **MINE HAZARDS.** All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14)

**15- 6- 6. REQUIRED FINDINGS
AND CONCLUSIONS OF LAW.**

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land

Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) The MPD incorporates best planning practices for sustainable development, including energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application.

(Amended by Ord. Nos. 06-22; 10-14)

**15-6-7. MASTER PLANNED
AFFORDABLE HOUSING
DEVELOPMENT.**

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of

Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

(Amended by Ord. Nos. 06-22; 09-10)

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and size of Structures built within a

project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1) Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior

hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for Meeting Space Uses.

(D) **MEETING SPACE** Within a Hotel or Condominium project, Floor Area of Meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for Support Commercial Uses, within a Hotel or Nightly Rental Condominium project.

(E) **COMMERCIAL UNIT EQUIVALENTS** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For

example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES** Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms and shafts
Laundry facilities and storage
Employee facilities
Common pools, saunas and hot tubs, and exercise areas not open to the public
Telephone Areas
Guest business centers
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways

(G) **RESORT ACCESSORY USES**
The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the

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convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms and Areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

(Amended by Ord. Nos. 06-22; 09-10; 10-14)

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.1 - SUBDIVISION PROCEDURES

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.1 - SUBDIVISION
PROCEDURES.**

15-7.1-1. JURISDICTION.

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and to Lot Line Adjustments, as defined herein, located within the corporate limits of Park City.

Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

15-7.1-2. PROCEDURE.

No land shall be subdivided within the corporate limits of Park City until:

(A) The Owner, Applicant and/or Developer or his/her Agent submit an Application for Subdivision to the Planning

Commission through the Park City Planning Department;

(B) The Planning Commission holds a public hearing and makes a final recommendation to the City Council; and

(C) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Planning Director under proper authority; and

(D) The approved Subdivision Plat is filed with the County Recorder.

(Amended by Ord. No. 06-22)

**15-7.1-3. CLASSIFICATION OF
SUBDIVISIONS.**

(A) **SUBDIVISION.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

(1) **MINOR SUBDIVISION.** A Subdivision containing not more than three (3) Lots fronting on an

existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

(a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final Subdivision Plat and approval shall require a finding of Good Cause.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. GENERAL PROCEDURE.

(A) **OFFICIAL SUBMISSION DATES.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED.** All residential Subdivisions with more than twenty (20) Lots or Condominiums shall include a phasing plan, which specifies the timing of public improvements and residential construction.

(1) **PHASING PLAN REQUIREMENTS.** A phasing plan shall include:

(a) The number of units or Parcels to be developed in each phase and the timing of each phase.

(b) The timing of construction of public improvements and Subdivision amenities to serve each phase.

(c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT.** If the Subdivision is in an Area covered by an approved Master Planned Development, which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

(3) **REVISIONS.** An Applicant may request a revision of the phasing plan, which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

(C) **COORDINATION OF MULTIPLE APPLICATIONS.** It is the intent of these regulations that Subdivision review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall

be submitted in a form to satisfy both the requirements of the Subdivision regulations and Master Planned Development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

**15-7.1-5. PRELIMINARY
SUBDIVISION PLAT.**

(A) **PREAPPLICATION REQUIREMENTS.** Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

(B) **APPLICATION PROCEDURE AND REQUIREMENTS.** Prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the

land or his representative shall file an Application for approval of a Preliminary Plat. The Application shall:

(1) Be made on a form available at the office of the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(C) **REVIEW OF PRELIMINARY PLAT.** The Planning Department staff shall ~~schedule~~ the Preliminary Plat ~~for review by the Development Review Committee, including~~ officials or agencies

of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all reports submitted by the officials and agencies concerning the Preliminary Plat and shall ~~prepare a staff~~ report for proposed action to the Planning Commission.

Once an Application is received, the Staff will work diligently to review the Application as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(D) **PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT.** The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration requirements of the ~~Land Management Code and any Master Plan, site plan, or Sensitive Land Analysis approved or pending approval on the subject Property.~~ Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, ~~topography and natural features of the Property, location of Physical Mine Hazards and~~ geologic hazards, Lot sizes and arrangement, the further

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Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary plat.

(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat Application. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL.** After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. The other copy shall be maintained in the Planning Files.

(G) **PUBLIC IMPROVEMENTS.** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final

Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.** The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the Final plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new

review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval of a Preliminary Plat by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Preliminary Plat approvals and may consider the request when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Preliminary Plat in Section 15-1-12.

The Commission may hold a public hearing on the time extension for a Preliminary Plat approval. Such hearings shall be noticed in accordance with the requirements of Section 15-1-12 of the Land Management Code

(I) **ZONING REGULATIONS.** Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or Use, provided the final approval is obtained within the one (1) year period.

15-7.1-6. FINAL SUBDIVISION PLAT.

(A) **APPLICATION PROCEDURE AND REQUIREMENTS.**

Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an Application for approval of a final Subdivision Plat. The Application shall:

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(1) Be made on forms available at the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(3) Include the entire Subdivision, or section thereof, which derives access from an existing state, county or local government highway.

(B) REVIEW OF FINAL SUBDIVISION PLAT.

The Planning Department staff shall schedule the Final Plat Application for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all the reports submitted by the officials and agencies concerning the Final Subdivision Plat and shall submit a report for proposed action to the Planning Commission.

Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(C) PLANNING COMMISSION AND CITY COUNCIL REVIEW OF FINAL SUBDIVISION PLAT. The Planning

Commission shall review the Final Subdivision Plat and the report of the Staff, taking into consideration requirements of the Land Management Code, the General Plan, and any Master Plan, site plan, or Sensitive Lands Analysis approved or pending on the Property. Particular attention will be given to the arrangement, location and width of Streets and their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and, geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat was required), and requirements of the Official Zoning Map and Streets Master Plan, as adopted by the Planning Commission and City Council.

The Planning Commission shall make a finding as to Good Cause prior to approving the Final plat.

(1) The Planning Commission shall give notice pursuant to Section 15-1-12 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation to the City Council.

(2) After considering the final Subdivision Plat and proposed ordinance, the Planning Commission shall recommend to the City Council approval or disapproval of the Subdivision Application and set forth in detail any conditions to

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which the approval is subject, or the reasons for disapproval.

(3) The City Council may adopt or reject the ordinance either as proposed by the Planning Commission or by making any revision it considers appropriate.

(4) In the final ordinance, the City Council shall stipulate the period of time when the Final plat shall be recorded and when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

(5) **EXTENSION OF APPROVAL.** Applicants may request time extensions of the City Council approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The City Council shall review all requests for time extensions of final plat approvals and may grant an extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City

General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for a Final plat in Section 15-1-12.

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(D) SUBMISSION AND REVIEW.

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Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the ordinance have been met.

(E) VESTED RIGHTS. Vesting for purposes of zoning occurs upon the filing of a complete Application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final Plat, the Planning Commission or Council

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shall not unreasonably modify the conditions set forth in the final approval.

(F) **LOT LINE ADJUSTMENTS.** The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

(1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:

(a) no new developable Lot or unit results from the Lot Line Adjustment;

(b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public Right-of-Way, consent to the Lot Line Adjustment;

(c) the Lot Line Adjustment does not result in remnant land;

(d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;

(e) the Lot Line Adjustment does not result in

violation of applicable zoning requirements;

(f) neither of the original Lots were previously adjusted under this section;

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(g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

(h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

(i) **EXTENSION OF APPROVAL.** Applicants may request time extensions of the Lot Line Adjustment approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Lot Line Adjustments and may grant a one year extension.

Extension requests may be granted when the Applicant is able to demonstrate no change in circumstance that

would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for lot line adjustments in Section 15-1-12.

- (2) If, based upon non-compliance with Subsection (1), the Planning Director denies the Lot Line Adjustment; the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to appeal the decision to the Planning Commission, and of the right to file a formal plat amendment Application

(Amended by Ord. No. 06-22)

15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.

(A) SIGNING OF PLAT

- (1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance

pertaining to the plats have been satisfied.

- (2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

- (3) The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.

- (4) The plat shall conform to City ordinances and be approved by the culinary water authority and the sanitary sewer authority.

- (5) The City may withhold an otherwise valid plat approval until the Owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

- (6) a Subdivision Plat recorded without the required signatures is void.

(B) **RECORDING OF PLAT**. It shall be the responsibility of the Developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

(C) **SECTIONALIZING MAJOR SUBDIVISION PLATS**. Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid,

all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.

(Amended by Ord. No. 06-22)

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.3 - REQUIREMENTS FOR IMPROVEMENTS,
RESERVATIONS, AND DESIGN

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.3 - REQUIREMENTS FOR
IMPROVEMENTS, RESERVATIONS,
AND DESIGN.**

**15-7.3-1. CONFORMANCE TO
APPLICABLE RULES AND
REGULATIONS.**

(A) **LAWS, RULES AND ADOPTED
POLICY STATEMENTS.** In addition to
the requirements established herein, all
Subdivision Plats shall comply with the
following law, rules, adopted policy
statements and regulations, unless otherwise
approved by City Council:

- (1) All applicable statutory provisions.
- (2) The Land Management Code, Sensitive Area Overlay Zone regulations, International Building and related Codes, and all other applicable laws of the appropriate jurisdictions.
- (3) The Official Streets Master Plan, General Plan, Official Zone

Map, Trails Master Plan, public utilities plans, Park City Landscaping and Maintenance of Soil Cover ordinance, and Capital Improvements Program of the local government, including all Streets, trails, drainage systems, and parks shown on the Official Map or Master Plan as adopted or amended for the Subdivision.

(4) The special requirements of these regulations and any rules of the Health Department, Park City Fire Service District, Snyderville Basin Water Reclamation District (SBWRD), and/or appropriate state agencies.

(5) The rules of the Utah Department of Transportation if the Subdivision or any Lot contained therein abuts a state highway or connection Street.

(6) The Park City Design Standards, Construction Specifications, and Standard Drawings and any other standards and regulations adopted by the City

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Engineer and all boards, commissions, agencies, and officials of the City of Park City.

(7) All pertinent standards contained within the planning guides published by the Mountainlands Association of Governments.

(B) **PLATS STRADDLING MUNICIPAL BOUNDARIES.** Whenever a Subdivision is proposed across land under county jurisdiction, the Planning Commission shall require the annexation of the Property involved. In general, neither Lot Lines nor roads shall be laid out so as to cross municipal boundary lines.

(C) **SELF-IMPOSED RESTRICTIONS.** If the Owner places restrictions on any of the land contained in the Subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Subdivision Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney.

(D) **RESTRICTIONS DUE TO CHARACTER OF THE LAND.** Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health,

and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

(E) **PLAT APPROVAL WITHHELD.** Plat approval may be withheld if a Subdivision is not in conformity with the above guides or policy and purposes of these regulations established in Section 15-7 of this Code.

(Amended by Ord. No. 06-22)

15-7.3-2. GENERAL SUBDIVISION REQUIREMENTS.

(A) **SUBDIVISION NAME.** The proposed name of the Subdivision and all roadways contained therein shall not duplicate, or too closely approximate, the name of any other Subdivision or Street in the Area covered by these regulations or in Summit County, Utah. The City Council shall have final authority to designate the name of the Subdivision and to select Street names.

(B) **MONUMENTS.** The Applicant shall place permanent reference monuments in the Subdivision as required herein or as otherwise approved by the City Engineer.

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(1) Monuments shall be constructed in accordance with the Park City Design Standards, Construction Specifications, and Standard Drawings.

(2) All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the Final Plat unless a performance Guarantee is established in accordance with the provisions of this Code.

(C) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION**. A separate plan, which addresses Limits of Disturbance and vegetation protection during construction and re-vegetation of disturbed Areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

(D) **RIDGE LINE DEVELOPMENT**. Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.

(E) **OPEN SPACE**. Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state.

Open space Areas will be the maintenance responsibility of the homeowners.

(F) **ROADS AND UTILITY LINES**. Roads and utility lines should be designed to work with the Existing Grade and cut and fill Slopes should be minimized. Roads and utilities should be placed so that disturbance of Significant Vegetation is minimized.

(G) **DRAINAGE WAYS**. Existing natural drainage ways should be maintained, enhanced and designed around Structures

(H) **SOIL CONDITIONS**. Consideration must be given to soil conditions and ground water existence and may include appropriate Setbacks or restrictions.

(I) **TRAILS AND SIDEWALKS**. Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other Properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall master plan. In most cases, the homeowners are required to maintain the trails.

(J) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION**. Limits of Disturbance or Building Pad lines shall be shown on the Preliminary and Final Plats if

the staff determines that there is Significant Vegetation on the Site or if it is important to clearly designate future Building locations. "Significant Vegetation" includes large trees of six inch (6") caliper or greater, groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip lines. Limits of Disturbance or Building Pad lines with definitions as approved by the Staff must be reflected on the Final Plat. Because Limits of Disturbance or Building Pad lines are sometimes varied by the Planning Director, the plat will not reflect the final location of the limits.

(K) **TOP SOIL PRESERVATION AND FINAL GRADING** No Certificate of Occupancy shall be issued until Final Grading has been completed in accordance with the approved final Subdivision Plat and the Lots recovered with top soil with an average depth of at least six inches (6") which shall contain no particles over two inches (2") in diameter over the entire Area of the Lot, except that portion covered by Buildings or included in Streets, or where the Grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential Lots or used as spoil, but shall be redistributed so as to provide at least six inches (6") of cover on the Lots and at least four inches (4") of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting. Also see Section 15-7.2. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

(L) **ARCHITECTURAL STANDARDS** Architectural standards will be required to be developed which will address Building design and finish materials. Guidelines should include consistency of roof pitch, roofing materials, siding materials, colors, porch details, window types and similar provisions.

(M) **WATER-BODIES AND WATER-COURSES** If a tract being subdivided contains a water body, or portion thereof, Lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent Lots. The Planning Commission upon the recommendation of the Planning Director may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five percent (25%) of the minimum Area of a Lot required under the Land Management Code may be satisfied by land, which is under water. Where a watercourse separates the buildable Area of a Lot from the Street by which it has Access, provisions shall be made for installations of a culvert or other Structure, of a design approved by the City Engineer.

(N) **FIRE SPRINKLING** Interior and exterior fire sprinkler systems may be required of all projects, whether single family or multi-family. This determination is based upon an analysis of the size of Structures, vegetation surrounding the Structures and location of the project as it relates to Fire District response time.

(Amended by Ord. No. 06-22)

15-7.3-3. GENERAL LOT DESIGN REQUIREMENTS.

(A) **LOT ARRANGEMENT.** The Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing Building Permits to build on all Lots in compliance with the International Building Code, the Land Management Code, and in providing reasonable driveway Access to Buildings on such Lots from an approved Street.

(B) **BUILDING SITES.** Building Sites or envelopes shall be designed which minimize disturbance of existing vegetation. In designating Building envelopes, consideration should be given to minimum separations between Structures.

(C) **SQUARE FOOTAGE.** Maximum dwelling or unit square footage may be required. Limited Building Heights may also be required for visually sensitive Areas.

(D) **LOT DIMENSIONS.** In general, Side Lot Lines shall be at right angles to Street lines, or radial to curving Street lines, unless a variation from this rule will give a better Street or Lot plan. Dimensions of Corner Lots shall be large enough to allow for erection of Buildings, observing the minimum Front Yard Setback from both Streets. Depth and width of Properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the Off-Street parking and loading facilities required for the type of Use and Development contemplated, as established in the Land Management Code.

(E) DOUBLE FRONTAGE LOTS AND ACCESS TO LOTS.

(1) **DOUBLE FRONTAGE LOTS.** Lots fronting two (2) Streets, except a Corner Lot, shall be avoided.

(2) **ACCESS FROM MAJOR AND SECONDARY ARTERIAL STREETS.** Lots shall not, in general, derive Access exclusively from an arterial or collector Street as defined in the Streets Master Plan. Where driveway Access from an arterial or collector Street may be necessary for several adjoining Lots, the Planning Commission may require that such Lots be served by a combined Access drive in order to limit possible traffic hazard on such Streets. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or Collector Roads.

