

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,
AND TO ADDRESS TECHNICAL CORRECTIONS AND SUSTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES
CHAPTER 3- OFF-STREET PARKING,
CHAPTER 4- SUPPLEMENTAL REGULATIONS,
CHAPTER 6- MASTER PLANNED DEVELOPMENTS,
CHAPTER 7- SUBDIVISION GENERAL PROVISIONS AND
CHAPTER 8- ANNEXATION**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to Conditional Use Permits, noticing, appeals and appeal authority, parking on paved surfaces, parking below grade within setbacks, walls and fences, size limitations for Guest Houses, telecommunications and antenna locations, increase occupants allowed in elderly group homes from 4 to 8, options for unit equivalent calculations, changes to subdivision ordinance regarding review and approval authority, and requirement for a zone to be assigned to annexed territory when annexed.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at its regularly scheduled meetings, on December 14, 2005 and March 1, 2006 and forwarded to City Council a positive recommendation on amendments to Chapters 1, 3, 4, 6, 7, and 8;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on April 27, 2006; 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 Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 1 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-

references from other provisions of the LMC to Chapter 1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 3 OF THE LAND MANAGEMENT CODE. Chapter 3 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 3 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Planning Director.

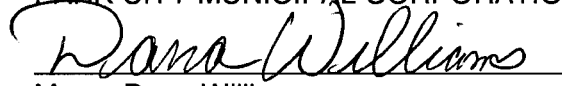
SECTION 4. AMENDMENTS TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross references from other provisions in the LMC to Chapter 6 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8 is hereby amended as attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 shall be resolved by the Planning Director.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days prior to each hearing to each Affected Entity * and to Owners within 300 ft.	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, and including 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, HPB, or Planning Commission hearing, per this Matrix, 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

Administrative Conditional Use permits (Admin CUP)	14 days prior to any hearing.	14 days prior to any hearing.	14 days prior to any hearing.
Conditional Use Approval (CUP)	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.
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
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.
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.
Determination of Historic Significance	Once 7 days prior to hearing before the Historic Preservation Board.		Once 7 days prior to hearing before the Historic Preservation Board.
Historic District Design Review	For a 10 day period once Staff's preliminary determination of	To Owners of adjoining Property once Staff's preliminary determination of	Only required upon appeal of the Planning Director's decision.

	compliance has been reached.	compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.
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.	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.		
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 Applications; Record of Survey Plats	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.
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 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.	

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.

*Affected entity is a defined term. See LMC Section 15-15.

Appendix A - Official Zoning Map (Refer to the Planning Department)

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 City's overall quality of life economic vitality and Historic, resort-based community, 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, and

(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

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(l) 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.

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.

Comment [p2]: 10-9a-505

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 District Commission 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 a public hearing 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:

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(1) The City Council makes a finding of compelling, countervailing public interest; or

(2) The area is ~~unzoned~~ 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.

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 at a time, per Property, will be accepted and processed.

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

(F) Projects in the Historic District and Historic Structures outside the Historic District are subject to design review under the Historic District Guidelines.

(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, 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.

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REVIEW (y) and FINAL DECISION (X)					
	<u>Planning Director</u>	<u>HBP</u>	<u>Board of Adjustment</u>	<u>Planning Commission</u>	<u>City Council</u>
Allowed	<u>y</u> X				
Allowed-Historic	<u>y</u> X				
<u>Allowed-Historic Appeal</u>		X			
Conditional	<u>y</u>			X	
Conditional Admin.	<u>y</u> X				
MPD	<u>y</u>			X	
Non-Conforming	<u>y</u>		X		
Plat Amendment	<u>y</u>			<u>y</u> <u>Recommend to CC</u>	X
Variance	<u>y</u>		X		
Subdivision	<u>y</u>			<u>y</u> <u>Recommend to CC</u>	X
Zoning Appeal	<u>y</u>		X		
LMC Amendments	<u>y</u>			<u>y</u> <u>Recommend to CC</u>	X

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*All Applications are filed with the Planning Department. If the Planning Department is not the reviewing body (y), a staff member will make a recommendation to the appropriate decision making body (X).

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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 Historic District Design Guidelines, 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 has not been met.

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors,

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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 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 Section 15-1 -12. NOTICE.) The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit 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.

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(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;
- (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;

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

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(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, 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 Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one (1) additional year when the Applicant is able to demonstrate no

change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the Conditional Use permit, noticed and processed with a public hearing the same as a normal Conditional Use permit.

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

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.

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 modification to the Park City General Plan, and the time, place and date set for public hearing on the matter. Notice shall be given according to 15-1-20 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 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

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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 a pending application.

~~(D)~~(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 from after the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

(E)-(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.

Comment [p6]: 10-9a-202

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. No. 02-57)

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

(A) **POLICY.**

(1) **SECURITY 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 improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility

facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, So that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until adequate financial security is posted in accordance with this section.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial security given by the Developer is limited to a contract between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. 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. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Planning, Building, and Engineering Team.

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(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 improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" 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. Deviations from the approved plans must be approved in advance by the Chief Building Official.

(C) SECURITY 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 improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site improvements. When the Site 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 improvement work remains unfinished; and,

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

(3) The Developer posts adequate security for the benefit of the City to insure completion of the Site 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 SECURITY.** The amount of the security to be posted by the Applicant, shall be equal to 125% of the amount reasonably estimated by the Engineering Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the City, 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

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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 SECURITY.** The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in escrow, or credit established, or such other security device 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 escrow or other security arrangements.

(F) **FORM OF SECURITY.** Security arrangements offered in lieu of simultaneous completion of Buildings and Site 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 from a bank authorized to do Business in the State of Utah,

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) An Agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.

- (4) Some combination of the above as approved by the City.

(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 improvement work by the City. No retained amount shall be held for landscaping improvements once the installation of the required materials has been approved 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 new security instruments within thirty (30) days from the expiration of the security instruments

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provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site 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 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 security for the performance of the Site improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Departments, the City shall release any cash, credit or other security 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 improvements, additional security must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST.** Any interest accruing on funds in escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in escrow for this purpose.

(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 security required for single family homes shall be the reasonably estimated cost to complete construction of any retained amount and drainage works 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 improvements applicable to each phase of a phased project or Development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.

(Amended by Ord. 02-07)

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

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their projects either to approval or denial in a reasonably expeditious manner. The City may formally deny Applications, which remain inactive for long periods of time 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 project 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 a project for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate 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.

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 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 OF ZONING RIGHTS.

~~(A) Upon submittal of a Complete Application, the Application shall vest pursuant to the terms of the LMC and Zoning Map in effect at the time of filing the Complete Application.~~

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(B) ~~Vesting of all Permits and approvals terminates upon the expiration or termination of the permit or approval.~~

(C) ~~EXCEPTIONS. Applications shall not vest:~~

~~(1) when revisions to the LMC are pending at the time of Application which would prohibit or further condition the approval sought; or~~

~~(2) when there exist compelling and countervailing health, safety or welfare reasons for applying the pending standard.~~

(1) (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:

(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

(ii) 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:

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

(ii) 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.

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

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF.** Any decision by the Planning Director regarding Application of this LMC to a Property may be appealed to the Planning Commission. Decisions regarding compliance with the Historic District Guidelines may be appealed to the Historic District Commission. The appeal must be filed with the Planning Department. 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.

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(C) **PLANNING COMMISSION.** Final Actions by the Planning Commission on staff appeals may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and MPDs may be appealed to 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.

(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.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission or Board of Adjustment 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 applicant shall pay the applicable fee established by resolution. The adversely affected party shall present to the appeal authority every theory of relief that it can raise in district court.

(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 a land use ordinance.

(H) **WRITTEN FINDINGS REQUIRED.** The appellate body shall direct staff to prepare detailed written:

(1) Findings of Fact, which explain and support the Staff decision;

(2) Conclusions as to how a contrary decision would violate the provisions of this LMC, other City ordinances, or applicable state or federal laws or regulations.

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(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 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 any Final Action taken by the Planning Commission or Planning Director up for review by the

Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Planning 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, and need not take public input at the hearing. 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.

(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.

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(M) **APPEAL FROM THE CITY COUNCIL.** The Applicant or any Person aggrieved by City action on the project may appeal from the Final Action by the City Council affecting the project 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) **FINALITY OF ACTION.** Final Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law.

(O) **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.

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

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

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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:

(1) an essential link exists between a legitimate governmental interest and each exaction; and

(2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

Comment [p11]: 10-9a-508

15-1 -2021. NOTICE MATRIX.

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NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	<u>14</u> days prior to each hearing before the Planning Commission and City Council	<u>14</u> days to each Affected Entity,	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.
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			Deleted: To Owners of the Property and Owners within 300 ft. 14 days prior to each hearing before the Planning Commission and City Council, if individual Property.
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LMC Amendments	<u>14</u> days prior to each hearing before the Planning Commission and City Council.	<u>14</u> days to each Affected Entity	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.
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General Plan Amendments	<u>14</u> days prior to each hearing before the Planning Commission and City Council.	<u>14</u> days to each Affected Entity	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.
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Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	<u>14</u> 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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Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions, and	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.
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Conditional Use Approval (CUP)	14 days prior to the hearing before the Planning Commission.	<u>14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.</u>	Once 14 days prior to the hearing before the Planning Commission.
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Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	<u>14 days prior to the hearing before the Board of Adjustment, to Owners within 300 ft.</u>	Once 14 days prior to hearing before the Board of Adjustment.
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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.	<u>14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.</u>	Once 14 days prior to the hearing before the Historic Preservation Board.
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Determination of Historic Significance	Once 7 days prior to hearing before the Historic Preservation Board.		Once 7 days prior to hearing before the Historic Preservation Board.
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Historic District Design Review	For a 10 day period once Staff's preliminary	To Owners of adjoining Property once Staff's	Only required upon appeal of the Planning
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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-23

	determination of compliance has been reached.	preliminary determination of compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	Director's decision. See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.	Deleted: Staff=s Deleted: staff Deleted: =s Deleted: District Commissio Deleted: n.
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.			
Termination of Project Applications		Mailed Notice: To <u>Owner/Applicant</u> and certified Agent by certified mail 14 days prior to the <u>Planning Director's</u> termination and closure of files.		Deleted: Developer Deleted: Community Development Deleted: =s
Lot Line Adjustments: Between 2 Lots without a plat amendment.		To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the <u>Planning Department Application</u> form, from adjacent Owners.		Deleted: CDD Deleted: If Application is turned do then Applicant will be notified of right to appeal to Planning Commission and of right to file a plat amendment Application. Deleted: To Owners within 300 ft.
Preliminary and Final Subdivision Plat Applications	<u>14 days</u> prior to the hearing before the Planning Commission.	<u>14 days</u> prior to the hearing before the Planning Commission, to <u>Owners</u> within 300 ft.	Once <u>14 days</u> prior to the hearing before the Planning Commission.	Deleted: To Owners within 300 ft.
Condominium Applications; Record of Survey Plats	<u>14 days</u> prior to the hearing before the Planning Commission.	<u>14 days</u> prior to the hearing before the Planning Commission, to <u>Owners</u> within 300 ft.	Once <u>14 days</u> prior to the hearing before the Planning Commission.	Deleted: To Owners within 300 ft.
Record of Survey Amendments	<u>14 days</u> prior to the <u>hearing</u>	<u>14 days</u> prior to the hearing, to <u>Owners</u> within 300 ft.	Once <u>14 days</u> prior to the <u>hearing</u> .	Deleted: To Owners within 300 ft. Deleted: before the City Council Deleted:

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-24**

<p><u>Subdivision Plat Amendments,</u> <u>14 days prior to the hearing</u> <u>14 days prior to the hearing, to Owners within 300 ft.</u> <u>Once 14 days prior to the hearing,</u></p>	<p>Deleted: See Notice Requirement listed in Appendix A.</p> <p>Deleted: To Owners within 300% ft. of the Subdivision</p> <p>Deleted: before the Planning Commission</p> <p>Deleted: (No public hearing before City Council necessary. Consent item only)</p> <p>Deleted: Petition with consent of all Owners in Plat to Vacate or Change a Plat</p>
<p><u>Vacating or Changing a Street</u> <u>14 days prior to the hearing before the City Council, to Owners within 300 ft and to Affected Entities.</u> <u>Once a week for 4 consecutive weeks prior to the hearing before the City Council.</u></p>	<p>Deleted: ¶ To Owners within 300 ft. 14 days prior to the hearing before the City Council.¶ ¶ See content Notice Requirement listed in Appendix A (below).</p> <p>Deleted: Petition without Consent of all Owners to Vacate or Change a Plat; Vacating or Changing a Plat without a Petition when written objections are received.¶ (Plat Amendments)¶</p> <p>Deleted: Once 14 days prior to the hearing before City Council.¶</p> <p>Formatted: Body Text 2, Space After: 0 pt</p> <p>Formatted: Space After: 0 pt</p>
<p><u>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.</u></p> <p>Appendix <u>A</u> - Official Zoning Map (Refer to the Planning Department)</p> <p>PSMkaw6</p>	<p>Deleted: -----Once 7 days prior to hearing.</p> <p>Deleted: T</p> <p>Formatted: Line spacing: single, Widow/Orphan control, Tabs: 0.7", Centered</p> <p>Deleted: within 300 ft.</p> <p>Deleted: 14 days prior to the hearing before the City Council.</p>
	<p>Deleted: See content Notice Requirement listed in Appendix A (below).</p> <p>Deleted: Appendix A¶ ¶ Plat Amendment, Record of Survey Amendment, And Street Change Notice (mailed and published) shall include:¶ ¶ 1. A statement that anyone objecting to the proposed plat must file a written objection to change within ten (10) days of the date of notice.¶ ¶ 2. A statement that if no objecti... [1]</p> <p>Deleted: B</p>

NOTICE MATRIX

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, and including 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 Approval (CUP)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners	Once 14 days prior to the hearing before the Planning Commission

	within 300 ft.		
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
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.
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.
Determination of Historic Significance	Once 7 days prior to hearing before the Historic Preservation Board.		Once 7 days prior to hearing before the Historic Preservation Board.
Historic District Design Review	For a 10 day period once Staff's preliminary determination of compliance has been reached.	To Owners of adjoining Property once Staff's preliminary determination of compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	Only required upon appeal of the Planning Director's decision. See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.

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.	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.		
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 Applications; Record of Survey Plats	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.
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.

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.

Appendix A - Official Zoning Map (Refer to the Planning Department)

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 3 - OFF-STREET PARKING

Chapter adopted by Ordinance No. 00-25

CHAPTER 3 - OFF-STREET PARKING.

15-3 -1. PURPOSE.

The purpose of this Chapter is to:

- (A) specify Parking Area and Access drive standards for all Development within the City;
- (B) specify Parking Ratio requirements for specific land Use categories to ensure adequate and not excessive parking is provided for the Use.
- (C) provide solutions to mitigate impacts of parking and vehicular oriented Development;
- (D) provide for safe and efficient parking for people with disabilities; and
- (E) provide for convenient and safe motorcycle and bicycle parking to encourage and facilitate alternative modes of transportation.

15-3 -2. REQUIREMENT.

An Applicant must provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles at the time a Building is erected or enlarged.

If any land, Structure, or Use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking for the new Use as is required by this Chapter. Required parking must be on-Site unless the Planning Commission allows such parking on adjacent or nearby deed restricted Lots.

15-3 -3. GENERAL PARKING AREA AND DRIVEWAY STANDARDS.

