

Ordinance 09-10

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE OF PARK CITY, UTAH,
TO ADDRESS REVISIONS TO
CHAPTERS 1, 2, 3, 4, 6, 10, 11, 12, and 15**

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; and

WHEREAS, the City reviews the General Plan and Land Management Code on an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year and to address specific LMC issues raised by Staff and the Commission and to address changes to State Code;

WHEREAS, the City Council goals include creating a sustainable community by encouraging conservation and renewable alternative energy use and production; and

WHEREAS, Chapter 1- General Provisions and Procedures, provides a description of general provisions and procedures of the LMC and the City desires to clarify these provisions and procedures as outlined in the staff report; and

WHEREAS, Chapter 2- Zoning Districts, provides a description of requirements, provisions and procedures specific to the various Zoning Districts and the City desires to clarify and revise these requirements , provisions and procedures as outlined in the staff report , including the following : revise side setback exceptions for patios, decks, pathway; revise building pad and footprint exceptions; revise Heber Avenue Subzone boundary; include anemometers and anemometer towers as an administrative conditional use and Small Wind Energy Systems as a conditional use in the ROS and CT zones; include sidewalks , trails, patios, and plazas in the FPZ area between 30' and 100' as a regulated Allowed Use; allow minor changes or upgrades to existing signs in the FPZ with an Administrative conditional use permit; include additional residential Allowed uses, Conditional Uses, and Administrative Conditional Uses within the CT zone; and

WHEREAS , Chapter 3- Off-Street Parking, provides regulations regarding off-street parking and the City desires to clarify and revise these regulations to include additional landscaping areas and geotechnical reports for Parking Lots, to include the CT zone as a district subject to commercial parking lot requirements , to clarify parking restrictions on driveways , and to clarify these regulations as outlined in the staff report; and

WHEREAS , Chapter 4- Supplemental Regulations, provides supplemental regulations regarding fences and walls, telecommunication facilities, home occupation,

child care, temporary structures and tents, special events and overcrowding, and the City desires to clarify and revise these regulations as outlined in the staff report; and

WHEREAS , Chapter 6- Master Planned Developments , provides regulations, requirements , and procedural requirements regarding Master Planned Developments and Unit Equivalents, and the City desires to clarify and revise these regulations and procedures as outlined in the staff report; and

WHEREAS , Chapter 10- Board of Adjustment , provides regulations and procedural requirements for the Board of Adjustment, and the City desires to clarify and revise these regulations regarding expiration of terms and election of chair, as outlined in the staff report; and

WHEREAS , Chapter 11- Historic Preservation , provides regulations and procedural requirements for the Historic Preservation Board and regarding Historic Preservation in Park City and the City desires to clarify and revise these regulations regarding terms and election of chair, as outlined in the staff report; and

WHEREAS, Chapter 12- Planning Commission , provides regulations and procedural requirements for the Planning Commission and the City desires to clarify and revise these regulations regarding election of chair and procedure for review of consent items, as outlined in the staff report; and

WHEREAS, Chapter 15- Definitions, provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms that appear on recorded plats and other documents that are not currently defined in the Code. The City desires to clarify these terms by including and/or revising the following definitions in the Land Management Code (Agriculture, Ancillary Structure , Anemometers, Accessory Building, City Development, Helipad, Heliport, Helistop, Final Action , Floor Area , Recreation Facilities, Residential Use, Special Events, Temporary Improvement, Vantage Point. and Wind Energy Systems; and

WHEREAS , these amendments are changes identified during the 2008 annual review of the Land Management Code that provide clarifications of processes and procedures, definitions, LMC section references, and interpretations of the Code for streamlined review and consistency of application between Sections.

WHEREAS , Park City wishes to advance the use of wind energy and to encourage the development of independent and qualifying power production and cogeneration facilities to promote a diverse array of economical and sustainable energy resources in an environmentally acceptable manner, and to conserve our finite and expensive energy resources and provide for their most efficient and economic utilization;

WHEREAS, Park City wishes to provide clarity to the process of developing renewable energy projects in the CT and ROS zone that are consistent with City Council goals to promote alternative energy; and

WHEREAS, Park City finds that wind energy is a renewable and non-polluting energy resource and that wind energy can help offset growing energy and peak power demands; and

WHEREAS, properly crafted renewable energy installation ordinances can help communities facilitate greater access to wind energy, preserve community and neighborhood character, protect adjacent residential and commercial developments as compatible adjoining uses, and protect and promote the public health, safety, and general welfare; and

WHEREAS, amendments to allow anemometers, anemometer towers and small wind energy systems in the CT and ROS zone are consistent with City Council goals for alternative energy; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meetings on October 22 and November 12, 2008 , and on February 11, 2009, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on December 11, 2008 and remanded the LMC amendments back to the Planning Commission for discussion of several items; and

WHEREAS, the City Council duly noticed and conducted a public hearing at it's regularly scheduled meeting, on March 5, 2009; 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 and City Council to protect health and safety, maintain the quality of life for its residents, promote wind energy , and preserve the community's unique character .

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

SECTION 1. AMENDMENT TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 15-1 is hereby amended as attached hereto as Exhibit A. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15-1.

SECTION 2. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 15-2 is hereby amended as attached hereto as Exhibit B. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15-2.

SECTION 3. AMENDMENTS TO CHAPTER 3 OF THE LAND MANAGEMENT CODE. Chapter 15-3 is hereby amended as attached hereto as Exhibit C. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15-3.

SECTION 4. AMENDMENTS TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 15-4 is hereby amended as attached hereto as Exhibit D. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15-4.

SECTION 5. AMENDMENTS TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 15-6 is hereby amended as attached hereto as Exhibit E. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 6.

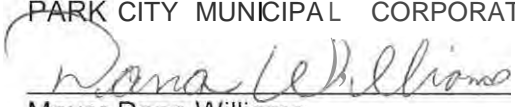
SECTION 6. AMENDMENTS TO CHAPTER 10 OF THE LAND MANAGEMENT CODE. Chapter 15-10 is hereby amended as attached hereto as Exhibit F. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 10.

SECTION 7. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Exhibit G. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 11.

SECTION 8. AMENDMENTS TO CHAPTER 12 OF THE LAND MANAGEMENT CODE. Chapter 15-12 is hereby amended as attached hereto as Exhibit H. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 12.

SECTION 9. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Exhibit I. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

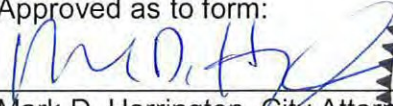
SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



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. 00-15

CHAPTER 1-GENERAL PROVISIONS AND PROCEDURES.

15-J -1. SHORT TITLE.

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

15-1 -2. STATEMENT OF PURPOSE.

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

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City.
(B) To protect and enhance the vitality of the City's economy, the overall quality of life, the Historic character, and unique mountain town community,
(C) To protect and preserve peace and good order, 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 land, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

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

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

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

(I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the power

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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, 1993, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

(Amended by Ord. No. 06-12)

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 deed 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 those dimensions shall control.

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

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

(Amended by Ord. No. 06-22)

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

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

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

(B) HEARINGS BEFORE PLANNING COMMISSION. The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission shall be given by posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

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

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

LMC. Notice of the hearings shall be given by providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

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

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

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

(2) The area is unregulated.

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

(Amended by Ord. No. 06-22)

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

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

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

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

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

(E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments Adrninistrati'e Pl!rmits., and Administrative Conditional Use pennits.

(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 pennitting and approval.

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

(I) Variances, Sp.::cial Exceptions. Non-Confonning 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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	Planning Director	HBP	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic	X	?			
Administrative Permits	X				
Conditional Use	X			X	Z
Conditional use Admin.	X				
MPD				X	
Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance/Special Exception			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

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*All Applications are filed with the Planning Department. Planning Department will make a recommendation to the appropriate decision making body (X).

(Amended by Ord.No. 06-22)

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.

(Amended by Ord. No. 06-L!)

15-1-10. CONDITIONAL USE REVIEW PROCESS.

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

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

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

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

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

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

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

(C) NOTICE/POSTING. Upon receipt of a Complete Application, the Planning Department shall provide 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 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;

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- (6) internal vehicular and pedestrian circulation system;
- (7) Fencing, Screening, and landscaping to separate the Use from adjacent 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 Structure in mass, scale, style, design, and architectural detailing;
- (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
- (13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;
- (14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
- (15) within and adjoining the Site, impacts on Environmentally

Sensitive Lands, 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.

(Amended by Ord. No. 06-22)

15-1-II. SPECIAL APPLICATIONS.

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

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

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

(D) ADMINISTRATIVE

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

ADMINISTRATIVE PERMITS. The Planning Department shall review and take Final Action on Administrative Permits. Review Process shall be consistent with the requirements herein for those Uses requiring

Administrative Permit, such as Temporary Tents, Structures and Vendors; Temporary Special Event and Overcrowding Permits; Related Accessory Apartment;

specified Outdoor Events and Uses; Family Child Care in Specified Zoning Districts; and Temporary Telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use Permits or Conditional Use Permits in some Zoning Districts pursuant to Section 15-2.

(Amended by Ord. No. 06-22)

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 Section 15-1-10, Notice Matrix and as follows:

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

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

(C) COURTESY NOTICE. As a courtesy to adjacent Property Owners, the Applicant must provide the Planning

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

(D) **APPLICANT NOTICE.** For each land Use Application, the Planning Department must notify the Applicant of the date, time and place of each public hearing and public meeting to consider the Application and of any final action on the pending Application.

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

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

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

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

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

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

(a) the properly executed notice form as approved by the City; or

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

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

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

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

(A) **POLICY.**

(1) **GUARANTEE REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site or Public Improvements on construction projects, it is the policy of the City to require that Developers either complete all Site or Public Improvements prior to occupancy, or

If that is not possible, that adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until an adequate financial Guarantee is posted in accordance with this section. It is also the policy of the City to require Developers to post a financial Guarantee to ensure compliance with a Historic Preservation Plan whenever a Building project affects a Historic Building, Structure, Site or Object, as defined by this Title.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial Guarantee given by the Developer is limited to a contract between the City and the Developer for the express purposes of providing for the protection of City facilities, eliminating conditions which could become public nuisances, and ensuring compliance with a Historic Preservation Plan. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects, which are the fault of the Developer.

(B) **CONSTRUCTION ACCORDING TO APPROVED PLATS.** All construction shall be completed according to

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

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

recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

(I) 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 code, and are completed to the extent that only exterior Site or Public Improvement work remains unfinished; and

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

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

(D) **AMOUNT OF GUARANTEE FOR SITE OR PUBLIC IMPROVEMENTS.** The amount of the Guarantee for Site or Public Improvements to be posted by the Developer, shall be equal to 125% of the amount reasonably estimated by the City Engineer, or his designee, as

being necessary to complete remaining Site or Public Improvements as shown on the approved plans. In the event that the Developer disputes the City's cost estimate, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 12.5% 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) **TERMINATION OF GUARANTEE.** The terms of any Guarantee arrangement offered to the City shall state a date by which the Developer agrees to have Site or Public Improvement work completed in accordance with the plans, and shall further provide that in the event that the Developer has not completed the required Site or Public Improvements work by that date, the City may at its option and on its schedule, draw on the Guarantee by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Guarantee.

(F) **FORMS OF GUARANTEE.**

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

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

(2) A deposit of cash with a third party Escrow, or

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

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

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-I-13(F). If the Developer fails to

provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site or Public Improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer a Guarantee for the performance of the Site or Public Improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other Guarantee held, which is in excess of 125% of the completion cost estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site

or Public Improvements, additional Guarantee must be provided by the Developer to cover the increased costs.

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

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

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

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

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

15-1-14. **TERMINATION OF 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 fonnally deny Applications, which remain inactive for long periods of time due to actS or omissions of the Applicant. See Section 15-1-15 (A) (IOL)

(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 fonnally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

(Amended by Ord. No. 06-22)

15-1-15. **PENALTIES .**

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class AC@ 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. **VESTLING.**

(A) An Applicant is entitled to approval of a Land Use Application if the Application conforms to the requirements of an

applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

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

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

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

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

(2) the proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.

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

(D) The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding

after approval to implement the approval with reasonable diligence.

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

(Amended by Ord. No. 06-22)

15-1-18. APPEALS AND RECONSIDERATION PROCESS.

(A) ~~STAFF.~~ Any decision by either the Planning Director ~~or Planning Staff~~ regarding Application of this LMC to a Property may be appealed to the Planning Commission. ~~Appeals of decisions regarding the Historic District Design Guidelines shall be reviewed by the Historic Preservation Board as described in 15-1-1-11(O). All appeals must be filed with the Planning Department within 10 days of final Action.~~

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

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

(C) PLANNING COMMISSION. Final Actions by the Planning Commission on appeals of Staff Action may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional

Deleted: Decisions regarding compliance with the Historic District Guidelines may be appealed to the Historic District Commission.

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Use permits and MPDs if the City Development Code is applied to the Board of Adjustment or the Council's request. All other rules of the Planning Commission. Conditional Use Permit. Appeal 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, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelope; with 14 days of filing the appeal.

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

The scope of review of the Board of Adjustments limited to issues brought to the land Use authority below.

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(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.

(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 for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1-12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, 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.

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

- (I) Publishing the matter once at least seven (7) days prior to the

hearing in a newspaper having general circulation in Park City; and

(2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action. The City Recorder shall provide notice to all members of the Council.

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

(M) APPEAL FROM THE CITY COUNCIL. The Applicant or any Person aggrieved by City action on the project may appeal 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) 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.

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

(Amended by Ord. No. 06-22)

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.

For all 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.

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- Full Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law
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(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 10 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

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

rendering the matter suitable for appeal to a court of competent jurisdiction.