(F) **LOT DRAINAGE.** Lots shall be laid out so as to provide positive drainage away from all Buildings in accordance with the International Building Code and individual Lot drainage shall be coordinated with the general storm drainage pattern for the Area. Drainage shall be designed so as to avoid concentration of storm drainage water from any Lot to adjacent Lots.

(G) **LANDSCAPING.** The amount of Area available for formal landscaping will be restricted. Outside irrigation creates a

significant water demand and irrigated Areas may be limited.

(H) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** A plan for vegetation protection during construction and revegetation after construction will also be required. A security will be required to be posted to ensure compliance with the Limits of Disturbance plan.

(1) All construction activity must be contained within the Limits of Disturbance line, with the balance of the Parcel remaining undisturbed. Access to the Limits of Disturbance Area should be along the planned driveway.

(2) Building Pad lines may be specified on some plats instead of Limits of Disturbance. If Building Pad lines are designated, no part of the new construction may lie outside of the Building Pad line; however, construction disturbance may extend as far as ten feet (10') beyond the Building Pad line. Access to the Building Pad should be along the planned driveway or utility corridors.

(3) The Planning Director has the authority to vary the platted Limits of Disturbance or Building Pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the Limits of Disturbance boundary result in an increase in the amount of buildable Area. Applications for a variation in the Limits of

Disturbance or Building Pad line are available in the Planning Office.

(4) Limits of Disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Building Department.

(I) **REVEGETATION, SEED AND SOD.** All disturbed Areas on Lots shall be covered with topsoil and re-vegetated in accordance with Section 15-7.2 of the Land Management Code. At a minimum, seed shall be sown at not less than four pounds (4 lbs.) to each one-thousand square feet (1000 sq. ft.) of land Area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All Lots shall be seeded from the roadside edge of the unpaved Right-of-Way back to a distance of twenty-five feet (25') behind the principal residence on the Lot. No Certificate of Occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed; except that between October 15 and April 15, the Applicant shall submit an agreement in writing signed by the Developer and/or the Property Owner, with a copy to the Building Official, that re-spreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section and leave a cash escrow or letter of credit for performance in such

amount as shall be determined by the Building Official in accordance with the Land Management Code. Sod may be used to comply with any requirement of seeding set forth herein.

(J) **DEBRIS AND WASTE.** Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any Lot or Street at the time of issuance of a Certificate of Occupancy, and removal of same shall be required prior to issuance of any Certificate of Occupancy on a Subdivision, nor shall any be left or deposited in any Area of the Subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

(K) **FENCING.** Each Applicant and/or Developer shall be required to furnish and install Fences wherever the Planning Commission determines upon the recommendation of the Chief Building Official that a hazardous condition may exist. The Fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the Final Plat. No Certificate of Occupancy shall be issued until said Fence improvements have been duly installed.

(Amended by Ord. No. 06-22)

15-7.3-4. ROAD REQUIREMENTS AND DESIGN.

(A) LAYOUT REQUIREMENTS.

(1) GENERAL LAYOUT REQUIREMENTS.

(a) Roads shall be graded and improved and conform to the Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to Final Plat approval. Prior to Final Plat approval the City Engineer shall make the determination as to whether each Street is to be public or private. Such status shall be shown on the plat.

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(b) The rigid rectangular gridiron Street pattern need not necessarily be adhered to, and the Use of curvilinear Streets, Cul-de-sacs, or U-shaped Streets shall be encouraged where such Use will result in a more desirable layout.

(c) In Business and industrial Developments, the Streets and other Access ways shall be planned in connection with the grouping of Buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering Areas, and

walks and parking Areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(d) Proposed Streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary for the coordination of the layout of the Subdivision with the existing layout or the most advantageous future Development of adjacent tracts.

(2) FRONTAGE ON AND ARRANGEMENT TO IMPROVED ROADS.

(a) No Subdivision shall be approved unless the Area to be subdivided has Frontage on and Access from an existing Street on the Streets Master Plan unless such Street is an existing state or county highway; or a Street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's office. Such Street or highway must be suitably improved as required by the highway rules, regulations,

specifications, or orders, or be secured by a performance Guarantee required under these Subdivision regulations, with the width and Right-of-Way required by these Subdivision regulations or the Streets Master Plan.

Wherever the Area to be subdivided is to utilize existing road Frontage, such road shall be suitably improved as provided hereinabove.

(b) All Streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated Rights-of-Way as established in the Streets Master Plan.

(c) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land Uses.

(3) ROAD ARRANGEMENT IN RELATION TO TOPOGRAPHY.

(a) Roads shall be related appropriately to the

topography. Local roads may be curved to avoid conformity of Lot appearance and to discourage through traffic. All Streets shall be arranged so as to obtain as many as possible of the Building Sites at, or above, the Grades of the Streets. Grades of Streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and re-vegetated. A combination of steep Grades and curves shall be avoided. Specific standards are contained in the Design Standards, Construction Specifications, and Standard Drawings.

(b) Minor or local Streets shall be laid out to conform as much as possible to the natural topography, to discourage Use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of Streets necessary to provide convenient and safe Access to Property.

**(4) ROAD DESIGN
CONSIDERING BLOCKS.**

(a) Blocks shall have sufficient width to provide for two (2) tiers of Lots of appropriate depths.

Exceptions to this prescribed block width shall be permitted in blocks adjacent to major Streets, railroads, or waterways.

(b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of Development contemplated, but block lengths in residential Areas should not exceed one thousand two hundred feet (1,200') or twelve (12) times the minimum Lot Width required in the Zoning District, nor be less than four hundred feet (400') in length. Wherever practicable, blocks along major arterial and collector Streets shall be not less than one thousand feet (1,000') in length.

(c) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, and/or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten feet (10') wide, may be required by the Planning Commission through the center of blocks more than eight hundred feet (800') long where deemed essential to provide circulation or Access to schools, playgrounds,

shopping centers, transportation, or other community facilities. Blocks designed for industrial Uses shall be of such length and width as may be determined suitable by the Planning Commission for the prospective Use.

(5) ACCESS TO ARTERIAL OR COLLECTOR STREETS.

Where a Subdivision borders on or contains an existing or proposed arterial or collector, the Planning Commission may require that Access to such Streets be limited by one of the following means:

(a) The Subdivision of Lots so as to back onto the arterial or collector and front onto a parallel local Street; no direct Access shall be provided from the primary arterial or collector, and Screening shall be provided in a strip of land along the rear Property Line of such Lots.

(b) A series of Cul-de-sacs, U-shaped Streets, or short loops entered from and designed generally at right angles to such a parallel Street, with the rear lines of their terminal Lots backing onto the arterial or Collector Road.

(6) CONSTRUCTION OF DEAD-END ROADS. The arrangement of Streets shall provide for the continuation of principal Streets between adjacent Properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent Property is undeveloped and the Street must be a dead-end Street temporarily, the Right-of-Way shall be extended to the Property Line.

A temporary turnabout shall be provided on all temporary dead-end Streets, with the notation on the Subdivision Plat that land outside the normal Street Right-of-Way shall revert to abutting Property Owners whenever the Street is continued. The Planning Commission may limit the length of temporary dead-end Streets in accordance with the design standards of these regulations.

(a) **Dead-End Roads, Permanent.** Where a road does not extend to the boundary of the Subdivision and its continuation is not required by the Planning Commission for Access to adjoining Property, its terminus shall normally not be nearer to such boundary than fifty feet (50'). However, the Planning Commission may require the reservation of an appropriate

easement to accommodate drainage facilities, pedestrian traffic, or utilities. A Cul-de-sac turnaround shall be provided at the end of a permanent dead-end Street in accordance with the Design Standards, Construction Specifications, and Standard Drawings. For greater convenience to traffic and more effective police and fire protection, permanent dead-end Streets shall, in general, be limited in length to six hundred and fifty feet (650').

(B) **ROAD NAMES**. The Developer, upon consent of the Planning Commission and City Council, shall name all roads at the time of preliminary or final approval. The local postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Summit County, Utah so as not to cause confusion. A road, which is or is planned as a continuation of an existing road shall bear the same name.

(C) **ROAD REGULATORY SIGNS**. The Applicant shall erect or post acceptable Guarantees ensuring each road sign required by the City Engineer at all road intersections. All road signs shall be installed before issuance of Certificates of Occupancy for any residence on the Streets approved.

Street name signs are to be placed at all intersections within or abutting the Subdivision, the type and location of which

to be approved by the City Engineer. Street signs shall be designed according to Park City Design Standards, Construction Specifications, and Standard Drawings.

(D) **STREET LIGHTS**. Installation of Street lights shall be required and shall be placed by the Developer in accordance with Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved by the City Engineer.

(E) **RESERVE OR PROTECTION STRIPS**. The creation of reserve or protection strips may be permitted adjacent to a proposed Street in such a manner as to deny Access from adjacent Property to such Street, provided such a strip is clearly shown on both the preliminary and final Subdivision Plat and dedicated to the City.

(F) **ROAD DESIGN STANDARDS**.

(1) **GENERAL**. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory Access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining Properties, the design standards for roads are hereby required to be in compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings, the Streets Master Plan, or as may otherwise be

determined by the Planning Commission.

(2) **ROAD SURFACING AND IMPROVEMENTS.** After sewer and water utilities have been installed by the Developer, the Applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains, and bridges.

All road pavement, shoulders, drainage improvements and Structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, City Engineer, or City Council, and shall be incorporated into the construction plans required to be submitted by the Developer for plat approval.

(3) **EXCESS RIGHT-OF-WAY.** Right-of-Way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth Slopes. Such Slopes shall not be in excess of three (3) to one (1), unless specifically approved by the City Engineer.

(G) **INTERSECTION DESIGN STANDARDS.**

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new Streets at an angle within ten degrees (10B) of perpendicular is required. An oblique Street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') ~~there from~~. Not more than two (2) Streets shall intersect at any one point unless specifically approved by the Planning Commission.

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(2) Proposed new intersections along one side of an existing Street shall, wherever practicable, coincide with any existing intersections on the opposite side of such Street. Street jogs with center line offsets of less than one hundred and fifty feet (150') shall not be permitted, except where the intersected Street has separated dual drives without median breaks at either intersection. Where Streets intersect major Streets, ~~i.e.~~ arterial or collectors, their alignment shall be continuous. Intersections of major Streets shall be at least eight hundred feet (800') apart.

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(3) Minimum curb radius at the intersection of two (2) local Streets shall be at least twenty feet (20'), and minimum curb radius at an intersection involving a collector Street shall be at least twenty-five

feet (25'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(4) Intersections shall be designed with a flat Grade wherever practical. In hilly or rolling Areas, at the approach to an intersection, a leveling Area shall be provided having not greater than a two percent (2%) Slope for a distance of sixty feet (60'), measured from the nearest Right-of-Way line of the intersecting Street.

(5) Where any Street intersection will involve earth banks or existing vegetation inside any Corner Lot, creating a traffic hazard by limiting visibility, the Developer shall cut such ground and/or vegetation, including trees, in connection with the Grading of the public Right-of-Way to the extent deemed necessary to provide an adequate sight distance.

(6) The cross Slopes on all Streets, including intersections, shall be three percent (3%) or less.

(H) **BRIDGES.** Bridges of primary benefit to the Applicant, as determined by the Planning Commission, shall be constructed at the full expense of the Applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the Applicant as determined by

the Planning Commission, will be fixed by special agreement between the City Council and the Applicant.

**(I) ROAD DEDICATIONS AND
RESERVATIONS.**

(1) **NEW PERIMETER STREETS.** Street systems in new Subdivisions shall be laid out so as to eliminate or avoid new perimeter half-Streets. The Planning Commission may authorize a new perimeter Street where the Applicant or Developer improves and dedicates the entire required Street Right-of-Way width.

(2) **WIDENING AND REALIGNMENT OF EXISTING ROADS.** Where a Subdivision borders an existing narrow road or when the Streets Master Plan indicates plans for realignment or widening a road that would require Use of some of the land in the Subdivision, the Applicant shall be required to improve and dedicate at his expense such Areas for widening or realignment of such roads. Such Frontage roads and Streets shall be improved and dedicated by the Applicant at his own expense to the full width as required by these Subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code.

(Amended by Ord. No. 06-22)

15-7.3-5. DRAINAGE AND STORM SEWERS.

(A) GENERAL REQUIREMENTS.

The Planning Commission shall not recommend for approval any plat of Subdivision, which does not make adequate provision for storm or flood water runoff channels or catch basins. Plans shall be reviewed for compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, ~~or~~ for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every Lot and block. On-Site storm runoff detention is generally required.

(B) NATURE OF STORM WATER FACILITIES.

(1) **LOCATION.** The Applicant may be required by the Planning Commission, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the

Subdivision. Such drainage facilities shall be located in the road Right-of-Way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

(2) ACCESSIBILITY TO PUBLIC STORM SEWERS.

(a) Underground storm sewer systems shall be constructed throughout the Subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.

(b) If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the Developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance Guarantee required for the Subdivision Plat.

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(3) **ACCOMMODATION OF UPSTREAM DRAINAGE AREAS.** A culvert or other drainage facility shall in each case be large

enough to accommodate potential runoff from its entire upstream drainage Area, whether inside or outside the Subdivision. The Developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed Development permitted by the Land Management Code. The City Engineer must review and approve the design.

**(4) EFFECT ON
DOWNSTREAM DRAINAGE
AREAS.** The City Engineer shall also require the Developer's qualified engineer to study the effect of each Subdivision on existing downstream drainage facilities outside the Area of the Subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the Development of the Subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the Subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission and City Engineer shall determine. No Subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

**(5) AREAS OF POOR
DRAINAGE.** Whenever a plat is submitted for an Area which is subject to flooding, the Planning Commission upon recommendation of the City Engineer, may approve such Subdivision provided that the Applicant fills the affected Area of said Subdivision to an elevation sufficient to place the elevation of Streets and Lots at a minimum of twelve inches (12") above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such Subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width, which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any Structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development in Areas of extremely poor drainage is discouraged.

(6) FLOOD PLAIN AREAS. The Planning Commission may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the Area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the Subdivision of any portion of the Property which lies within the flood plain of any stream

or drainage course. These flood plain Areas should be preserved from any and all destruction or damage resulting from clearing, Grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

(C) **DEDICATION OF DRAINAGE EASEMENTS.**

(1) **GENERAL REQUIREMENTS.** Where a Subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. The existing drainage will be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(2) **DRAINAGE EASEMENTS.**

(a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road Rights-of-Way, perpetual unobstructed easements at least twenty feet (20') in width for such drainage facilities shall be provided across Property outside the

road lines and with satisfactory Access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(b) When a proposed drainage system will carry water across private land outside the Subdivision, appropriate drainage rights must be secured and indicated on the plat.

(c) The Applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City Engineer.

(d) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in Areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of Lots to be utilized for average density procedure nor for computing the Area requirement of any Lot.

15-7.3-6. WATER FACILITIES.

(1) GENERAL REQUIREMENTS.

(1) Necessary action shall be taken by the Applicant to extend or create a water-supply system for the purpose of providing water-supply capable of providing domestic water Use and fire protection.

(2) Where a public water main is accessible, the Applicant and/or Developer shall install adequate water facilities, including fire hydrants, subject to the specifications of the State and City. All water mains shall be at least eight inches (8") in diameter.

(3) Water main extensions shall be approved by the City Engineer and the City Water Manager.

(4) To facilitate the above, the location of all fire hydrants, all water and storage supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance Guarantee to be furnished by the Developer.

(5) Prior to approval of the Subdivision Plat by the City Engineer, a determination shall be made by the City Water Manager and City Engineer as to the location

and extent of facilities to be maintained by Park City. Private facilities may be required to be so noted on the plat.