Off-Street parking shall meet the following standards:

(A) GRADING AND DRAINAGE.

- (1) Parking Areas must be Graded for proper drainage with surface water diverted to keep the Parking Area free of accumulated water and ice.

(2) Adequate control curbs must be installed to control drainage and direct vehicle movement.

(3) Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.

(4) Driveways must not exceed a fourteen percent (14%) Slope.

(5) Drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements.

(B) **SURFACING.** Parking Areas and driveways must be Hard-Surfaced, maintained in good condition, and clear of obstructions at all times. See Required Yard Exceptions in Chapter 2 for further drive and parking requirements in specific Zoning Districts.

(C) **PARKING AREA LIGHTING.** Low-pressure or high pressure sodium light sources are the only allowed light sources for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to Buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum

light trespass off-Site by using cut-off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

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(1) **MAXIMUM LIGHT DISTRIBUTION.** For uniformity in lighting and prevention of shadows, an average horizontal Luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the maximum allowed.

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(2) **POLE HEIGHT/ WATTAGE/ DESIGN/ HEIGHT.** Luminaries mounting height must be, measured from the Parking Lot or driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Department and/or the Planning Commission. The maximum height shall only be allowed at the review and approval of the Planning Department with specific findings. The determination shall be based on:

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- (a) review of the Site plan,
- (b) proposed land Uses,
- (c) surrounding land Uses,
- (d) Parking Area size,
- (e) Building mass,

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(f) location of the Site with respect to other lighting sources,

(g) impacts on the adjacent Properties,

(h) topography of Site, and

(i) other Site features.

Light Poles higher than sixteen feet (16') are appropriate only for Parking Areas exceeding two hundred (200) stalls and not in close proximity to residential Areas.

(3) PARKING AREA WATTAGE/DESIGN STANDARD.

(a) Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.

(b) Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.

(c) Wood fixtures and fixtures mounted on wooden poles are encouraged. They must be naturally stained or painted in earth tones. If metal fixtures or poles are

used they should be black, dark brown or earth tone.

(d) The base of the pole shall be treated with paint, stain, stucco or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape Areas.

(4) UNDERGROUND PARKING GARAGE ENTRYWAYS.

Light sources within the first thirty feet (30') of an open garage entryway must be high-pressure sodium light sources with partially shielded fixtures.

(5) SUBMISSION REQUIREMENTS. An Application for Development with Off-Street parking must contain the following:

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

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(b) description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required;

(c) 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 be required to determine the adequacy of the lighting over the Site.

(6) **NON-CONFORMANCE.** All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The Applicant must bring such fixtures into compliance with this Code with any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

(D) **PARKING AREA LANDSCAPING.** Landscaping for Parking Areas is considered Landscaped Open Space.

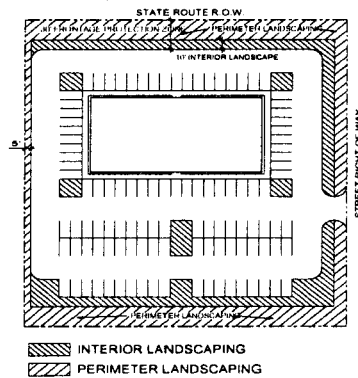
(1) **SIZE OF PARKING AREA.** For purposes of this Section, a Parking Area is defined as five spaces or more. Underground parking or Parking Structures are excluded from the provisions of this Section except Screening.

(2) **CALCULATION OF PARKING AREA.** The Parking Area includes all spaces, aisles, and drives, as defined by the top-back of curb or edge of pavement.

(3) **INTERIOR LANDSCAPING REQUIREMENTS IN THE GENERAL COMMERCIAL (GC), REGIONAL COMMERCIAL OVERLAY (RCO) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICTS.** Each Parking Area in the GC, RCO and LI Districts must have an Interior Landscaped Area equivalent to twenty percent (20%) of the total Parking Area, including drive aisles. Parking Areas with fewer than fifty (50) spaces must have an Interior Landscaped Area equivalent to ten percent (10%) of the Parking Area. Ten feet (10') of Perimeter Landscaping may count towards the Interior Landscaped Area.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

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Building Foundation Landscaping does not count towards Interior Landscaping Area.

NON-CONFORMANCE. All landscaping lawfully installed, that does not meet these requirements is considered non-conforming landscaping. The Applicant must bring such landscaping into compliance with this Code with any change in Use that increases the Parking Ratio requirements for the Site.

(4) INTERIOR

LANDSCAPING. Parking should generally be located to the rear of Buildings or Screened so it does not dominate the Streetscape. In the design of large Parking Areas, bays or stalls shall generally be separated by landscaping to break up the mass of Hard-Surface paving. The Parking Area must be designed to provide adequate snow storage in winter.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

(5) PERIMETER

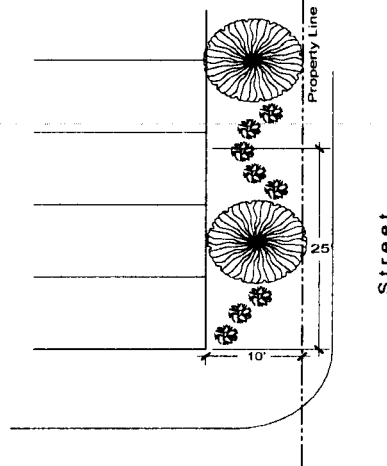
LANDSCAPING. Unless a driveway exception is used, unenclosed Parking Areas shall

generally include landscaping on all perimeter Property Lines. This provision shall not be required in zoning districts that allow zero Lot Line Development, or within the Historic District Zones, unless required as part of an approved Master Planned Development.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the Landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

The Applicant shall generally maintain a minimum of one (1) tree and five (5) shrubs per twenty-five linear feet (25') of Landscaped Area. Trees and shrubs may be clustered as part of good design.

The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty feet (30') in width, abutting the Street.



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(6) **SNOW STORAGE.** Snow storage Areas may be included in the Interior or Perimeter Landscaped Areas if they are landscaped to accommodate snow storage.

(7) **STORM WATER DETENTION/ POLLUTION CONTROL.** Landscaped Areas used for storm water detention and pollution control may count towards the landscaping requirements.

(8) **CLEAR VIEW OF INTERSECTION.**

(a) Corner Lots. No landscape obstruction is allowed in excess of two feet (2') in height above Street Grade within the Sight Distance Triangle. A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(b) Driveway Access. The same criteria as used on corner Lots apply to driveway Access except that the triangular Area is defined by the intersection of the road Right-of-Way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at

points twenty-five feet (25') from their intersection.

(E) **SNOW STORAGE.** Where parking availability will be affected by weather conditions, the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area; including, Parking Spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface Lot in a usable, readily accessible location. Landscaping of these Areas shall accommodate snow removal and storage on-Site.

(F) **PARKING SPACE DIMENSIONS.**

(1) Parking Spaces must be nine feet (9') wide by eighteen feet (18') long. The City Engineer may approve minor variations in Parking Space dimensions.

(2) ADA Parking Space width requirements vary and shall be consistent with current Uniform Building Code standards.

(3) Compact spaces with dimensions of nine feet (9') wide by sixteen feet (16') long may be provided. These spaces are not Code spaces for the purpose of satisfying parking requirements.

(G) **STREET ACCESS AND CIRCULATION.** Off-Street Parking Areas

must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted Tandem Parking, Parking Spaces shall be independently accessible and unobstructed.

Applicants for all Drive-up or Drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the Right-of-Way.

(H) DRIVEWAY WIDTHS AND SPACING.

(1) DRIVEWAY WIDTHS.

The following driveway width dimensions are required. Additional driveway standards for the Historic District are outlined in Section 15- 3 -8 of this Chapter. Minor variations in driveway widths may be approved by the City Engineer.

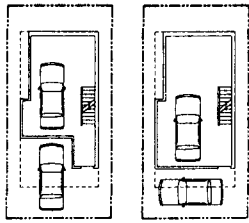
PROPOSED USE	MINIMUM WIDTH	MAXIMUM TOTAL WIDTH
RESIDENTIAL Single-Family Duplex Shared Driveways	10'	27'
RESIDENTIAL Multi-Unit, 5 or more Parking Spaces	18'	30'
COMMERCIAL Requiring 5 or more Parking Spaces	24'	30'
COMMERCIAL Requiring 4 or fewer Parking Spaces	18'	30'

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(I) TANDEM SPACES. Parking designs, which necessitate parking one vehicle directly behind another (not perpendicular to each other) are permitted only for Single Family Dwellings, Accessory Apartments, and Duplex Dwellings in all zoning districts. In any Zoning District where the Front Yard is twenty feet (20') or less, both Parking Spaces must be perpendicular to the Street, unless there is an adequate landscaped buffer between the Street and Parking pad, subject to review by the Planning Director.

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(J) **CLEAR VIEW OF INTERSECTING STREETS.** In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8)

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(K) **SIGNS.** Refer to the Park City Sign Code, Title 12, for specific requirements for all signs associated with parking and drives.

15-3 -4. SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.

(A) SINGLE FAMILY RESIDENCES AND DUPLEXES.

(1) **SINGLE GARAGES.** In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet

(11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep.

All vehicles, boats, RVs, trailers, and similar wheeled vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped areas.

(2) **CIRCULAR DRIVEWAYS.** Circular driveways are permitted for Single Family and Duplex Dwellings provided one leg leads directly to and from a legally located garage or carport, subject to the following conditions:

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- (a) Such drives shall be hard-surfaced.
- (b) Such drives shall be a minimum of fifteen feet (15'), and a maximum of twenty-four feet (24') in width.
- (c) There shall be a Landscaped Area at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.
- (d) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any

vehicle.

(e) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property.

(B) PARKING AREAS WITH FIVE (5) OR MORE SPACES.

(1) All Parking Lots shall maintain the required Front and Side Yard as would be required for any Structure.

(2) Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a residential Use, the Applicant must Screen the Lot or drive.

(3) Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24').

(4) Driveways must be at least ten feet (10') from any intersecting Right-of-Way.

The City Engineer may approve minor spacing and width deviations.

(C) PARKING GARAGES AND STRUCTURES.

(1) **STRUCTURED PARKING REQUIREMENTS.** Parking within a fully enclosed Parking Structure where the weather does not affect the availability of Spaces requires the following:

(a) Twenty-four foot (24') minimum aisle width, for 90 degree layout;

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(b) Adequate circulation to ensure that each required Space is readily accessible as well as usable. Column and wall locations must be specifically addressed in terms of automobile and pedestrian circulation and maneuvering.

(c) Light sources within the first thirty feet (30') of a Parking Structure opening must be high pressure sodium or compact fluorescent light sources with Partially Shielded fixtures.

15-3 -5. DRIVEWAY STANDARDS FOR PRIVATE DRIVEWAYS WITHIN PLATTED, UNBUILT CITY STREETS.

The following standards apply to driveways within platted but un-built Streets.

(A) The driveway shall not exceed ten percent (10%) Slope.

(B) Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.

(C) The driveway must be paved with asphalt or concrete.

(D) The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.

(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.

(F) The driveway construction requires a Conditional Use permit, Section 15-1-10.

(G) An encroachment permit for the driveway is required.

(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

15-3 -6. PARKING RATIO REQUIREMENTS FOR SPECIFIC LAND USE CATEGORIES.

(A) **RESIDENTIAL USES.** Off-Street parking shall be provided for each land Use as listed in this section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each Use, or combination of Uses, applies to each Dwelling Unit within the Structure. Specific Uses, and the related parking ratio

requirements are also shown below: Also refer to 15-15 Definitions for clarification of Uses.

RESIDENTIAL PARKING RATIO REQUIREMENTS		
USE	PARKING RATIO (NUMBER SPACES)	
Accessory Apartment	1 per bedroom	
Lockout Unit in Single Family and Duplex Dwellings	1 per bedroom	
Single Family Dwelling	2 per Dwelling Unit	
Duplex Dwelling	2 per Dwelling Unit (4 total)	
Triplex Dwelling	2 per Dwelling Unit (6 total)	
Multi-Unit Dwelling	Apartment/Condominium not greater than 650 sf floor Area	1 per Dwelling Unit
	Apartment/Condominium greater than 650 sf and less than 1000 sf floor Area	1.5 per Dwelling Unit

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	Apartment/ Condominium greater than 1,000 sf and less than 2,500 sf floor Area	2 per Dwelling Unit
	Apartment/ Condominium 2,500 sf floor Area or more	3 per Dwelling Unit
Dormitory	1 per 200 sf floor Area devoted to accommodations	
Boarding House, Hostel,	1 per 2 beds; and 1 per manager's unit	
Secondary Living Quarters	1 per bedroom in addition to requirements for primary residence	
Guest House	1 per Unit	

(B) **NON-RESIDENTIAL USES.** In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply: Also refer to LMC Chapter 15-15, Definitions, for clarification of Uses.

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
USES	PARKING RATIO REQUIREMENT (NUMBER SPACES)
Group Care Facility	1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater
Child Care Center	1 per on-duty staff per shift and 1 per 6 children

Public and Quasi- Public Institution, church and school; Public Utility Uses; and Cemetery	1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sf of floor Area, whichever is greater
Auditorium and Assembly Hall	1 space per every 5 seats
Bed and Breakfast Inn	1 space per bedroom
Hotel, Minor and Major	1 space per room or suite, and 1 space per 200 sf of separately leasable commercial space
Offices, General	3 spaces per 1,000 sf of leasable floor Area
Offices, Intensive	5 spaces per 1,000 sf of leasable floor Area
Office and Clinic, Medical	5 spaces per 1,000 sf of leasable floor Area
Hospital, Limited Care	1 space per 2 beds
Hospital, General	3 spaces per bed
Automobile Sales/ Rental	1 space per vehicle plus one space per employee
Financial Institution, with and without drive-up	3 spaces per 1,000 sf of net leasable floor Area
Retail & Service Commercial, Minor, Personal Service	3 spaces for each 1,000 sf of net leasable floor Area
Retail & Service Commercial, Major	5 space for each 1,000 sf of net leasable floor Area
Retail & Service, outdoor storage	3 spaces per 1,000 sf of inside net leasable floor Area

Retail & Service, Auto Related and Gas Stations	5 spaces per 1,000 sf of net leasable floor Area
Shopping centers or complexes of multi-tenant retail spaces	3.5 spaces per 1,000 sf of leasable floor Area, excluding corridors and service Areas not related to individual tenant retail spaces
Convenience Store, Support Commercial Uses	5 spaces per 1,000 sf of net leasable floor Area
Cafe/Deli	3 spaces per 1,000 sf of net leasable floor Area
Restaurant, Standard and Bar	1 space for every 100 sf of net leasable floor Area, including kitchen Areas
Restaurant, Outdoor Dining	Based on Site specific review at the time of CUP
Restaurant, With Drive-up	15 per 1,000 sf of net leasable floor Area
Light Industrial and Wholesale establishments	1 for every 2 employees in the largest shift plus 1 space for each vehicle used in conducting the business and wholesale, storage uses at 1 per 1,000 sf of floor Area and light manufacturing at 2.5 per 1,000 sf of floor Area
Temporary Improvement	1 per employee plus 2 guest spaces
Tramway Station/ Ski Base Facility	See Chapter 8.20
Recreation Facility, Private or HOA	Minimum of 1 space per 4 persons maximum rated capacity

Recreation Facility, Public	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area, or 1 per 3 persons rated capacity depending on type of facility
Indoor Entertainment, Theater	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area depending on type of facility
Commercial Outdoor Recreation and Stables, Riding Academy	1 space per 3 persons maximum rated capacity
Master Planned Developments	As determined by Planning Commission based on proposed Uses
Mining Operations	2 spaces per 3 employees
Airports/Heliports	As determined by the Planning Commission, based on traffic generation study

(C) **CALCULATION OF SPACES.** If a project incorporates two Uses, the Use requiring higher number of Parking Spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.