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

15-1-20. EXACTION

Exaction or exaction may be imposed on Development proposed in a Land Use Application if:

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

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

(Created by Ord. No. 06-22)

15-1-21. NOTICE MATRIX.

(See following pages)

NOTICE MATRIX			
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 ,AmendJ!lent	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 Amend ments	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 Plann ed 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, 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, Permit	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.	Deletion: Approval (CUP)
Administrative				Formatted Table
Conditional Use Permit	The Property shall be posted 10 days prior to Final Action.	10 days prior to Final Action. to adjacent property owners	No Published Notice Required	Formatted: line spacmg: single
Administrative Permit	The Property shall be posted 10 days prior to Final Action.	10 days prior to Final Action. to adjacent affected property owner	No Published Notice Required	Formatted: Font: Bold Formatted: Space After: 0 pt, No widow/orphan control
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.	Timeshare Conversions Deletion: Same as CUP Deletion: Same as CUP Deletion: 1 Same as CUP
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	The Property shall be posted for a 10 day period once Staff's preliminary determination of	To Owners of adjoining Property once Staff's preliminary determination of compliance has been reached, establishing a 10	See appeals from Planning Director, Historic Preservation Board, Planning Commission.	Deletion: Only required upon appeal of the Planning Director's decision. Deletion: For

	compliance has been reached. Other ¹²⁰ td <u>It:!!al notice not</u> required.	day period in which Staff...\$. decision may be appealed.	including City Council Call-Up. <u>S-t:ttnn L"-I III.</u>	(Deleted: =°
Annexations	Varies, depending on number of Owners and current State law . Consult with the Legal Department.			
Termination of Project Applications	-----	Mai led Notice: To Owner/ Applicant and certified Agent by certified mail 14 days prior to the Planning Di rector=s termination and closure of files.	-----	
Lot Line Adjustments : Between 2 Lots without a plat amendment.	-----	To Owners within 300 fl. 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, Owners within 300 ft. and affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.
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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)

(Amended by Ord. No. 06-21)

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TITLE 15- LAND MANAGEMENT CODE

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TITLE 15 -LAND MANAGEMENT CODE (LMC)
CHAPTER 2.1- HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.1-1. PURPOSE .

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) provide an Area of Lower density Residential Use within the old portion of Park City,
- (C) preserve the character of Historic residential Development *in* Park City,
- (D) encourage the preservation of Historic Structures,
- (E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and

(G) define Development parameters that are consistent with the General Plan policies for the Historic core.

(Amended by Ord. No. 09-14)

15-2.1-2. USES .

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family'
- (5) Child Care, Family Group¹
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Nightly Rentals
- (2) Lockout Unit
- (3) Accessory Apartment-²

¹See LMC Chapter 15-4-9 for Child Care Regulations

²See LMC Chapter 15-4-7,

- (4) Child Care Center¹
- (5) Essential Municipal and Public Utility Use, facility, service, and Building
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facilit/
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
- (12) Recreation Facility, Private
- (13) Fences greater than six feet (6') in height from Final Grade^{5,7}

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

(Amended by Ord. Nos. 06-56; 09-10)

Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13. Satellite Receiving Antennas

⁵Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

⁶See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷See LMC Chapter 15-4-2, Fences and Walls

15-2.1-3. LOT AND SITE REQUIREMENTS .

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

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

(B) **BUILDING ENVELOPE (HRL DISTRICT).** The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(C).

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

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios ;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

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

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.1 . The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

(D) BUILDING FOOTPRINT (HRL DISTRICT). The maximum Building Footprint of any Structure shall be located

$$\text{MAXIMUM Bldg. Footprint} = (A/2) \times 0.9N^{1875}$$

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

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{13750^{1875}} = 1,875 \times 0.81 = 1,519$ sq. ft.

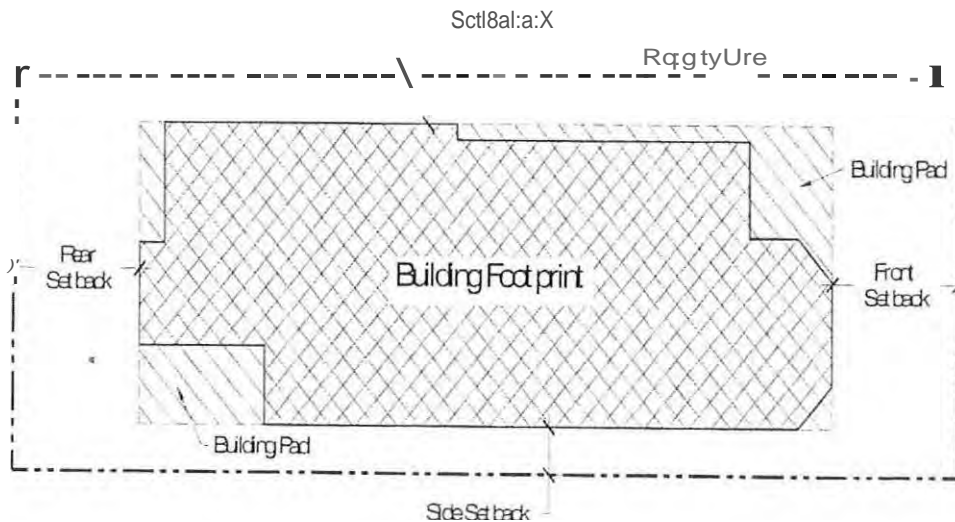
See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.1.

Lot Depth <= ft. **	Lot Width, ft. up to:	Side Yards Min. Total		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75 ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24ft.	7,500	4,180	2,460
75ft.	Greater than 100.0	10 ft.	30ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

* for existing 25' wide lots, Use HR- 1 standards.

** for lots > 75' in depth use Footprint formula and Table 15-2.1a for Front and Rear Setbacks.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.1a

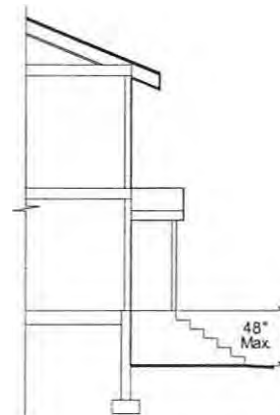
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20ft.
From 75 ft. to 100 ft.	12 ft.	25ft.
Over 100ft.	15 ft.	30ft.

(F) **FRONT YARD EXCEPTIONS.**

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

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

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



---7
Front Yard

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

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

(5) Sidewalks and path ways.

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

Surfaced or graveled.

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

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

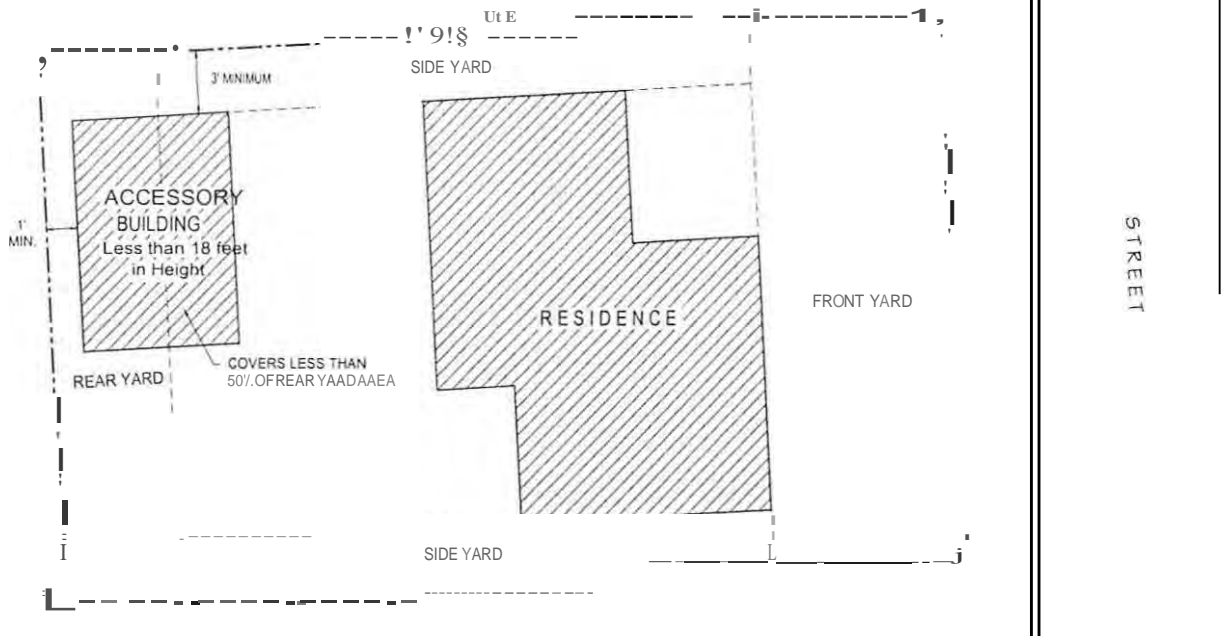
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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

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

(9) Fences or walls not over six feet (6') in height, or as permitted in Section 15-4-2 Fences and Walls.-1-

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

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

(H) **SIDE YARDS.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.1 above.

(2) On Corner Lots, the minimum Side Yard that faces a side or platted Right-of-Way is five feet any Yard which faces a Street may not have a Side Yard less than five feet (5').

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

Structure except:

- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁸
- (2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁸
- (3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.⁸
- (4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') eave overhang is permitted on Lots with a side Yard less than five feet (5').⁸
- (5) Window sills, belt courses, trim, exterior siding, comices, or other ornamental features projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.
- (7) Fences or walls not more than six feet (6') in height or, as pennitted in Section 15-4-2 Fences and Walls.⁷

- (8) A driveway leading to a garage or Parking Area.
- (9) Pathways or steps connecting to a City staircase or pathway.
- (10) A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').
- (11) Screened mechanical equipment, hot tubs, or similar Structures, located a minimum of five feet (5') from the Side lot Line.

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

(Amended by Ord. Nos. 06-56; 09-10)

15-2.1-4. EXISTING IDSTORIC STRUCTURES .

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid on-Complying Structures. Addition s to Historic Structures are exempt from Off-Street parking requirements provided the addition

⁸ Applies only to Lots with a Side Yard of five feet (5') or greater.

does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

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

15-2.1-5. BUILDING HEIGHT.

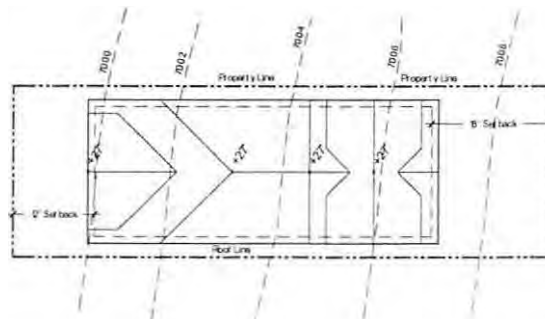
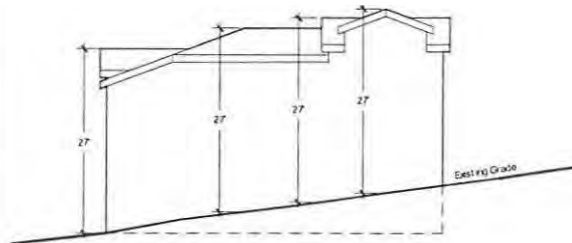
No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of

three (3) stories. A basement counts as a Story within this zone.

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

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



(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

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

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

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

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

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

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the

garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14)

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE. A** Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines

on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and driveway.

The Planning Department Director shall review all Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may still review a Conditional Use permit Applications as Consent Calendar items unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may

require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Director and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Director and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.1-5. The Planning Director and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

{C) **EXCEPTION.** In conjunction with

a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and
- (3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering, and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, and the Owner is not vested for the maximum.

(Amended by Ord. Nos. 06-56; 09-10; 09-14)

15-2.1-7. PARKING REGULATIONS .

(A) Tandem Parking is allowed in the Historic Disttict.

(B) Common dtiveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

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

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

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

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

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

(F) Turning radii are subject to review

by the City Engineer as to function and design.

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

(Amended by Ord. Nos. 06-56; 09-10)

15-2.1-8. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use withln this District, the Planning Department shall review the proposed plans for compliance with Hist0lic District Design Guidelines Chapter 15 5.

(B) **NOTICE TO ADJACENT PROPERTY 0\NERS.** When the Planng Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a pre!iminary detennination finding that the proposed plans comply with the Hist0lic District Design Guidelines, Chapter 15-5.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (I0) day period to appeal the Staffs determination of compliance to the Histotic Preservation Board. Appeals must

be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or code provisions violated by the Staff determination.

(Amended by Ord. No. 06-56)

15-2.1-9. VEGETATION PROTECTION .

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2 ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the dtip line.

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

(Amended by Ord. No. 06-56)

15-2.1-10. SIGNS.

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

15-2.1-11. RELATED PROVISIONS .

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apatlment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(0).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(T).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E)
- Parking Ratio Requirements. LMC Chapter 15-3-6.

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE CLMC)
CHAPTER 2.2- HISTORIC RESIDENTIAL {HR-1} DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.2-1. PURPOSE.

The purpose of the Historic Residential I-IR-1 District is to:

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Sites.

15-2.2-2. USES.

Uses in the HR-1 District are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family/
- (7) Child Care, Family Group²
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (II) Residential Parking Area or Structure, with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Duplex Dwelling

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit

²See LMC Chapter 15-4-9 for Child Care Regulations

- (2) Guest House on Lots one (1) acre or greater
- (3) Secondary Living Quarters
- (4) Accessory Apartment³
- (5) Group Care Facility
- (6) Child Care Center
- (7) Public and Quasi-Public Institution, church and school
- (8) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (9) Telecommunication Antenna⁴
- (10) Satellite Dish, greater than thirty-nine inches (39") diameter⁵
- (11) Bed and Breakfast Inn⁶
- (12) Boarding House, hostel⁶
- (13) Hotel, Minor, (fewer than sixteen (16) rooms)⁶
- (14) Residential Parking Area or Structure with five (5) or more spaces.
- (15) Temporary Improvement
- (16) Passenger Tramway Station and Ski Base Facility⁸

- (17) Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸
- (18) Recreation Facility, Private
- (19) Fences greater than six feet (6') in height from Final Grade^{7,9}

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

(Amended by Ord. No. 06-56)

15-2.2-3 LOT AND SITE REQUIREMENTS.