(B) **FIRE HYDRANTS.** Fire hydrants shall be required for all Subdivisions. Fire hydrants shall be located no more than one thousand feet (1,000') apart and within one hundred and fifty feet (150') of any Structure and shall be approved by the City Fire Marshall and City Engineer in accordance with Uniform Fire Code. In some instances, the City and Fire District may determine that due to wild-land fire potential, hydrants will be required to be located no more than three hundred feet (300') apart. To eliminate future Street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a Street shown on the Subdivision Plat.

(Amended by Ord. No. 06-22)

15.7.3-7. SEWER FACILITIES.

(A) GENERAL REQUIREMENTS.

The Applicant shall install sanitary sewer facilities in manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD) construction standards and specifications. All plans shall be designed in accordance with their rules, regulations, and standards. Necessary action shall be taken by the Applicant to extend sanitary sewer service for the purpose of providing sanitary sewer facilities to the Subdivision.

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(B) **RESIDENTIAL AND
NONRESIDENTIAL SUBDIVISIONS.**

Sanitary sewer facilities shall connect with the public sanitary sewer at sizes required by the Water Reclamation District. No individual disposal system or treatment plants, private or group disposal systems, shall be permitted. Sanitary sewer facilities, including the installation of laterals in the Right-of-Way, shall be subject to the SBWRD's specifications, rules, regulations, and guidelines.

(Amended by Ord. No. 06-22)

**15-7.3-8. SIDEWALKS, HIKING
TRAILS, BIKE PATHS, AND HORSE
TRAILS.**

(A) **REQUIRED IMPROVEMENTS**

(1) Sidewalks shall be included within the dedicated non-pavement Right-of-Way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road Right-of-Way may be preferable due to snow removal concerns.

(2) Concrete curbs are required for all roads where sidewalks are required by these regulations or where required in the discretion of the Planning Commission.

(3) Sidewalks shall be improved as required in Section 15-7.3-4(F)(2) of these regulations.

(4) Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of Site disturbance, permit efficient drainage, and provide safe Access.

(5) Hiking trails, bike paths, and horse trails shall be provided by the Developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial Areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to Section 15-7.2 of this Code.

15-7.3-9. UTILITIES.

(A) **LOCATION.** Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new Subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on Park City's Streets and water personnel in the opinion of the Public Works ~~Operations Manager~~, City Engineer and Planning Director. Underground service connections for water

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and sewer shall be installed to the Street Property Line of each platted Lot at the expense of the Applicant and/or Developer, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

(B) **EASEMENTS.**

(1) Easements centered on Rear Lot Lines shall be provided for private and municipal utilities; such easements shall be at least ten feet (10') wide. Proper coordination shall be established by the Applicant and/or Developer between the applicable utility companies for the establishment of utility facilities and easements to adjoining Properties.

(2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the Rear Lot Lines, perpetual unobstructed easements at least ten feet (10') in width shall be provided along Side Lot Lines with satisfactory Access to the road or Rear Lot Lines. All easements shall be indicated on the plat.

(3) Where necessary to ensure proper Access and maintenance, easement widths shall be increased as required by the City Engineer. Easements for water lines shall be a minimum of thirty feet (30') wide.

(Amended by Ord. No. 06-22)

15-7.3-10. PUBLIC USES.

(A) **PARKS, PLAYGROUNDS, AND
RECREATION AREAS.**

(1) **RECREATION STANDARDS.** The Planning Commission, in its review of each Major or Minor Subdivision, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on the Master Plans or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate Access for the particular purposes envisioned by the Planning Commission. The Area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The Developer will also be required to install improvements to the recreation Areas. These improvements will be built to City specifications.

When recreation Areas are required, the Planning Commission shall determine the number of acres to be reserved from the following formula which has been prepared: providing one (1) acre of recreation Area for every one hundred (100) Single Family Dwelling units or commercial Lots and one (1) acre per two hundred (200) Multi-Unit Dwellings. This calculation equates to four hundred thirty seven square feet (437 sq. ft.) per Single Family Dwelling unit or commercial Lot and

two hundred eighteen square feet (218 sq. ft.) per Multi-Unit Dwelling. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Planning Commission may refer such proposed reservations to the City official or department in charge of parks and recreation for recommendation. The Developer shall dedicate all such recreation Areas and facilities to the City as a condition of final Subdivision Plat approval.

(2) MINIMUM SIZE OF PARK AND PLAYGROUND RESERVATIONS. In general, land reserved for recreation purposes shall have an Area of at least one (1) acre. When the percentages from the above formula would create less than one (1) acre, the Planning Commission may require that the recreation Area be located at a suitable place on the edge of the Subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an Area of less than one-third (1/3) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its Area. This smaller amount will be accepted only when it is on the edge of the Subdivision or when the staff feels that the reduced size will result in a usable recreation Site. Where recreation land in any

Subdivision is not reserved, or the land reserved is less than required in Section 15-7.3-10(A)(1) the provisions of Section 15-7.3-10(A)(4) shall be applicable.

(3) RECREATION SITES.

Land reserved for recreation purposes shall be of a character and location suitable for Use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the Developer to the City standards required by the Planning Commission, which improvements shall be included in the performance Guarantee. The Planning Commission may refer any Subdivision proposed to contain a dedicated park to the City official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the City for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

(4) ALTERNATIVE PROCEDURE FOR SUBDIVISIONS OF FEWER THAN 30 LOTS.

Subdivisions, including commercial Subdivisions, with fewer than thirty (30) Lots would result in a land Area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case the Developer shall pay an "in lieu of" fee in those cases where the "in-lieu" fee is specifically

approved by or required by the Planning Commission. Fees shall be paid on a per unit rate and be based upon fair market value as indicated in the Park City adopted Fee Schedule.

(5) **APPLICABILITY TO LAND UTILIZING AVERAGE DENSITY.** Any Subdivision Plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes. If no further Area, other than the Area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Section 15-7.3-10(A)(4). If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by Section 15-7.3-10(A)(4).

(6) **OTHER RECREATION RESERVATIONS.** The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a Developer from reserving other land for recreation purposes in addition to the requirements of this section.

(B) **OTHER PUBLIC USES.**

(1) **PLAT TO PROVIDE FOR PUBLIC USES.** Except when an

Applicant utilizes a Master Planned Development concept in which land is set aside by the Developer as required by the provision of the Land Management Code, whenever a tract to be subdivided includes a school, recreation Uses, or other public Use as indicated on the Master Plan or any portion thereof, such space shall be suitably incorporated by the Applicant into his Preliminary Plat. After proper determination of its necessity by the Planning Commission and the appropriate City official or other public agency involved in the acquisition and Use of each such Site and a determination has been made to acquire the Site by the public agency, the Site shall be suitably incorporated by the Applicant into the preliminary and Final Plats.

(2) **REFERRAL TO PUBLIC BODY.** The Planning Commission shall refer the Preliminary Plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate Areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and Area of the Parcel to be acquired and an estimate of the time required to complete the acquisition.

(3) **NOTICE OF PROPERTY OWNER.** Upon receipt of an

affirmative report, the Planning Commission shall notify the Property Owner and shall designate on both the Preliminary and Final Plats that Area proposed to be acquired by the public body.

15-7.3-11. PRESERVATION OF NATURAL FEATURES AND AMENITIES.

(A) **GENERAL.** Existing features, which add value to the community, shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from Development, which would be visible on the sky line from prominent Areas in Park City.

Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that disturbance is limited. Existing features such as water courses, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the Subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of Grade.

The preliminary plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the Street side of each Lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15-7.3-12. NONRESIDENTIAL SUBDIVISIONS.

(A) **GENERAL.** If a proposed Subdivision includes land that is zoned for commercial or industrial purposes, the layout of the Subdivision with respect to such land shall make such provision as the Planning Commission may require.

A nonresidential Subdivision shall also be subject to all the requirements of Site plan approval set forth in the Land Management Code. Site plan approval and nonresidential Subdivision Plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential Subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as are required by the Planning Commission, and shall conform to the proposed land Use and standards established in the General Plan, Streets Master Plan, Land Management Code, and Park City Design Standards, Construction Specifications, and Standard Drawings.

(B) **STANDARDS.** In addition to the principles and standards in these regulations, which are appropriate to the planning of all Subdivisions, the Applicant shall demonstrate to the satisfaction of the Planning Commission that the Street, Parcel, and block pattern proposed is specifically adapted to the Uses anticipated and takes into account other Uses in the vicinity. The following principles and standards shall be observed:

(1) Proposed industrial Parcels shall be suitable in Area and dimensions to the types of industrial Development anticipated.

(2) Street Rights-of-Way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be placed thereupon.

(3) Special requirements may be imposed by the City with respect to Street, curb, gutter, and sidewalk design and construction.

(4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.

(5) Every effort shall be made to protect adjacent residential Areas from potential nuisance from a proposed commercial or industrial Subdivision, including the provision of extra depth in Parcels backing up on existing or potential residential Development and provisions for a permanently landscaped buffer strip when necessary.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.4 - SPECIFICATIONS FOR DOCUMENTS
TO BE COMPLETED

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.4 - SPECIFICATIONS
FOR DOCUMENTS TO BE
COMPLETED.**

15-7.4-1. PRELIMINARY PLAT.

The Preliminary Plat shall show the following:

(A) **GENERAL.** The Preliminary Plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one inch (1") equals one hundred feet (100'), may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four inches by twenty-six inches (24" x 26"). It should be noted that the map prepared for the Preliminary Plat may also be used during the preparation of the final Subdivision Plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(B) **NAME.**

- (1) Name of Subdivision if Property is within an existing Subdivision.
- (2) Proposed name if not within a previously platted Subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Summit County, Utah.
- (3) Name of Property if no Subdivision name has been chosen. This is commonly the name by which the Property is locally known.
- (4) Name, address, including telephone number, or the professional Person(s) responsible for Subdivision design, for the design of public improvements, and for surveys.
- (5) Names of new Streets, subject to the approval by the Planning Commission.

(C) **OWNERSHIP.** Name and address, including telephone number, of legal Owner or Agent of Property, a Property report, and citation of last instrument conveying title to each Parcel of Property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference.

(1) Citation of any existing legal Rights-of-Way or easements affecting the Property.

(2) Existing covenants on the Property, if any.

(3) Name and address, including telephone number, of the professional Person(s) responsible for Subdivision design, for the design of public improvements, and for surveys.

(D) **DESCRIPTION.** Location of Property by government Lot, section, township, range and county, graphic scale, north arrow, and acres.

(1) Location of Property Lines; existing easements; burial grounds; ~~Physical Mine Hazards~~; known geologic hazards; railroad Rights-of-Way; water courses; ~~Wetlands~~; existing wooded Areas or trees six inches (6") or more in diameter, measured four feet (4') above ground level; groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip line; location, width, and names of all existing or platted Streets or other public ways within or immediately

adjacent to the tract; ~~and~~ names of adjoining Property Owners from the latest assessment rolls within three hundred feet (300') of any perimeter boundary of the Subdivision.

(2) Location, sizes, elevations, and Slopes of existing sewers, water mains, culverts, and other underground Structures within the tract and immediately adjacent thereto; existing permanent Building and utility poles on or immediately adjacent to the Site; and utility Rights-of-Way.

(3) Approximate topography, at the same scale as the Preliminary Plat with at least five foot (5') contour intervals.

(4) The approximate location and widths of proposed Streets.

(5) Preliminary proposals for connection with existing municipal water supply and District sanitary sewer systems; ~~and~~ preliminary provisions for collecting and discharging surface water drainage.

(6) The approximate location, dimensions, and Areas of all proposed ~~and~~/or existing Lots.

(7) The approximate location, dimensions, and Areas of all Parcels of land proposed to be set aside for park or playground Use or other public Use, or for the use of Property Owners in the proposed Subdivision.

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(8) The location of temporary stakes to enable the Planning Commission to find and appraise features of the Preliminary Plat in the field.

(9) Whenever the Preliminary Plat covers only a part of an Applicant's contiguous holdings, the Applicant shall submit, at the scale of no more than two hundred feet (200') to the inch, a sketch in pen or pencil of the proposed Subdivision Area, together with its proposed Street and trail system, and an indication of the probable future Street and drainage system of the remaining portion of the tract.

(10) A vicinity map showing Streets and other general Development of the surrounding Area. The Preliminary Plat shall show all school and improvement district lines with the zones properly designated.

(11) A plan designating Limits of Disturbance for each Parcel and for Subdivision improvements, such as utilities and roads.

(B) **FEATURES.**

(1) The location of Property with respect to surrounding Property and Streets, the names of all adjoining Property Owners of record or the names of adjoining Developments, the names of adjoining Streets.

(2) Citation of any existing legal Rights-of-Way or easements affect the Property.

(3) Existing covenants on the Property, if any.

(4) The location and dimensions of all boundary lines of the Property to be expressed in feet and decimals of a foot.

(5) The location of existing Streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, Buildings, parks, cemeteries, drainage ditches, Physical Mine Hazards, or bridges.

(6) The location and width of all existing and proposed Streets and easements, alleys, trails, and other public ways, and easement and proposed Street Rights-of-Ways and Building Setback lines.

(7) The location, dimensions, and Areas of all proposed or existing Lots.

(8) The location and dimensions of all Property proposed to be set aside for park or playground Use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

(9) The name and address of the Owner or Owners of land to be subdivided, the name and address of

the Applicant and/or Developer if other than the Owner, and the name of the land surveyor.

(10) The date of the map, approximate true north point, scale, and title of the Subdivision.

(11) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground.

(12) Indication of the Use of any Lot, single family, two-family, multi-family, townhouse, and all use other than residential proposed by the Applicant.

(13) All Lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.

(14) The following notation shall also be shown:

(a) Explanation of drainage easements, if any.

(b) Explanation of Site easements, if any.

(c) Explanation of reservations, if any.

(d) Owners dedication, if any and consent to record as required by State law.

(15) Any restrictions or requirements necessary to ensure solar Access shall be defined.

(16) All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat or on accompanying engineering plans.

(17) A plan designating Limits of Disturbance or Building Pads and utilities corridors and connections for each Parcel and for Subdivision improvements, such as utilities and roads.

(Amended by Ord. No. 04-11)

15-7.4-2. CONSTRUCTION PLANS.

(A) **GENERAL.** Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than inch equals fifty feet (50'), and map sheets shall be of the same size as the Preliminary Plat. The following shall be shown:

(1) Profiles showing existing and proposed elevations along left and right edge of road, and center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred feet (100') of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all Streets.

(2) The Planning Commission may require, upon recommendation by the City Engineer, where Steep Slopes exist, that typical cross-sections of all proposed Streets be shown.

(3) Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, Rights-of-Way, manholes, and catch basins; the locations of Street trees, Street lights, and Street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or Structures.

(4) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing Streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, railroads, Buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the Subdivision, and each tree with a diameter of six inches (6") or more, measured four feet (4') above ground level; groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.)

to the drip line. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the Park City Engineer's or U.S.G.S. datum plane. If the Subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high-water mark of such water ways.

(5) Topography at the same scale as the Preliminary Plat with a contour interval of two feet (2'), referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

(6) All other specifications, details, and references required by the Park City Design Standards, Construction Specifications, and Standard Drawings, including a Site-Grading plan for the entire Subdivision.

(7) Notation of approval of the Preliminary Plat as follows:

Owner

Date

City Attorney

Date

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 7.4 -Specifications for Documents to Be Completed

15-7.4-6

City Engineer	Date
(8) Title, name, address, signature, and seal of professional engineer, and date, including revision dates.	
(9) A Limits of Disturbance and revegetation plan.	

15-7.4-3. FINAL SUBDIVISION PLAT.

(A) **GENERAL.** The final Subdivision Plat shall be presented in India ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by the Planning Commission, as required by Section 15-7.4-1, Preliminary Plat. The Preliminary Plat may be used as the final Subdivision Plat if it meets these requirements and is revised in accordance with the Planning Commission's requirements. All revision dates must be shown as well as the following:

(1) Notation of any self-imposed restrictions, and locations of any Building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.

(2) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend.