15-3 -7. PARKING IN MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS.

(A) In Master Planned Developments and in review of Conditional Use permits, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The Planning

Commission may reduce this initial parking requirement to prevent excessive parking and paving. The Applicant must prove by a parking study that the proposed parking is adequate. The parking study must analyze whether:

- (1) parking Uses will overlap,
- (2) commercial spaces within the project will serve those residing within the project rather than the general public,
- (3) or other factors that support the conclusion that the project will generate less parking than this Code would otherwise require.

(B) Master Planned Developments with a parking demand of eight (8) or fewer Parking Spaces may not reduce required parking under any circumstance.

(C) See LMC Chapter 10, Master Planned Developments, for Parking Area Landscaping Requirements for MPDs.

15-3 -8. PARKING IN THE HISTORIC DISTRICT.

(A) To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.

(B) 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.

(C) A Parking Structure may occupy below Grade Yards between participating Developments if the Structure maintains all Setbacks above Grade and the area above Grade is properly landscaped., subject to Conditional Use Permit or Master Planned Development.

(D) 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.

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

15-3 -9. BICYCLE PARKING REQUIREMENTS.

(A) New construction of, and additions to existing commercial or industrial Structures or Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles.

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(B) For Developments generating a parking demand of greater than fifteen (15) bicycle Parking Spaces, the number and location of bike racks and storage shall be determined by the Planning Department, based on the land Use and Site specific criteria such as Site design, parking layout, location of entrances, and proximity to public transit.

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

(D) Bicycle spaces must accommodate bicycle storage medium security racks, in which both the bicycle frame and the wheels may be locked by the user. The spaces must be designed to prevent damage to the bicycle and to facilitate easy and secure storage without interference from or to adjacent bicycles. Bicycle racks or lockers must be anchored and be of solid construction, resistant to rust, corrosion, hammers and saws.

(E) Bicycle spaces must be Compatible in design and function with the surrounding Buildings and with surrounding Street furniture.

(F) Such facilities must be located in convenient, highly-visible, active, well-lighted Areas but shall not interfere with pedestrian movements and snow storage.

15-3 -10. OFF-STREET LOADING SPACES.

(A) Except in the Historic District Zones, every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.

(B) Except in the Historic District Zones, loading docks and loading Areas must be Screened from adjoining Property and public Right-of-Way.

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PARK CITY MUNICIPAL CODE
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS**

Chapter adopted by Ordinance No. 02-07

CHAPTER 4 - SUPPLEMENTAL REGULATIONS.

15-4 -1. PURPOSE.

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

**15-4 -2. FENCES AND WALLS,
(A) LOCATION.**

Fences and Walls may be erected or allowed within the buildable area, and as allowed in the Setback Exceptions in Chapter 2. Any Fence or Wall greater than six feet (6') in height requires an administrative Conditional Use permit approved by the Planning, Building and Engineering Departments, unless the Fence or Wall is approved as part of a Master Planned Development or Conditional Use Permit. Any Fence or Wall greater than six feet (6') in height requires a building permit.

Within any required Front Yard or Street Side Yard, Fences and Walls shall not exceed four feet (4') in height, measured

from Final Grade,

Fences and Walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or Side Yard. Where a Fence or Wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

The height of Walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an administrative Conditional Use permit or as approved with a CUP.

The height of Walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an administrative Conditional Use permit or as approved with a CUP.

(B) **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones with the following

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exceptions, which must be approved by the Planning Director.

(1) For recreational facilities such as tennis courts,

(2) As temporary limits of disturbance fencing during construction as approved by the Planning Department.

(3) Chain link Fences within the required Yard areas may be permitted in other circumstances by the Planning Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

(C) **BERMS**
Berms within the required Yard Area may be constructed subject to the following:

(1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.

(2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander for the entire length.

(3) Within Front Yard areas berms may not be constructed to interfere with required Sight Distance and may not obstruct driver's line of sight from streets and roads.

15-4 - 3. HOME OCCUPATION.

A Home Occupation is a permitted Accessory Use, conducted and carried on entirely within a dwelling by Persons residing in the dwelling, which Use is clearly incidental and secondary to the Use of the dwelling for dwelling purposes and does not change the residential character thereof. .

Only those Persons making the home their primary residence may be employed in a Business operated from that home.

A Home Occupation shall not include the on-Site sale of goods or merchandise except those, which are produced on the premises, or those that are clearly Incidental Retail Sales, and shall not involve the Use of any outdoor yard space to conduct the Business, with the exception of permitted agricultural and horticultural products. Activity outside of the Buildings, related to the Home Occupation that is not normally associated with a residential Use is not permitted.

The Use of mechanical equipment shall be limited to small tools whose Use shall not generate noise, vibration, smoke, dust, heat, glare, or odors perceptible beyond the premises of the dwelling.

The total Area used for the Home Occupation shall be limited to no more than one-half (1/2) of the floor Area of the first floor and shall not change the residential character of the Building. This does not require the Home Occupation to occupy only the first floor.

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Outdoor storage of equipment, materials, and supplies associated with a Home Occupation is prohibited. Storage of equipment, materials, and supplies associated with a Home Occupation, within a garage, shall not displace required Off-Street parking.

There shall be no exterior advertising of Home Occupation Businesses on the premises by window displays or signs.

No traffic may be generated by such Home Occupation in a volume that creates a need for parking greater than that which can be accommodated on the Site consistent with the residential parking requirements or which is inconsistent with the normal parking usage of the district.

(A) A Home Occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (1) arts and crafts studio;
- (2) culinary products Kitchen or studio;
- (3) dress-making or millinery work;
- (4) professional office;
- (5) home office for insurance or real estate sales or telemarketing; or
- (6) teaching and tutoring.

(B) A Home Occupation shall not be

interpreted to include the following:

- (1) animal hospital;
- (2) long-term care facility;
- (3) restaurants, bars, cafes, shops and other general commercial retail Uses;
- (4) Bed and Breakfast Inns; or
- (5) Child Care or Group Care Facilities.

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15-4 - 4. SECONDARY LIVING QUARTERS.

Secondary living quarters are a permitted Accessory Use in all districts except the HRL, HR-1, HR-2, and ROS, unless previously approved by a Master Planned Development. Any request for secondary living quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to issuance of Building Permit or Certificate of Occupancy;

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(A) **SIZE.** The maximum size for secondary living quarters shall be 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.

(B) **PARKING.** One (1) on-Site Parking Space for each Secondary Living Quarter shall be provided in addition to the underlying parking requirement. Tandem Parking is allowed.

(C) **SINGLE UTILITY METERS.**

The main dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens, as defined by this Code.

(E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

(F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar persons.

15-4 -5. LOCKOUT UNITS.

Lockout Units are a Conditional Use in the HRL District and are an Allowed Use in all other Zoning Districts, except in the ROS, POS, SF, and LI Districts where they are not permitted. A Lockout Unit is an Area of a dwelling with a separate exterior Access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly Rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

15-4-6. GUEST HOUSES.

Guest Houses are a Conditional Use in Zoning Districts where they are permitted and must be reviewed against the Conditional Use permit regulations in LMC Chapter 15-1-10. Guest Houses are only permitted on Lots of one (1) acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, POS, RCO, GC, or LI Zoning Districts.

Guest Houses may be no larger than one third (1/3) of the size of the Main Dwelling, in terms of Floor Area and shall be limited to a maximum Floor Area of 1,500 square feet, unless additional Floor Area is approved by the Planning Commission during a Master Planned Development approval. A Guest House may not increase the Floor Area or Building Foot Print as specified in the Land Management Code or any specific Subdivision approval.

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Guest Houses may be attached or detached from the main house and may not be sold or leased separate from the main house. Prior to Building Permit or Certificate of Occupancy issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the main house, shall be recorded at the County Recorders Office.

15-4 - 7. ACCESSORY APARTMENTS.

Accessory Apartments are subject to the following criteria:

- (A) **CRITERIA FOR USE.**
 - (1) **SIZE.** Accessory

Deleted: The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the community. While preservation of the single family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety.

Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum Floor Area of 1,000 square feet, and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the Floor Area of a Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

(a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are

undesirable.

(c) **Historic District Zones.** One (1) tandem Parking Space (parking one vehicle behind another) for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(iii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.

(3) **APARTMENTS PER LOT.** No more than one (1) Accessory Apartment may be located on a Lot.

(4) **REQUIREMENTS FOR REVIEW.** The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.

(5) **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.

(6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.

(7) **DEED RESTRICTION.** A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

"A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____. This permit does not run with the land and is automatically invalidated by the sale or

transfer of this Property. Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner".

Prospective purchasers who intend to reside in one of the units on the Property may apply with the Planning Department for an Accessory Apartment permit. If the Apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted. The Owner shall strictly adhere to the prohibition of the Use of the accessory Structure as a Nightly Rental.

(8) **NIGHTLY RENTALS.** Accessory Apartments are intended for long term rental of thirty (30) days or more and may not be used for Nightly Rentals.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and notification requirements established in LMC Chapter 15-1-12 (E).

(B) **REGULATED USE REVIEW.** The Planning Department shall review Accessory Apartments in those zones where the Apartments are a Regulated Use. This includes all Zoning Districts where Accessory Apartments are an Allowed Use and not a Conditional Use. After

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submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Department shall approve a permit if the requested Accessory Apartment complies with the criteria for Use in Section 15-4-7 (A), established herein. The Regulated Use permit shall be subject to the one (1) year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**

The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(C) **CONDITIONAL USE REVIEW.**

In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Commission shall approve a permit if the requested Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in LMC Chapter 15-1-10 have been mitigated. The Conditional Use permit shall be subject to the one (1) year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**

The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter and any additional conditions of approval. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(D) **ONE YEAR REVIEW.** Both regulated Use permits and Conditional Use permits for Accessory Apartments shall be subject to a one (1) year review by the Planning Department. The review shall occur one (1) year after issuance of the Accessory Apartment permit. If no complaints have been filed and the Planning Department finds that the Owner and tenants are complying with the conditions of the permit, then the permit may be extended until ownership of the Property is transferred. If complaints have been filed, the Planning Department shall ensure that the Owner of the Property is complying with the requirements of the Accessory Apartment permit.

(E) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-conforming Accessory Apartments may be approved by the Planning Department provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7 (A). If the existing Accessory Apartment does not meet the criteria as specified, the Planning Commission shall review the Use. Permits for non-conforming Accessory Apartments shall be subject to the

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one (1) year review provisions of Section 15-4-7 (D). The Planning Commission shall approve the request only if the following findings can be made:

- (1) The Apartment contains no more than two (2) Bedrooms;
- (2) One (1) Parking Space per Bedroom is provided for Use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements;
- (3) One (1) unit is Owner-occupied; and
- (4) Impacts of the Use can be mitigated.

15-4-8. GROUP CARE FACILITIES.

(A) **PURPOSE.** To ensure that Group Care Facilities do not have an adverse impact on the character of adjacent neighborhoods and to ensure that issues of public safety, traffic and parking are mitigated, permitting of these facilities is governed by the following regulations. The intent of these regulations is to locate such Group Care Facilities where the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facilities; where the Site can accommodate adequate Off-Street parking; where the Structures are designed to be Compatible with the character of the adjacent neighborhood; and where the type of Use, activities, and services provided by

the Group Care Facility are substantially consistent with the activities otherwise permitted in the district.

(B) **PERMIT REQUIRED.** All Group Care Facilities require a Conditional Use permit prior to occupancy. A business license and Certificate of Occupancy for the Group Care Facility is also required. No Certificate of Occupancy will be issued by the City for a Group Care Facility until the Applicant has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having proper jurisdiction.

Family foster homes are exempt from these regulations.

Child Care homes and facilities are regulated in Section 15-4-9.

Elder care homes are exempt from these regulations, provided that the maximum number of elderly Persons receiving care, protection and supervision in any such home shall not exceed eight (8) at any given time.

Dependent on the review criteria herein, the maximum permissible number of residents, excluding supervisors, is eight (8) in the R-1, HRC and HCB Zoning Districts; twelve (12) in the RCO, GC, and LI Zoning Districts; and six (6) in all other Districts where Group Care Facilities are a Conditional Use.

The minimum separation requirement between any other Group Care Facility shall be 750 feet. The Planning Commission may permit two (2) such facilities to be

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located closer than 750 feet if they are separated by a physical barrier, including without limitation an arterial Street or State Highway, a commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the separation requirement shall be allowed only after the Commission has determined that the barrier and the resulting separation are adequate to protect the City and neighborhood from any detrimental impacts resulting from an excessive concentration of Group Care facilities in any one (1) vicinity. The Planning Department maintains a map and notebook showing the location of such Group Care Facilities.

(C) **REVIEW CRITERIA.** The Planning Department shall review all Group Care Facilities Applications and forward them to the Planning Commission. The Planning Commission shall consider the following criteria, in addition to all criteria listed in LMC Chapter 15-1-10, Conditional Use permit review:

- (1) Whether the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.
- (2) Whether the Group Care Facility has made on-Site accommodations for all parking and circulation requirements.
- (3) Whether the architectural design of the facility is Compatible with the character of the adjacent neighborhood.

(4) Whether the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities otherwise permitted in the district. No Person shall make a Group Care Facility available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the Property of others. This determination that an individual poses a direct threat to the health and safety of others or a risk of substantial physical damage to Property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled Persons.

(5) Whether there are other such facilities located within 750 feet of the proposed location.

(D) **NOTICE.** A notice of any Group Care Facility Conditional Use permit granted by the City, and any conditions imposed upon such facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the Property upon which the Group Care Facility is permitted.

(E) **PROHIBITED.** Group Care Facilities are prohibited in the HRL, POS, and ROS Zoning Districts.

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15-4-9. CHILD CARE AND

CHILD CARE FACILITIES.

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage the provision of Child Care, which meets the fluctuating needs and demands of the City's residents, employees, and employers. Health and safety, convenience, compatibility, affordability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

(B) **IN-HOME BABYSITTING.** In-home babysitting includes the provision of Child Care for four (4) or fewer children within a dwelling, and within commercial Buildings outside of residential zones. In-home babysitting shall be permitted in all Zoning Districts. In-home babysitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted Accessory Use. Standard Building and zoning regulations shall be complied with.

(C) **FAMILY CHILD CARE.** Family Child Care is a small scale Child Care home which includes the provision of Child Care for up to eight (8) children within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen (18) if they are cared for in the same Area of the Structure as that designated for Family Child Care.

Family Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

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(1) **PERMITS REQUIRED.**

Family Child Care homes shall be permitted in all Zoning Districts subject to issuance of a Certificate of Occupancy for the home, by the Chief Building Official, and either an Administrative Permit issued by the City Planning Director or a Conditional Use Permit issued by the Planning Commission. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Planning Department. Family Child Care in Multi-Unit Dwellings, such as Apartments, Condominiums, and townhouses, requires a Conditional Use Permit issued by the Planning Commission. Family Child Care requires a Conditional Use Permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

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(2) **REVIEW CRITERIA.**

Prior to the issuance of either an Administrative Permit or a Conditional Use Permit, all Family Child Care homes are subject to the following requirements:

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(a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) **Drop-off/Pick-up Area.** Two (2) drop-off/pick-up Parking Spaces must be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) **Play Area Size and Location.** Minimum indoor and outdoor play areas are

regulated by the State, but in no case shall there be a structured play area measuring less than 240 square feet. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

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(e) **Signs.** All signs must conform to the Park City Sign Code requirements of the specific Zoning District. In single family zones, no signs will be permitted for a Family Child Care home.