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

Minimum Lot and Site requirements are as follows:

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

(B) BUILDING ENVELOPE (HR-1 DISTRICT). The Building Pad, Building

⁹ See LMC Chapter 15-4-2, Fences and Walls

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

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

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁶In Historic Structures only

⁷Subject to Administrative or Conditional Use permit

⁸ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3(C).

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) ~~Chimneys~~;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area are subject to Planning Director approval based on a determination that the proposed Exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;

(b) maintains the integrity of this section to provide historical building articulation.

(C) BUILDING PAD (HR-1 DISTRICT). The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

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

that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the District Design Guidelines;
- (b) maintains the intent or this section to provide horizontal and vertical Building articulation.

(D) BUILDING FOOTPRINT CHR-1 DISTRICT). The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

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

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

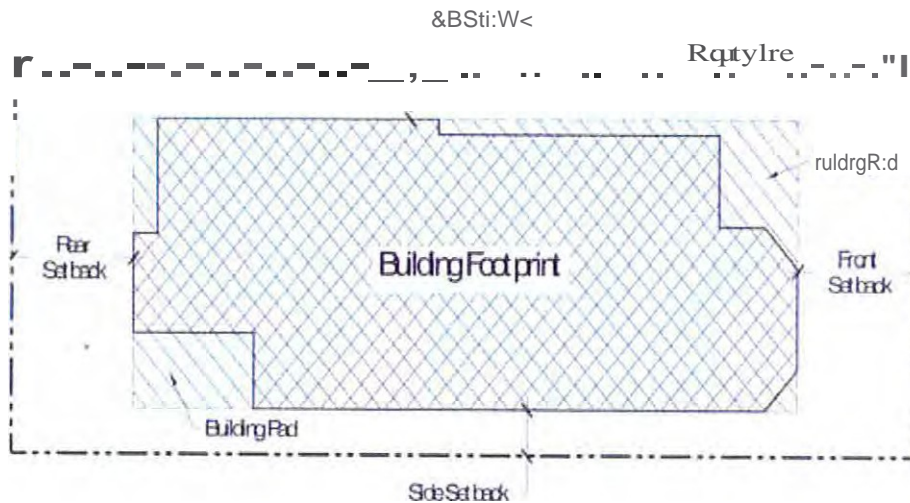
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9 <^{3750/1875}> = 1,875 \times 0.81 = 1,519$ sq. ft.

See the following Table 15-2.2. for a schedule equivalent of this formula.

TABLE 15-2.2.

Lot Depth, \leq ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75ft.	37.5	3 ft.	6ft.	2,813	1,733	1,201
75ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75ft.	62.5	5 ft.	14ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18ft.	5,625	3,135	2,050
75 ft.	87.5	10ft.	24ft.	6,563	3,493	2,209-79
75 ft.	100.0	10ft.	24ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10ft.	30ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

*for Lots > 75' in depth use Footprint formula and Table 15-2.2a for Front and Rear Setbacks.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

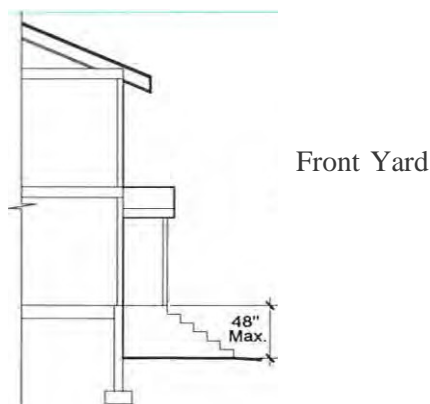
TABLE 15-2.2a

LtDept1	mtmum Front/Rear Setback	Totalof Setbacks
Up to 75 ft., inclusive	10ft.	20ft.
From 75 ft. to 100 ft.	12 ft.	25ft.
Over 100ft.	15 ft.	30ft.

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

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

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



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

(4) Roof overhangs, eaves or cornices projecting not more than two and three feet (2.3') into the Front Yard.

(5) Sidewalks and pathways.

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

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

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

(2) Chimneys not more than five feet (5') wide projecting not more

than two feet (2') into the Rear Yard.

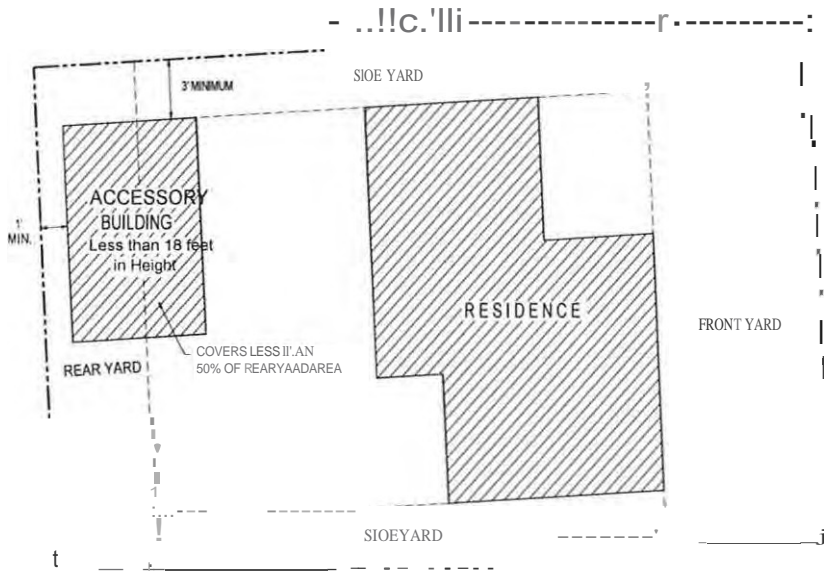
(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and

maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

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

(9) Fences or walls at least ~~at least~~ over six ~~feet~~ feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls.-9

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

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

(H) SIDE YARD.

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.2.above.

(2) On Corner Lots, an)' Yard ~~that~~ faces a the minimum Side Yard that faces a side street or platted ROW is five feet. Street may not have a Side Yard less than five feet (5').

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

(1) Bay Windows not more than

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

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard. ¹⁰

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard. ¹⁰

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5'). ¹⁰

(5) Window sills, belt courses, trim, cornices, exter. or siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.

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

(7) Fences, walls, or retaining walls not more than six feet (6') in height or as permitted in Section 15-4-2, Fences and Walls. ⁹

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

¹⁰ Applies only to Lots with a minimum Side Yard of five feet (5').

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

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

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

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

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

(Amended by Ord. No. 06-56)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street

parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1)) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Streetscape,

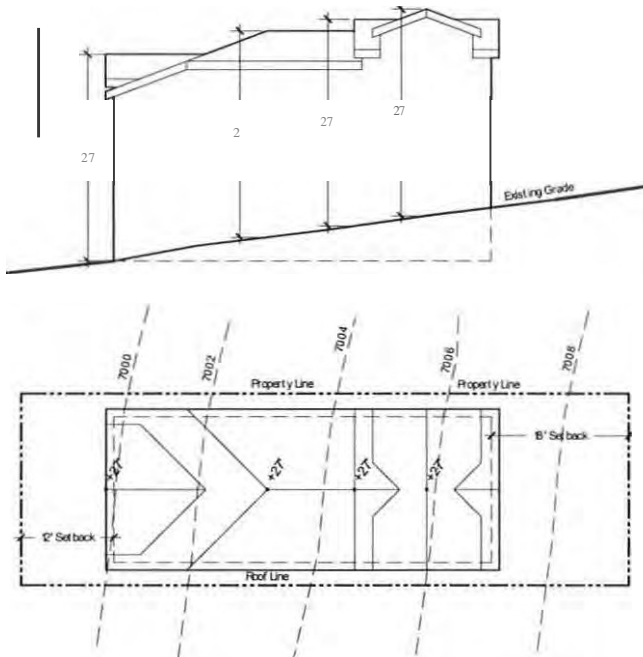
(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-56)

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measure shall not include approved window wells.



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

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no

more than twenty percent (20%) of the roof ridge line exceeds the height requirement and the plans comply with Height Exception Criteria in Section 15-2.2-o(B) (I0) (a-j).

(Amended by Ord. No. 06-56)

15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

The Planning Department shall review all Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission shall may review all Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing.

Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION .** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived

natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter.

The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Planning Department on **Allowed Steep Slope Use** or the Planning Commission as part of a **Conditional Steep Slope Use** may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

(a) The height exception does not result in a height in excess of forty feet (40').

(b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning **Director or Planning**

Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

(c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(d) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.

(f) The height exception is not granted primarily to create additional **Building Area**.

(g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(h) The height exception

is Compatible with good planning practices and good Site design.

(i) The height increase will result in a superior plan and project.

U) The project conforms with Chapter 15-1-10, Conditional Use Review.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit

Issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, the Owner is not vested for the maximum.

(Amended by Ord. No. 06-56)

15-2.2-7. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

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

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

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

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

(D) A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a

Conditional Use permit are subject to a Conditional Use review, Chapter 15- 1-10.

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

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

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

(Amended by Ord. No. 06-56)

15-2.2-8. ARCHITECTURAL REVIEW .

(A) **REVIEW.** Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this Disttict, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department detetmines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary

detetmination finding that the proposed plans comply with the Historic Disttict Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff s determination of compliance to the Historic Preservation Board. Appeals must be witten and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination .

(Amended by Ord. No. 06-56)

15-2.2-9. CRITERIA FOR BED AND BREAKFAST INNS.

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

(A) The Use is in a Historic Structure, or an addition thereto.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

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

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood .

(E) The rooms are available for Nightly

Rental only.

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

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

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

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Inn. The Planning Commission may waive the parking requirement if the Applicant proves that:

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

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

(J) The Use complies with Chapter 15-1-10, Conditional Use review process.

15-2.2-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches

(6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-56)

15-2.2-11. SIGNS.

Signs are allowed in the HR-1 District as provided in the Park City Sign Code (Title 12).

15-2.2-12. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3.3(D).
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(1).

PARK CITY MUNICIPAL CODE- TITLE 15 LMC, Chapter 2.2- HR-1 District

15-2.2-16

- X Historic Preservation. LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Review. LMC Chapter 15-5.
- X Snow Storage. LMC Chapter 15-3-3(E).
- X Parking Ratio Requirements. LMC Chapter 15-3-6.

(Amended by Ord. No. 06-56)

PARK CITY MUNICIPAL CODE
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TITLE 15 -LAND MANAGEMENT CODE (LMC)
CHAPTER 2.3- HISTORIC RESIDENTIAL CHR-2) DISTRJCT

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

- (1) Upper Main Street;
- (2) Upper Swede Alley; and
- (3) Grant Avenue,

(B) encourage and provide incentives for the renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB and the HR-1 Districts,

(D) encourage the preservation of Historic Structures and consnuction of historically Compatible additions and new constmction that contributes to the unique character of the district,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core; result in Development

Compa tible Historic Stn1ctures; and compl y with the Historic Distr ict Design Guidelines and HR-1 regulations for Lot size, coverage, and Building Height, and

(F) provide opportunities for small scale, pedestrian 01iented, incubator retail space in Historic Structttres on Upper Main Street, Swede Alley, and Grant Avenue.

15-2.3-2. USES.

Uses in the HR-2 District are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental²
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting³
- (6) ChildCare,Famil i

¹Nightly Rental of Lockout Units requires a Conditional Use Petmit

²Nightly Rental does not include the use of dwellings for Commercial Uses

- (7) Child Care, Family Group³
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure with four (4) or fewer spaces
- (12) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (I)) Duplex Dwelling
- (I,e) Secondary Living Quarters
- (3) Accessory Apartment⁴
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public or Quasi-Public Institution, church or School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁵
- (9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter⁶
- (10)) Bed & Breakfast Inn⁷
- (II) Boarding House, Hostel⁷

³See LMC Chapter 15-4-9 for Child Care Regulations

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

⁵See LMC Chapter 15-4- 14, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 15-4- 13, Supplemental Regulations for Satellite Receiving Antennas

⁷In Historic Structures only

- (12) Hotel, Minor, fewer than sixteen (16) rooms ⁷
- (13) Office, Generals
- (14) Office, Moderate Intensive⁸
- (15) Office and Clinic, Medical⁸
- (16) Retail and Service Commercial, Minor⁸
- (17) Retail and Service commercial, personal Improvement
- (18) Cafe or Delis
- (19)) Restaurant, General⁸
- (20) Restaurant, Outdoor Dining⁹
- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility¹⁰
- (25) Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- (26) Recreation Facility, Private
- (27) Fences greater than six feet (6') in height from Final Grade¹¹---

⁸In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met.

⁹Subject to an Administrative Conditional Use Permit and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9.

¹⁰ See LMC Chapter 15-4- 18, Passenger Tramways and Ski-Base Facilities

¹¹ See LMC Chapter 15-4-2, Fences and Walls

(H) All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.

(Amended by Ord. No. 06-56)

15-2.3-4. LOT AND SITE REQUIREMENTS.

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

All Development must comply with the following:

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

(B) BUILDING ENVELOPE (HR-2 DISTRICT). The Building Pad, Building Footprint and height restrictions, define the maximum Building Envelope within which all Development must occur **with exceptions as allowed by Section 15-2.3-4(C)**.