The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

(3) Form for endorsements by the Planning Commission chair, Mayor, City Recorder, City Engineer, City Attorney, ~~Snyderville~~ Basin Water Reclamation District and other entities as required by the City Engineer.

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(B) **PREPARATION.** The final Subdivision Plat shall be prepared by a land surveyor licensed by the State of Utah. The surveyor shall certify that the survey of the Property described on the Plat is in accordance with Title 17, Chapter 23, Section 17 of the Utah Code, Annotated (1953, as amended) and has verified all measurements and has placed monuments as represented on the Plat.

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PARK CITY MUNICIPAL CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION

*Chapter adopted by Ord. No. 02-07;
 Chapter Amended in Entirety by Ord. No.
 03-34*

**CHAPTER 11 – HISTORIC
 PRESERVATION**

**15-11-1. ESTABLISHMENT OF
 BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

(Amended by Ord. No. 06-69)

**15-11-2. TERMS AND
 QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise

and such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated

Deleted: No member may serve more than two (2) consecutive terms.

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIR**. The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely for that meeting.

(B) **QUORUM**. No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.

(C) **VOTING**. All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair may vote at the meetings.

(Amended by Ord. Nos. 07-34; 09-10)

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;

(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;

(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education,

prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites; and

(I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City.

(Amended by Ord. No. 09-23)

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning

boundary changes for the district to preserve the historical integrity of the Area.

Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

(Amended by Ord. No. 09-23)

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

(B) National Trust for Historic Preservation.

(C) Utah State Division of History.

(D) Park City Historical Society.

(E) American Institute of Architects (AIA).

(F) The National Alliance of Preservation Commissions.

(G) American Planning Association (APA)

(Amended by Ord. Nos. 06-35; 09-23)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

(A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

(B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

(C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

(D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

(E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. Nos. 09-09; 09-23)

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a

Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of

Historic Significance, or

(iii) Moving it from its original location to a Dissimilar Location, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(3) Any Development involving the Reconstruction of a Landmark

Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

(B) **PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1) **COMPLETE**

APPLICATION. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(3) **HEARING AND**

DECISION. The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(4) **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.**

The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

(1) **CRITERIA FOR REMOVAL.**

- (a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- (b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- (c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

(2) **PROCEDURE FOR REMOVAL.**

(a) **Complete**

Application. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(c) **Hearing and**

Decision. The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." The HPB shall review the Application "de novo" giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in

Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sties Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. Nos. 09-05; 09-23)

15-11-11. DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES.

The HPB shall promulgate and update as necessary Design Guidelines for Use in the

Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

(Amended by Ord. No. 09-23)

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

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Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and

LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) **PRE-APPLICATION
CONFERENCE**

(1) The Owner and/or Owner's representative shall be required to attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, ~~the Applicant may submit the project~~ for a Building Permit.

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Applications that may be exempt from the Historic Design Review process, include, but are not limited to the following:

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors, trim, lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

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(b) For Significant Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical equipment located in a rear yard area or rear façade, paths, driveways, repair of existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites - minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood, the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of paths, driveways, and existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(B) **COMPLETE APPLICATION.**

The Owner and/or Applicant for any Property shall be required to submit a Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) **DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code. The Planning Department staff shall make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

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(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure

on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS**. The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this

Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Historic Preservation Board decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. Nos. 09-23; 10-11)

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or
- (2) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or
- (4) The Planning Director and the Chief Building Official determine that unique conditions

warrant the proposed relocation and/or reorientation to a different Site.

(B) **PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

(Created by Ord. No. 09-23)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic

Building(s) and/or Structure(s) cannot reasonably be moved intact; or

(2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or

(4) The Planning Director and the Chief Building Official determine that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) **PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within

the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23)

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

(1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to

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Section 116.1 of the International Building Code; and

(2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and

(3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

(B) **PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** All

Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23)

15-11-16. DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

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It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse, Reconstruction, and relocation within the Historic District. It is recognized, however, that economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition of a Historic Building, Structure or Site.

(A) **DEMOLITION, RECONSTRUCTION, OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 116.1 of the International Building Code, the Chief Building Official may order its Demolition, Reconstruction, or repair.

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(B) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding of public hazard, the Application for Demolition shall be stayed for 180 days.

(Amended by Ord. Nos. 09-10; 09-23)

15-11-17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 116.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Historic, pursuant to the standards of review set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) herein, may be Demolished without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

(Amended by Ord. Nos. 06-35; 09-10; 09-23)

15-11-18. CAD PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3'X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or

take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

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(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;

(2) A member appointed at large from Park City who is an attorney at law; and

(3) A member appointed from the Board of Adjustment.

15-11-19. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition of a Historic Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

(1) Purchase date, price and financing arrangements;

(2) Current market value;

(3) Form of ownership;

(4) Type of occupancy;

(5) Cost estimates of Demolition and post-Demolition plans;

(6) Maintenance and operating costs;

(7) Costs and engineering feasibility of rehabilitation;

(8) Property tax information; and

(9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

(1) willful or negligent acts by the Owner; or

(2) purchasing the Property for substantially more than market value at the time of purchase; or

(3) failure to perform normal maintenance and repairs; or

(4) failure to diligently solicit and retain tenants; or

- (5) failure to provide normal tenants improvements.

(C) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly Reconstructed or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of

approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include a complete history, photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 116.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL.** The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's

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decision was arbitrary, capricious, or illegal.
The petition is barred unless it is filed within
thirty (30) days after the date of the CAD
Hearing Board's decision.

(Amended by Ord. Nos. 09-10; 09-23; 10-11)

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

**15-12-1. PLANNING
COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

(Amended by Ord. No. 06-35)

**15-12-2. TERMS AND
ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Wednesday in July. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have

resigned when they move their residences outside the City limits.

(Amended by Ord. No. 08-07)

**15-12-3. GROUNDS FOR
REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**15-12-4. COMMUNITY
REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as

amended, and such other powers as are conferred on it by the City Council.

15-12-6. CHAIR.

The Planning Commission shall on or after the second Wednesday in July each year, after appointment of new members, elect one of its members to serve as Chair for a term of one (1) year. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. The Chair may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

(Amended by Ord. No. 09-10)

15-12-7. STAFF.

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

(Amended by Ord. No. 06-35)

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically

requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(D) The names of all citizens who appeared and the substance in brief of their testimony; and

(E) Any other information that any member requests be entered in the minutes. The minutes are public record and shall be available within a reasonable time after the meeting.

15-12-12. DECISIONS.

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

15-12-13. QUORUM REQUIREMENT.

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chair for computation purposes.

(Amended by Ord. No. 09-10)

15-12-14. VOTING.

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chair shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chair Pro Tem shall, at all times, be entitled to cast his or her vote as a member

of the Commission, including those occasions on which he or she is acting as Chair Pro Tem. All votes shall be a simple majority.

(Amended by Ord. No. 09-10)

15-12-15. REVIEW BY PLANNING COMMISSION.

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation and zoning review with recommendation to City Council;
- (3) Land Management Code and re-zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;
- (8) Review of appeals of Planning Directors interpretation of

the Land Management Code and decisions;

(9) Subdivision and record of survey plat and plat amendment review with recommendation to City Council;

~~(10) Sensitive Lands review; and~~

~~(11) Extension of Conditional Use permit and Master Planned Development approvals.~~

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission

shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND REZONING REVIEW.**

The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be

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(11) S

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Comment [kaw1]: Conflicts with Section 15-1-14 that allows Planning Director to formally terminate inactive applications. Appeals of PC decision may be made to PC and that is covered in #8. However need to keep in as the Commission has authority to grant additional extensions.

processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

(6) RATIFICATION OF CONDITIONAL USE PERMITS.

The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

(7) CONSENT AGENDA ITEMS. The following items may be placed on the consent agenda, if the Application is uncontested, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use permits;
- (b) Plat and plat amendment approvals;

(c) Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.

(d) Other items of a perfunctory nature, which the Chair directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Applicant requests the item be continued in order to prepare additional information to respond to the Commissions concerns.

(8) REVIEW OF APPEALS OF THE PLANNING STAFF'S INTERPRETATION OF THE LAND MANAGEMENT CODE.

The Owner, Applicant, or any non-Owner with standing as defined in Section 15-1-18(D) of this Code may request that Planning Staff Final Action on a project be reviewed by the Planning Commission. The standard of review by the Planning

Commission shall be the same as the scope of review at the Staff level. Appeal process shall be in accordance with Section 15-1-18. Appeals shall be heard by the Planning Commission within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(9) **SUBDIVISION AND RECORD OF SURVEY PLAT AND PLAT AMENDMENT REVIEW.** The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

(10) **SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional

requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

(11) **EXTENSION OF CUP AND MPD APPROVAL.** See extension of Conditional Use Permit, Section 15-1-10(G) and MPD Section 15-6-4(H), Length of Approval.

(Amended by Ord. Nos. 06-35; 09-10;10-11)

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Comment [kaw4]: Resolve conflict with Section 15-1-10 G- allowing Planning Director to grant first extension with additional possible extensions reviewed by the Planning Commission. However Planning Director can grant extension of the CUP for first one year extension.

Comment [kaw2]: See specific sections for extensions of approvals

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(10) **TERMINATION OF INACTIVE APPLICATIONS.** See Termination of Projects, Section 15-1-14.¶

Comment [kaw3]: Conflicts with Section 15-1-14 that allows Planning Director to formally terminate inactive applications. Appeals of PC decision may be made to PC and that is covered in #8. However the Commission may still grant additional extensions.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1.1. **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2. **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3. **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

(A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;

(B) operated and maintained for the benefit of the principal Use;

(C) not a Dwelling Unit; and

(D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.4. **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.

1.5. **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

1.6. **ADMINISTRATIVE PERMIT.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7. **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8. **AGENT.** The Person with written authorization to represent an Owner.

1.9. **AGRICULTURE.** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

1.10. **ALLOWED USE.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

1.11. **ALTERATION, BUILDING.** Any act or process that changes the Architectural Detail of a Building, including but not

limited to, the erection, construction, reconstruction, or removal of any Building.

1.12. **ANCILLARY STRUCTURE.** One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

1.13. **ANEMOMETERS AND ANEMOMETER TOWERS.** A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

1.14. **ANTENNA.** A transmitting or receiving device used in Telecommunications that radiates or captures radio, television, or similar communication signals.

(A) **Antenna, Drive Test.** A temporary Antenna which is used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(B) **Antenna, Enclosed.** An Antenna or series of individual Antennas entirely enclosed inside a Structure, including but not limited to a cupola or wall of a Building or chimney.

(C) **Antenna, Freestanding.** An Antenna mounted on or within a stand alone support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole, or other vertical support.

(D) **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

(F) **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

1.15. **APARTMENT.** A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.

1.16. **APPLICANT.** The Owner of the Property that is the subject of the Application, or the Owner's Agent.

1.17. **APPLICATION.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning

requests, Subdivision and record of survey plats, plat amendments, Code amendments, design review, and Administrative Permits.

(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

1.18. **ARCHITECTURAL DETAIL.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

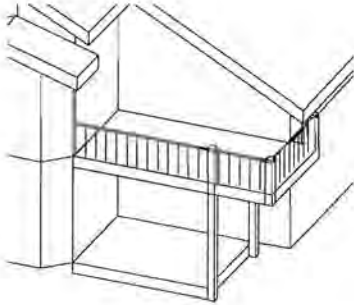
1.19. **AREA OR SITE.** A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

1.20. **ATTIC.** The space between the ceiling joists and roof rafters.

1.21. **BAKERY.** A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

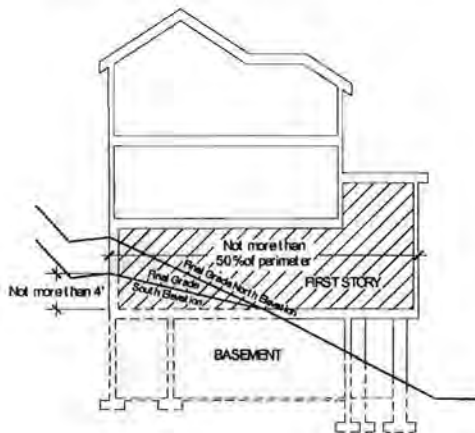
1.22. **BALCONY.** A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade.

See following illustration:

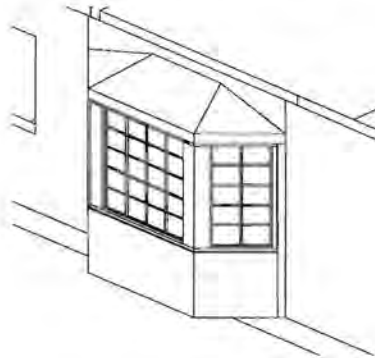


1.23. **BAR.** A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

1.24. **BASEMENT.** Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.



1.25. **BAY WINDOW.** A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



1.26. **BED AND BREAKFAST INN.** A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

1.27. **BEDROOM.** A separate room designed for or used as a sleeping room.

1.28. **BILLBOARD.** A separate room designed for or used as a sleeping room.

1.29. **BLANK WALL.** A wall of a Building faced with a single material of uniform texture and color on a single plan

with less than thirty percent (30%) of the surface of the wall as openings or windows.

1.30. **BLOCK.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

1.31. **BOARDING HOUSE.** A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

1.32. **BUILDING.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

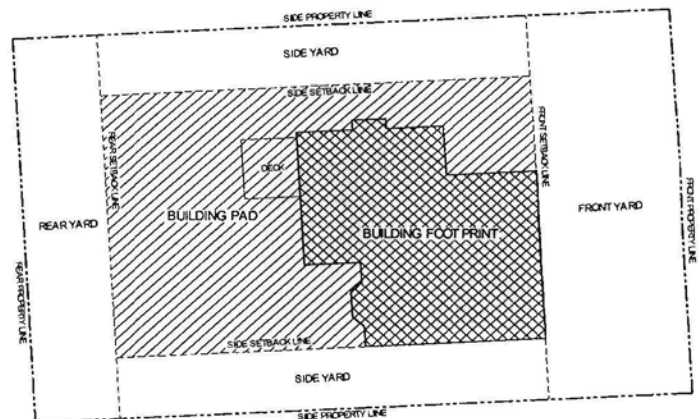
(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

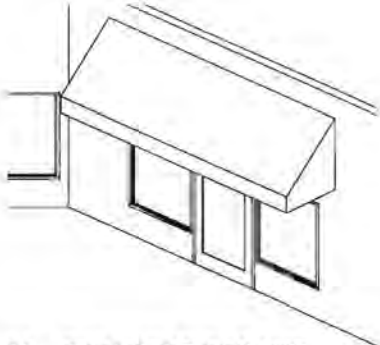
(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

1.33. **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

1.34. **BUILDING FOOTPRINT.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building..

1.35. **BUILDING PAD.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also see Limits of Disturbance.





1.36. **BUILDING PERMIT.** A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

1.37. **BUSINESS.** Any activity within Park City carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods or Property and the rendering of personal services for others for consideration by Persons engaged in any profession trade, craft, occupation, or other calling.

1.38. **CAFE.** A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chefs, or other employees typically associated with a

restaurant.

1.39. **CANOPY.** A roof or awning constructed of fabric or other material and extending outward from a Building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the Canopy or cantilevered from the Building.

1.40. **CAPITAL IMPROVEMENTS PROGRAM.** A proposed schedule and description of all proposed public works, listed in order of construction priority,

together with cost estimates and the anticipated means of financing each project.

1.41. **CERTIFICATE OF APPROPRIATENESS.** A certificate issued by the Building Department in cases of immediate public hazard, the Planning Department in cases of architectural insignificance, or the Historic Preservation Board in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or Building having architectural Significance.

1.42. **CERTIFICATE OF ECONOMIC HARDSHIP.** A certificate issued by the Historic Preservation Board authorizing an Alteration, construction, removal, or Demolition of a Historic Landmark, or Building having architectural Significance, even though a Certificate of Appropriateness has previously been denied.