(f) **Primary Residence.** If Child Care is provided in a residential Structure, the Structure must be the primary residence of the primary care provider and the residential character of the house and its Lot shall be maintained. If required by the State, a second care provider, who is not a resident of the home, may be employed at the residence.

(g) **Multi-Unit Dwellings.** Family Child Care in Multi-Unit Dwellings is a Conditional Use, subject to the review criteria for Conditional Use Permits stated in LMC Chapter 15-1-10 with review and approval by the Planning Commission.

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Family Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground Areas are on private Property and not within Common Areas, or unless the Applicant receives approval from the Home Owner's Association for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(D) FAMILY GROUP CHILD CARE.

Family Group Child Care is a medium scale Child Care home which includes the provision of Child Care for nine (9) to sixteen (16), inclusive. Family Group Child Care must be provided within the provider's primary residence and shall include the provider's own children under the age of eighteen (18) if they are cared for in the same Area of the Structure as that designated for Family Group Child Care.

Family Group Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

All Child Care that does not take place in the primary residence of the primary care provider is considered by the State to be a Child Care Center or an hourly Child Care Center. Therefore, all Family Child Care and Family Group Child Care by the

definitions herein, shall occur within the primary residence of the primary care provider. All other Child Care is regulated as a Child Care Center, including all Child Care in commercial Businesses, etc.

(1) PERMITS REQUIRED.

Family Group Child Care homes require a Conditional Use Permit in all residential Districts and require an Administrative Permit issued by the Planning Department in all other Zoning Districts. Family Group Child Care within Multi-Unit Dwellings, that are not within residential Zoning Districts, also require a Conditional Use Permit. Family Group Child Care homes are subject to issuance of a Certificate of Occupancy for the home by the Chief Building Official.

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Family Group Child Care requires a Conditional Use Permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

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(2) REVIEW CRITERIA.

Prior to the issuance of either an Administrative Permit or a Conditional Use Permit, all Family Group Child Care homes are subject to the following requirements:

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- (a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition

to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) **Drop-off/Pick-up Area.** Four (4) drop-off/pick-up spaces must be provided. For Family Group Child Care homes with ten (10) or fewer children, not including the care providers own children, three (3) drop-off/pick-up spaces may be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) **Density.** No more than one (1) Family Group Child Care home may be

permitted on any one (1) Street or within any 300 foot radius, whichever Area is less, and no more than two (2) Family Group Child Care homes may be located in any one (1) 500 foot radius Area. Family Child Care homes and other Child Care operations, which are not regulated shall not be included in these Density calculations. Also, Family Group Child Care homes in commercial zones, such as the RCO, GC, LI, HRC, HCB shall not be subject to these Density restrictions.

(e) **Play Area Size and Location.** An outdoor play area of at least 360 square feet shall be provided on-Site, with an additional 40 square feet for each additional child over a minimum of nine (9). Additional indoor play areas are regulated by the State. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(f) **Screening.** Screening for all play areas in residential zones is required. Screening may consist of an opaque Fence, berm, dense shrubbery, or similar, subject to Planning Department

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approval.

(g) **Structure Inspection Required.** The Structure shall conform to JBC requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the Applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional requirements may be required before a Family Group Child Care permit can be issued.

(h) **Neighborhood Meeting.** Prior to permit issuance for a Family Group Child Care home in a residential zone, a neighborhood meeting, under the direction of the Planning Department, shall be held to discuss the proposed facility with Property Owners within 300 feet of the subject Parcel, subject to standard notification requirements. The hearing gives the Child Care provider an opportunity to understand neighborhood concerns and to consider operational policies or make reasonable modifications to the Site plan to mitigate impacts of the Use.

(i) **One Year Review.**

All Conditional Use Permits for Family Group Child Care homes may receive a one (1) time review by the Planning Commission one (1) year following permit issuance. The review request shall be placed on the Consent Agenda of the Planning Commission. However, the staff may determine to place the item under new business if it is determined that there have been excessive problems related to this Use which justify further discussion by the Planning Commission. Such decision shall be based on staff observation and/or public input received during the past year of operation alleging the following:

(i) The Use consistently generates more parking demand than can be handled within fifty feet (50') of the Property on the same side of the Street.

(ii) The Use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.

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Family Group Care home have consistently violated traffic laws.

(iv) The Family Group Child Care home does not conform to Code defined standards.

If the Planning Commission finds that the Family Group Child Care home meets all Code defined standards and that there have been no excessive problems related to its Use, the Use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the Applicant of specific concerns and require a second review in one (1) year.

(j) **Multi-Unit Dwelling.** Family Group Child Care in a Multi-Unit Dwelling is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground areas are on private Property and not within Common Areas, or unless the Applicant receives approval from 100% of the Owners for Use of the Common

Area, or unless the project was designed to accommodate a Child Care facility.

(E) **CHILD CARE CENTER.** A Child Care Center is a Child Care facility in which the provision of Child Care for five (5) or more children occurs in a place other than the care provider's primary residence and for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis. See previous sections for regulation of Child Care provided within a care provider's primary residence, such as Family Child Care and Family Group Child Care.

Child Care Centers, including hourly Child Care Centers, are regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Child Care Center is an Allowed Use in all non-residential Districts except the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate-40 (E-40), and the Regional Commercial Overlay (RCO) Districts. In these Districts a Conditional Use Permit is required. A Child Care Center may be located within a residential District with a Conditional Use Permit, pursuant to LMC Chapter 15-1-10.

A Site designated and planned for a Child Care Center may be required for all new

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single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

The Planning Commission shall consider, as part of the Conditional Use Permit review, in addition to the criteria stated in LMC Chapter 15-1-10, the architectural Compatibility of the proposed Child Care Center and shall also consider the following location criteria and Site requirements during the review process.

(1) **LOCATION CRITERIA.**

For projects within a residential neighborhood, the Planning Commission shall consider the following guidelines for locating Child Care Centers.

(a) Traffic onto local roads within a Subdivision is discouraged. Location of Child Care Centers is encouraged such that the Center can be conveniently accessed from existing arterial and Collector Roads.

(b) Location on the periphery of the Subdivision or neighborhood is preferable to location within the center of the Subdivision.

(c) The Child Care Center is adjacent to a school, library, house of worship, or other traditional neighborhood facility with

large landscaped Areas or playing fields.

(d) The Child Care Center is conveniently accessed by public transportation.

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(e) The Subdivision or multi-family project was designed to accommodate a Child Care Center.

(2) **SITE REQUIREMENTS.**

(a) **Parking.** At least one (1) Parking Space shall be provided for each on-duty staff person per shift and one (1) space for every six (6) children cared for.

(b) **Circulation.** An on-Site vehicle turnaround, or separate entrance and exit points, and passenger loading Area must be provided.

(c) **Fencing.** An opaque Fence six feet (6') in height must be installed around all designated play areas. Dense shrubbery may compensate for Fencing requirements provided that the Lot is secured according to State regulations. If the Lot is adjacent to open fields or playgrounds, a less opaque Fencing material may be used with Planning Commission

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approval, but chain link Fencing shall not be used.

(d) **Play Areas.** No structured area for active play or play Structures may be located in a Front Yard. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Density.** No more than one (1) Child Care Center shall be permitted in any one (1) residential Subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet (300') to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other child care operations which are not regulated shall not be included in Density calculations.

(f) **Lot Size and Configuration.** The minimum Lot Area for a Child Care center with more than sixteen (16) children shall be 12,000 square feet. The Lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its

discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play areas, which are contiguous to the Structure.

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(g) **Setbacks.** Standard Setbacks shall be observed except that Child Care Centers located in residential Districts shall provide at least eighteen foot (18') Side Yards and twenty-five foot (25') rear yards.

(h) **Play Area within Setbacks.** No more than fifty percent (50%) of the State Code required play area may be within the standard Setback Area of the Lot as defined in the underlying zone unless the Setback Area is adjacent to perpetual open space or playing fields.

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(i) **Signs.** One (1) small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than six square feet (6 sq. ft.) Setback at least ten feet (10') from the Property Line and must conform to all other criteria of the Park City Sign Code.

(j) **Exceptions.** The Planning Commission may

grant an exception to these Site requirements if it can be shown that the impact of the Child Care Center on traffic circulation or on adjacent Properties will not be increased if the exception is granted.

15-4 -10. **TIMESHARE PROJECTS.**

(A) **INFORMATION TO BE FILED WITH TIMESHARE PROJECT APPLICATIONS.** The Developer of any Timeshare Project other than a Timeshare Conversion shall file with the Planning Department the following information as part of a Building Permit Application:

- (1) The proposed duration of Timeshare Intervals.
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club

Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the Timeshare Project and/or units.

(5) The name, address, and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Planning Department and the Park City Business Licensing Division.

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(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments, who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Planning Department and the Park City Business Licensing Division.

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(7) Whether the Developer plans to offer resale assistance and/or exchange program affiliation to Timeshare Interval purchasers.

(8) A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Project.

(9) Any other information that the Developer or Planning Department deems reasonably necessary to the consideration of the project.

(B) **DENIAL OF NEW TIMESHARE PROJECTS.** The creation of new Timeshare Projects is a Conditional Use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in LMC Chapter 15-1-10, as well as specific criteria stated in Section 15-4-11, Timeshare Conversion, except that the consent of the unit Owners is required only in the case of a conversion of an existing Structure.

The Applicant shall also demonstrate that there are no adverse effects on City services, or City finances through the loss of sales tax revenue, or adverse affect on the Use of convention and meeting space.

15-4 -11. TIMESHARE CONVERSION.

(A) **TIMESHARE CONVERSION.** Developers of Timeshare Conversions shall file with the Planning Department the following information as part of a Conditional Use permit Application:

(1) The proposed duration of Timeshare Intervals, which shall not be less than seven (7) days.

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(2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.

(3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.

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(4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the Timeshare Project and/or Timeshare Units.

(5) The name, address and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name,

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address or phone number of the managing Agent shall be filed with the Planning Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments, who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Planning Department and the Park City Business Licensing Division.

(7) A list of all Owners of the Property being converted, or if the Property has previously been divided into separately owned units, Dwelling Units or Lots, a list of all Owners of such units, Dwelling Units or Lots. This list shall be prepared by a title company or licensed abstractor.

(8) A plan showing in reasonable detail the means by which the Timeshare Conversion will comply with the Park City parking requirements for Timeshare Projects, including the purchase of any necessary additional Property.

(9) Evidence of a review and approval by the appropriate sewer

district and the Park City Water Department regarding anticipated increases in sewer flows and water Use resulting from the change in Use.

(10) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements from not less than sixty five percent (65%) of the Owners of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

(11) Any other information that the Developer or Planning Department deems reasonably necessary to the consideration of the project.

(B) **CONDITIONS FOR CONVERSION APPROVAL.** In determining whether, and under what conditions, to issue a Conditional Use permit for Timeshare Conversions, the City shall review the following conditions and considerations and approve the project if:

(1) Timeshare Conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to Timeshare Uses being exempt

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from sales tax. The cumulative effect of the subject project and other Timeshare Projects may be considered.

(2) Timeshare Conversion will have no serious adverse effect on traffic circulation and parking.

(3) The Applicant's ability to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Conversion.

(4) Whether an office of the managing Agent or agency is located locally or within the Timeshare Conversion and the impact that may cause.

(5) Timeshare Conversion will have no serious adverse effect on meeting space, convention Business and Nightly Rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

(6) Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of Application.

(7) Compliance with the Park City Uniform Building Code and other Park City Building Department

regulations in force at the time of Application.

(8) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the Timeshare Conversion.

(9) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements of not less than Owners of sixty five percent (65%) of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

(10) The Structure proposed for conversion is in substantial compliance with the Building Codes and fire Codes adopted by Park City.

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(C) **DENIAL OR APPROVAL**. The City may approve or deny the request for Timeshare Conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Planning Department, subject to ratification by the Planning Commission, or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.

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(D) **OFF-PREMISES TIMESHARE**

CONTACTING LOCATIONS PERMITTED SUBJECT TO A

CONDITIONAL USE PERMIT. In determining whether, and under what conditions to issue a Conditional Use Permit for an off-premises timeshare contacting location, the Planning Department may consider:

- (1) The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the Area.
- (2) The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.
- (3) Whether the off-premise contacting can be confined to a completely enclosed Building.
- (4) Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of Application, and compliance with the Business licensing provisions of Park City.
- (5) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed

premises of another Person with the consent of that Person. No Conditional Use Permit is required under these circumstances.

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(E) **TIMESHARE CONVERSIONS.**

Existing projects, Properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to Timeshare Projects as defined in LMC Chapter 15-15-1 without first obtaining a Conditional Use Permit as required by this Chapter. A Conditional Use Permit must be obtained for the conversion of each separate project or Property being converted.

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15-4 -12. CONDOMINIUM CONVERSION.

Existing Structures shall not be converted to Condominium ownership without first receiving the review and recommendation of the Planning, Engineering, and Building Departments, City Attorney, and record of survey plat approval from the City. Required Public Improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The Structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

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15-4 -13. PLACEMENT OF SATELLITE RECEIVING ANTENNAS.

(A) **PURPOSE.** To ensure that Satellite Receiving Stations do not have an adverse impact on aesthetic values and public safety

in residential, commercial and industrial Areas, and the Historic District, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such Antenna and equipment where they are least visible from Public Streets and public Areas and, to the extent possible, provide Screening from adjacent Property Owners.

(B) **PERMIT REQUIRED.** The installation of Satellite Receiving Stations, unless otherwise provided in this ordinance, shall be deemed a permitted Use. It shall be unlawful to install any Satellite Receiving Station greater than two feet (2') in diameter without first having obtained a Building Permit from the City. Plans of such Satellite Receiving Station shall be submitted with each Application for a Building Permit, which shall include a Site plan indicating the height, color, location, Setbacks, foundation detail, landscaping, and Screening and such plan shall be subject to approval by the Planning and Building Departments.

(C) **INSTALLATION STANDARDS.** The following standards apply to the installation of a Satellite Receiving Station that is greater than two feet (2') in diameter:

(1) **HEIGHT.** Ground-mounted receiving stations shall be limited to a maximum height of ten feet (10') above Grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished Grade beneath the apparatus, with the apparatus set in its operating

position. Finished Grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

(2) **SETBACKS.** Satellite Receiving Stations installed on the ground must maintain all normal Building Setbacks applicable to the zone in which the station is located.

If Setbacks are not specified for the Development, Setbacks for the underlying zone must be met. The Planning Director may vary Setback requirements if the most effective Screening can be achieved by placing the station within one of the required Setbacks.

(3) **LOCATION.** All ground based receiving stations shall be located behind the front facade of the Main Building on the Site. Stations may be allowed in the Front Yard Area if it can be shown that no other reasonable locations are available and that Site specific conditions including steep Grades, dense vegetation, or other natural features which serve to Screen the receiving station exist on the Site. A Satellite Receiving Station may be located in the Front Yard Area only upon written approval by the Planning Director.