(C) BUILDING PAD CHR-2 DISTRICT. The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios ;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

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

- (a) provides increased architectural interest consistent with the Historic

- (28) Limited commercial expansion necessary for compliance with Building/ Fire Code egress and Accessibility requirements¹²

(Amended by Ord. No. 06-56)

(C) **PROHIBITED USES.**

Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 04-08)

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

The Historic Preservation Board shall review any Conditional Use permit (CUP) Application in the HR-2 District and shall forward a recommendation to the Planning Commission regarding the application's compliance with the Historic District Design Guidelines. The Planning Commission shall review this Application according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

- (A) Consistent with the Historic District Design Guidelines, Section 15-4, and the Historic Preservation Board's recommendation.

¹² Subject to compliance with the criteria set forth in Section 15-2.3-8(8). Said expansion is limited to the minimum footprint necessary to achieve compliance with Building and Fire Code egress and Accessibility requirements, and may include additional Building Footprint for ADA restrooms.

- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.

- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.

- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. New Structures and additions must be two (2) stories in height or less. Primary facades should be one (1) to one and a half (1.5) stories at the Street. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

- (E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

- (F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

- (G) Required Fencing and Screening between residential and Commercial Uses is required along common Property Lines.

District Design Guidelines;
and

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

required for all Structures with a proposed footprint greater than 3,500 square feet.

(D) **BUILDING FOOTPRINT CHR-2 DISTRICT).** The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is

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

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

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9 < \frac{3,750}{1875} > = 1,875 \times 0.81 = 1,519$ sq. ft.

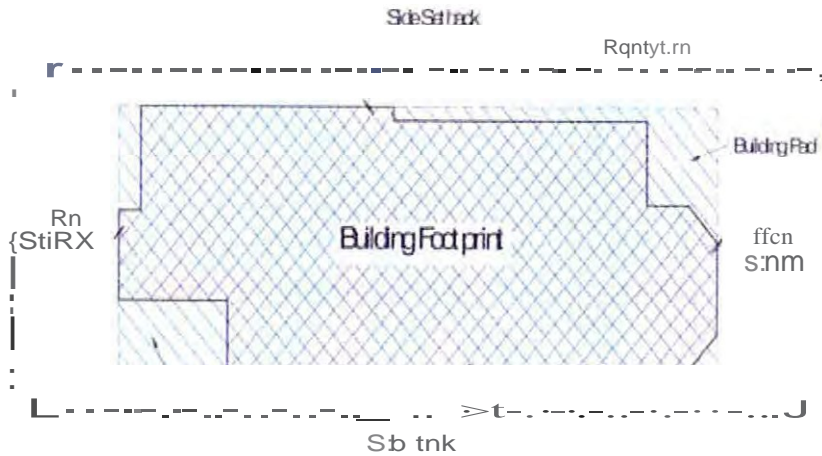
See the following Table 15-2.3. for a schedule equivalent of this formula.

FORMATTING?

TABLE 15-2.3.

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

* for Lots > 75' in depth use Footprint formula and Table 15-2.3a for Front and Rear Setbacks.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.3.a

Lot Depth Min. Front/Rear Setback Total of Setbacks

Up to 75 ft., inclusive	10ft.	20ft.
From 75ft. to 100 ft.	12 ft.	25ft.
Over 100ft.	15 ft.	30ft.

(F) **FRONT YARD EXCEPTIONS.**

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

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

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



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

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

(5) Sidewalks and pathways .

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

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

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

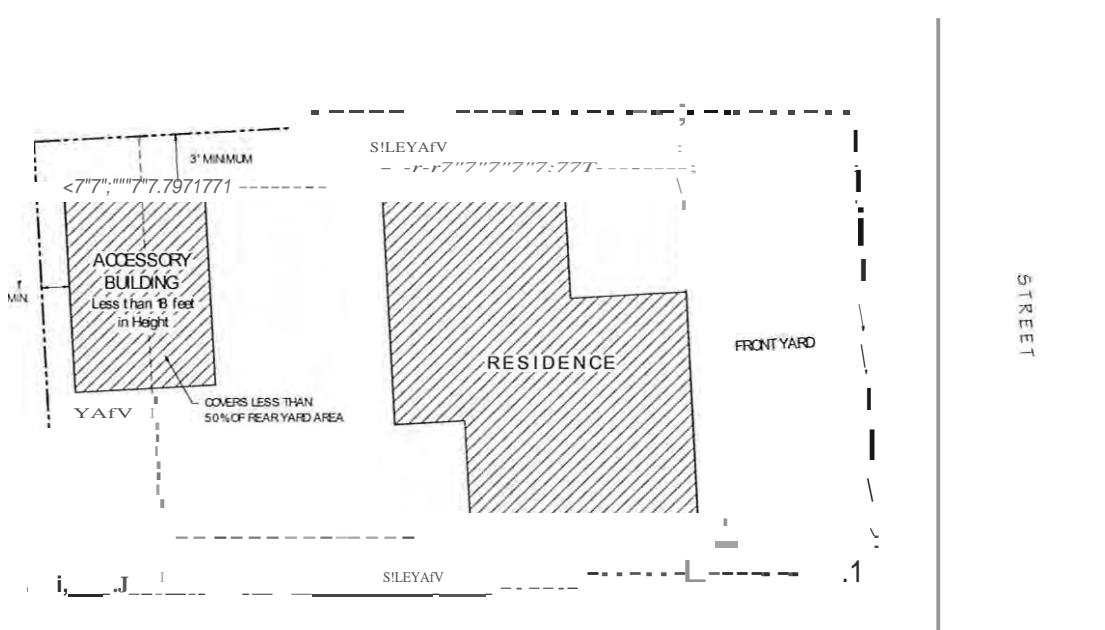
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, comices, trim, exterior sicing or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(6) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration :



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

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

(9) Fences or walls not more than six feet (6') in height or as permitted in Section 15-4-2.++

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

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

(H) SIDE YARD.

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in width, as per Table 15-2.3 above.

(2) On Corner Lots, the minimum Side Yard that faces a side street or platted ROW is five feet (5'). any Yard which faces a street may not have a Side Yard less than five feet (5').

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

{1) Bay Windows not more than

ten feet (10') wide, and projecting not more than two feet (2') into the Side Yard.¹²

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹²

(5) Window sills, belt courses, trim, cornices, exterior siding or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade; -from Y i ded there is at least a one foot (1') setback to the Property Line.

(7) Fences or walls not more than six feet (6') in height, or as permitted in Section 15-4-2; Fences and Walls.++

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

¹² Applies only to Lots with a minimum Side Yard of five feet (5')

(9) Pathway or steps connecting to a City staircase or pathway.

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

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

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

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

(Amended by Orr/. No. 06-56)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic

Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) EXCEPTION. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

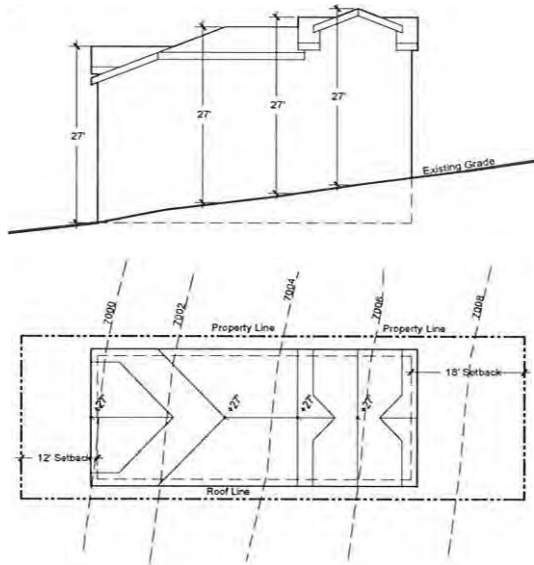
(2) When the scale of the addition or driveway location is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the Uniform Building and Fire Codes.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved window wells.



(A) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Zone

Height requirement; and the plans comply with Height Exception Criteria in Section 15-2.3-7(8) (10) (a-j).

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(Amended by Ord. No. 06-56)

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas' carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines, Chapter 15-5.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use Permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

The Planning Department shall review all Conditional Use permit applications and forward a recommendation to the Planning Commission. The Planning Commission shall review Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets

to be presented for a Public Hearing. Conditional Use Permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION .** Buildings, Access, and infrastructure

must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any

Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HR-2 District is twenty-seven feet (27'). The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Planning Department or the Planning Commission as part of a Conditional Steep Slope Use may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria: The Planning Department or the Planning Commission as part of a Conditional Steep Slope Use may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

(a) The height exception

does not result in a height in excess of forty feet (40').

(b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Director or Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

(c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(d) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.

(f) The height exception is not granted primarily to create additional Building Area.

(g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(h) The height exception is Compatible with good planning practices and good Site design.

(i) The height increase will result in a superior plan and project.

U) The project conforms to Section 15-1-10, Conditional Use review.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment alier .January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building

Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Depmtment review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit Issuan ce.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply. The Owner is not vested for the maximum.

(Amended by Ord. No. 06-56)

15-2.3-8. SPECIAL REQUIREMENTS FOR SUB-ZONE A.

(A) **SUB-ZONE A.** Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.

(B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Plat Amendment approved prior to January 1, 2000 that combined a Main Street, HCB zoned, Lot with a portion of an adjacent Park Avenue, HR-2 zoned Lot for the purpose of restoring an Historic Sh-ucture, conshucting an approved addition to an Hist0lic Structure, and expanding the Main Street Business into the IIR-2 zoned Lot:

(I) All Commercial Uses

extending from Main Street to the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and must be below the Grade of Park Avenue projected across the Lot.

- (2) All Buildings must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4.
- (3) The height of the Building at the Zone District boundary, within the HCB District, must be Compatible with the twenty seven foot (27') height restriction on the adjacent HR-2 Lot.
- (4) Existing and new above ground Structures fronting on Park Avenue may not contain Commercial Uses.
- (5) A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.
- (6) The number of residential units allowed on the HR-2 portion of the Property is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
- (7) All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any

traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use.

- (8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent residential Uses. Impacts include such things as noise, odor, glare, intensity of activity, parking, signs, lighting, and aesthetics.
- (9) No loading docks, service yards, detached mechanical equipment, exterior trash compounds, outdoor storage, or other similar Uses are allowed within the HR-2 portion of the Property.
- (10) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use permit (CUP).
- (11) The Historic Structure shall be restored or rehabilitated according to the requirements of the LMC Chapter 4 as a condition precedent to approval of the Conditional Use permit.
- (12) Any adjoining Historic Structures under common ownership or control must be considered a part

of the Property for review purposes of the Conditional Use permit.

15-2.3-9. SPECIAL REQUIREMENTS FOR SUB-ZONE B

(A) Sub Zone B consists of lots in the IIR-2 District that are located in the following Areas:

(1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and

(2) West of Main Street within Block 13 and fronting on Main Street.

(B) The following special requirements apply only to those Commercial Uses as listed in Section 15-2.3-2 for Sub Zone B:

(1) These Commercial Uses are allowed as a Conditional Use permit review requirements in Section 15-1-10, and must be only in Historic Structures.

(2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the Property and its environment. New additions shall be subordinate to the existing Structure.

(3) Adaptive reuse of residential Historic Structures for commercial Uses may impose only minimal

changes to the defining Architectural Detail.

(4) New Construction must be residential in character and comply with the Historic District Design Guidelines for residential construction and all Lot and Site requirements of Section 15-2.3-4.

(5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.

(6) The Historic Structure shall be restored or rehabilitated according to the requirements of LMC Chapter 4 as a condition precedent to approval of the Conditional Use permit.

(7) Any adjoining Historic Structures, under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit.

(8) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use permit.

15-2.3-10. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common Driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main

Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

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

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

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

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Section 15-1-10.

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

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

(G) See section 15-3 OffStreet Parking for additional parking requirements.

(Amended by Ord. No. 06-56)

15-2.3-11. ARCHITECTURAL REVIEW

(A) REVIEW. Prior to the issuance of a Building Permit for any Conditional or Allowed Use within this district, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines; Chapter 15.5.

(B) NOTICE TO ADJACENT PROPERTY OWNERS. When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) APPEALS. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staffs determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

(Amended by Ord. No. 06-56)

15-2.3-12. CRITERIA FOR BED AND BREAKFAST INNS

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

- (A) The Use is in a Historic Structure or addition thereto.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).
- (I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the inn. The Planning Commission may waive the parking requirement for Historic Structures, if the Applicant proves that:

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

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

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

15-2.3-13. MECHANICAL SERVICE.

No free standing mechanical equipment is allowed in the HR-2 zone. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view or audible from nearby residential Properties.

Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration to adjoining Properties. Refuse collection and storage Areas must be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

(Amended by Ord. No. 06-56)

15-2.3-14. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(Applies to Sub-Zone B only)

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless

expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall to window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.3-14(8)(3) for outdoor display of bicycles, kayaks, and canoes.

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

(1) OUTDOOR DINING .
Outdoor Dining is subject to the following criteria:

(a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Cafe, or Deli Use.

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

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

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

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

(t) No music or noise in excess of the City Noise Ordinance, Title 6.

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

(h) No net increase in the Restaurant's seating capacity \Without adequate mitigation of the increased parking demand.

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

(a) The Use is located within Sub-Zone B only.

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

(c) The Use is only for

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

(d) The Use is Compatible with the neighborhood.

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

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

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

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

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

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

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

(a) Located within the Sub-Zone B only.

(b) The Area of the proposed bicycle, kayak,

motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

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

(d) No more than a total of three (3) pieces of equipment may be displayed.

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

(t) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC.

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

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title (p) •
- (c) Impacts on adjacent residential Uses.
- (d) Proposed plans for music, lighting Structures, electrical, signs, etc needs.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation .

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is displayed on private Property directly in front of or appmtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides

a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Fac;ade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of

clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display 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.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each

display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-56)

15-2.3-15. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

(Amended by Ord. No. 06-56)

15-2.3-16. SIGNS.