1.43. **CERTIFICATE OF OCCUPANCY.** A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

1.44. **CHILD CARE.** The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day.

The term does not include babysitting services on a casual, non-recurring nature or in the child's own home nor cooperative, reciprocal Child Care by a group of parents in their respective domiciles.

(A) **Child Care, In-Home Babysitting.** The provision of Child Care for four (4) or fewer children within a dwelling and within commercial Buildings outside of residential Zoning Districts.

(B) **Child Care, Family.** The provision of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(C) **Child Care, Family Group.** The provision of Child Care for nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

1.45. **CHILD CARE CENTER.** A Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children for less than twenty four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

1.46. **CITY DEVELOPMENT.** Any Conditional Use permit or Master Planned Development in which Park City Municipal Corporation or corporations controlled by Park City Municipal Corporation is the Applicant.

1.47. **CLEARVIEW OF INTERSECTING STREETS.** On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting

Street. This Area is the Site Distance Triangle. See Site Distance Triangle.

1.48. **CLUB.**

(A) Club, Amenities. Any organization formed and operated for the primary purpose of providing its members with social and recreational opportunities involving the access, use and enjoyment of physical amenities and services provided at or through an existing or approved Hotel, including restaurants, bars, spas, spa services, pools, lounges, exercise facilities, lockers, ski facilities and services, pools, and other facilities and services.

(B) Club, Private. Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

(C) Club, Private Residence. Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with 24 hour reservation and Property management, seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (1) a deeded interest in real Property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;
- (3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;
- (4) beneficial interest in a trust;
- (5) other arrangement providing for such Use and occupancy rights.

(C) Club, Private Residence Conversion. The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

(D) Club, Private Residence Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(E) Club, Private Residence Project. Any Condominium Property that is subject

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to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

1.49. **CLUSTER DEVELOPMENT.** A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation, Open Space, and preservation of environmentally sensitive Areas.

1.50. **CODE.** The Land Management Code (LMC).

1.51. **COLLECTOR ROAD.** A road intended to move traffic from local roads to major thoroughways. A Collector Road generally serves a neighborhood or a large Subdivision.

1.52. **CO-LOCATION.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

1.53. **COMMERCIAL USE.** Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

(A) **Commercial Use, Support.** A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) **Commercial Use, Resort Support.** A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

1.54. **COMMON AREA.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment of the residents.

1.54. **COMMON OWNERSHIP.** Ownership of the same Property by different Persons.

1.56. **COMPATIBLE OR COMPATIBILITY.** Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

1.57. **CONDITIONAL USE.** A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

1.58. **CONDOMINIUM.** Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium

Ownership Act.

1.59. **CONSERVATION ACTIVITY.** A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

1.60. **CONSTITUTIONAL TAKING.** Final Action(s) by the City to physically take or exact private real Property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the United States, or of Article I, Section 22, of the Utah Constitution.

1.61. **CONSTRUCTION ACTIVITY.** All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

1.62. **CONSTRUCTION MITIGATION PLAN.** A written description of the method by which an Owner will ameliorate the adverse impacts of Construction Activity.

1.63. **CONSTRUCTION PLAN.** The map and drawings showing the specific location and design of the Development.

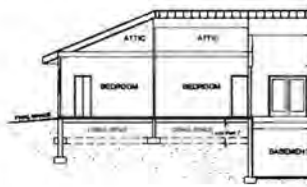
1.64. **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT.** A Building, Structure, Site, Area, or Object that reflects the Historical or architectural character of the district as

designated by the Historic Preservation Board.

1.65. **COUNCIL.** Members of the City Council of Park City.

1.66. **COVER, SITE.** The Area covered by an impervious surface such as a Structure, deck, pool, patio, walk, or driveway.

1.67. **CRAWL SPACE.** An ~~uninhabitable~~ **inhabitable** Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



Comment [kaw1]: Crawl space definition is consistent with the IBC- it does not matter whether finished or unfinished it is uninhabitable space. Staff recommends amending HR 1, HR-2, RC zones with next LMC Amendments to ensure that crawl space is limited to reduce excavation. This definition applies to entire City.

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1.68. **CREST OF HILL.** The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

1.69. **CUL-DE-SAC.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

1.70. **DELI OR DELICATESSEN.** A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code (IBC) Commercial Kitchen facilities and does not employ hostesses, wait staff, bus staff, or other employees

typically associated with a Restaurant.

1.71. DEMOLISH OR DEMOLITION.

Any act or process that destroys in part or in whole a Building or Structure. Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or Reconstruction pursuant to Section 15-11-15 of this Code.

1.72. DENSITY. The intensity or number of non-residential and Residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

1.73. DESIGN GUIDELINE. A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

1.74. DETACHED. Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

1.75. DEVELOPABLE LAND. That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

1.76. DEVELOPER. The Applicant for any Development.

1.77. DEVELOPMENT. The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any

Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.

1.78. DEVELOPMENT AGREEMENT.

A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

1.79. DEVELOPMENT APPROVAL APPLICATION. Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The term "Development Approval Application" shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

1.80. DISABLED CARE. A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1) or more of a Person's major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

1.81. DISSIMILAR LOCATION. A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

1.82. DWELLING.

(A) **Dwelling, Duplex.** A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex.** A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit.** A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family.** A Building containing not more than one (1) Dwelling Unit.

1.83. **DWELLING UNIT.** A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

1.84. **ECONOMIC HARDSHIP, SUBSTANTIAL.** Denial of all reasonable economic Use of the Property.

1.85. **ELDER CARE.** A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

1.86. **ELEVATOR PENTHOUSE.** The minimum Structure required to enclose the top most mechanical workings of an elevator.

1.87. **EQUIPMENT SHELTER.** See Telecommunications Facilities, Equipment

Shelter 1.231(B).

1.88. **ESCROW.** A deposit of cash or approved alternate in lieu of cash with a third party held to ensure a performance, maintenance, or other Guarantee.

1.89. **ESSENTIAL HISTORICAL FORM.** The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

1.90. **EXTERIOR ARCHITECTURAL APPEARANCE.** The architectural character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

1.91. **FACADE.**

(A) **Facade, Building.** The exterior of a Building located above ground and generally visible from public points of view.

(B) **Façade, Front.** That portion of a Building that generally faces the street and/or Front Lot Line.

1.92. **FACADE EASEMENT.** A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

1.93. **FACADE SHIFT.** A change or break in the horizontal or vertical plane of the exterior of a Building.

1.94. **FENCE.** A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

1.95. **FILTERED LIGHT FIXTURE.** Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

1.96. **FINAL ACTION.** The later of the final vote or written decision on a matter.

1.97. **FINAL PLAT.** A recordable Subdivision or Condominium map.

1.98. **FIRST STORY.** The lowest Story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. Can include habitable or uninhabitable Floor Area. See the following illustration:

1.99. **FLOOD PLAIN AREA.** An Area adjoining a river, Stream, or water course, or

body of standing water in which a potential flood hazard exists when the Area experiences a one hundred year storm, including, any Area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.

1.100. **FLOOR AREA.**

(A) ~~Net Floor Area, Gross Residential.~~ The Area of a Building, including all enclosed Areas. ~~Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area.~~ Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

(B) **Floor Area, Gross Commercial.** The Area of a Building including all enclosed Areas, excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

(C) **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and

¹400 sq. ft. in Historic Districts

Comment [kaw2]: Habitable space is defined and it excludes areas that are enclosed, such as bathrooms and hallways. These areas are included in residential Floor Area. Delete this language regarding human occupation because it is not consistent with other definitions.

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Comment [kaw3]: See comment above.

Comment [kaw4]: Building code identifies closets and bathrooms as not habitable space- so we do want those included in the Floor Area.

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restrooms.

1.101. **FLOOR AREA RATIO (FAR).**

The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

1.102. **FOOT CANDLE.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

1.103. **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

1.104. **FULLY SHIELDED.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.105. **GARAGE.**

(A) **Garage, Commercial.** A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing.** Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private.** An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public.** A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

1.106. **GEOLOGIC HAZARD.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, Property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable Slopes, faulting landslides, and rock fall.

1.107. **GOOD CAUSE.** Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City

community.

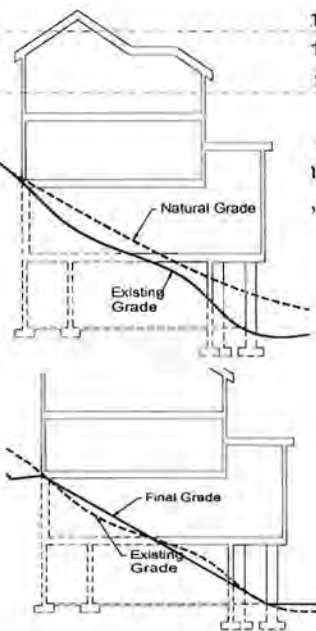
1.108. **GOVERNING BODY.** The City Council of Park City.

1.108. **GRADE.** The ground surface elevation of a Site or Parcel of land.

(A) **Grade, Existing.** The Grade of a Property prior to any proposed Development or Construction Activity.

(B) **Grade, Natural.** The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points

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Comment [kaw5]: Good cause is used as review, justification for plat amendments and other planning reviews.

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(C) **Grade, Final.** The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

1.109. **GRADING.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

1.110. **GREEN ROOF.** A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles.

1.111. **GROUP CARE FACILITY.** A

Building or Structure where care, protection, supervision, and limited medical care are provided on a regular schedule for up to ten (10) children or adults, including caretakers. May include multiple overnight stays.

1.112. **GRUBBING.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

1.113. **GUARANTEE.** Any form of security including a cash deposit with the City, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City or some combination of the above as approved by the city or an approved equal, including but not limited to a lien on the Property.

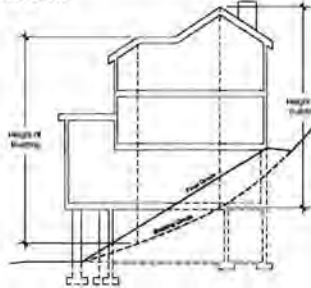
1.114. **GUEST HOUSE.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents. Guest Houses are not a lodging Use where typical lodging services are provided. Payment is not allowed.

1.115. **HABITABLE SPACE (ROOM).** Space in a Structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, mechanical or utility space, and similar Areas are not considered Habitable Space.

1.116. **HARD-SURFACED.** Covered with concrete, brick, asphalt, or other impervious surface.

1.117. **HEIGHT, BUILDING.** The vertical distance under any roof or roof element to Existing Grade. See LMC

Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.



1.118. **HELIPAD.** A facility without the logistical support provided by a Heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

1.119. **HELIPORT.** Any landing Area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

1.120. **HELISTOP.** Any landing Area used for the taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.

1.121. **HISTORIC.** That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

1.122. **HISTORIC BUILDING.**

STRUCTURE, SITE OR OBJECT. Any Building, Structure, Site and/or object, as designated by the Historic Preservation Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

1.123. **HISTORIC DISTRICT.** A geographically definable Area possessing a significant concentration, linkage, or continuity of Buildings, Structures, Sites or objects united by past events, plan or physical Development. A Historic District may comprise an individual Site or individual elements separated geographically but linked by association, plan, design, or history.

Historic District Building Height

1.124. **HISTORIC INTEGRITY.** The

ability of a Site to retain its identity and, therefore, convey its Significance in the history of Park City. Within the concept of Historic Integrity, Park City Municipal Corporation recognizes seven (7) aspects or qualities as defined by the National Park Service, that in various combinations define integrity. They are as follows:

(A) **Location.** The place where the Historic Site was constructed or the Historical event took place.

(B) **Design.** The combination of physical elements that create the form, plan, space, Structure, and style of a Site. Design includes such considerations as the structural system, massing, arrangement of spaces, pattern of fenestration, textures and colors of surface materials, type, amount and style of ornamental detailing, and arrangement and type of plantings in the designed landscape.

(C) **Setting.** The physical environment, either natural or manmade, of a Historic Site, including vegetation, topographic features, manmade features (paths, fences, walls) and the relationship between Structures and other features or open space.

(D) **Materials.** The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration to form a Historic Site.

(E) **Workmanship.** The physical evidence of the crafts of a particular culture or people during any given period of history, including methods of construction, plain or decorative finishes, painting, carving,

joinery, tooling, and turning.

(F) **Feeling.** A Site's expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property's Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.125. **HISTORIC SITES INVENTORY.** A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

1.126. **HOME OCCUPATION.** A Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

1.127. **HOSPITAL.** An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as "Office, Medical".

(A) **Hospital, Limited Care.** An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

1.128. **HOTEL.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis ~~that~~ include accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check in lobbies, recreation facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include nightly rental condominium projects without restaurants, bars, spas, and on-site check-in lobbies. Lockout Units, Bed and Breakfast Inns, and Boarding Houses are not Hotels. Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument. Hotel rooms may include a Lockout as part of the Unit.

(A) **Hotel, Major.** A Hotel with more than fifteen (15) Hotel Rooms.

(B) **Hotel, Minor.** A Hotel with fewer than sixteen (16) Hotel Rooms.

1.129. **HOTEL ROOM.** A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

1.130. **HOTEL SUITE.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette. See Bed and Breakfast Inn, Lockout Unit, and Boarding House.

1.131. **IMPACT ANALYSIS.** A determination of the potential effects(s),

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environmental, fiscal, social, etc., upon the community of a proposed Development.

1.132. **INACTION.** An Application is Inactive and subject to denial on the basis of Inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an intent to abandon the project;

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

1.133. **INCIDENTAL RETAIL SALES.** The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for an item of clothing, etc.

1.134. **INDOOR ENTERTAINMENT FACILITY.** An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses include, but are not limited to, theater,

playhouse, cinema, performing arts, planetarium, discovery center, museum, or bowling alley.

1.135. **KITCHEN.** An enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

(A) **Kitchen, IBC Commercial.** A Kitchen that is required by the International Building Code (IBC), because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, and similar types of equipment.

1.136. **KITCHENETTE.** An Area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit.

1.137. **LANDMARK.** A Property, Building, or Structure designated as a "Landmark" by the Historic Preservation Board (HPB) pursuant to the procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its Historic and/or architectural Significance to Park City.

1.138. **LANDMARK SITE.** Any Site, including Building (main, attached, detached, or public), Accessory Building, and/or ~~Structure that~~ is determined by the Historic Preservation Board to meet

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specified criteria set forth in LMC Chapter 15-11.

1.139. **LANDSCAPING.**

(A) **Landscaping, Interior.** Planting islands located within the Parking Area.

(B) **Landscaping, Parking Area.** Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

(C) **Landscaping, Perimeter.** Planting Areas between the Property Line and Parking Area.

1.140. **LIFTWAY.** The necessary Right-of-Way, both surface and air space, for the operation of any tram or ski lift.

1.141. **LIFTWAY SETBACK.** The minimum allowable distance between the side line of the Liftway and any Structure.

1.142. **LIGHT SOURCE.** A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

(A) **Light Source, Refractive.** A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.143. **LIMITS OF DISTURBANCE.** The designated Area in which all

Construction Activity must be contained.

1.144. **LOCKOUT UNIT.** An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

1.145. **LOT.** A unit of land described in a recorded Subdivision Plat.

(A) **Lot, Corner.** A Lot situated at the intersection of two (s) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

1.146. **LOT DEPTH.** The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

1.147. **LOT LINE.** Any line defining the boundaries of a Lot.

1.148. **LOT LINE ADJUSTMENT.** The relocation of the Property Line between two (2) adjoining Lots.

1.149. **LOT WIDTH.** The minimum distance between the Side Lot Lines at the Front Yard or Front Building Façade. See the following illustration:



1.150. **LUMEN.** A measurement of light

output or the amount of light emitting from a

Luminaire.

1.151. **LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) **Luminaire, Cutoff-Type.** A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90°).

(B) **Luminaire, Fully Shielded.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

(C) **Luminaire, Partially Shielded.** Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.152. **MASTER FESTIVAL.** Any event held on public or private Property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:

- (A) The attraction of large crowds;
- (B) Necessity for Street closures on Main Street or any arterial Street necessary for the safe and efficient flow of traffic in Park City;

- (C) Use of public Property;
- (D) Use of City transportation services;
- (E) Use of off-Site parking facility, or;
- (F) Use of amplified music in or adjacent to a residential neighborhood.