(4) **SCREENING.** Each Satellite Receiving Station mounted on the ground shall be Screened from ground view from Public Streets,

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Rights-of-Way, parks and golf courses through the addition of vegetative and non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening may also be required for adjacent Property Owners. Screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the Property. When initially installed, Screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the Satellite Receiving Station, and low level Screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the Site. A security shall be required to be posted to ensure installation of required Screening. The security shall be 125% of the estimated cost of the Screening.

(5) **MATERIALS AND COLOR.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a neutral color and satellite dish Antennas shall be of a wire mesh material. Variations may be reviewed and approved by the Planning Director. Highly reflective materials shall not be permitted.

(6) **ROOF OR WALL-MOUNTED.** Roof or wall-mounted

Satellite Receiving Stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any Public Street, and maintain normal Setbacks.

Satellite Receiving Stations on flat roofs may be approved if they are Screened by the addition of architectural features which integrate with the characteristics of the Structure and are not located on the portion of the roof fronting on any Public Street. The receiving station and Screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for Architectural Details such as chimneys, vents, or similar Structures. Roof or wall-mounted receiving stations in the Historic, District may be approved by the Planning Director providing no other feasible location exists and the receiving stations meet the criteria of this section.

The Planning Department shall review all Applications for receiving stations and shall consider Screening materials, integration into the Structure, visibility, size of the receiving station and such other factors as deemed necessary by the Planning Director to achieve Compatibility of the receiving station with the architecture and aesthetics of the Historic District.

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(7) **CABLES TO BE UNDERGROUND.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather than installed overhead. Wires or cables attached flush with the surface of a Building or the Structure of the receiving station are the only exceptions.

(8) **MULTI-FAMILY DEVELOPMENT.** One (1) Satellite Receiving Station greater than two feet (2') in diameter shall be allowed per project. A second receiving station may be allowed upon written approval by the Planning Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station shall be required as part of the permit Application filed with the City.

(D) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Satellite Receiving Stations within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants, which might be more restrictive than this ordinance. Applicants for permits for the installation of Satellite Receiving Stations are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City. If the

proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Owner's Association or Management Committee, the Applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station within the Common Area has been granted as a part of the permit Application filed with the City.

(E) **PENALTY.** Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of Satellite Receiving Stations, the Business license of the contractor or vendor shall forfeit upon the second conviction within any one (1) calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

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15-4 -14. TELECOMMUNICATION FACILITIES.

The intent of this section is to ensure that Telecommunications Facilities are Compatible with the unique characteristics of each Zoning District of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent

Property Owners. The installation of these devices is governed by the following regulations.

(A) **PERMIT REQUIRED.** The installation of Telecommunication Facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Park City Building Permit process. It shall be unlawful to install any Telecommunication Facility without first having a Conditional Use Permit and Building Permit from the City.

(B) **DEFINITIONS.** Move these to Chapter 15 Definitions.

(1) **ANTENNA.** A device that transmits and/or receives Telecommunications and/or radio signals for Telecommunications.

(2) **ANTENNA, DRIVE TEST.** A temporary Antenna used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(3) **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.

(4) **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.~~

(5) **ANTENNA, ROOF MOUNTED.** ~~An Antenna or series of individual Antennas mounted on a roof of a Building.~~

(6) **ANTENNA, TEMPORARY.** ~~An Antenna used for a time period of less than thirty (30) days.~~

(7) **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.~~

(8) **CO-LOCATION.** ~~The location of Telecommunication 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.~~

(9) **EQUIPMENT SHELTER.** ~~A cabinet or Building used to house equipment for Telecommunications Facilities.~~

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TELECOMMUNICATIONS

FACILITY. A Telecommunications Facility, which is disguised as another object or otherwise concealed from public view.

~~(11) 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.

~~(12) TELECOMMUNICATIONS FACILITY.~~ A Telecommunications Facility consists of Antenna, Equipment Shelters and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

~~(13) 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.

(C) SUBMITTAL REQUIREMENTS.

A complete Application shall include all elements of the proposed Telecommunications Facility and shall produce all information required by the Telecommunications Facility Application. Applicants shall provide the following submittal requirements.

(1) Each Applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the Applicant's existing Telecommunications Facilities and coverage Areas to demonstrate the need for the proposed Telecommunications Facility within the City.

(2) An Applicant proposing to erect a new Telecommunications Facility shall provide documentary evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing Buildings or Structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing Buildings or Structures or co-location Sites in the radio frequency coverage Area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the Applicant and the Property Owner(s) of the existing Buildings, Structures or co-location Sites.

(3) Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the Applicant's existing Telecommunications Facilities that provide Telecommunications within the City,

as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the Applicant's existing Telecommunications Facilities.

(4) Each Application shall include a Site location alternative analysis describing the location of other Sites considered for the proposed Telecommunications Facility, the availability of those Sites, the extent to which other Sites do or do not meet the Applicant's Telecommunications needs and the reason why the subject Site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues:

(a) How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City Area;

(b) How the proposed Telecommunications Facilities relates to the location of the Applicant's existing Telecommunications

Facilities that provide Telecommunications within and near the City;

(c) How the proposed Telecommunications Facility relates to the Applicant's anticipated need for additional Telecommunications Facilities that provide Telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five (5) locations around and within one (1) mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of

substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

(E) **NOT ESSENTIAL SERVICES.**

Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(F) **CONDITIONAL USE REVIEW**

PROCESS. A Conditional Use Permit is required for all Telecommunications Facilities. The Planning Department shall review all Telecommunications Facility Applications and forward the Applications to the Planning Commission. The Planning Commission shall review an Application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all Applications shall comply with LMC Chapter 15-1.10(c), which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposed Telecommunications Facility. If there are no occupied Properties within three hundred feet (300'), notice shall be given to the closest, registered home Owners association.

(2) **CONSENT AGENDA REVIEW.** Applications meeting the Consent Agenda Review criteria will

be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing on the same date or a later meeting of the Planning Commission at the Applicant's discretion.

(3) **PUBLIC HEARING.**

Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.

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(G) **SITE REQUIREMENTS.**

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(1) **SETBACKS.** The placement of Telecommunications Facilities on a Lot shall comply with the Setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the Setbacks for main Structures and shall not be determined accessory Structures.

(2) **HEIGHT.** The Telecommunications Facilities shall comply with the base height requirement, as stated in LMC Chapter 15-2, for the zone in which it is placed. The height shall be measured from the Grade or roof beneath to the top of the Antenna or mounting hardware whichever is higher. The following exemptions shall apply:

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(a) Roof Mounted Antenna, placed on a flat roof, may extend up to ten feet (10') above the existing Structure, provided that the Antenna Setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.

(b) Roof mounted Antenna, placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure.

(3) **USE OF PROPERTY.** The Telecommunications Facility shall be an ancillary Use on the Lot on which it is placed. The Lot shall contain a separate principal Use.

(4) **DESIGN.**

(a) Equipment Shelters located outside of an existing Building shall require a public hearing in front of the Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.

(b) Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth Telecommunications

Facilities shall be designed in a manner to blend with the existing and natural environment.

(c) Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

(d) Freestanding Antennas and wall mounted Antennas shall be mounted a maximum of twelve inches (12") from the wall or pole.

(H) **SITE DISTURBANCE.** Any Application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to, driveways or roads for a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Planning Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

(I) **ZONING RESTRICTIONS.** Unless otherwise required within this Section, Applications for Antennas shall be

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permitted and reviewed as follows:

(1) **FREESTANDING ANTENNA.**

(a) **Prohibited.** Any Antenna located on Historic Structures and all freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and POS zones. Freestanding Antenna on new Structures within the ROS zone are also prohibited.

(b) **Consent Agenda Review.** Freestanding Antenna located in RDM, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any freestanding Antenna located on existing poles in the ROS zone.

(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any roof mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Roof mounted Antenna within the RDM, RC, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Roof mounted Antenna located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones shall require a public hearing.

(3) **WALL MOUNTED ANTENNA.**

(a) **Prohibited.** Any wall mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Wall mounted Antennas located within the RD, RDM, RC, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones shall require a public hearing with

approval granted by the Planning Commission.

(4) **ENCLOSED ANTENNA.**

(a) **Prohibited.** Any Enclosed Antenna located within a Historic Structure or within the POS zone, unless approved by the Planning Commission as a CUP, with a public hearing, and provided the antennas are enclosed within the Historic Structure, historic material is not removed, and the enclosure does not increase the building height or require any exterior wall modifications to the existing Structure.

(b) **Consent Agenda Review.** Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, PUT, and LI may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** The location of any enclosed Antenna, which requires an increase in height or exterior wall modification to the existing Structure, shall require a public hearing.

(J) **TECHNICAL NECESSITY**

EXCEPTION. If the Application does not meet the criteria as stated in Section F, G, H and I, the Applicant may apply to the Board of Adjustment for a technical necessity exception. The Board of Adjustment shall review the Application as a Variance pursuant to LMC Chapter 15-10 and shall require the Applicant to provide any additional technical information in order to approve the variance including the following:

(1) A written explanation describing the surrounding topography, Structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation Telecommunications Facilities co-location is both permitted and encouraged. Co-location on a Lot may be permitted by the Planning Commission if all Setbacks, design and landscape requirements are met for each Telecommunications Facility. The Application shall include any existing or approved, but un-built, Telecommunications Facility within the Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

(1) Structural capacity of the Antenna towers;

(2) Geographic Telecommunications Area

requirements;

(3) Mechanical or electrical incompatibilities;

(4) Inability or ability to locate equipment on existing Antenna towers; and

(5) Any restriction or limitation of the Federal Communication Commission that would preclude the shared Use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility Application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many

Subdivision and Condominium covenants may address the location of Telecommunications Facilities within Condominium units and the Lots of a Subdivision. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the home Owner's association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit Application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for temporary Antennas only in conjunction with a special event licensed under Municipal Code Title 4, Chapter 8. A temporary Antenna permit Application must be submitted to the Planning Department. The Application will be administratively reviewed by the Planning Department based on the following criteria:

(1) **TIME.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as

Deleted: The City is not a party to those covenants, and no permit from the City shall effect the enforce ability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City.

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stated in the Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, PUT, and LI.

(4) **PERMISSION.** Temporary Antenna permit Applications shall be accompanied by written permission from the Property Owner.

If the above criteria are met, the Planning Department shall grant a temporary Administrative Permit for the facility.

(P) TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in Use for a drive test shall not be left standing for a period greater than one (1) day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City Property also require Planning Department approval and execution of the City's standard drive test agreement.

(Amended by Ord. No. 02-47)

15-4-15. OUTDOOR DISPLAY OF WORKS OF ART ON CITY-OWNED PROPERTY.

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain public/City-owned Properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) **REVIEW CRITERIA.** The outdoor display of works of art on City-owned Property shall be reviewed by the Planning, Engineering, and Building Departments for compliance with the following criteria:

(1) The outdoor display of works of art must comply with the height and Setback requirements of the Zoning District where it is located.

(2) Outdoor display of works of art that are displayed in excess of six (6) months must be designed and created with materials that will withstand the weather conditions and the elements.

(3) The outdoor display of works of art must comply with all applicable Building Codes;

(4) In cases where the City is not the Owner of record of the work of

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art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however, the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one square foot (1 sq. ft.), may be attached to the work of art or its support base.

(6) The outdoor display of works of art shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(1) Lighting.

(C) **CITY COUNCIL REVIEW.** Upon compliance with all criteria set forth in this section, the City Council shall review and take final action on all requests for the outdoor display or works of art on City-owned Property. The City Council may seek a recommendation on requests for the outdoor display or works of art on City-owned Property from the Planning Commission, arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking final action. The City and the Applicant shall

execute all necessary agreements prior to installing any approved public art on City-owned/public Property.

(Amended by Ord. No. 03-13)

15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.

Prior to the issuance of a permit for any temporary Structure, tent, or vendor the following requirements shall be met:

(A) **APPLICATION.** An Application must be submitted to the Planning Department including the following information:

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(1) **GENERAL**

DESCRIPTION. An overview of the proposed activity. Include hours of operation, anticipated attendance, Use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.

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(2) **SITE PLAN.** The site plan shall be to scale indicating in detail how the proposal will comply with the International Building Code (IBC). It should indicate the location of the tent on the Property and distances from Property Lines and other Structures. A separate plan for the interior of any tent is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling etc. A snow removal plan must be included.

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(3) **STRUCTURAL INFORMATION AND CALCULATIONS.** For all temporary Structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire rating, etc. must be submitted.

(4) All applicable fees.

(B) REVIEW CRITERIA- PUBLIC PROPERTY (OWNED BY THE CITY).

(1) Lease agreement with Park City required.

(2) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

(3) The Use must meet all applicable International Building Code (IBC) requirements.

(4) The Applicant shall adhere to all applicable City and State licensing ordinances.

(C) REVIEW CRITERIA-PRIVATE PROPERTY.

(1) The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.

(2) The proposed Use should not diminish existing parking. Any net

loss of parking shall be mitigated in the Applicant's plan.

(3) The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.

(4) The Use shall not violate the City Noise Ordinance.

(5) The Use and all signing shall comply with the Municipal Sign and Lighting Codes.

(6) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

(7) The Use shall not violate the Uniform Building Code (UBC).

(8) The Applicant shall adhere to all applicable City and State licensing ordinances.

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15-4 -17. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.

All Lots shall have a front, two (2) sides and a rear Setback with the following exceptions and clarifications.

(A) Development on Corner Lots shall have two (2) front Setbacks, unless otherwise excepted by this Code. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary

should border the Rear Yard, the Planning Director may specify the Rear Yard.

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(B) Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director.

(E) Any Lots, which are not specified in this section, shall have Setbacks determined by the Planning Director.

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See the following illustrations:

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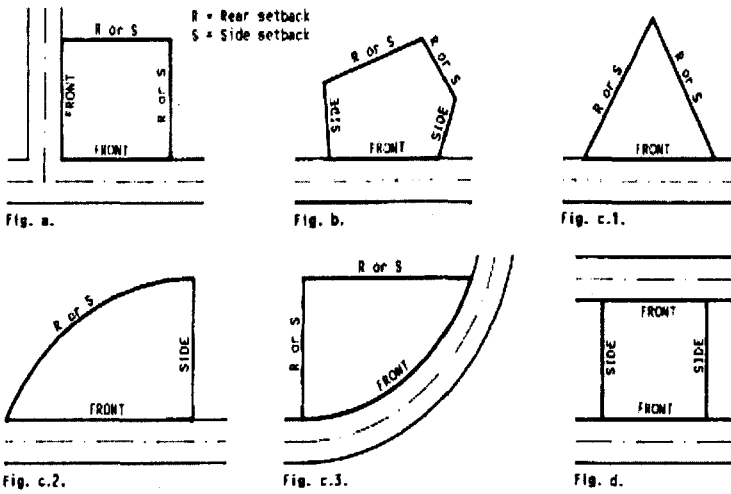
(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one (1) side is clearly opposite the front, the rear Setback must be opposite the front Setback. If it is not clear where side and rear Setbacks should be, the Planning Director may choose which is a Side Yard and which is a Rear Yard.

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(D) On those Lots, which border a Street on both the back and front, both sides must have a front Setback, unless otherwise excepted by this Code.



15-4-18. PASSENGER TRAMWAYS AND SKI BASE FACILITIES.