Signs are allowed in the HR-2 District as

provided in the Park City Sign Code Title 12.

15-2.3-17. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(0).
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation. LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Review. LMC Chapter 15-11.
- X Snow Storage. LMC Chapter 15-3-3(E).
- X Parking Ratio Requirements. Section 15-3-6.

(Amended by Ord. No. 06-56)

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.4 - HISTORIC RESIDENTIAL - MEDIUM DENSITY
(HRM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.4-1. **PURPOSE.**

The purpose of the Historic Residential Medium Density (HRM) District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- (E) encourage Affordable Housing,
- (F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and

(G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

15-2.4-2. **USES.**

Uses in the HRM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation

¹Nightly rental of lockout Units requires a Conditional Use permit.

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

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

- (8) Child Care, In-Home Babysitting
- (9) Child Care, Famil/
- (10) Child Care, Family Group⁴
- (II) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Group Care Facility
- (4) Child Care Center⁴
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility Service, and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁶
- (9) Bed and Breakfast Inn⁷
- (10) Boarding House, Hostel⁷
- (II) Hotel, Minor⁷
- (12) Office, Generals

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

⁵ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁶ See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷ Allowed only in Historic Structures or historically Compatible Structures

- (13) Retail and Service Commercial, Minors
- (14) Retail and Service Commercial, personal Improvement
- (15) Neighborhood Market, without gasoline sales
- (16) Cafe, Deli⁸
- (17) Cafe, Outdoor Dining⁹
- (18) Parking Area or Structure with five (5) or more spaces
- (19) Temporary Improvement¹⁰
- (20) Recreation Facility, Public
- (21) Recreation Facility, Private
- (22) Outdoor Events¹⁰
- (23) Fences greater than six feet (6') in height from Final Grade¹⁰

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

(Amended by Ord. No. 06-69)

15-2.4-3. CONDITIONAL USE PERMIT REVIEW.

The Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Historic District Design Guidelines. The

⁸ Allowed only in Historic Structures

⁹ Requires an Administrative Conditional Use permit. Allowed in association with a Cafe or Deli

¹⁰ Requires an Administrative or **Administrative Conditional Use permit see Section 15-4.**

Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as well as the following:

- (A) Consistent with the Historic District Design Guidelines, Section 15-4.
- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.
- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. New Structures and additions must be two (2) stories in height or less. Primary facades should be one and a half (1 1/2) stories at the Street. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.
- (E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.
- (F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved

wherever possible. The Use of native plants and trees is strongly encouraged.

- (G) Required Fencing and Screening between commercial and residential Uses is required along common Property Lines.
- (H) All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

(Amended by Ord. No. 06-69)

15-2.4.4. LOT AND SITE REQUIREMENTS.

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

- (A) **LOT SIZE.** Minimum Lot Areas for residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at

least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3, Conditional Use Petmit Review .

(B) LOT WIDTH. The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') from the Front Lot Line. Existing platted Lots of record, with a minimum width of at least twenty five feet (25'), are considered legal Lots in terms of Lot Width. In the case of unusual Lot configurations, Lot Width measures shall be determined by the Planning Director.

(C) FRONT YARD.

(1) The minimum Front Yard for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet (75') or less, then the minimum Front Yard is ten feet (10').

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.

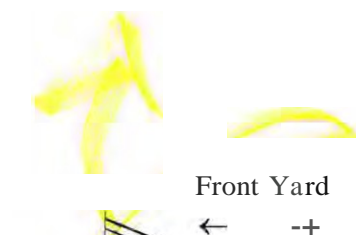
(3) See Section 15-2.4-5 for special requirements for Triplexes and Multi-Unit Dwellings.

(D) FRONT YARD EXCEPTIONS.

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

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

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



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

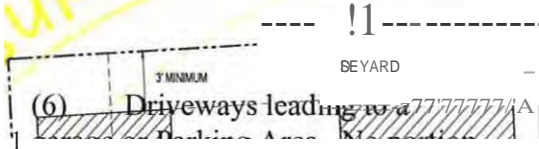
(4) Overhangs, eaves, and cornices projecting not more than ~~twir~~three feet (22-3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

PARJ

Medium
4-5

MAKE
SURE FORMAT
IS CORRECT
PLEASE.



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

(E) R Shn. y

(C) The minimum Rear Yard

setback shall be ten feet (10') for all Main Buildings and one foot (1') for detached Accessory Buildings.

(6) An attached Accessory Building not more than eighteen feet (18') in height, located within five feet (5') behind the front facade of the main building, and having a minimum Rear Yard Setback of one foot (1'). Such structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

(2) See Section 15-2.4-5, Special Requirements for Multi-Unit Dwellings.

(F) **REAR YARD EXCEPTIONS.**

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

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

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

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



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

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

(9) Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2 ++

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

(G) **SIDE YARD.**

++ A Fence, wall or retaining wall in height requires an Administrative Conditional Use permit.

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

(2) The minimum Side Yard for Lots twenty-five feet (25') wide or less is three feet (3').

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

(4) The minimum Side Yard for a detached Accessory Building, not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building, is three feet (3').

(5) On Corner Lots, the minimum Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(6) See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

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

(I) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹²

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window well and light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.¹²

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

¹² Applies only to Lots with a minimum Side Yard of five feet (5').

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

(7) Fences, walls and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2-1-1.

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

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

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

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

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

--Fence over six feet (6') in height - City Building Official Conditional Use permit.

(Amended by Ord. No. 06-69)

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. **+fie Transferred Development Right (JDR) Open Space must be Natural or Landscaped Open Space. See Section 15-15 -1. 154 Open Space.**

15-24-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and

driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

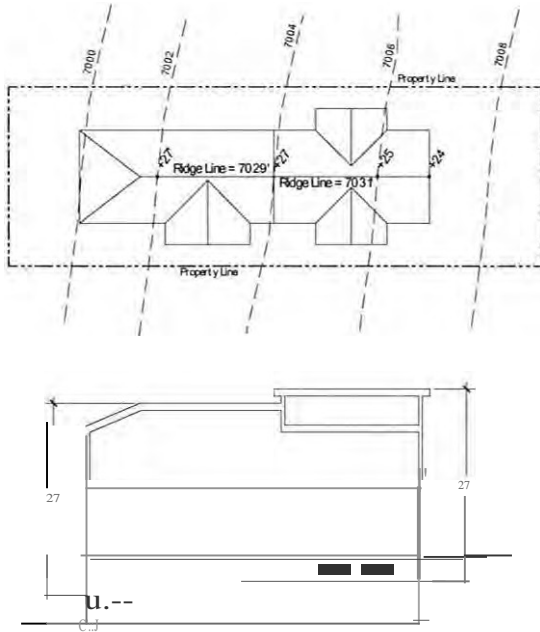
(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

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

(Amended by Ord. No. 06-69)

15-2.4-7. BUILDING HEIGHT .

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.



(A) BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

- (1) Antennas, chimney, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) Church spires, bell towers, and like architectural features as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone

Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(4) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Zone Height requirements **and the plans comply with Height Exception criteria in Section 15-2.1-6 (l) (a-j).**

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

(Amended by Ord. No. 06-69)

15-2.4-8. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.
- (C) Common Parking Structure are allowed as a Conditional Use permit where it facilities:
 - (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District;

and

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

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

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

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

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

(Amended by Ord. No. 06-69)

15-2.4-9. SULLIVAN ROAD ACCESS.

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road ("Driveway"). "Limited Access" allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that

otherwise increases vehicular traffic on the designated Area.

(A) CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

(B) NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA.

The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) UTILITY CONSIDERATIONS. Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.

(2) ENHANCED SITE PLAN CONSIDERATIONS. These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

(a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.

(b) Increased Front Yard Setbacks.

(c) Increased snow

storage.

(d) Increased Transferred Development Right (TOR) Open Space, and/or preservation of significant landscape elements.

(e) Elimination of Multi-Unit or Triplex Dwellings.

(f) Minimized Access to Sullivan Road.

(g) Decreased Density.

(3) DESIGN REVIEW UNDER THE HISTORIC DISTRICT GUIDELINES. Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue.

(4) INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE. Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.

(5) PARKING MITIGATION. Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near

intensive Uses on Sullivan Road are positive elements of any Site plan.

(6) PRESERVATION OF HISTORIC STRUCTURES AND LANDSCAPE FEATURES. This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan.

(Amended by Ord. No. 06-69)

15-2.4.10. ARCHITECTURAL REVIEW.

(A) REVIEW. Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with Historic District Design Guidelines.

(B) NOTICE TO ADJACENT PROPERTY OWNERS. When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

PARK CITY MUNICIPAL CODE- TITLE 15 LMC, Chapter 2.4 Historic Residential- Medium Density (HRM) District **15-2.4-12**

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

(Amended by Ord. No. 06-69)

15-2.4-11. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) The Use is in a Historic Structure, addition thereto, or a historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

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

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

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

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

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Bed and Breakfast Inn. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

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

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

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

(Amended by Ord. No. 06-69)

15-2.4-12. OUTDOOR EVENTS AND

MUSIC.

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

- (A) Notification of adjacent Property Owners.
- (B) No violation of the City Noise Ordinance, Title 6.
- (C) Impacts on adjacent residential Uses.
- (D) Proposed plans for music, lighting, Structures, electrical, signs, etc.
- (E) Parking demand and impacts on neighboring Properties.
- (F) Duration and hours of operation.
- (G) Impacts on emergency Access and circulation.

15-2.4-13. VEGETATION PROTECTION .

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all

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

(Amended by Ord. No. 06-69)

15-2.4-14. SIGNS.

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

15-2.4-15. RELATED PROVISIONS .

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-5-13.
- Telecommunication Facility. LMC Chapter 15-5-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(0).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(1).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3.3(E).
- Parking Ratio Requirements. LMC

Chapter 15-3-6.

**PARK CITY MUNICIPAL CODE
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**TITLE 15 -LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5- HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT**

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with residential bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources .

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.5-2. USES.

Uses in the HRC are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Duplex Dwelling
 - (3) Secondary Living Quarters
 - (4) Lockout Unit¹
 - (5) Accessory Apartment²

¹Nightly rental of Lockout Units requires a Conditional Use permit

- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group³
- (II) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, Generals
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL, USRS.**

- (I) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre

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

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative or Administrative Conditional Use permit See Section 15-4.

⁵ Prohibited in storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 9th Street; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street

- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions
- (12) Private Residence Club Project and Conversion^{4,s}
- (13) Office, Intensives
- (14) Office and Clinic, Medical⁵
- (15) Financial Institution, without drive-up windows
- (16) Commercial Retail and Service, Minors
- (17) Commercial Retail and Service, personal improvement⁸
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Cafe or Deli⁸
- (20) Restaurant, General⁸

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

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

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

- (21) Restaurant and cafe, Outdoor Dining⁴
- (22) Outdoor Events and Uses⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) Private Residence Club, Off-Site⁵
- (32) Special Events⁴

(C) **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.
Amended by Ord. Nos. 04-39; 06-69; 07-55)

15-2.5-3. LOT AND SITE REQUIREMENTS.

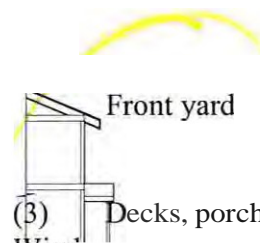
Except as may otherwise be provided in this Code, no Building Pennit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown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

All Development activity must comply with the following minimum Lot and Site requirements:

- (A) **FRONT YARD.** The minimum Front Yard is ten feet (10').
- (B) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

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

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



(3) Decks, porches, and Bay Windows must not more than ten feet (10') in height, nor project more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, and

cornices, projecting not more than **two-three** feet (32') into the Front Yard.

(5) Sidewalks, patios, and pathways.

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

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

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

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

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

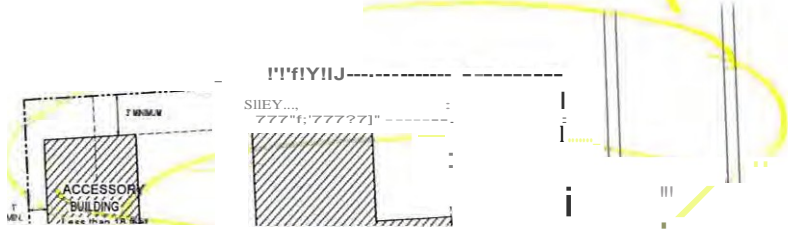
(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, **exterior siding**, or

other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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

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

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2 8

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

(E) SIDEYARD.

⁸A Fence greater than six feet (6') in height requires a Conditional Use permit

(1) The minimum Side Yard is five feet (5').

(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed one hundred feet (100').

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

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

- (2) Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side Yard.
- (3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.
- (4) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
- (5) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.
- (6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.
- (7) Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.⁸
- (8) Driveways leading to a garage or approved Parking Area.
- (9) Pathways and steps connecting to a City stairway or pathway.
- (10) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade

of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk

(G) **FLOOR AREA RATIO.** In all projects within the HRC Zone:

(1) **STRUCTURES BUILT AFTER OCTOBER 1, 1985.**

Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.

(2) **STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985.**

Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

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

(I) **CLEAR VIEW OF INTERSECTION.** No visual obstruction

in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 06-69)

15-2.5-4. ACCESS.

(A) VEHICULAR ACCESS. A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) PEDESTRIAN ACCESS. An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

(A) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roofpitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the

highest point of the Building to comply with International Building Code (IBC) requirements.

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

(4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

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

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

(Amended by Ord. Nos. 06-69; 07-25)

15-2.5-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with

Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, driveway location standards, and Building height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Director may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings:

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

(Amended by Ord. No. 06-69)

15-2.5-7. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance

with the Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property, and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal staffs determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

(Amended by Ord. No. 06-69)

15-2.5-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Building, and Engineering Departments. The staff will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.5-9. SERVICE ACCESS.

All Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards.

15-2.5-10. HEBER AVENUE SUB-ZONE.

Properties fronting on the north side of Heber Avenue, and east of **Main Street Park Avenue**, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

(C) The Floor Area Ratio limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

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

(C) Common Parking Structures are allowed where such a grouping facilitates:

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

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

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.

(E) Driveways between Structures are allowed 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.

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

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

(Amended by Ord. No. 06-69)

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

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

(A) The Use is in a Historic Structure or addition thereto, or a historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

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

(D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

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

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

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

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

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

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

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

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

(Amended by Ord.No. 06-69)

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or Allowed with an Administrative Permit, all goods, including food, beverage and

cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.5-13(8)(3) for outdoor display of bicycles, kayaks, and canoes.

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

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

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating

Area does not impede emergency Access or circulation .

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

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

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

(g) **Review of No net increase in the Restaurant's seating capacity to determine whether adequate appropriate mitigation measures in the event of &f increased parking demand.**

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

- (a) The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for

immediate consumption.

(c) The Use is Compatible with the neighborhood.

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

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

(t) Design of the service station is Compatible with the adjacent Building and Streetscape.

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

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

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

Outdoor storage and display of bicycles, kayaks, motmized scooters, and canoes, **requires an Administrative Permit** is-subject to the following critetia:

(a) The Area of the proposed bicycle, kayak, motorized scooters, or canoe storage or display is on private Property and not in Areas of required parking or

landscaped planting beds.

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

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

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

(e) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

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

(a) Notification of adjacent Property Owners.

- o) No violation of the City Noise Ordinance, Title 6.
- (c) Impact on adjacent residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical, sign, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject **an Administrative Permit** subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides

a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) the display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum,

forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display 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.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four

(4) square inches or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.) The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-69)

15-2.5-14. VEGETATION PROTECTION .

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-69)

15-2.5-15. SIGNS.

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

15-2.5.16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- SateiJite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-J(C), 15-5-5(1).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

**PARK CITY MUNICIPAL CODE
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**TITLE 15 -LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6- HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT**

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE .

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

(J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord.No. 07-55)

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

- (A) **ALLOWED USES.**

- (1) Single Family Dwelling¹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1, 2}
- (5) Accessory Apartment u
- (6) Nightly Rental⁴
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family¹⁵
- (10) Child Care, Family Group^{1, 3}
- (11) Child Care Center^{1, 3}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁶
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window

¹ Prohibited in storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way

² Nightly Rental of Lock Units requires a Conditional Use permit

³ See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

"Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁵ See LMC Chapter 15-4-9 for Child Care Regulations

⁶ Requires an **Administrative or Administrative Conditional Use** permit per Section 15-4.

- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷

(B) **CONDITIONAL USES.**

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁸

⁷ Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License License. **Requires an Administrative Permit.**

⁸ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁹
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building'
- (10) Private Residence Club Project and Conversion^{1 6}
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive¹
- (13) Restaurant, Outdoor Dining⁶
- (14) Outdoor Events and Uses(i
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Btidge
- (20) Recreation Facility, Public or Private
- (21)) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade⁶
- (24) Private Residence Club, Off-

Salt Lake City 2002 \!hnter Gb-m ie Games 8lyt'Rpie begaey 9is lays⁺

⁹See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

Site¹
(25) Special Events⁶

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

(Amended by Ord. Nos. 02-38; 04-39; 06-69; 07-55)

15-2.6-3. **LOT AND SITE REQUIREMENTS.**

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

(A) **LOT SIZE.** The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION.** Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building

fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES.** No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED.** No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

(F) **CLEAR VIEW OF INTERSECTION.** No visual obstruction

in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

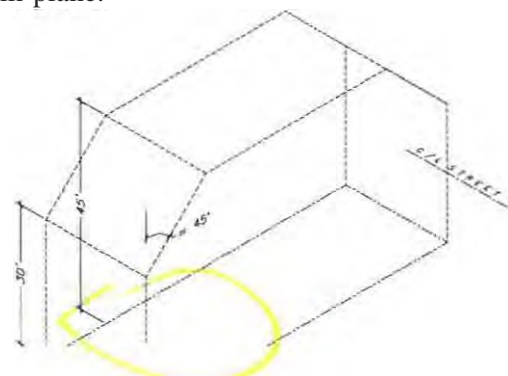
(Amended by Ord. No. 06-69)

15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

15-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

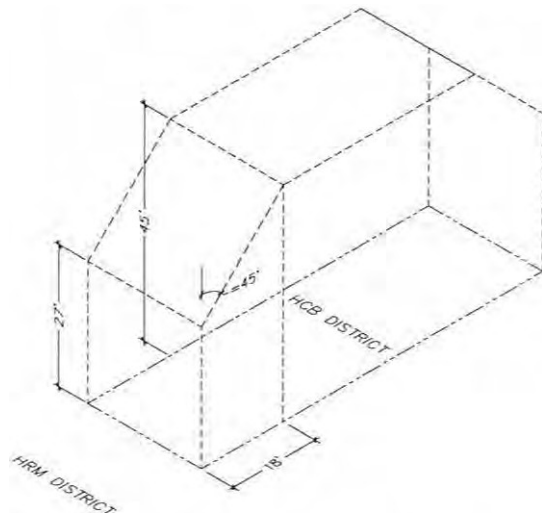
(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.



(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

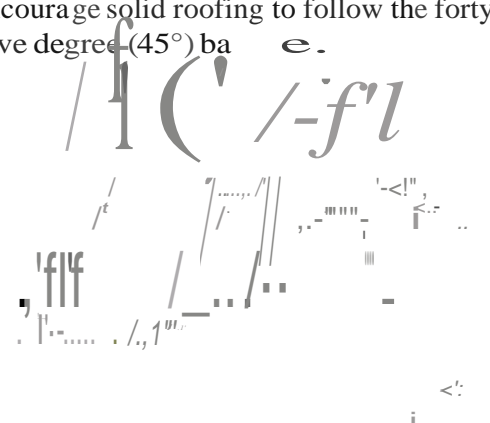
(C) For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Yard Property Line to a height of twenty-four feet (24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.

(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT



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EXCEPTIONS. The following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
- (5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.
- (6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 03-38: 06-69)

15-2.6-6. ARCHITECTURAL REVIEW.

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

(B) NOTICE TO ADJACENT PROPERTY OWNERS. When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department Staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) APPEALS. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

(D) Building Facades facing residential Property must be designed in such a manner

that their presence is minimized through the Use of sound proofing, limited openings, and landscaping. No loading docks, service yards, detached mechanical equipment or trash dumpsters or compounds are permitted to be oriented towards residential Properties.

(Amended by Ord. No. 06-69)

15-2.6-7. SWEDE ALLEY DEVELOPMENT CRITERIA.

In addition to the standards set forth in this Chapter, all Development abutting Swede Alley must comply with the following criteria :

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45°) to a maximum height of twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged.

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure.

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede Alley facade may have the same height or

Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are strongly encouraged. Uniform height and Setbacks are discouraged.

(D) Provisions for public Open Space, open courtyards, and landscaping are strongly encouraged.

(E) Pedestrian connections from Swede Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored.

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited.

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area.

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING .

(A) **APPROVAL.** No awning or Canopy may be erected, enlarged, or altered over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED.** No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation

multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

(A) **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE.** Non-residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces¹⁰. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 15-3. Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

(C) **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

¹⁰Mechanical and storage spaces must be in accordance with IBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

An Applicant may appeal the staffs measurement of Floor Area to detetmine the parking requirement to the Board of Appeals in accordance with the Intemational Building Code.

The Planning Commission may recommend to the City Council that new additions to HistOlic Stmctures be exempt from a portion of or all parking requirements where the preservation of the Historic Structure has been guaranteed to the satisfaction ofthe City.

(D) **PRE 1984 PARKING**
EXCEPTION. Lots, which were current in their assessment to the Main Stt-eet Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conf01ming Churches, Auditorium s, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.

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

(Amended by Ord. No. 06-69)

15-2.6-10. MECHANICAL SERVICE.

All extetior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Propetties, including those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Engineering, and Building Departments . The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.6-11. ACCESS, SERVICE AND DELIVERY.

All Access for commercial Businesses and facilities shall be located within the HCB Disttict. Emergency Access to the HR-1 and HR-2 Distt-icts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial Uses shall not be from residential districts, such as HR-1 and HR-2.

All Stmctures must provide a means of st01ing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Stt-eet, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of

Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic. Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR- 1 and HR-2)

(Amended by Ord. No. 01-28; 06-69)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) OUTDOOR DISPLAY OF GOODS PROHIBITED. Unless expressly allowed as an Allowed or Conditional Use, **or Allowed with an Administrative Permit**, all goods including food, beverage and cigarette vending

machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(8)(3) for outdoor display of bicycles, kayaks, and canoes.

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

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

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating

Area does not impede emergency Access or circulation.

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

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

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

(g) **Review of No net increase in the Restaurant's seating capacity to determine appropriate mitigation measures in the event without adequate mitigation of the increased parking demand.**

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

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

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is

Compatible with the neighborhood .

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

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

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

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

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

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

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

(a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

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

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

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

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedesnian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative tJ.se Permit. The Use must also comply with Section 15-1- 10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

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

(c) Lmpacts on adjacent residential Uses.

(d) Proposed plans for music, lighting, snuctures, elecnc-ical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise requires an Admjnistrative Pemlit and is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appmIenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any

sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association .

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained.

Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display 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.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted . Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to

exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. No. 05-49; 06-69)

15-2.6-13. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) The Use is in a Historic Structure or addition thereto, or a Historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site,

or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).
- (I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

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

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

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

(Amended by Ord. No. 06-69)

JS-2.6-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four

and one-half feet (4') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-69)

15-2.6-15. SIGNS.

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

15-2.6-16. RELATED PROVISIONS.

- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.
- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.

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TITLE 15-LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE CLMC)
CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.7-1. PURPOSE.

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
(B) permit recreational Uses and preserve recreational Open Space land,
(C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
(D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.

(E) encourage sustainability, conservation, and alternative energy activities

15-2.7-2. USES.

Uses in the ROS District are limited to the following:

{A) ALLOWED USES.

- (1) Conservation Activity

{B) ADMINISTRATIVE CONDITIONAL USES. 1

- (1) Trail and Trailhead Improvement
(2) Outdoor Recreation Equipment
(3) Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.
(4) Accessory Building, less than 600 sq. ft.
(5) Ski-related Accessory Building, less than 600 sq. ft.
(6) Parking Area or Structure with four (4) or fewer spaces

1Subject to an Administrative Conditional Use permit and/or master festival license review process. Master festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the master festival permit.

- (7) Outdoor Event, Outdoor
- (8) Temporary Construction Improvement
- (9) Raising, grazing of horses
- (10) Raising, grazing of livestock
- (II) **Anemometer and Anemometer Towers**

(C) CONDITIONAL USES.

- (I) Agriculture
- (2) Recreational Outdoor and Trail Lighting
- (3) Recreation Facility, Private
- (4) Recreation Facility, Public
- (5) Recreation Facility, Commercial
- (6) Golf Course
- (7) Passenger Tramway Station and Ski Base Facility
- (8) Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- (9) Recreational Sports Field
- (10) Skating Rink
- (II) Skateboard Park
- (12) Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft.
- (13) Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft.
- (14) Accessory Building, greater than 600 sq. ft.
- (15) Ski-Related Accessory Building, greater than 600 sq. ft.
- (16) Child Care Center
- (17) Commercial Stable, Riding Academy

- Music
- (18) Vehicle Control Gates²
- (19) Resort Support, Commercial
- (20) Cemetery
- (21) Parking Area or Structure with five (5) or more spaces
- (22) Telecommunications Antenna³
- (23) Mines and Mine Exploration
- (24) Plant and Nursery stock products and sales
- (25) Fences greater than six feet (6') in height from Final Grade.
- (26) **Small Wind Energy Systems**

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

(Amended by Ord. No. 04-08)

15-2.7-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

{A) FRONT, SIDE, AND REAR YARD EXCEPTIONS. Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved Parking Areas and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear Yards.

²See Section 15-4-19 for specific review criteria for gates

³Subject to all criteria in LMC Chapter 15-4-14, Telecommunications

15-2.7-4. BUILDING HEIGHT.

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

(A) **BUILDING HEIGHT**

EXCEPTIONS. To allow for a pitched roof and to provide usable space within the Structure, the following height exceptions apply:

- (1) A gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4: 12 or greater.
- (2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with the Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Ski lift or tramway towers may extend above the maximum Zone Height subject to a visual analysis and administrative approval by the Community Development Planning Director.
- (5) Anemometers and Anemometer towers used to measure wind energy potential for future

Wind Energy Systems may extend above the maximum Zone Height subject to a visual analysis and Administrative Conditional Use approval (see Section 15-2.7-8).

- (6) Wind Turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point (See Section 15-2.7-9).

(Amended by Ord. No. 07-25)

15-2.7-5. ARCHITECTURAL REVIEW.

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

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

15-2.7-6. VEGETATION PROTECTION .

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2 ')above the ground,

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

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

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

15-2.7-7. CRITERIA FOR RAISING AND GRAZING OF HORSES.

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

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.

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

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

15-2.7-8. ANEMOMETERS AND ANEMOMETER TOWERS

Anemometers and Anemometer Towers require an Administrative Conditional Use Permit for temporary installation, for up to three years, to measure wind energy potential for a site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including access roads, a description and photos of the tower, manufacturer's cut sheet and certification information for the anemometer, an application for and all other submittal requirements for Administrative Conditional Use Permits and a narrative addressing the following:

- (A) No violation of the City Noise Ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and Height requirements (See Height

Exceptions). Setbacks may be decreased if a signed encroachment agreement with the affected property owner is provided, and public rights-of-way and power lines are not impacted by the location.