1.153. **MASTER PLANNED DEVELOPMENT (MPD).** A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

1.154. **MAXIMUM EXTENT FEASIBLE.** The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining "Maximum Extent Feasible".

1.155. **MAXIMUM HOUSE SIZE.** A measurement of Gross Floor Area.

1.156. **MODEL HOME.** A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

1.157. NEIGHBORHOOD

CONVENIENCE, COMMERCIAL. Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

1.158. NIGHTLY RENTAL. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

1.159. NON-COMPLYING STRUCTURE. A Structure that:

(A) legally existed before its current zoning designation; and

(B) because of subsequent zoning changes, does not conform to the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

1.160. NON-CONFORMING USE. A Use of land that:

(A) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

1.161. NOTEWORTHY. Deserving notice or attention because of uniqueness, excellence, or Significance.

1.162. NURSERY, GREENHOUSE. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.163. NURSING HOME. A Business described also as a "rest home", or "convalescent home", other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

1.164. OFF-SITE. Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

1.165. OFF-STREET. Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

1.166. OFFICE.

(A) **Office, General.** A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

(B) **Office, Intensive.** Businesses

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offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.

(C) **Office, Medical.** A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

(D) **Office, Moderately Intensive.** A Business offering executive, administration, professional, or clerical services which are performed with a moderate level of client interaction and traffic generated by employee and/or clients.

1.167. **OFFICIAL STREETS MASTER PLAN.** As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of the Streets, highways, roads, and Rights-of-Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and

sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

1.168. **OFFICIAL ZONING MAP.** The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries; and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

1.169. **ONE BEDROOM APARTMENT.** A Dwelling Unit consisting of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

1.170. **OPEN SPACE.**

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages,

Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently transferred. This Area may be either Natural or Landscaped Open Space.

1.171. **ORDINARY HIGH WATER MARK.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

1.172. **ORDINARY REPAIRS AND MAINTENANCE.** Work done on a Building in order to correct any deterioration, decay, or damage to a Building or any part thereof in order to restore same as or nearly as practical to its condition prior to such deterioration, decay, or damage.

1.173. **OUTDOOR USE OR EVENT.** Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor

Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

1.174. **OWNER.** Any Person, or group of Persons, having record title to ~~a~~ **Property**, and the Owner's Agent.

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1.175. **PARCEL.** An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

1.176. **PARKING.**

(A) **Parking, Public.** A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential.** A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared.** The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

1.177. **PARKING AREA.** An unenclosed Area or Lot other than a Street used or designed for parking.

1.178. **PARKING LOT, COMMERCIAL.** A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

1.179. **PARKING SPACE.** An Area maintained for parking or storing an

automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

1.180. **PARKING STRUCTURE.** A fully enclosed Structure designed and intended for parking.

1.181. **PASSENGER TRAMWAY.** A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

1.182. **PERIOD OF HISTORIC SIGNIFICANCE.** A specific period of time that provides a context for Historic Sites based on a shared theme.

1.183. **PERSON.** An individual, corporation, partnership, or incorporated association of individuals such as a club.

1.184. **PLANNED UNIT DEVELOPMENT (PUD).** Multiple, Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as possible with TDR Open Space and in which the overall design, size, mass, scale, Setback, materials, colors and visual character are integrated one with another.

1.185. **PHYSICAL MINE HAZARDS.** Any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity.

1.186. **POROUS PAVING.** A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving. Porous paving includes pervious paving.

1.186. **PRELIMINARY PLAT.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

1.187. **PRESERVATION.** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Property. Work, including preliminary measures to protect and stabilize the Property, generally focuses upon ongoing maintenance and repair of Historic materials and features rather than extensive replacement and new construction.

1.188. **PRESERVATION EASEMENT.** An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

1.194. **PROPERTY.** Any Parcel, Lot, or tract of land, including improvements

Comment [kaw7]: Will need to amend all numbering accordingly

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1.189. **PRIVATE CLUB.** Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.¶

¶

1.190. **PRIVATE RESIDENCE CLUB.** ¶

Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit, or as approved with the Conditional Use permit, and whose Use is established by a reservation system and is managed with twenty-four (24) hour reservation and Property management seven (7) days a week, providing reservation, registration, and management capabilities.

Membership in a Private Residence Club may be evidenced by:¶

(1) . a deeded interest in real property; ¶

¶

(2) . an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity.¶

... [1]

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Comment [kaw8]: These definitions have been moved to Club, private residences, etc with a reference the Club for those looking under the "p"s for these definitions.

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The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.¶

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... [3]

thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building edge, of the public sidewalk; and
- (2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

1.195. **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

1.196. **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.197. **PUBLIC IMPROVEMENT.** Any

Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

1.198. **PUBLIC USE.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

1.199. **QUALIFIED PROFESSIONAL.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

1.200. **QUASI-PUBLIC USE.** A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

1.201. **RECONSTRUCTION.** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location.

1.202. **RECREATION EQUIPMENT, OUTDOOR.** Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities.

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1.203. RECREATION FACILITIES.**(A) Recreation Facilities, Commercial.**

Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

(B) Recreation Facilities, Private.

Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests.

(C) Recreation Facilities, Public.

Recreation facilities operated by a public agency and open to the general public with or without a fee.

1.204. RECYCLING FACILITY. A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

(A) Recycling Facility, Class I.

Recycling containers totaling up to 60 cubic yards of capacity per residential lot or business used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, but not limited to the use by a specific residential neighborhood, civic facility, or commercial business park, and can be for the use of the entire community.

1.204. REFRACTIVE LIGHT SOURCE.

A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.205. REGULATED USE. A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

1.206 REHABILITATION. The act or process of making possible a compatible Use for a Property through repair, alterations, and additions while preserving those portions or features which convey its Historical, cultural, or architectural values.

1.207. RESIDENTIAL USE. Uses and project that consist primarily of activities that are residential in nature that may include other support Uses, such as support commercial, but where the primary Use is for human habitation and associated activities. Residential Use includes occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

1.208. RESORT SUPPORT

COMMERCIAL. Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

1.209. RESTAURANT. A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through.** A Restaurant, Deli, Café, fast food Restaurant, or other similar Business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

1.210. **RESTORATION.** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and Reconstruction of missing features from the restoration period.

1.211. **RESUBDIVISION.** A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

1.212. **RETAIL AND SERVICE.**

(A) **Retail and Service, Commercial-Auto Related.** An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to the automobile, such as auto repair, auto body work, painting, detailing, auto and auto related equipment sales, with moderate to high volume of customer turnover and moderate to high parking demand. These Uses do not include auto dismantling, salvage, junk yards, and similar Uses. Self-service car washes are included.

(B) **Retail and Service, Commercial-Major.** A large scale Business engaged primarily in the sale or rental of goods,

merchandise, or services with a high customer turnover and high parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) **Retail and Service, Commercial-Minor.** A Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods. These Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

(D) **Retail and Service, Commercial-Personal Improvement.** A Business engaged in or offering courses and services for the enhancement of personal recreational interests, Business skills, vocational training, dance training, art and drama classes, public speaking, and similar Uses where the class or session meets as a group.

1.213. **RIDGE LINE AREA.** The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

1.214. **RIDING STABLE, COMMERCIAL.** A Structure and/or Site for horses, ponies, and/or mules, that is

rented or used for compensation.

1.215. **RIGHT-OF-WAY.** A strip of land, dedicated to public ~~Use that~~ is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

1.216. **ROAD.**

(A) **Road, Collector.** A road intended to move traffic from local roads to major thoroughways. A Collector Road serves a neighborhood or a large Subdivision.

1.217. **ROAD CLASSIFICATION.** The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

1.218. **ROAD RIGHT-OF-WAY WIDTH.** The distance between Property Lines measured at right angles to the center line of the Street.

1.219. **SALT LAKE CITY 2002 WINTER OLYMPIC GAMES OLYMPIC LEGACY DISPLAYS.** Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits that expressly commemorate the Salt lake

City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

1.220. **SATELLITE RECEIVING STATION.** Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TVRO's or dish Antennas. This definition does not include conventional television Antennae.

1.221. **SBWRD.** Snyderville Basin Water Reclamation District.

1.222. **SCREEN OR SCREENED.** The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

1.223. **SECONDARY LIVING QUARTERS.** An Area within a main

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dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

1.224. **SENSITIVE LAND.** Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

1.225. **SENSITIVE LANDS ANALYSIS.** A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/Wildland Interface Zones.

1.226. **SENSITIVE OR SPECIALLY VALUED SPECIES.** Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern as identified in the document; animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

1.227. **SETBACK.** The required minimum distance between a Building Pad and the closest of the following:

(A) Property Line;

(B) platted Street; or

(C) existing curb or edge of a Street.

1.228. **SEXUALLY ORIENTED BUSINESSES.** Businesses defined as such according to Municipal Code Section 4-9-4.

1.229. **SIGNIFICANCE.** The quality of having Historical consequence or being regarded as having great architectural value.

1.230. **SIGNIFICANT RIDGE LINE AREA.** Ridge lines in Areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these ridge lines is to be determined during the sensitive lands visual analysis process.

1.231. **SIGNIFICANT SITE.** Any Site, including a Building (main, attached, detached or public), Accessory Building, and/or ~~Structure that is determined by the~~ Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

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1.232. **SIGNIFICANT VEGETATION.** Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

1.233. **SINGLE FAMILY SUBDIVISION.** A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

1.234. **SITE.** An Area, Lot, or piece of land where a Building (main, attached, detached or public), Accessory Building, and/or Structure was, is, or will be located.

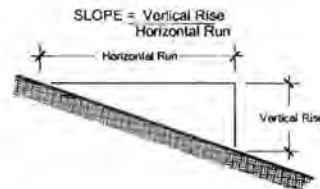
1.235. **SITE DEVELOPMENT STANDARDS.** Regulations unique to each zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

1.236. **SITE DISTANCE TRIANGLE.** A triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.

1.237. **SITE SUITABILITY ANALYSIS.** A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

1.238. **SKETCH PLAT.** A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

1.239. **SLOPE.** The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep.** Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep.** Slope greater than forty percent (40%).

1.240. **SPACING.** Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.241. **SPECIAL EVENT.** Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations, as defined by this Code, or creates public impacts through any of the following:

- (A) The use of City personnel;
- (B) Impacts via disturbance to adjacent residents;
- (C) Traffic/parking;
- (D) Disruption of the normal routine of the community or affected neighborhood; or
- (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

1.242. **STEALTH.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

1.243 **STOREFRONT PROPERTY.** A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building edge, of the public sidewalk; and
- (2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

1.244. **STORY.** The vertical measurement between floors taken from finish floor to finish floor. ~~For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.~~

1.245. **STREAM.** A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

1.246. **STREAM CORRIDOR.** The Corridor defined by the Stream's Ordinary High Water Mark.

1.247. **STREET.** Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) **Street, Public.** A Street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee.

1.248. **STREETSCAPE.** The distinguishing characteristics of a particular Street including paving materials, adjacent

Comment [kaw9]: This is regulation and not definition. See definition of First Story.

Comment [kaw10]: See First Story Definition.

Deleted: The First Story is the lowest level of a Structure. It includes livable and non-livable space.

space on both sides of the Street, landscaping, retaining walls, sidewalks, Building Facades, lighting, medians, Street furniture, and signs.

(A) **Streetscape, Architectural.** The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

1.249. **STRUCTURE.** Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

1.250. **STUDIO APARTMENT.** A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

1.251. **SUBDIVISION.** Any land, vacant or improved, which is divided or proposed to be divided ~~or combined~~ into ~~one (1)~~ or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Resubdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes the creation of a single lot of record from a Lot,

Parcel, Site, Unit, plot, or other division of land.

(A) **Subdivision, Major.** All Subdivisions of four (4) or more Lots, or any size Subdivision requiring any new Street or extension of municipal facilities, or the creation of any Public Improvements.

(B) **Subdivision, Minor.** Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the Parcel or adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or these regulations.

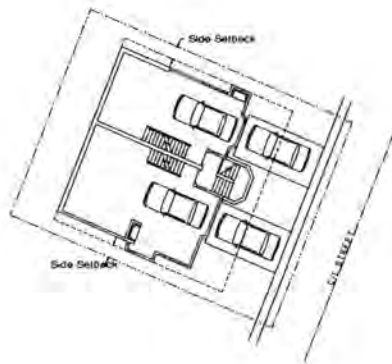
1.252. **SUBDIVISION PLAT.** The final map or drawing, on which the Applicant's plan of Subdivision is presented to the City Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

1.253. **SUITABILITY DETERMINATION.** A determination by the Planning Director whether Development at increased Densities due to a Density transfer from a Sensitive Area is Compatible with Development on surrounding or adjacent Property.

1.254. **TANDEM PARKING.** A parking design which allows parking one (1) vehicle behind another. Such parking may not include more than two (2) cars in depth, and may not require occupants of separate

Deleted: two (2)

Dwelling Units to park behind one another.



1.255. **TELECOMMUNICATIONS.** The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

1.256. **TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

(A). **Telecommunications Facility, Co-Location.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

(B) **Telecommunications Facility, Equipment Shelter.** A cabinet or Building used to house equipment for Telecommunications Facilities.

(C) **Telecommunications Facility, Stealth.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(D) **Telecommunications Facility, Technical Necessity.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

1.257. **TEMPORARY IMPROVEMENT.** A Structure built and maintained during construction of a Development, activity or Special Event and then removed prior to release of the performance Guarantee.

1.258. **TIMESHARE CONVERSION.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

1.259. **TIMESHARE ESTATE.** A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.

1.260. **TIMESHARE INSTRUMENT.** Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates

among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

1.261. **TIMESHARE INTERVAL.** A Timeshare Estate or a Timeshare Use,

1.262. **TIMESHARE OFF-PREMISES CONTACTING ACTIVITY.** Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

1.263. **TIMESHARE OFF-PREMISES SALES ACTIVITY.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

1.264. **TIMESHARE OFF-PREMISES SALES OFFICE.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

1.265. **TIMESHARE ON-SITE SALES ACTIVITY.** Timeshare sales activity occurring within a Timeshare Project.

1.266. **TIMESHARE ON-SITE SALES OFFICE.** An office located within a

Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

1.267. **TIMESHARE PROJECT.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

1.268. **TIMESHARE SALES PRESENTATION.**

- (A) An offer to sell or reserve a Timeshare Interval;
- (B) An offer to sell an option to purchase a Timeshare Interval;
- (C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or
- (D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

1.269. **TIMESHARE UNIT.** That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

1.270. **TIMESHARE USE.** Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, general partnership interest, limited partnership interest, vacation bond, or beneficial interest

in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club Use.

1.271. TRANSFERRED

DEVELOPMENT RIGHT (TDR) OPEN SPACE. That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently transferred. This Area may be either Natural or Landscaped Open Space.

1.272. TRANSPORTATION SERVICES.

A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

1.273. UDOT. Utah State Department of Transportation, an agency that maintains and regulates State Highways.

1.274. UNIFORMITY RATIO. The ratio between the average and minimum light distribution or luminance across a given Area.

1.275. UNIT EQUIVALENT. The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

1.276. USE. The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

(A) Use, Intensity of. The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

1.277. VANTAGE POINTS. A height of

five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

1. Osguthorpe Barn;
2. Treasure Mountain Middle School;
3. Intersection of Main Street and Heber Avenue;
4. Park City Ski Area Base;
5. Snow Park Lodge;
6. Park City Golf Course Clubhouse;
7. Park Meadows Golf Course Clubhouse;
8. State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
9. State Road 224, one-half mile south of the intersection with Kilby Road;
10. Intersection of Thaynes Canyon Drive and State Road 224; and
11. Across valley view.

1.278. VEHICLE CONTROL GATE.

Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.279. WETLAND, SIGNIFICANT. All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

1.280. WILDFIRE/WILDLAND

INTERFACE ZONE. All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover,

including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.281. **WIND ENERGY SYSTEM.**

SMALL. All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

1.282. **YARD.**

(A) **Yard, Front.** The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The "depth" of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.