(A) **CONDITIONAL USE.** The location and Use of a Passenger Tramway, including a ski tow or ski lift, is a Conditional Use. The location of base and terminal facilities for the Passenger Tramway is a Conditional Use in all zones where the Use may be considered.

(B) **CONDITIONAL USE REVIEW.** Conditional Use Permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

(1) **OWNERSHIP OF LIFTWAY.** The Applicant owns or

controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration. Ownership or control of portions of the Liftway, which cross over Public Streets may be demonstrated by a written permit or license to cross the Street, signed by the governmental entity, which has jurisdiction over the Street crossed.

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Any combination of ownership and leasehold interests that gives the Applicant possession and control over the entire course of the Liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the Applicant standing to apply for the Conditional Use.

(2) **WIDTH.** The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet (10') on each side of the Liftway regardless of the configuration of the passenger-carrying elements.

(3) **BASE OR TERMINAL FACILITIES.** The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL zones. Mid-loading and unloading points are allowed in the HR-1 and HRL zones.

(4) **CROSSING OF PUBLIC ROADS.** The Applicant must show that all components of the Passenger Tramway and any components of the

Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions, which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.

(5) **UTILITY CLEARANCE.** The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility line which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.

(6) **PARKING AND TRAFFIC PLANS.** The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic, which could be generated by the Passenger Tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that

parking would be provided.

The traffic and parking plan may be included in the neighborhood impact analysis. The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining Properties.

(7) LIFTWAY SETBACK.

The minimum Setback between the outermost surface or structure of the Liftway and any existing dwelling shall be ten feet (10'). This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.

(8) STATE REGULATION.

Any Passenger Tramway constructed under a Conditional Use permit is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The Applicant is

expected to involve the State in the planning process to the extent necessary to inform the Commission of State requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.

(9) PUBLIC PURPOSE

SERVED. The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment Area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District, and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.

(C) STATUS OF LAND WITHIN

LIFTWAY. Owners of Lots or other land, which is burdened by the easement for the Liftway are entitled to count the land within the Liftway for calculation of open space for improvement of that Property. Normal Setback and Side Yard requirements apply from the Lot Line or Property boundary.

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(D) **STRUCTURES WITHIN**

LIFTWAY. Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the owner of the Liftway. The Owner of a Lot or other Property, which is subject to the Liftway easement may build within the confines of the easement, provided however, that all construction within the easement is a Conditional Use, which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(E) **PRESERVATION OF HISTORIC STRUCTURES**.

It is the policy of the City to protect and preserve Historic Structures within the City. The Applicant for the Passenger Tramway must provide a study, which catalogues any Structures within the Liftway easement and identifies their Historic value, and indicates whether the Structure will be removed to accommodate the tram. The Applicant must also show what alternatives have been considered for the protection and preservation of those Structures, such as making improvements of structural or fire safety systems or relocation of the Structures.

15-4 -19. REVIEW CRITERIA FOR VEHICLE CONTROL GATES.

The Planning Commission may approve Vehicle Control Gates on private Streets, in the ROS, E-40, E, and RD zoning districts, as a Conditional Use. In order to approve a Conditional Use for a Vehicle Control Gate the Commission must find that all applicable findings and review standards as required for

a Conditional Use Permit in Section 15-1-10 are met. In addition, the Commission must find that the following review criteria for Vehicle Control Gates are met:

(A) The Applicants demonstrated a need for a Vehicle control Gate to effectively control an ongoing health, safety, and welfare situation or in unique circumstances, to mitigate traffic, parking congestion, or through traffic on Streets within a neighborhood.

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(B) The private Street is a cul-de-sac and not a through Street. The proposed Vehicle Control Gate does not impact traffic circulation through the neighborhood.

(C) The private Street serves primarily single family or duplex residences with individual or shared driveways.

(D) There is a major traffic or parking generator or Use, such as the ski area base at lower and upper Deer Valley Resort and Park City Mountain Resort, within a nine hundred foot (900') walking distance of the private Street entrance and there is evidence of spill over parking or other vehicular activity on a regular basis throughout the season.

(E) The Vehicle Control Gate is located outside of the City Right-of-Way and maintains all Setbacks of the zone.

(F) The Vehicle Control Gate does not impact existing utility easements.

(G) The Vehicle Control Gate is designed to permit unimpeded pedestrian,

bicycle and equestrian Access through the neighborhood and to existing public trails and walkways. A minimum gap of four feet (4') shall be allowed for these non-vehicular Uses.

(H) The Vehicle Control Gate is designed to be minimal in height, scale, and mass to accomplish the goal of preventing unauthorized vehicle traffic, parking, and/or other impacts on the neighborhood. There shall be a minimum bottom clearance of two feet (2') from the bottom of the gate rail to the road surface. A diagonal structural support may cross through the two foot (2') opening to provide additional structural strength for the cantilevered gate (see illustration) and keep the overall gate mass to a minimum. The gate shall be no more than thirty-six inches (36") in height from the bottom rail to the top rail, although allowance may be made for decorative elements. Design and materials shall result in a visually open gate. Any walls associated with the entry gate shall be pedestrian in scale and shall generally not exceed a height of five feet (5'). Column elements may be added for architectural interest, but these column elements shall not exceed a height of nine feet (9').

(I) The method of Access for emergency, service, and delivery vehicles shall meet all requirements of the Planning, Engineering, and Building Departments and the Fire Marshall prior to issuance of a Building Permit for the gate construction.

(J) Vehicle Control Gates on private Streets are not permitted in all zones. Gates on private Streets are allowed as a

Conditional Use in the following Zoning Districts: ROS, E-40, E, and RD.

(K) Any signs associated with the gate and/or walls are subject to the Park City Sign Code and require a separate sign permit.

(L) A Vehicle Control Gate management plan shall be submitted for Planning Commission approval to address times and situations when the gate will be closed. Applicants shall agree to leave the gate open at all times, except as specified in the approved management plan.

**15-4 -20. SPECIAL EVENTS
OVERCROWDING ADMINISTRATIVE
CONDITIONAL USE PERMIT.**

(A) **PURPOSE.** The intent of these regulations is to allow temporary overcrowding of events only if adverse impacts on the character of neighboring Property can be mitigated and issues of public safety, traffic and parking are provided for. Such Uses will be permitted where the adjacent Street system is sufficient to accommodate the traffic impacts generated by said overcrowding; where the Property can accommodate adequate Off-Street parking; where the Structures are designed to safely accommodate overcrowding; and where the type of Use, and impacts are Compatible with the Uses otherwise permitted in the zone.

(B) **DURATION.** An overcrowding permit allows the increase in occupancy for a total of fifteen (15) days per calendar year per Building. These days are not required to

be consecutive.

(C) **APPLICATION.** An Application must be submitted thirty (30) days prior to the Use, to the Planning Department including the following information:

(1) **GENERAL**

DESCRIPTION. A narrative and Site plan of the proposed Use, including hours of operation, maximum occupancy, private or public activity, number of invitations sent, if a private event, or estimate of overall attendance, crowd management plan, security, deliveries, music or sound plan, including use of speakers, any beer or liquor license, any sign or lighting plan, parking plan, and any other applicable information.

(2) **FLOOR PLAN.** To scale, indicating in detail how the proposal will comply with applicable sections of the International Building Code. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling, etc.

(3) **ALL APPLICABLE FEES.** Refer to Fee Resolution.

(4) Any requested additional City or governmental services or equipment.

(D) **REVIEW CRITERIA.** In addition to the criteria and standards of review from LMC Chapter 15-1-10, staff must review the following:

(1) The Applicant shall provide written notice of the Property Owner's consent to the proposed event.

(2) The proposed Use shall not preclude Public Use of public Parking Spaces.

(3) An entrance plan, including patron waiting line capacity. Any Use of exterior space for wait list or lines must be mitigated through the Use of barricades and/or security. Pedestrian International Building Code compliant Access along the public Right-of-way must be maintained, unless otherwise approved by the Chief Building Official.

(4) The Use shall not violate Municipal Code Section 6-3-9(B), the City noise ordinance.

(5) The Application and all signing shall comply with the municipal sign and lighting codes.

(6) The Use shall comply with the Summit County Health code, the Fire Code, and State regulations on mass gathering.

(7) The Use shall not violate the International Building Code (IBC).

(8) Applicant shall submit a delivery plan in compliance with the delivery ordinance.

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(9) The Applicant shall adhere to all applicable City and State licensing ordinances.

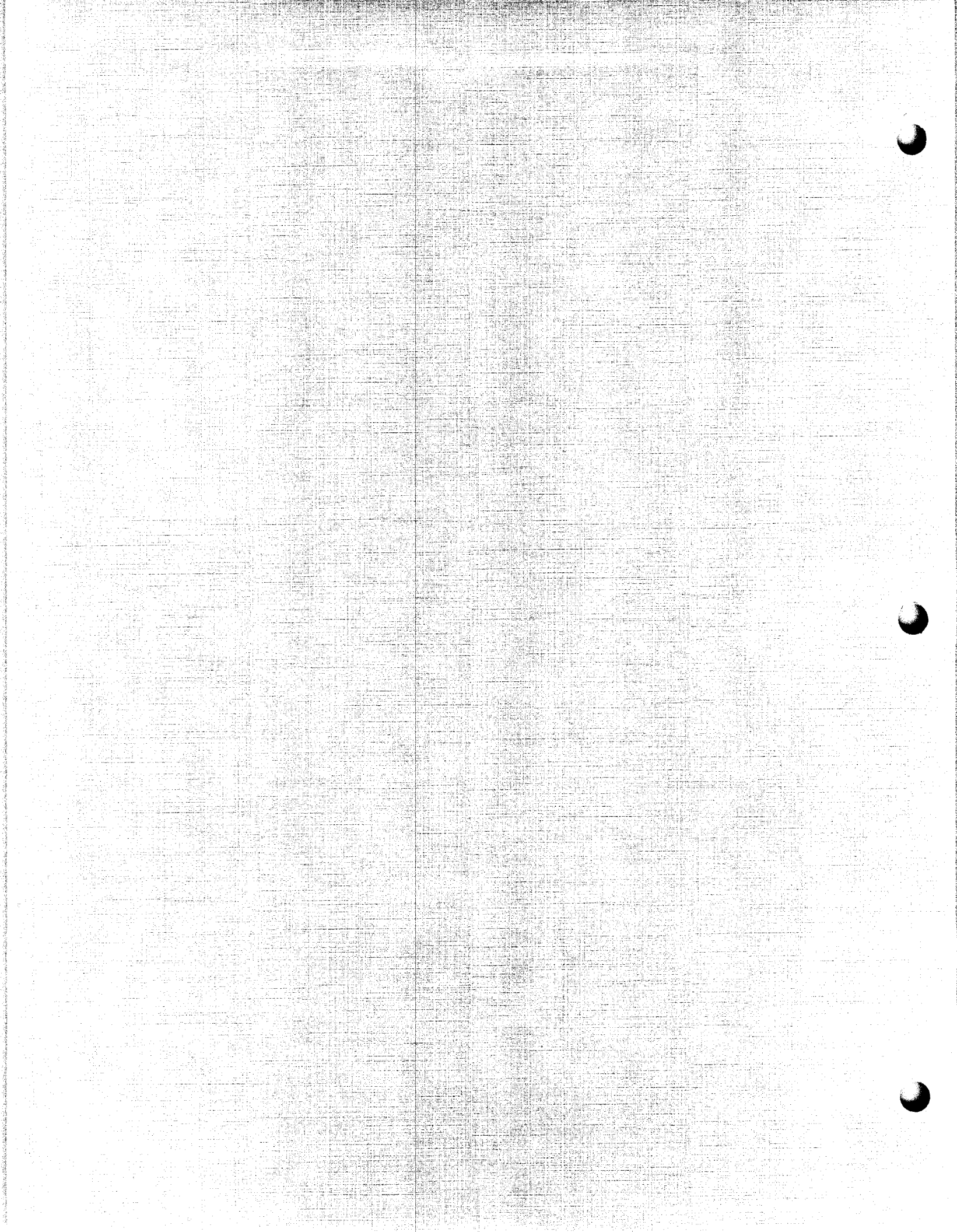
(10) The Applicant must have an approved operational permit according to the requirements of the International Fire Code prior to the issue of a permit.

(11) No existing LMC or International Building Code violations are on the Property.

The Fire Marshall may conduct a Site inspection at any time during the event to ensure compliance with the above criteria.

(Created by Ord. No. 05-57)

PSMKAW7



**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, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment 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; and

(G) efficiently and cost effectively extend and provide infrastructure.

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 project 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 not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC) and

Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

- (1) The Property is bisected by two (2) or more zoning designations, and
- (2) The Property has significant Historic Structures that either have been restored or are proposed to be rehabilitated as part of the MPD; and
- (3) The proposed Master Planned Development includes reduced surface parking via common underground parking.

(C) MPDs are allowed in Historic Residential (HR-1) zone only when:

- (1) HR-1 zoned parcels are combined with adjacent HRC or HCB zone Properties as part of an allowed MPD, see criteria above; or
- (2) 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. No. 04-08)

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 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.

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,

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all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. 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 15-1-20, 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 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 for compliance with the General Plan and will make a finding that the project 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 Large Scale MPDs the Planning Commission may

waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(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.

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(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 15-1-19, 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.

Any appeal of a Planning Commission action will be heard by the City Council 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 Developer's agreement to pay all specified impact fees; and

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

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

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Commission review and reevaluation of the project at specified points in the Development of the project.

(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.

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. 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

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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 DISTRICT.

(1) The HR-1 District 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 District, the maximum Building Footprint shall be calculated based on the Subdivision Plan and Lots of record at the time of complete Master Planned Development Application submittal. The Area of a common underground Parking Structures shall not count against the maximum Building Footprint.

(2) The maximum Building Footprint calculation for Properties within the Historic District do not apply to common underground Parking Structures approved as part of a Master Planned Development.

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(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. 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, 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), and Historic Commercial Business (HCB) 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.

(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;

(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 along a public transit route and is within three (3) blocks of a municipal bus stop.

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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. Additional height will not be granted for

Master Planned Developments within the HR-1 zone unless said Property meets the criteria of Development on Steep Slopes, Section 15-2-6. 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, and MPD's which include:

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(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines or Historic District Design Guidelines if within the Historic District;

(6) Structures within the HR-1 District which meet the standards of Development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

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 refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(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 Street_scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(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.

(Amended by Ord. No. 04-08)

15-6-6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

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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;

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(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;

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(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

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(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;

(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.

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.

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(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density up to twenty (20) Dwelling Units per acre. The Unit Equivalent formula will be applied.

(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. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. 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.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. ~~One (1) Unit Equivalent equates to 2,000 square feet of residential Floor Area and 1,000 square feet of commercial Floor Area.~~

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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 count towards the residential unit equivalents.

~~For purposes of calculating residential Unit Equivalents, an Applicant may use the following table:~~

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Configuration	Unit Equivalent Value
Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or one bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00
Single Family Dwelling	1.00

(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. 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, up to five percent (5%) of the total Gross Floor Area may be dedicated to Support Commercial Uses which shall not count against any allotted commercial Unit Equivalents approved as part of the MPD. Any Support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

(D) MEETING SPACE. Within a Hotel or Condominium project, up to five percent (5%) of the total Gross Floor Area may be dedicated for meeting room space without the Use of Unit Equivalents.

Meeting space in excess of five percent (5%) of the total Gross Floor Area will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) support commercial allocation, can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas,

are spaces normally associated with and necessary to serve meeting and banquet activities and Uses. These accessory meeting spaces do not require the use of Unit Equivalents.