(D) Compliance with FAA Regulations.

(E) Compliance with the International Building Code.

(F) At the time of Application for an Administrative Conditional Use Permit, standard engineered drawings for the tower, base, and footings shall be submitted.

(G) Building Permit. Prior to issuance of a Building Permit the plans shall comply with all applicable sections of the International Building Code, including Electric codes and all requirements and criteria of this Section.

(H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five (5') feet shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1.XXX to determine visual impacts on Ridge Line Areas and Entry Corridors.

(I) Removal and Decommissioning. Anemometers and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of 12 months or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the System Owner shall have 60 days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the System at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within 90 days of the removal of the installation.

15-2.7-9. SMALL WIND ENERGY SYSTEMS

Small Wind Energy Systems (System) require a Conditional Use Permit. The Use must comply with Section 15-1-10, Conditional Use Review and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all access roads and installation details, such as grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the tower and turbines; property survey showing size of property and location of structures, utilities, easements, streets and rights-of-way on the property and on adjacent properties within a horizontal distance equivalent to 110% of the

proposed Height; an application for and all other submittal requirements for Conditional Use Permits; and a narrative addressing the following review criteria:

(A) Location. Location on the Property and associated wind data shall indicate the optimum siting location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable structures, property lines, power lines, and public and private streets and right-of-ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed System, due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

(B) Setbacks and Height. (See Height Exceptions- Section 15-2.7-4A). Small Wind Energy Systems shall not exceed the Setback requirements of the Zone and shall be set back a minimum distance equal to 110% of the total Height of the System. EXCEPTION/.Setbacks may be decreased if a signed encroachment agreement with the affected property owner is provided, and the public rights-of-way and power lines are not impacted by the location.

(C) Lot Size. Small Wind Energy Systems that are greater than eighty (80') feet in Height shall be located on a Lot Size of One Acre or more.

(D) Design. Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white

are recommended and all paint and finishes shall be non-reflective.

(E) Lighting. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA Regulations.

(E) Noise. No violation of the City Noise Ordinance.

(G) Signs. Signs shall be restricted to reasonable identification of the manufacturer, operator of the System, utility, and safety signs. All signs shall comply with the Park City Sign Code.

(H) Building Permit. Prior to issuance of a Building Permit the System shall comply with all applicable sections of the International Building Code, including Electric codes and all requirements and criteria of this Section.

(I) Visual Analysis. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1.XXX for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and Entry Corridors.

(J) System Conditions. The Applicant/System Owner shall maintain the System in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) Removal and Decommissioning. Any Small Wind Energy System, that has reached the end of its useful life or has

been abandoned, shall be removed. A System shall be considered abandoned when it fails to operate for a period of 24 months or more.

Upon a notice of abandonment from the Building Department, the System Owner shall have 60 days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the System at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the System.

(L) Replacement. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

15-2.7-8.10 SIGNS.

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

15-2.7-911. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.

- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(1).
- Historic District Commission Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E)
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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**TITLE 15 - LAID MAI AGEMENT CODE CLMC)
CHAPTER2.8 - PROTECTED OPEN SPACE (POS) DISTRICT**

Chapter adopted by Ordinance No. 00-15

15-2.8-1. PURPOSE.

The purpose of the Protected Open Space (POS) District is to:

- (A) promote useable, public, non-improved, non-commercial, connected and contiguous Open Space for community benefit,
- (B) promote open lands that remain fundamentally undisturbed,
- (C) prohibit construction on ridge lines and Steep Slopes, or in wetlands, watersheds, and view sheds,
- (D) promote the preservation of Historic Sites,
- (E) preserve the vegetation and habitat of natural Areas,
- (F) provide incentives to protect Open Space and conservation resources through voluntary conservation easements and/or deed restrictions, and
- (G) provide for careful review of low-intensity recreational Uses and

environmentally-sensitive, non-motorized trails.

15-2.8-2. USES.

Uses in the POS District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Conservation Activity
- (B) **ADMINISTRATIVE CONDITIONAL USE PERMIT (CUP).**
 - (1) Parking Area or Structure for four (4) or fewer spaces.
 - (2) Fences greater than six feet (6') in height from existing Grade.
- (C) **CONDITIONAL USES.**
 - (1) Trail and Trailhead Improvement
 - (2) Essential Municipal Public Utility Use, Service, or Structure
 - (3) Accessory Building, less than 600 sq. ft.
 - (4) Ski-related Accessory Building, less than 600 sq. ft.

- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge¹

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

(Amended by Ord.No. 06-69)

15-2.8-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, at Grade-patios, driveways, Ancillary Structures, approved Parking Areas and Screened mechanical ana utility equipment are allowed in the Front, Side and "Rear Yards.

15-2.8-4. BUILDING HEIGHT.

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

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

¹Subject to a City approved Ski Area Master Planned Development and LMC Section 15-4-18.

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

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

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

(Amended by Ord. Nos. 06-69; 07-25)

15-2.8-5. ARCHITECTURAL REVIEW.

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

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

(Amended by Ord. No. 06-69)

15-2.8-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any

Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-69)

15-2.8-7. SIGNS.

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

15-2.8-8. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3.(D).
- Lighting. LMC Chapters 15-3 and 15-5.

- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3 - 3(E)
- Parking Ratio Requirements. LMC Chapter 15-3-6.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

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

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

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

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

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

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

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

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

¹Nightly Rental of Lockout Units requires a Conditional Use permit

**PARK CITY MUNICIPAL CODE- TITLE 15 LMC, Chapter 2.16 Recreation Commercial
(RC) District 15-2.16-2**

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

(B) CONDITIONAL USES.

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

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

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

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

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

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

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

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

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

- (20) Neighborhood Market, without gasoline sales⁸
- (21) Cafe or Deli⁸
- (22) Restaurant, Generals
- (23) Restaurant, Outdoor Dinings,⁹
- (24) Bars
- (25) Hospital, Limited Care Facility
- (26) Parking Area or Structure with five (5) or more spaces
- (27) Temporary Improvement⁹
- (28) Passenger Tramway Station and Ski Base Facility¹⁰
- (29) Ski Tow Rope, Ski Lift, Ski Run, and Ski Btidge¹⁰
- (30) Outdoor Events and Uses⁹
- (31) Recreation Facility, Public and Privates
- (32) Recreation Facility, Commercials
- (33) Entertainment Facility, Indoors
- (34) Commercial Stables, Riding Academics
- (35) Master Planned Developments
- (36) Heliports
- (37) Special Events⁹

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

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

¹⁰ As part of an approved Ski Area Master Plan

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

15-2.16-3. LOT AND SITE REQUIREMENTS .

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

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

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

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

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

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

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

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

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

(5) Sidewalks, patios, and pathways .

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

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

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

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

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

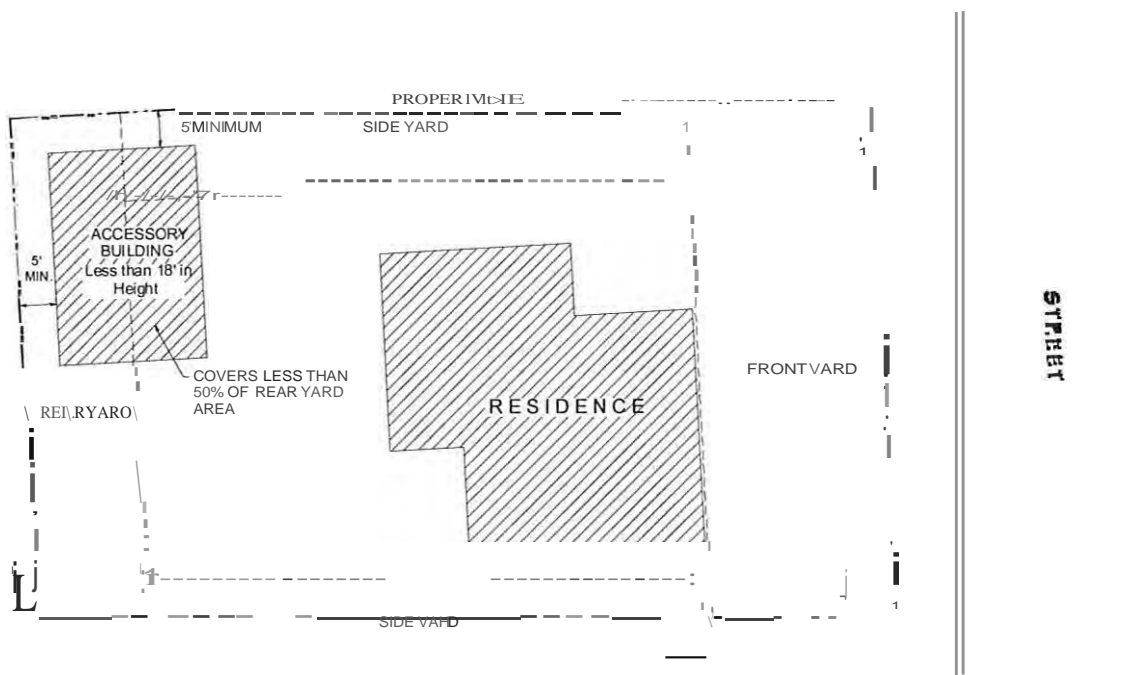
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard .

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

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

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

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



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

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

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

Director may approve minor deviations to the height and stepping requirements based on Site specific review.^{J-1.}

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

(G) SIDE YARD.

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

++ FeRoes aRd waJis greater thaR six feet (6') iA height require aR administrative Conditional Use permit

Dwellings.

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

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

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

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

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

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

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

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in

height above Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

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

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

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

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

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

Building Official.

(J) **OPEN SPACE.** On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to Transfereed Development Right (TOR) Open Space. This is in addition to any Open Space required as part of a Master Planned Development. TOR Open Space may be either Natural or Landscaped Open Space.

(Amended by Ord. No. 06-76)

15-2.16-4. BUILDING HEIGHT.

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

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

- (1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet

(5') above the height of the Building.

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

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

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

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

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

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

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

easement connecting the Lot to a Street shown on the Streets Master Plan.

The following minimum Lot and Site requirements apply to Single Family and Duplex Dwellings in the RC District:

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

(B) **BUILDING ENVELOPE - RC DISTRICT.** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by **ffis-Section 2-16 (C)**.

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

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;

- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

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

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines; and
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

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

The maximum Building Footprint for any

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Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per

Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

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

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

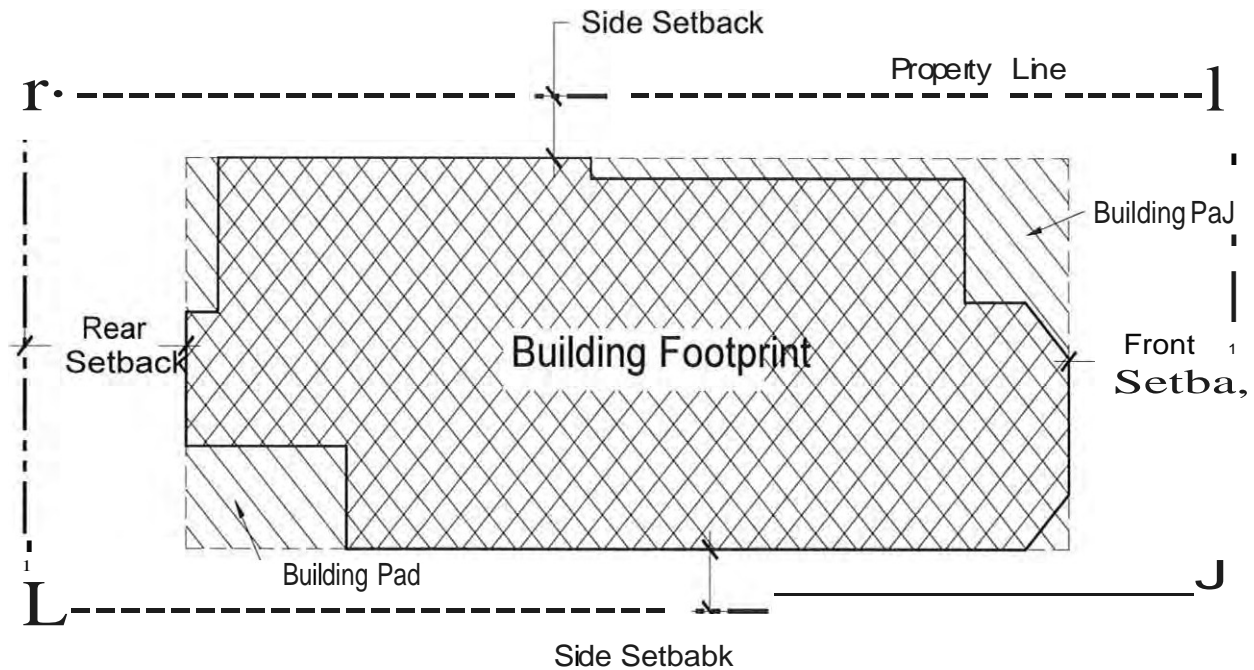
Example: 3,750 sq. ft. lot. $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519 \text{ sq. ft.}$

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

TABLE 15-2.16

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

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



(F) FRONT AND REAR YARDS. Front and Rear Yards are as follows:

Table 15-2.16a

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

(F) FRONT YARD EXCEPTIONS.

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

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

- (2) Uncovered steps leading to

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

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

- (4) Roof overhangs, eaves, and

cornices projecting not more than **two-threc** feet (**3**) into the Front Yard.

(5) Sidewalks, patios, and pathwa ys.

(6) A dtiveway leading to a garage or Parking Area. No pol lion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled.