(B) **Yard, Rear.** The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The "depth" of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The "width" of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:

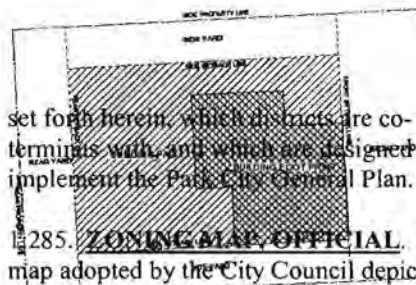
1.283. **ZONE HEIGHT.** The base Building height permitted in the Zoning District prior to Application of any allowable height exceptions.

1.284. **ZONING DISTRICT.** An Area identified on the Official Zoning Map to which a uniform set of regulations applies as

set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

1.285. **ZONING MAP, OFFICIAL.** The map adopted by the City Council depicting the geographic scope of the City's land Use designations.

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-



1.285.1

07; 09-05; 09-09; 09-10; 09-14; 09-23; 09-40)

15-15-2. LIST OF DEFINED TERMS.

-A-

Access
 Accessory Apartment
 Accessory Building
 Accessory Use
 Active Building Permit
 Administrative Permit
 Affordable Housing
 Agent
 Agriculture
 Allowed Use
 Alteration, Building
 Ancillary Structure
 Anemometers and Anemometer Towers
 Antenna
 Antenna, Test Drive
 Antenna, Enclosed
 Antenna, Freestanding
 Antenna, Roof Mounted
 Antenna, Temporary
 Antenna, Wall Mounted
 Apartment
 Applicant
 Application
 Application, Complete
 Architectural Detail
 Area or Site
 Attic

-B-

Bakery
 Balcony
 Bar
 Basement
 Bay Window

Bed and Breakfast Inn
 Bedroom
 Billboard
 Blank Wall
 Block
 Boarding House
 Building
 Building, Attached
 Building, Detached
 Building, Main
 Building, Public
 Building Alteration (see Alteration, Building)
 Building Envelope
 Building Footprint
 Building Pad
 Building Permit
 Business

-C-

Café
 Canopy
 Capital Improvements Program
 Certificate of Appropriateness
 Certificate of Economic Hardship
 Certificate of Occupancy
 Child Care
 Child Care, In-Home Babysitting
 Child Care, Family
 Child Care, Family Group
 Child Care Center
 City Development
 Clearview of Intersecting Streets
 Club
 Club, Private
 Club, Private Residence
 Club, Private Residence Conversion
 Club, Private Residence Off-Site
 Club, Private Residence Project
 Cluster Development
 Code

Collector Road
 Co-Location (see Telecommunications Facility, Co-Location)
 Commercial Use
 Commercial Use, Support
 Commercial Use, Resort Support
 Common Area
 Common Ownership
 Compatible or Compatibility
 Conditional Use
 Condominium
 Conservation Activity
 Constitutional Taking
 Construction Activity
 Construction Mitigation Plan
 Construction Plan
 Contributing Building, Structure, Site/Area or Object
 Council
 Cover, Site
 Crawl Space
 Crest of Hill
 Cul-de-sac

-D-

Deli or Delicatessen
 Demolish or Demolition
 Density
 Design Guideline
 Detached
 Developable Land
 Developer
 Development
 Development Agreement
 Development Approval Application
 Disabled Care
 Dissimilar Location
 Dwelling, Duplex
 Dwelling, Triplex
 Dwelling, Multi-Unit
 Dwelling, Single Family

Dwelling Unit

-E-

Economic Hardship, Substantial
 Elder Care
 Elevator Penthouse
 Equipment Shelter (see Telecommunications Facility, Equipment Shelter)
 Escrow
 Essential Historical Form
 Exterior Architectural Appearance

-F-

Facade, Building
 Façade, Front
 Facade Easement
 Facade Shift
 Fence
 Filtered Light Fixture
 Final Action
 Final Plat
 First Story
 Flood Plain Area
 Floor Area, Gross Commercial
 Floor Area, Gross Residential
 Floor Area, Net Leasable
 Floor Area Ratio (FAR)
 Foot Candle
 Foot Candle, Average (afc)
 Foot Candle, Horizontal (hfc)
 Foot Candle, Vertical (vfc)
 Frontage
 Fully Shielded

-G-

Garage, Commercial
 Garage, Front Facing
 Garage, Private
 Garage, Public
 Geologic Hazard
Good Cause

Governing Body

Grade

Grade, Existing

Grade, Natural

Grade, Final

Grading

Green Roof

Group Care Facility

Grubbing

Guarantee

Guest House

-H-

Habitable Space (Room)

Hard-Surfaced

Height, Building

Helipad

Heliport

Helistop

Historic

Historic Building, Structure, Site or Object

Historic District

Historic Integrity

Historic Significance, Period of

Historic Sites Inventory

Historical Form, Essential (see Essential
Historical Form)

Home Occupation

Hospital

Hospital, Limited Care

Hotel/Motel

Hotel/Motel, Major

Hotel/Motel, Minor

Hotel Room

Hotel Suite

-I-

Impact Analysis

Inaction

Incidental Retail Sales

Indoor Entertainment Facility

-K-

Kitchen

Kitchen, IBC Commercial

Kitchenette

-L-

Landmark

Landmark Site

Landscaping, Interior

Landscaping, Parking Area

Landscaping, Perimeter

Liftway

Liftway Setback

Light Source

Light Source, Refractive

Limits of Disturbance

Lockout Unit

Lot

Lot, Corner

Lot Depth

Lot Line

Lot Line Adjustment

Lot Width

Lumen

Luminaire

Luminaire, Cutoff Type

Luminaire, Fully Shielded

Luminaire, Partially Shielded

-M-

Master Festival

Master Planned Development (MPD)

Maximum Extent Feasible

Maximum House Size

Model Home

-N-

Neighborhood Convenience, Commercial

Nightly Rental

Non-Complying Structure

Non-Conforming Use
 Noteworthy
 Nursery, Greenhouse
 Nursing Home

-O-

Off-Site
 Off-Street
 Office, General
 Office, Intensive
 Office, Medical
 Office, Moderately Intensive
 Official Streets Master Plan
 Official Zoning Map
 One Bedroom Apartment
 Open Space, Landscaped
 Open Space, Natural
 Open Space, Transferred Development
 Right (TDR)
 Ordinary High Water Mark
 Ordinary Repairs and Maintenance
 Outdoor Use
 Outdoor Recreation Equipment (see
 Recreation Equipment, Outdoor)
 Owner

-P-

Parcel
 Parking, Public
 Parking, Residential
 Parking, Shared
 Parking Area
 Parking Lot, Commercial
 Parking Space
 Parking Structure
 Passenger Tramway
 Period of Historic Significance
 Person
Physical Mine Hazard
 Planned Unit Development (PUD)
 Porous Paving

Preliminary Plat
 Preservation
 Preservation Easement
 Private Club (see Club, Private)
 Private Residence Club (see Club, Private
 Residence)
 Private Residence Club Conversion (see
 Club, Private Residence Conversion)
 Private Residence Club Project (see Club,
 Private Residence Project)
 Property
 Property, Storefront
 Property Line
 Property Line, Front
 Property Owner (see Owner)
 Public Improvement
 Public Use

-Q-

Qualified Professional
 Quasi-Public Use

-R-

Reconstruction
 Recreation Equipment, Outdoor
 Recreation Facilities, Commercial
 Recreation Facilities, Private
 Recreation Facilities, Public
Recycling Facility
Recycling Facility, Class I
 Refractive Light Source
 Regulated Use
 Rehabilitation
 Residential Use
 Resort Support Commercial
 Restaurant
 Restaurant, Drive-Through
 Restoration
 Re-subdivision
 Retail and Service, Commercial-Auto
 Related

Retail and Service, Commercial-Major
Retail and Service, Commercial-Minor
Retail and Service, Commercial-
 Personal Improvement
Ridge Line Area
Riding Stable, Commercial
Right-of-Way
Road, Collector
Road Classification
Road Right-of-Way Width

-S-

Salt Lake City 2002 Winter Olympic Games
 Olympic Legacy Displays
Satellite Receiving Station
SBWRD
Screen or Screened
Secondary Living Quarters
Sensitive Land
Sensitive Land Analysis
Sensitive or Specially Valued Species
Setback
Sexually Oriented Businesses
Significance
Significance, Period of Historic
Significant Ridge Line Area
Significant Site
Significant Vegetation
Single Family Subdivision
Site
Site Development Standards
Site Distance Triangle
Site Suitability Analysis
Sketch Plat
Slope
Slope, Steep
Slope, Very Steep
Spacing
Special Event
Storefront Property (see Property,
 Storefront)

Story
Stream
Stream Corridor
Street
Street, Public
Streetscape
Streetscape, Architectural
Structure
Studio Apartment
Subdivision
Subdivision, Major
Subdivision, Minor
Subdivision Plat
Substantial Economic Hardship (see
 Economic Hardship, Substantial)
Suitability Determination

-T-

Tandem Parking
Telecommunications
Telecommunications Facility
Telecommunications Facility, Co-Location
Telecommunications Facility, Equipment
 Shelter
Telecommunications Facility, Stealth
Telecommunications Facility, Technical
 Necessity
Temporary Improvement
Timeshare Conversion
Timeshare Estate
Timeshare Instrument
Timeshare Interval
Timeshare Off-Premises Contacting Activity
Timeshare Off-Premises Sales Activity
Timeshare Off-Premises Sales Office
Timeshare On-Site Sales Activity
Timeshare On-Site Sales Office
Timeshare Project
Timeshare Sales Presentation
Timeshare Unit
Timeshare Use

Transferred Development Right (TDR)

Open Space

Transportation Services

-U-

UDOT

Uniformity Ratio

Unit Equivalent

Use

Use, Intensity of

-V-

Vantage Points

Vehicle Control Gate

-W-

Wetland, Significant

Wildfire/Wildland Interface Zone

Wind Energy System, Small

-Y-

Yard, Front

Yard, Rear

Yard, Side

-Z-

Zone Height

Zoning District

Zoning Map, Official

1.189. **PRIVATE CLUB**. Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

1.190. **PRIVATE RESIDENCE CLUB**.

Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit, or as approved with the Conditional Use permit, and whose Use is established by a reservation system and is managed with twenty-four (24) hour reservation and Property management seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (1) a deeded interest in real property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;
- (3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;
- (4) beneficial interest in a trust;
- (5) other arrangement providing for such Use and occupancy rights.

1.191. **PRIVATE RESIDENCE CLUB CONVERSION**. The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

1.192. **PRIVATE RESIDENCE CLUB OFF-SITE**. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

1.193. **PRIVATE RESIDENCE CLUB PROJECT**^[kaw]. Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and ownership as a Private Residence Club, and contains at least four (4) units. See Club, Private Residence.

1. Land Management Code - Amendments to: (Application #PL-10-01104)
 - Chapter 1 - General Provisions and Procedures related to physical mine hazards, termination of applications for inactivity, review procedures for extension of CUP, MPD, plat approvals, and noticing requirements;
 - Chapter 2.16 - Recreation Commercial (RC) zone related to single family/duplex lots to be consistent with the HR-1 zone requirements, add amenities club and resort support commercial as uses;
 - Chapter 2.13 - Residential Development (RD) zone related to amenities club uses;
 - Chapter 5 - Architectural Review to clarify and add design requirements and process for solar panels, skylights trash and recycling enclosures, and synthetic stone products;
 - Chapter 6 - Master Planned Developments related to pre-MPD application process, extension review and noticing requirements, add recycling and mine hazard identification and mitigation of impacts to requirements;
 - Chapter 7 - Subdivision related to process, noticing, and review requirements for preliminary and final plats, lot line adjustments, and plat amendments, including extensions;
 - Chapter 11 - Historic Preservation including removing term limits for Historic Preservation Board members;
 - Chapter 12 - Planning Commission related to clarification of duties of the Planning Commission regarding termination of applications and extensions of approvals;
 - Chapter 15 - Definitions related to affected entities, amenities club, good cause, hotel, physical mine hazards, recycling facilities, subdivision, floor area, and story.

Planner Whetstone reported that the proposed amendments address the bi-annual review of the Park City Development Code, specifically Chapters 1, 2.13, 2.16, 5, 6, 11, 12 and 13. The Planning Commission discussed these amendment on December 15, 2010 and requested revisions to the amendments. Those revisions were highlighted in the Staff report for this meeting. Planner Whetstone referred to the December 15th Staff report for a complete description of the proposed amendments.

The Staff requested that the Planning Commission conduct a public hearing, consider public input, and forward a positive recommendation to the City Council for the proposed amendments as revised.

Planner Whetstone reported that the bullet items on page 120 of the Staff report were the discussion items from the December 15th meeting. She noted that the first item was a discussion regarding the time extension of a conditional use permit approval. Planner Whetstone stated that a standard of review was added to address physical changes to the site or the adjacent area since the time the CUP was approved.

Planner Whetstone stated that the amendment also allows the Planning Director to grant a one year extension of the CUP approval with the same public notice as the original CUP. Any additional extensions would be reviewed by the Planning Commission. Planner Whetstone recalled from the previous discussion that the Planning Commission thought the applicant should be allowed to request one extension only. She noted that currently the Code is silent on the number of one-year extensions that can be granted. The Staff believed that the flexibility to allow more than one extension request on complex projects would be beneficial.

Commissioner Savage understood that the Staff was recommending that the first one-year extension would be the purview of the Planning Director. An additional one-year extension would be possible, but it would require Planning Commission approval. Planner Whetstone

replied that this was correct, noting that the language says, "Additional extensions would be approved by the Planning Commission."

Chair Wintzer assumed there was no sunset to the number of additional extensions. Planner Whetstone replied that the applicant could apply for an extension, and the Planning Commission could deny. The length of an extension would never be longer than one year.

Commissioner Savage remarked that the first extension approved by the Planning Director would be discretionary, but most likely an automatic approval. Director Eddington clarified that approval would be subject to the applicant demonstrating that there were no changes to the project or the circumstances. Commissioner Savage was comfortable with that proposal.

Commissioner Strachan suggested that the language should read, "The Planning Commission may grant an additional one-year extension". As written, the language states, "The Planning Commission may grant additional extensions". Planner Whetstone offered to revise the language.

Assistant City Attorney, Polly Samuels McLean, clarified that if there was no change to the project or the circumstances, the Planning Commission would have to grant the extension. Chair Wintzer asked if it was possible to place a time limit for when an applicant could not longer request an extension and would have to re-apply. Ms. McLean recalled that Planner Whetstone initially suggested language that would give a three year time frame, beginning with the first year of the original approval. One year after the CUP was approved, the Planning Director could grant a one-year extension. After the extension expired, the Planning Commission could grant another one-year extension. Ms. McLean thought the discussion on December 15th was a little unclear. The Planning Commission only wanted two years and directed the Staff to make that revision, but when they started talking about the MPD's, there was a concern about encouraging people to break ground just to obtain a building permit. The Staff brought this back to the Planning Commission this evening to resolve that internal conflict.

Commissioner Savage asked Assistant City Attorney McLean, to explain why the Planning Commission is obligated to grant an extension. Ms. McLean stated that based on the standard of review, if the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or non-compliance with the LMC, the Planning Commission would have no reason to deny the extension. She explained that conditional uses are allowed uses that have to be granted as long as the impacts are mitigated. Commissioner Savage argued that the use is allowed for a designated period of time through the CUP. An extension would be an additional period of time. Commissioner Savage wanted to know they could not specify, "At the discretion of the Planning Commission, additional one year extensions may be granted". In that case, Ms. McLean recommended that they specify a finite number of years, at which time the CUP expires and the applicants would need to re-apply. She noted that the downside to that approach is that someone just breaks ground to keep the CUP from expiring.