(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 1,000 square feet of Gross 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 those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms

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Administrative offices
Hallways and circulation
Elevators and stairways
Back of house Uses

(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 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 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
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

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**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7 - SUBDIVISION GENERAL PROVISIONS

Chapter adopted by Ordinance No. 01-17

CHAPTER 7 - SUBDIVISION GENERAL PROVISIONS.

15-7-1. ENACTMENT.

In order that land may be subdivided, or Lot lines adjusted in accordance with these purposes and policy, these Subdivision regulations are hereby adopted.

15-7-2. PURPOSE.

The purpose of the Subdivision regulations is:

- (A) To protect and provide for the public health, safety, and general welfare of Park City.
(B) To guide the future growth and Development of Park City, in accordance with the General Plan.
(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to

prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Re-subdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Re-subdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

15-7-3. POLICY.

(A) It is hereby declared to be the policy of Park City to consider the Subdivision of land and the subsequent Development or

amendment of the Subdivision plat, or the adjustment of Lot lines therein, as subject to the control of Park City pursuant to the official General Plan of Park City for the orderly, planned, efficient, and economical Development of Park City.

(B) Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(C) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.

15-7-4. AUTHORITY.

(A) By authority of ordinance of the City Council of Park City, hereinafter referred to as "City Council", adopted pursuant to the

powers and jurisdictions vested through ~~Chapter 5, Title 57 and Chapter 9, Title 10 Title 10, Chapters 3 and 9a and Title 17, Chapter 27a~~ of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered to be ~~entirely or partially undeveloped~~ void if:

(1) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or

(2) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit,

on the partially or entirely undeveloped land and the zoning regulations, either bulk or Use, for the district in which the Subdivision is located, have been changed subsequent to the original final plat, Subdivision, Re-subdivision, or Lot Line Adjustment approval.

(D) A transfer of land pursuant to a void plat is voidable.

15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.

(A) INTERPRETATION. In their interpretation and Application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.

(1) **PUBLIC PROVISIONS.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) PRIVATE PROVISIONS.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there-under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) SEVERABILITY. If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these

regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

15-7-6. CONDITIONS.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION, OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section ~~10-9-808 through 10-9-810~~ 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended.

15-7-8. VARIANCES.

Refer to Section 15-10-9 herein regarding variance procedures.

15-7-9. SAVING PROVISION.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any Person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

15-7-10. ENFORCEMENT.

It shall be the duty of the Planning Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(A) No Owner, or Agent of the Owner, of any Parcel of land located in a proposed Subdivision, shall transfer or sell any such Parcel before a plat of such Subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

(B) The Subdivision of any Lot or any Parcel of land, by the Use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. However, the City may approve metes and bounds descriptions for purposes of Lot Line Adjustments, resolving conflicting boundary

descriptions, and the recombination of historically platted Properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described Subdivisions shall be subject to all of the requirements contained in these regulations.

(C) No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or plat subdivided or sold in violation of the provisions of these regulations.

15-7-11. VIOLATIONS AND PENALTIES.

Any Person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

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(A) **CIVIL ENFORCEMENT.**

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a Building, structure or premises, and these remedies shall be in addition to the penalties described above.

15-7-12. AMENDMENTS.

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the Subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner

prescribed by law and outlined in the Land Management Code.

15-7-13. RESERVATIONS AND APPEALS.

Upon the effective date of these regulations according to law, any ordinances conflicting with the terms herein, including the Subdivision Ordinance of Park City, Utah, adopted September 20, 1979, as amended, are hereby repealed, except as to such sections expressly retained herein.

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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

~~(B)~~ (C) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Community Development Director under proper authority; and

~~(C)~~ (D) The approved Subdivision Plat is filed with the County Recorder.

**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.

(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 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 Staff shall consider and render a report to the next available regular meeting of the Planning Commission concerning the Preliminary Plat. The Planning Department

staff shall transmit the Preliminary Plat for review to appropriate 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 Preliminary Plat and shall submit a report for proposed action to the Planning Commission for the next available regular meetings. Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. It is reasonable to expect that an Application will appear before the Planning Commission with a recommendation within ninety (90) days of receipt of a complete Application. 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 the requirements of the Subdivision Ordinance and the best Use of the land being subdivided. Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion,

location of mine or geologic hazards, Lot sizes and arrangement, the further 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.

(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat. 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.

(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 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 by submitting a request in writing to the Planning Department. The Planning Commission shall review all requests for time extensions of approvals.

(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:

- (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) PLANNING COMMISSION AND CITY COUNCIL REVIEW.

(1) The Planning Commission shall give notice pursuant to Section 15-1-20 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation on the final Subdivision Plat ordinance.

(2) After considering the final Subdivision Plat, the Planning Commission shall recommend approval or disapproval of the

Subdivision Application and proposed ordinance and set forth in detail any conditions to 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 resolution the City Council shall stipulate the period of time 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.

(C) **SUBMISSION AND REVIEW.**

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.

(D) **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 shall not unreasonably modify the conditions set forth in the final approval.

(E) **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

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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;

(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.

(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

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15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.

(1) 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

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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.

(2) **RECORDING OF PLAT.**

(1) 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.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.2 - ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Chapter adopted by Ordinance No. 01-17

CHAPTER 7.2 - ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

15-7.2-1. IMPROVEMENTS.

(A) COSTS OF IMPROVEMENTS.

All required improvements shall be made by the Applicant, at his expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

(B) ESCROW DEPOSITS OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS.

(1) **ACCEPTANCE OF ESCROW FUNDS.** Whenever, by reason of the season of the year any Lot improvements required by the Subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a

cash escrow deposit or letter of credit in an amount to be determined by the City Engineer for the cost of said improvements. The performance Guarantee covering such Lot improvements shall remain in full force and effect.

(2) **PROCEDURES ON ESCROW FUND.** All required improvements for which escrow monies or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the Developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the Developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Official, the Building Official may request the City Council to authorize the City to proceed to contract out

the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit. At the time of the issuance of the certificate of occupancy for which escrow monies/letters of credit are being deposited with the Building Official, the Applicant shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the Developer.

(C) **TEMPORARY IMPROVEMENTS.** The Applicant shall build and pay for all costs of Temporary Improvements required by the Planning Commission or City Engineer and shall maintain same for the period specified. Prior to construction of any temporary facility or improvement, the Developer shall file with the City a separate suitable Guarantee, in accordance with the Land Management Code, for temporary facilities, which Guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

(D) **DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS.**

(1) The Planning Commission may recommend that the City Council defer or waive at the time of

final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible Grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the Applicant shall pay his share of the costs of the future improvements to the City government prior to the signing of the final Subdivision Plat, or the Applicant may post a Guarantee insuring completion of said improvements upon demand of the municipality.

(E) **INSPECTION OF IMPROVEMENTS.**

(1) **GENERAL PROCEDURE AND FEES.** The Planning Commission in consultation with or upon the advice of the City Engineer or Planning Director, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The Applicant shall, in accordance with the City's fee resolution, pay to the

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City an inspection fee and the Subdivision Plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such fee has been paid. These fees shall be due and payable upon demand of the City and no Building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance Guarantee, the Applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the Developer shall first obtain a Notice to Proceed from the Planning Director or his designee.

(F) MAINTENANCE OF IMPROVEMENTS.

(1) The Applicant shall be required to maintain all improvements on the individual subdivided Lots and provide for snow removal on Streets and sidewalks until acceptance of said improvements by the City Council.

If there are any certificates of occupancy on a Street not dedicated to the City, the City may on twelve (12) hours notice plow the Street or effect emergency repairs and charge same to Applicant. The City will not normally accept water improvements or Street improvements or assume responsibility for either general maintenance or snow removal until over fifty percent (50%) of the Lots within the Subdivision are built upon.

(2) The Applicant shall be required to file a maintenance Guarantee with the City, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all Lot improvements on the individual subdivided Lots for a period of one (1) year after the date of their acceptance by the City and dedication of same to the local municipality.

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(G) COMPLETION OF IMPROVEMENTS. Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other improvements, i.e: storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc., including Lot improvements on

the individual Lots of the Subdivision as required, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on the Property and public improvements thus dedicated.

(H) CERTIFICATE OF SATISFACTORY COMPLETION.

Subject to maintenance provisions contained in Section 15-7.2-1(F), the City will not accept dedication of required improvements, or release or reduce a performance Guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the Applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and Grade of all public improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a title policy or other acceptable evidence has been furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

(I) FAILURE TO COMPLETE IMPROVEMENT. For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, ~~the Planning Department may thereupon~~ declare the Guarantee to be in default and require that all the improvements be installed regardless of the extent of the Building Development at the time the Guarantee is declared to be in default.

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15-7.2-2. PERFORMANCE GUARANTEE.

The City Council in its discretion may waive the requirement that the Applicant complete and dedicate all Public Improvements prior to the signing of the Subdivision Plat, and that, as an alternative, the Applicant may post an acceptable Guarantee, in accordance with Section 15-7.2-1(B) of the Land Management Code, at the time of application for final Subdivision approval in an amount estimated by the City Engineer and City Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of Guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or

mechanics liens or other unrelated obligations. The performance Guarantee shall also secure all Lot improvements on the individual Lots of the Subdivision as may be required. Such performance Guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code. The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the ordinance approving the final Subdivision Plat and shall be incorporated in the Guarantee and shall not in any event exceed two (2) years from date of final approval.

Such Guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The Planning Director may, upon proof of difficulty, recommend to the City Council extension of the completion date set forth in such Guarantee for a maximum period of one (1) additional year. The City Council may at any time during the period of such Guarantee accept a substitution of principal or sureties.

(A) PERFORMANCE GUARANTEE TO INCLUDE LOT IMPROVEMENTS.

The performance Guarantee shall include an amount to Guarantee completion of all requirements contained in Section 15-7.2-2 of these regulations including, but not limited to, soil preservation, Final Grading, Lot drainage, landscaping, lawn-grass seeding, removal of debris and waste, Fencing, and all other Lot improvements required by the Planning Commission.

Whether or not a certificate of occupancy has been issued, at the expiration of the performance Guarantee, the City may enforce the provisions of the Guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

(B) REDUCTION OF PERFORMANCE GUARANTEE.

A performance Guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance Guarantee be reduced below twenty-five percent (25%) of the principal amount until completion.

(C) GOVERNMENTAL UNITS.

Governmental units to which these Guarantees and contract provisions apply may file in lieu of said contract or Guarantees a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.

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(D) RECORDATION OF PLAT REQUIRED PRIOR TO GUARANTEE.

In the event the Applicant's ability to post an acceptable Guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other federal law or regulations, the City Council may authorize plat approval and recordation upon receipt from the Applicant of an executed and acknowledged agreement signed by all Owners of fee, leasehold, contract and security interests in

the subject Property, in the form of a restrictive covenant that the Applicant will not sell, lease or otherwise convey any Lot, Parcel or portion of a Lot of the subject Property unless he shall first as a condition precedent thereto, satisfy the foregoing requirements of Section 15-7.2-1(B)(1) or 15-7.2-2. The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on Applicant's successors and assigns, to install or Guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the Guarantee requirements of Section 15-7.2-2 have not been complied with within one hundred twenty (120) days of the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the Applicant or his successors with the provisions of Section 15-7.2-1(G) or 15-7.2-2 hereof.

15-7.2-3. ACCEPTANCE OF DEDICATION OFFERS.

Acceptance of formal offers of dedication of Streets, public Areas, easements, and parks shall be by ordinance of the City Council. The approval by the Planning Commission of a Subdivision Plat shall not be deemed to constitute or imply the acceptance by the City Council of any Street, easement, or park shown on said plat. The Planning Commission may require said plat to be

endorsed with appropriate notes to this effect.

15-7.2-4. ISSUANCE OF BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY.

(A) PERFORMANCE GUARANTEE.

Where a performance Guarantee has been required for a Subdivision, no certificate of occupancy for any Building in the Subdivision shall be issued prior to the completion of the improvements and dedication of same to the City, as required in the Planning Commission's and City Council's final approval of the Subdivision Plat.

(B) IMPROVEMENTS.

(1) The extent of utilities and Street improvements shall be adequate for emergency response and vehicular Access by the prospective occupant and by police and fire equipment, prior to the issuance of any Building permit. The Developer shall at the time of the dedication submit monies in escrow or an acceptable letter of credit to the City in a sum determined by the City Engineer for the necessary final improvement of the Street.

(2) No Building permits shall be issued for the final ten percent (10%) of Lots in a Subdivision, or if ten percent (10%) be less than two (2) for the final two (2) Lots of a Subdivision, until all public improvements required by the

Planning Commission for the plat have been fully completed and dedicated to the local government.

(C) CONSUMER PROTECTION LEGISLATION AND CONFLICTS OF INTEREST STATUTES.

(1) No Building permit or certificate of occupancy shall be granted or issued if a Developer or his authorized Agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the Lot or Parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

(2) With respect to said Lot or Parcel of land, in the event a Building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

(3) Any violation of a federal, state, or local consumer protection law, including but not limited to: Postal Reorganization Act of 1970;

the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" law; state Subdivision disclosure act or conflict of interest statute, law, or ordinance, shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 15-1-14 hereof.

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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, 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 Sewer Improvement District (SBSID), 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

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and regulations adopted by the City 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, 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.

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.

(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.

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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.

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(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.

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(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) **RE-VEGETATION, SEED AND SOD.** All disturbed Areas on Lots shall be covered with topsoil and re-vegetated in accordance with Section 15-7.3-2 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

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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.

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 Public Works Director and 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.

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(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

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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.

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(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

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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') therefrom. Not more than two (2) Streets shall intersect at any one point unless specifically approved by the Planning Commission.

(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.

(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.

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(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

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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.

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, nor 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

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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.

(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.

5-7.3-6. 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 Public Works Director.

(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 Public Works Director 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.

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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.

(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.

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.

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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 Director, City Engineer, and Planning Director. Underground service connections for water 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.

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

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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

Deleted: community

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.

PSMland kaw

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 7.4

TITLE 15 - LAND MANAGEMENT CODE

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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, mine or known geologic hazards, railroad Rights-of-Way, water courses, and 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; 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; preliminary provisions for collecting and discharging surface water drainage.

(6) The approximate location, dimensions, and Areas of all proposed 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.

(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.

(E) **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, 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 as follows:

Owner Date

Public Works Director Date

City Engineer Date

(8) Title, name, address, signature, and seal of professional engineer, and date, including revision dates.

(9) A Limits of Disturbance and re-vegetation 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 resolution of the Planning Commission, as shown on the 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 resolution. 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, and City Attorney.

(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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PSM2andkaw



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 City's overall quality of life economic vitality and Historic resort-based community, 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, and

(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

(I) To protect or promote moderate income housing.

Summary of Comments on Microsoft Word - Imcamendments3-1-2006report.doc

Page: 1

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:02:28 PM
Note for Polly.

There are all kinds of solar devices which require substantial space to generate electricity and heat water. The LMC does not specifically address this issue, size of solar arrays, types (such as tracking, flat panels, for heating water and generating electricity) locations such as on roofs, in yards, setbacks, number of allowable sq ft, etc., visibility. Given the current City Council sentiment about "clutter", they should know exactly what is allowed. What zones will solar energy devices be allowed in? Is the City Council going to allow them on Main Street Buildings? This could certainly become an eye sore and lower property values - for a non economical energy source. Given many of PC's developable lands are in canyons between the hills and potential buildings certain properties could not be developed the way this reads. What are neighbors rights that are not interested in having solar in their neighborhoods because how solar panels look?

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:16:24 PM -07'00'

T

Author: Treasure Hill PC
Subject: Highlight
Date: 3/6/2006 8:50:10 PM -07'00'

T

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:03:35 PM

Comments from page 1 continued on next page

175

EXHIBIT G



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

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(B) to protect and enhance ~~City's overall quality of life economic vitality and Historic resort based community~~ 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, and

(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

(I) To protect or promote moderate income housing.

Note for Polly.

"Moderate income housing" is not a defined term in the LMC, this might be changed to "Affordable Housing" which is defined in the LMC.

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.

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 the invalidity of a municipal decision.

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

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

Author: Treasure Hill PC
Subject: Highlight
Date: 3/6/2006 8:51:35 PM -07'00'

T

Author: Mike Sweeney
Subject: Note
Date: 4/10/2006 6:27:29 AM
Note for Polly.

I do not understand this language. Why is this being included in the LMC?

Underlined words have been added for clarity.

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 the invalidity of a municipal decisions.

**For MPDs located in the Historic District and for MPDs that include an Historic Structure.

15-1-9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Community Development 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 Community Development 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 Historic District Design Guidelines, 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 Community Development 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 Community Development 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 has not been met.

(E) EXACTIONS. Exaction or exactions may be imposed on development proposed in a land use application if:

- (1) an essential link exists between a legitimate governmental interest and each exaction; and
(2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:38:12 PM -07'00'

T
Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:38:06 PM -07'00'

T
Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 1:37:59 PM -07'00'

Note for Polly.
Why is this now being included? Please give an example -- what is an essential link?

(F) EXCEPTION.

(1) (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:

(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
(ii) 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:

(i) 180 days have passed since the proceedings were initiated; and
(ii) 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.

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

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 Community Development 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:

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:04 PM
Note for Polly.

This reads like a taking. It seems this gives the government officials (elected and not elected) too much authority to stop or delay a project without compensation.

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:23:32 PM -07'00'

T

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 1:47:24 PM -07'00'
Note for Polly.

Who gets to make this subjective decision? There are no standards. This again sounds like a taking.

Please give me an example of how does this applies? Is this applicable to a Conditional Use subject to Master Plan Developments such as Treasure Hill?

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 1:48:46 PM -07'00'
Note for Polly.

Please provide an example of "reasonable diligence."

(A) **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-Application conference with the Community Development 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 Community Development Planning Department for Conditional Uses.

(C) **NOTICE/POSTING.** Upon receipt of a Complete Application, the Community Development Planning Department shall 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 Section 15-1-12. NOTICE.) The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit 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 Community Development 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: a Conditional Use permit:

(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;

(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;

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 2:07:03 PM -07'00'
Note to Kirsten.

Does this mean only one published notice and one courtesy notice per CUP or does this mean a public notice and courtesy notice needs to be published for each meeting that is held for the CUP?

It is a real burdened on the applicant if the applicant is required to give a courtesy notice for each meeting.

Author: Mike Sweeney
Subject: Underline
Date: 3/22/2006 2:01:45 PM -07'00'

T

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:50:24 PM -07'00'

T

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 2:11:00 PM -07'00'
Note to Kirsten.

How does this work when a Master Plan Development is in place with findings of facts and conclusions of law and is not necessarily driven by the LMC?

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:50:21 PM -07'00'

T

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:00:09 AM
Note for Kirsten. This should not apply for an approved Master Plan which has findings of facts and conclusion of law.

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(p). No Building Permit may be issued prior to such an approval.

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 modification to the Park City General Plan, and the time, place and date set for public hearing on the matter. Notice shall be given according to 15-1-20 Notice Matrix and as follows:

(A) **POSTED NOTICES.** The Community Development Planning Department must post notice on the Property affected by the Application and on the City's official website or in at least three 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 Community Development 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 a 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 from after the date of the hearing 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

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:41:26 PM -07'00'

T

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 2:28:44 PM -07'00'
Note to Kirsten.

How many times does a applicant have to provide a Courtesy Notice?

(C) **PLANNING COMMISSION.** Final Actions by the Planning Commission on staff appeals may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and MPDs may be appealed to 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.

(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 Community Development Planning Department, Historic District Commission, 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.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission or Board of Adjustment must be filed with the Community Development 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 adversely affected party shall present to the appeal authority every theory of relief that it can raise in district court.

(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 a land use ordinance.

(H) **WRITTEN FINDINGS REQUIRED.** The appellate body shall direct staff to prepare detailed written:

- (1) Findings of Fact, which explain and support the Staff decision;
- (2) Conclusions as to how a contrary decision would violate the provisions of this LMC, other City

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:56:18 PM -07'00'
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Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:01:52 AM
Note to Polly.

Please give an example of how this works. If I am an "Owner of Property", a "Person" who submitted written comment or testified on a proposal.

Author: Mike Sweeney
Subject: Highlight
Date: 3/22/2006 2:16:42 PM -07'00'
T

Author: Mike Sweeney
Subject: Highlight
Date: 3/22/2006 2:21:16 PM -07'00'
T

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 2:30:23 PM -07'00'
Note to Polly.

How does this work? Why was this included? Please give an example of how this applies?

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:45:28 AM
Note to Mark and Polly.

ordinances, or applicable state or federal laws or regulations.

(H) 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 Community Development 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 or Historic District 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 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.

(H) CITY COUNCIL CALL-UP.
Within fifteen (15) calendar days of Final

Action on any project, the City Council, on its own motion, may call any Final Action taken by the Planning Commission or Historic District Commission or Community Development Planning Department Director up for review by the Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Planning Commission and/or Community Development 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, and need not take public input at the hearing. 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.

(H) 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.

(H) STAY OF APPROVAL PENDING REVIEW OF APPEAL. Upon the filing of an appeal, any approval granted by the

What are the standards for City Council to call-up a CUP if the CUP is subject to an approved MPD and the CUP is in conformance with MPD and the MPD is in compliance with the General Plan and zoning?

183

Historic District Commission or 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 from the Final Action by the City Council affecting the project 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.^{(b)(6)}

(+N) **FINALITY OF ACTION.** Final Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law.

(+O) **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.

(+P) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land use authority.^{(b)(7)}

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

Page: 9

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 3:54:15 PM -07'00'
Note to Polly.

Please give an example.

Author: Treasure Hill PC
Subject: Highlight
Date: 3/6/2006 9:10:32 PM -07'00'

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Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	To Owners within 300 ft. 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Appeals from of Planning Director, Staff, Historic District Commission, Historic Preservation Board, or Planning Commission decisions, and including City Council Call-Up	7 days prior to the date set for the appeal or call-up meeting/hearing.	To all parties who received mailed notice for the original Historic District Commission or Administrative or Planning Commission hearing/meeting, 7 days prior to the City Council meeting/hearing.	Once 7 days before the date set for the appeal or call-up meeting/hearing.
Conditional Use Approval (CUP)	14 days prior to the hearing before the Planning Commission.	To Owners within 300 ft., least 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	To Owners within 300 ft., 14 days prior to the hearing before the Board of Adjustment.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness	45 days on the Property upon refusal of the	To Owners within 300 ft. 14 days prior to the hearing	Once 14 days prior to the hearing before the

Author: Mike Sweeney
 Subject: Note
 Date: 4/3/2006 11:03:02 AM
 Note to Kirsten.

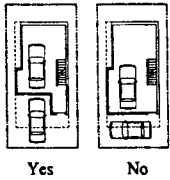
How often does the Courtesy Notice need to be done? This is a burden to the Applicant -- suggest it should not be more than once a year.

Author: Treasure Hill PC
 Subject: Highlight
 Date: 3/6/2006 9:11:12 PM -07'00'

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Author: Treasure Hill PC
 Subject: Highlight
 Date: 3/13/2006 10:22:01 PM -07'00'

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(J) **CLEAR VIEW OF INTERSECTING STREETS.** In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8)

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(K) **SIGNS.** Refer to the Park City Sign Code, Title 12, for specific requirements for all signs associated with parking and drives.

15-3-4. SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.

(A) SINGLE FAMILY RESIDENCES AND DUPLEXES.

(1) **SINGLE GARAGES.** In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet

(11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep.

All vehicles, boats, RVs, trailers, and similar wheeled vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped areas.

(2) **CIRCULAR DRIVEWAYS.** Circular driveways are permitted for Single Family and Duplex Dwellings provided they one leg leads directly to and from a legally located garage or carport, subject to the following conditions:

- (a) Such drives shall be hard-surfaced.
- (b) Such drives shall be a minimum of fifteen feet (15') and a maximum of twenty-four feet (24') in width.
- (c) There shall be a Landscaped Area at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.
- (d) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 8:06:12 PM -07'00'

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Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:07:46 PM
Note to Kirsten.

This is too restrictive – what if you want to wash your boat and water the lawn at the same time. What if you have a motor bike, scooter and live in a wooded or more rural area of the city? This will be very hard to enforce. If it isn't in the CC&R's of a development why should the City want to take on this responsibility?



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS

Chapter adopted by Ordinance No. 02-07

CHAPTER 4 - SUPPLEMENTAL REGULATIONS.

15-4-1. PURPOSE.

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

15-4-2. FENCES, AND WALLS, BERMS, AND/OR HEDGES.

(A) LOCATION.

Fences and Walls, berms and hedges may be erected or allowed within the buildable Area. Any Fence or retaining Wall greater than six feet (6') in height requires an administrative Conditional Use permit approved by the Planning, Building and Engineering Departments and a Building Permit, unless the Fence or Wall is approved as part of a Master Planned Development or Conditional Use Permit. Any Fence or retaining Wall greater than six feet (6') in height requires a building permit.

Within any required Front Yard or Street Side Yard, Fences and Walls, berms, and

hedges shall not exceed four feet (4') in height, measured from Final Grade, within any required Front Yard.

Fences and Walls on Street Side Yard and shall not exceed six feet (6') in height measured from Final Grade, within any required Rear Yard or interior Side Yard. Where a Fence or Wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

The height of retaining Walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an administrative Conditional Use permit.

The height of retaining Walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an administrative Conditional Use permit.

(B) RESTRICTIONS ON

Author: Treasure Hill PC
Subject: Highlight
Date: 3/16/2006 9:39:03 AM -07'00'

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Author: Treasure Hill PC
Subject: Highlight
Date: 3/16/2006 9:38:56 AM -07'00'

T

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 4:03:10 PM -07'00'
Note to Kirsten.

Can Treasure Hill put up fences to ensure the stopping of prescriptive easements?

underlying parking requirement. Tandem Parking is allowed.

(C) **SINGLE UTILITY METERS.** The main dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens, as defined by this Code.

(E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

(F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar ~~Use~~persons.

15-4-5. LOCKOUT UNITS.

Lockout Units are a Conditional Use in the HRL District and are an Allowed Use in all other Zoning Districts, except in the ROS, POS, SF, and LI Districts where they are not permitted. A Lockout Unit is an Area of a dwelling with a separate exterior Access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly Rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

15-4-6. GUEST HOUSES.

Guest Houses are a Conditional Use in Zoning Districts where they are permitted and must be reviewed against the Conditional Use permit regulations in LMC Chapter 15-1-10. Guest Houses are only permitted on Lots of one (1) acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, POS, RCO, GC, or LI Zoning Districts.

Guest Houses may be no larger than one third (1/3) of the dwelling size in terms of Floor Area and shall be limited to a maximum Floor Area of 1,500 square feet, unless additional Floor Area is approved by the Planning Commission during a Master Planned Development approval. A Guest House may not increase the Floor Area or Building Foot Print as specified in the Land Management Code or any specific Subdivision approval.

Guest Houses may be attached or detached from the main house and may not be sold or leased separate from the main house. Prior to Building Permit or Certificate of Occupancy issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the main house, shall be recorded at the County Recorders Office.

15-4-7. ACCESSORY APARTMENTS.

The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the

Page: 13

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 4:12:40 PM -07'00'
Note to Kirsten.

Why was this change made? The 1/3 floor area ratio for the Guest House should not be capped. I think you might want to focus on foot print, so that the main house and guest house are in an acceptable proportion, i.e. the Guest House is not too small or too big.

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:09:08 PM
Note to Kirsten.

Why was this deleted? I think you might want this left in.

community. While preservation of the single-family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety. Accessory Apartments are subject to the following criteria:

(A) **CRITERIA FOR USE.**

(1) **SIZE.** Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum Floor Area of 1,000 square feet, and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the Floor Area of a Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

(a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on

paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

(c) **Historic District Zones.** One (1) tandem Parking Space (parking one vehicle behind another) for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(iii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage

Author: Treasure Hill PC
Subject: Note
Date: 3/22/2006 4:17:14 PM -07'00'
Note to Kirsten.

Need to change numbering or do not delete (i).

requirements are met for each Telecommunications Facility. The Application shall include any existing or approved, but un-built, Telecommunications Facility within the Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

- (1) Structural capacity of the Antenna towers;
- (2) Geographic Telecommunications Area requirements;
- (3) Mechanical or electrical incompatibilities;
- (4) Inability or ability to locate equipment on existing Antenna towers; and
- (5) Any restriction or limitation of the Federal Communication Commission that would preclude the shared Use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility Application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the

City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Telecommunications Facilities within Condominium units and the Lots of a Subdivision. ~~The City is not a party to these covenants, and no permit from the City shall effect the enforce ability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City.~~ If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the home Owner's association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit Application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for temporary Antennas only in conjunction with a special event licensed under Municipal Code Title 4, Chapter 8. A

Page: 15

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:12:50 AM
Note to Kirsten.

Why Delete?

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:25:46 AM
Note to Kirsten.

How much time does the Planning Commission have to hear an approval? This should state what a timely review period is.

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.

~~(49)~~ **(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 will be processed as a Conditional Use Permit, if so required by the Planning Commission at the time of the MPD approval.

~~At this time, 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 ~~will~~ 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.

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 which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The ~~Community Development 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

(1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered to be ~~entirely or partially undeveloped~~ void if:

(1) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or

(2) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit, on the partially or entirely undeveloped land and the zoning regulations, either bulk or Use, for the district in which the Subdivision is located, have been changed

subsequent to the original final plat, Subdivision, Re-subdivision, or Lot Line Adjustment approval.

(D) ~~A transfer of land pursuant to a void plat is voidable.~~

15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.

(A) INTERPRETATION. In their interpretation and Application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.

(1) PUBLIC PROVISIONS. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) PRIVATE PROVISIONS. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher

Author: Mike Sweeney
Subject: Highlight
Date: 4/3/2006 11:27:19 AM

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Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:27:45 AM
Note to Polly.

What does this mean? Why was this added?

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:30:32 AM
Note to Polly.

Why is this deleted?

standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there-under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) **SEVERABILITY.** If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

15-7-6. CONDITIONS.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION, OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9-808 through 10-9-810, 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended.

(Note: See attached copy of 10-9a-608...)

Section 57. Section 10-9a-608, which is renumbered from Section 10-9-808, is renumbered and amended to read:
~~10-9-808. 10-9a-608.~~
Vacating or changing a subdivision plat.
~~(1) (a) Subject to subsection (2), the legislative body of a municipality or any other officer that the legislative body designates by ordinance of Section 10-9a-611 and provided that notice has been given~~