Chair Wintzer commented on instances where nothing has changed since the original approval, except the neighborhood around it. The issue is that the Planning Commission deemed that the project was compatible with the neighborhood, but it is no longer the same neighborhood. That situation could occur quite often if the extension process is allowed to continue for 5 or 8 years. He was also concerned about creating a process that forces someone to break ground and then have nothing but a hole for several years.

Planner Whetstone stated that the Staff seldom sees a request for more than one extension on a project. The only one she could recall was the Four Seasons CUP on the parking lot at the Park City Mountain Resort. She explained the situation with the Four Seasons and why the Planning Commission chose to grant a second extension.

Assistant City Attorney remarked that the Planning Commission could either choose a finite number, or they could add language stating that after the Planning Commission grants one year, an additional year may be considered if the applicant can show good cause. Ms. McLean cautioned against language that would allow multiple extensions over a long period of time.

Chair Wintzer wanted to know if a changed neighborhood would be enough cause to deny an extension. Director Eddington stated that the language reads, "The applicant must demonstrate no change in circumstance". He noted that language in the amendment defines "change of circumstance" to include physical changes to the property or surroundings. Under that language, he felt a change in the neighborhood would be good cause. Assistant City Attorney McLean was concerned about creating a legal issue. The question is how to define whether the neighborhood has changed. If the sentiment of the neighborhood had changed, that would not be pertinent. If the physical characteristics of the neighborhood had changed, then it could be denied.

Commissioner Savage asked if that could be discretionary so the Planning Commission could make that determination. Ms. McLean reiterated that State Code requires that conditional use permits are allowed uses, as long as the impacts are mitigated.

Chair Wintzer asked whether or not Assistant City Attorney McLean would advise placing a time limit. Ms. McLean replied that placing a time limit was better in terms of avoiding legal issues.

Commissioner Savage felt that prohibiting a third extension request was too restrictive, particularly in today's economy. Director Eddington pointed out that the applicant has one year with the original CUP, a second year if the Planning Director grants an extension, and a third year if the Planning Commission grants an extension. If the Planning Commission would allow up to three one-year extensions, that would give the applicant a total of five years before they would have to re-apply.

Commissioner Savage stated that if the character of the surroundings had changed, but the CUP was still fully compliant, he wanted to know how the Planning Commission could deal with that situation, since the CUP may not have been approved if the current circumstances had existed at the time of the original approval. Ms. McLean stated that in that situation the Planning Commission could determine that some of the impacts have not been mitigated, and they could deny the extension. Director Eddington clarified that the denial would be based on the new physical conditions surrounding the property.

Chair Wintzer was comfortable with a five-year time limit. Commissioner Strachan agreed, and suggested that the language be written to indicate that neither the Planning Commission nor the Planning Director can give a CUP more than four one-year extensions. Director Eddington recommended language stating that the Planning Director can grant a one-year extension and the Planning Commission can grant up to three additional one-year extensions.

Commissioner Hontz thought five years was too long and she preferred a three year limit. The first would be the year the CUP was approved, the second would be a one-year extension granted by the Planning Director, and the third would be a one-year extension granted by the Planning Commission.

Commissioner Strachan pointed out that per the Code, if an applicant applies for an extension, the project needs to comply with the LMC in effect at the time of the extension request. He felt that gave the Planning Commission sufficient control. Commissioner Strachan wanted a finite number, and he was comfortable with either three or five years.

The Commissioners concurred on a three year time limit as suggested by Commissioner Hontz. Director Eddington clarified that the language should read, "The Planning Commission may grant an additional one-year extension".

Planner Whetstone remarked that the next bullet point was revised definitions for Amenities Club and Hotel Amenities Club to be added to the RD zone as a conditional use, in addition to the RC zone. At the last meeting the Staff had recommended an amenities club. Based on Planning Commission direction, the definition was revised to restrict amenities clubs to hotels and to exclude them from nightly rental condominium projects. The amenities club requires a conditional use permit with final action by the Planning Commission. Planner Whetstone noted that both the RD and RC zones are residential type zoning with hotels. Other zones with hotels are already commercial zones.

Commissioner Luskin read the definition for Club, Amenities, on page 153 of the Staff report, "Any non-profit corporation or other organization..." He wanted to know why "non-profit" was included the language. Commissioner Luskin suggested that the language read, "Any organization...". Commissioners Peek pointed out that the full language read, "Any non-profit corporation or other organization formed or operated for the primary purpose of..." He understood that to mean that the organization must be formed with a primary purpose in mind. Commissioner Luskin remarked that the organization does not have to be a corporation and could be an association. The primary purpose needs to be amenities.

Chair Wintzer felt it was better to hear comments from the public prior to reviewing the remaining amendments.

Chair Wintzer opened the public hearing.

Tom Bennett stated that he was an attorney representing a number of property owners who have interest in these issues. With respect to the CUP, Mr. Bennett requested that the Planning Commission consider a time limit longer than two extensions. He pointed out that if someone received a CUP in 2008, they would most likely not be ready to build in 2010 or 2011. Mr. Bennett remarked that the State of California recently passed a statute extending the periods of the entitlements currently in effect for another four to five years. He could not recall the exact duration. Mr. Bennett stated that the Statute was put in place to protect bodies, such as the Planning Commission, from being inundated with a series of extension requests due to economic conditions. Mr. Bennett pointed out that any extension is still an appealable decision.

If the Planning Commission chose to extend a CUP and the neighbors were opposed, that decision could be appealed for further consideration. Mr. Bennett requested that the Planning Commission consider at a minimum, allowing one extension by the Planning Director and two extensions by the Planning Commission.

Mr. Bennett stated that if a developer requests an extension and the extension is denied, he questioned what the developer could do at that point. He thought a reasonable solution would be to have a 90 day grace period following a denial, where the developer could come in and apply for a building permit.

Chair Wintzer asked if a developer could apply for an extension six months prior to the expiration, so if the extension is denied, he would still have time to obtain a building permit. Commissioner Strachan believed that any sophisticated developer would know when the circumstances are changing around the CUP, and make sure he does something. Commissioner Peek understood that the building permit would need to be issued prior to the CUP expiration, and not a pending application. He was told that this was correct.

Mr. Bennett supported the concept of the Amenities Club. He thought the revisions made to the language and the definitions were favorable and valid changes. Mr. Bennett noted that the language was changed to require approval by the Planning Commission on any CUP for an amenities club. He noted that in the first draft, the language allowed an administrative CUP approved by the Planning Director, under certain circumstances, including the circumstance that the number of memberships was limited. Mr. Bennett requested that the Planning Commission consider re-instating the previous language for an administrative approval since it is highly unlikely that an amenities club would create a new unmitigated impact, particularly if the number is limited as suggested in the first draft. Mr. Bennett stated that when the Code requirements are applied to a hotel, they are applied under the scenario that the hotel is fully occupied. Therefore, the impacts were examined at maximum use. Mr. Bennett pointed out that the amenities club is not intended to increase the maximum use of the project, but rather to keep the use increased throughout the entire year. Because of inherent limitations that control the number of people who can use these facilities, he believed it was self-limiting. Mr. Bennett could not think of any new impacts that would be created by allowing an amenities club.

Neal Krasnick stated that he had to put a green tag on his car so he could go to the Silver Mountain Sports Club during Sundance. He uses the club 12 months of the year, but there is a great impact when the hotel is filled during Sundance. Mr. Krasnick believed that there was the possibility for unforeseen impacts during the high season if a hotel opens up an amenities club.

Chair Wintzer left the public hearing open for further comment on the amendments as they are discussed.

Commissioner Hontz asked if the hotel would have to re-apply for a CUP and how often, if an amenities club was approved as a conditional use. Assistant City Attorney McLean stated that once a conditional use is granted, the use is in perpetuity unless a time limit is specified as a condition of approval, or if the use ceases for over a year.

Commissioner Hontz recommended that the Planning Commission create a check-in mechanism on the CUP. She explained that Hotel Park City ran a program a few summers earlier where they reached out to the local population and people could buy a membership to use their facilities. Commissioner Hontz pointed out that the use of the hotel changed and the greatest impacts were within the facility. However, it also impacted the surrounding community because locals use a facility different than tourists who have one vehicle or no vehicle. Commissioner Hontz stated that the impact from the Hotel Park City selling memberships was noticeable both internally and externally.

Commissioner Hontz offered another example at the Canyons where she personally participated in an amenities club and it was a significant difference in use. She was not convinced that an amenities club would not be an impact and she felt strongly about having a trial review to see if it is positive for the community.

Planner Whetstone noted that a conditional use permit can be reviewed if the City receives complaints. It is not uncommon to place additional conditions during a review to address impacts that were not considered during the original approval.

Chair Wintzer stated that he was a member of the Hotel Park City amenities club for three years, and the greatest impacts were created by families who used the pool as a recreation pool. Chair Wintzer asked if it was possible to place a condition of approval to restrict the use to off-season periods. He noted that residents who live near a hotel are prepared to accept the impacts during the busy seasons, but they expect to have some down time four or five months out of the year.

Commissioner Savage wanted to know what entitled the Hotel Park City to offer an amenities club. Assistant City Attorney McLean replied that the hotel is a commercial facility and their spa falls under a commercial use in the RC zone. Commissioner Savage did not understand why the amendment to allow an amenities club was different from what Hotel Park City is already allowed to do. Planner Whetstone replied that it relates to whatever Hotel Park City was entitled to during the master plan process in terms of commercial square footage. Commissioner Savage clarified that it was an allowed use of the commercial square footage that was part of the Hotel Park City.

Assistant City Attorney McLean recommended that the Planning Commission focus their discussion on whether they believe an amenities club is appropriate for a conditional use permit with conditions of approval on a case by case basis, or whether an amenities club is not an appropriate use in the City and should not be allowed.

Chair Wintzer asked if the Planning Commission was addressing the definition of an amenities club or the use. He was told that it was both. The question is whether they should add the definition to the LMC, and allow the use as a conditional use under the existing CUP criteria.

Commissioner Savage believed that giving those facilities the right to have amenities clubs would be positive for the community and good for business. Chair Wintzer noted that the process would also give the neighborhood the opportunity to object if the impacts are too great. Commissioner Savage agreed that each amenities club application should be addressed on a case by case basis.

Assistant City Attorney McLean clarified that there was consensus among the Planning Commission that the existing CUP process was appropriate for an amenities club. Commissioner Hontz held to her opinion that there needed to be a check-back mechanism placed on the CUP. Ms. McLean recommended that the Planning Commission add that as a condition of approval in the normal CUP process. Commissioner Hontz was comfortable addressing a mechanism through the CUP process, since it could be required through a condition of approval.

Planner Whetstone noted that the next bullet point was for the Planning Commission to relook at review criteria for time extensions for approved plats and master planned developments, as well as additional criteria for the review of plats in Chapter 7. Planner Whetstone referred to page 143 of the Staff report, Chapter 6- granting of extensions, and noted that language was added requiring that the applicant must demonstrate that there is no change in circumstance that would result in unmitigated impacts. She pointed out that the language indicates that the Planning Commission may grant an extension of an MPD for up to two years.

Planner Whetstone referred to page 148 of the Staff report, the Planning Commission review of a preliminary plat, and noted that language was added to address topography, natural features, property location and physical mine hazards. Language was also added to read, "The Planning Commission shall make a finding as to whether there is Good Cause to approve the preliminary plat".

Assistant City Attorney McLean explained that the Staff heard feedback from the Planning Commission about having concrete guidelines and criteria for determining whether a subdivision should go forward. The Staff tried to provide specifics the Planning Commission could use to determine whether or not there is good cause for a plat amendment. Commissioner Luskin asked if they could also add character of the neighborhood. Ms. McLean read the definition of Good Cause, "Providing positive benefits and mitigating negative impacts determined on a case by case basis, to include such things as providing public amenities and benefits, resolving existing problems, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of Park City and furthering the health, safety and welfare of the Park City community." Director Eddington referred to language on page 148 that requires a finding for whether Good Cause was achieved. He believed neighborhood character would be addressed under Good Cause.

Assistant City Attorney McLean stated that if Commissioner Luskin was suggesting that they add language more specific to "community", the Staff would like to hear that feedback. Planner Whetstone suggested adding, "Preserve the character of the neighborhood and Park City" to address their concern.

Commissioner Savage asked if the Good Cause clause was the single definition of good cause throughout the LMC. Ms. McLean replied that good cause is only an issue in relation to subdivision.

City Council Member Alex Butwinski was unsure how they could use the term "character of the neighborhood" without knowing what defines a neighborhood. Commissioner Luskin was not comfortable having a limiting definition of neighborhood because it is a judgement call for specific areas. Ms. McLean stated that a neighborhood would be defined under Webster's definition. Director Eddington stated that from a general planning standpoint, neighborhood is typically defined as the area around a house or project that appears to have the same fabric, and/or the surrounding four block radius. Chair Wintzer agreed with Commissioner Luskin about not wanting a limited definition, because each neighborhood is different. Chair Wintzer remarked that Old Town is a zone and not a neighborhood. A neighborhood would be adjacent and surrounding properties. He thought a broad definition of neighborhood was better because it provided the Planning Commission and the public more flexibility to discuss the pros and cons related to the neighborhood. Commissioner Strachan did believe that the definition of neighborhood was any more vague than the language in the Land Management Code under the CUP section that says proposed structures must be compatible with surrounding structures. Because "surrounding structure" is not defined, the Planning Commission has latitude and discretion to make that determination in the CUP process.

Assistant City Attorney McLean recommended that the language "resolving existing problems" be revised to say, "Removing existing non-conformities". As an example, that language would better match the intent to remove lot lines under an existing house. Chair Wintzer was more concerned with plat amendments that combine ten lots in a tiny neighborhood, because that type of development would change the neighborhood. Planner Whetstone suggested that the

language "Resolving existing issues and non-conformities", would address most situations. Ms. McLean was comfortable with that language.

Commissioner Strachan asked for clarification on the Development Review Committee. Director Eddington explained that every two weeks, representatives from each department meet to review a project so everyone understands the development. Chair Wintzer requested that the Staff schedule time during a work session to describe the Development Review Committee process, to help the Planning Commission understand how it works.

Planner Whetstone stated that the last discussion point referenced the Historic Design Guidelines in Chapter 5 and the request to add review criteria for skylights and Solar panels. She noted that language was added to state, "Skylights and solar panels in the Historic District are subject to the design guidelines for Historic Districts and Historic Sites. Also limiting the percentage of the roof area of skylights, specifically, but not necessarily for solar panels".

Commissioner Peek asked if the architectural guidelines address city-wide solar panel structures detached from the roof. Planner Whetstone replied that the architectural guidelines address solar panels to the extent that they must be flush mounted as possible and not placed on prominent facades. She believed that also included accessory structures. The Commissioners discussed potential language for clarification. Chair Wintzer felt the technology was still developing and it would be difficult to impose further restrictions at this time. He did not want to discourage the use of solar with too many restrictions. Chair Wintzer stated that the issues would flush out the more it is used and the Planning Commission could address specific concerns at that point. The Commissioners concurred. Chair Wintzer asked if the Planning Commission still wanted the three year time limit for CUP extensions, or if they had changed their mind after hearing public comment.

Commissioner Savage noted that the Commissioners had discussed three years and five years. He suggested four years as a compromise. Commissioner Luskin was comfortable with the three year limit they initially agreed on. Commissioner Hontz preferred a three year limit. Commissioner Peek was comfortable with three years. Commissioner Strachan did not have a preference. Chair Wintzer clarified that the consensus was for a three year limit on CUP extensions. Planner Whetstone revised the language on page 143 to read, "The Planning Commission may grant an additional one year extension when the applicant is able to demonstrate no change in circumstance...." She clarified that the three year limit would be the initial approval, a one-year extension approved by the Planning Director, and a final one-year extension granted by the Planning Commission.

There as no further public comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Luskin moved to Forward a Positive Recommendation to the City Council for the Land Management Code Amendment to Chapters 1, 2.13, 2.16, 5, 6, 7.1, 7.3, 7.4, 11, 12 and 15, as outlined in the ordinance and amended as discussed at this meeting. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.