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

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

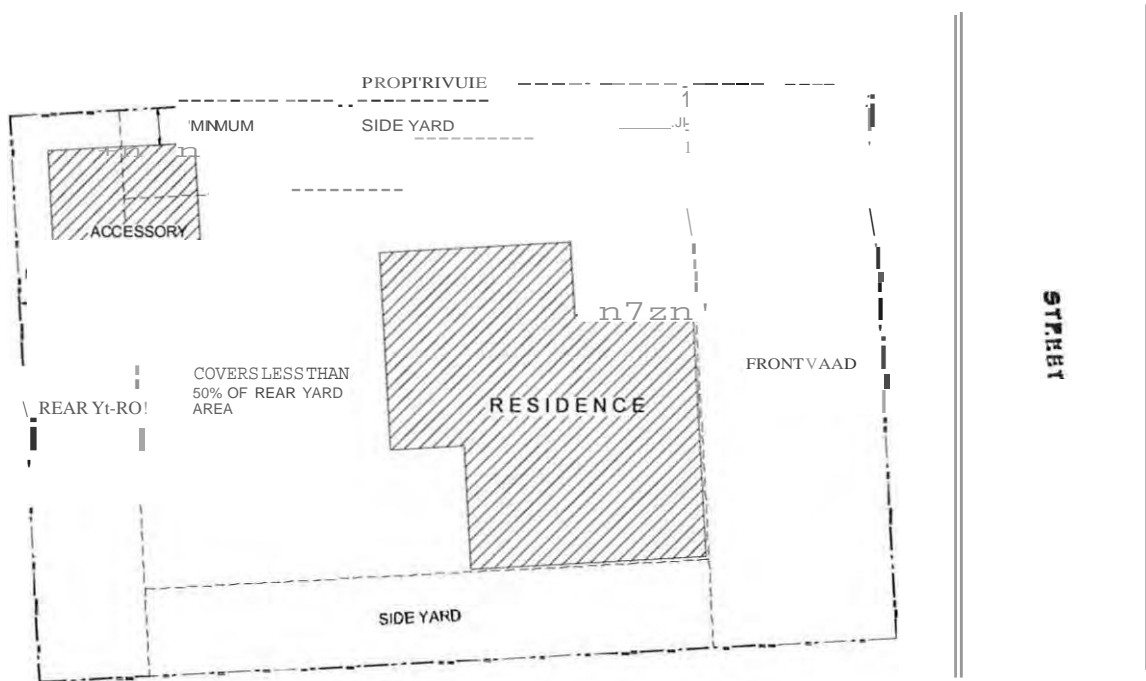
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

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

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



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

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

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

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above

1-2 Fences and Walls greater than six feet (6') in height require an administrative Conditional Use permit

Final Grade, located at least one foot (1') from the Rear Lot Line.

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

(H) SIDE YARD.

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

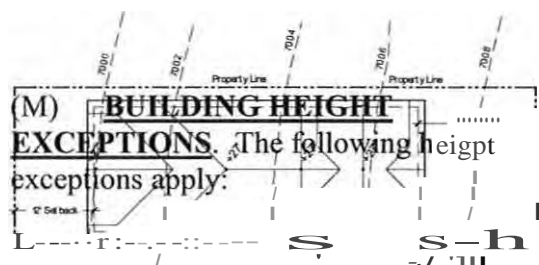
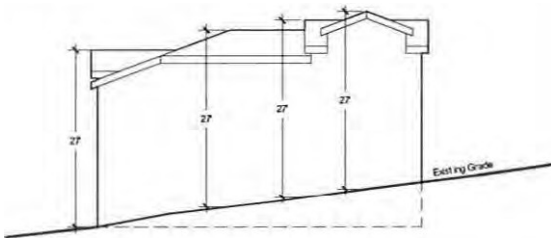
(2) Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(3) On Corner Lots, the

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provision must not require changes in the Natural Grade on the Site.

(L) **BUILDING HEIGHT.** No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. [In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measure shall not include approved window wells.



(1) Vents, and similar structures; may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

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

(3) To accommodate a roof form consistent with the Historic District

Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement. **and the plans comply with Height Exception Criteria in Section 15-2.2-6 (B)(10) (a-j).**

(Amended by Ord. No. 06-76)

15-2.16-6. EXISTING HISTORIC STRUCTURES.

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

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings upon:

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this

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Chapter, and

- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-76)

15-2.16-7. ARCHITECTURAL REVIEW.

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

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

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

- (1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:
 - (a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and
 - (b) Any residential Development that is located along or Accessed off of Park Avenue.

P--The Planning Department

shall review the proposed plans for Compatibility with the Historic District Design Guidelines.

- (J2) Appeals of departmental determinations of compliance with the Historic District Design Guidelines are heard by the Historic Preservation Board **in accordance with Section 15-1-1R.**

(Amended by Ord. No. 06-76)

15-2.16-8. PARKING REGULATIONS .

- (A) Tandem Parking is allowed for Single *Family* and Duplex Dwellings in the RC District.
- (B) Common driveways are allowed along shared Side Lot Lines to provide Access to parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of such a shared drive.
- (C) Common Parking Structures are allowed as a Conditional Use where it facilitates :

- (I) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and
- (2) the reduction, mitigation or elimination of garage doors at the Street edge.

- (D) A Parking Structure may occupy

below Grade Side and Rear Yards if the Structure maintains all Yards above Grade.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas. The minimum width for a driveway is twelve feet (12'). The driveway shall lead to an approved garage or Parking Area.

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

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

(Amended by Ord. No. 06-76)

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

(A) OUTDOOR DISPLAY OF GOODS PROHIBITED. Unless expressly allowed as an Allowed or Conditional Use, or Allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.16-9(8)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) OUTDOOR USES

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

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

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

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

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

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

(e) No music or noise in excess of the City Noise Ordinance., Title 6.

(f) No Use after 10:00

p.m.

(g) Review of No Ret increases iR the Restaurant's seating capacity to determine appropriate without adequate mitigation measures in the event of the increased parking demand.

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

- (a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a room suited for immediate consumption.
- (c) The Use is Compatible with the neighborhood .
- (d) The proposed service station does not impede pedestrian circulation.
- (e) The proposed service station does not impede emergency Access or circulation.
- (f) Design of the service station is Compatible with

the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6;

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

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES. Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

- (a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
- (b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
- (c) No more than a total of fifteen (15) pieces of equipment may be displayed.
- (d) Outdoor display is only allowed during Business

hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation .

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

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City's Noise Ordinance ., "Title 6.
- (c) Impacts on adjacent residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise **requires an Administrative Permit** and is subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association .
- (c) The display is prohibited from being

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permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Facade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(Amended by Ord. Nos. 05-49, - 06-76)

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

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

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

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

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

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

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

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

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

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

Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

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

(Amended by Ord. No. 06-76)

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

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

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the

following:

- (1) wasteremoval/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feces.

15-2.16-12. VEGETATION PROTECTION .

The Property Owner must protect Significant Vegetation during any Development activity. Significant vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-76)

15-2.16-13. SIGNS.

Signs are allowed in the RC District as

provided in the Park City Sign Code, Title 12.

15-2.16-14. RELATED PROVISIONS.

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

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**TITLE 15 -LAND MANAGEMENT CODE CLMC)
CHAPTER 2.20 - FRONTAGE PROTECTION ZONE (FPZ)**

Chapter adopted by Ordinance No. 00-51

15-2.20-1. PURPOSE.

The purpose of the Frontage Protection Zone (FPZ) is to:

- (A) preserve Park City's scenic view corridors,
- (B) preserve and enhance the rural residential character of Park City's entry corridors,
- (C) provide a significant landscaped buffer between Development and highway Uses,
- (D) minimize curb cuts, driveways and Access points to highways,
- (E) allow for future pedestrian and vehicular improvements along the highway corridors.

15-2.20-2. FRONTAGE PROTECTION OVERLAY ZONE.

The Frontage Protection Zone (FPZ) is an overlay zone, as shown on the Official Zoning Map. The FPZ includes those Properties with frontage on, and within one

hundred feet (100') of the Right-of Way line of the following Streets:

- (A) Park Avenue, SR 224, from 15th Street north to the City Limits,
- (B) Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,
- (C) Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and
- (D) Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.

15-2.20-3. USES.

All Uses, including Allowed and Conditional Uses, must be consistent with the underlying Zoning District. Any Structure or Use within the FPZ is also subject to specific review criteria, including Conditional Use permit review, as stated in this section, and Entry Corridor Protection criteria as stated in Sections 15-2.20-4 and 15-2.20-5.

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- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined and approved by the Planning Department, not including chain link Fencing.

(Amended by Ord.Nos. 01-25; 06-76)

15-2.20-5. ENTRY CORRIDOR PROTECTION OVERLAY (ECPO).

(A) **INTENT.** To maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City shall comply with the requirements of this section. The Entry Corridor Protection Overlay (ECPO) is a sub-zone within the FPZ.

(B) **APPLICABILITY TO PROPERTY WITHIN EXISTING PARK CITY LIMITS.** The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City city-limits including:

- (1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,
- (2) Utah State Highway 224 south of Prospect Street, and
- (3) Utah Highway 248 east of Wyatt Earp Way.

(C) **APPLICABILITY TO FUTURE ANNEXED PROPERTIES.** Upon submission of an annexation petition, the Planning Department shall identify relevant entry corridors for designation by the City Council. Open vistas and meadows shall be identified and maintained to the maximum extent feasible.

(D) **ACCESS/TRAFFIC.** Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing City Streets that join with the corridor roadways rather than direct roadway Access. Common driveways between adjoining Properties shall be encouraged. Whenever direct driveway Access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

(E) **SETBACKS.**

(1)) A Setback in the Entry Corridor Protection Overlay shall be established by the Planning Department based upon a visual assessment of the Property. However, in no case shall the Setback be less than one hundred feet (100') from the nearest entry roadway Right-of-Way. In Areas where open meadow vistas are considered important, the required Setback may be increased significantly. The one hundred foot (100') standard is intended to be more appropriate for Properties currently within the City limits. Upon annexation request, the

15-2.20-4. LOT AND SITE REQUIREMENTS.

Lot and Site Requirements and Building Heights for all Development Activities and uses within the Frontage Protection Zone must be consistent with the underlying Zoning District and are subject to the following additional requirements:

(A) Regardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way, except as provided hereafter. An exception to this requirement shall be granted for two (2) Municipal Identification signs, one within the Utah State Highway 224 entry corridor, and the other within the Utah State Highway 248 entry corridor, provided that Park City Municipal Corporation is the Applicant and subject to approval pursuant to Municipal Code Section 12-9-1(L).

(B) All Construction Activity, including permanent Signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.

(C) **EXCEPTIONS.** Minor remodels and facade improvements for existing Structures within the FPZ, including Free Standing Signs -may- shall require an Administrative Conditional Use permit with approval by the Planning, Engineering,

and Building Departments. Construction of at Grade sidewalks, trails, public plazas, anti temporary signs in the FPZ Setback Area requires an Administrative Permit with approval by the Planning, Engineering, and Building Departments.

(D) Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the FPZ may require an administrative Conditional Use permit with approval by the Planning, Engineering, and Building Departments.

(E) To minimize curb cuts, driveways, and Access to Park City's primary highways and Streets, Access to Property in the FPZ shall be from existing City Streets when possible, rather than direct highway Access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.

(F) The Planning Department shall review all proposals for pedestrian and bicycling pathways and trails through the FPZ. Trails and sidewalks may occupy Setback Areas. Open Space, preservation of view corridors, protection and enhancement of Sensitive Lands such as wetlands and meadows, and buffer Areas shall be considered in the review.

All Fences in the FPZ must be one of the following styles:

- (1) Wooden rail,

- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined and approved by the Planning Department, not including chain link Fencing.

(Amended by Ord. Nos. 01-25, 06-76)

15-220-5. ENTRY CORRIDOR PROTECTION OVERLAY (ECPO).

(A) INTENT. To maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City shall comply with the requirements of this section. The Entry Corridor Protection Overlay (ECPO) is a sub-zone within the FPZ.

(B) APPLICABILITY TO PROPERTY WITHIN EXISTING PARK CITY LIMITS. The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City &Hy-limits including:

- (1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,
- (2) Utah State Highway 224 south of Prospect Street, and
- (3) Utah Highway 248 east of Wyatt Earp Way.

(C) APPLICABILITY TO FUTURE ANNEXED PROPERTIES. Upon submission of an annexation petition, the Planning Department shall identify relevant entry corridors for designation by the City Council. Open vistas and meadows shall be identified and maintained to the maximum extent feasible.

(D) ACCESS/TRAFFIC. Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing City Streets that join with the corridor roadways rather than direct roadway Access. Common driveways between adjoining Properties shall be encouraged. Whenever direct driveway Access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

(E) SETBACKS .

(1) A Setback in the Entry Corridor Protection Overlay shall be established by the Planning Department based upon a visual assessment of the Property. However, in no case shall the Setback be less than one hundred feet (100') from the nearest entry roadway Right-of-Way. In Areas where open meadow vistas are considered important, the required Setback may be increased significantly. The one hundred foot (100') standard is intended to be more appropriate for Properties currently within the City limits. Upon annexation request, the

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appropriate Setback will be determined based upon a Site

(2) Building Setbacks in the Entry Corridor Protection Overlay shall vary from Structure to Structure with any one Lot or Development. Setbacks shall also vary from those on adjoining roadway-oriented Property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment.

(3) Agricultural or stock Fences shall be allowed in the Setback subject to approval by the Planning Department. See Fencing, Section 15-2.20-5(H).

(F) **PARKING LOTS.** Parking Lots must be located to the rear or sides of Buildings to the maximum extent feasible.

(G) **BERMS/EARTHWORK SCREENING.** All earthen berms and earthwork Screening must be Graded and planted in such a manner so as to permit views of primary uses on the Site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

(H) **FENCING.** All Fences in the ECPO must be of one of the following styles:

- (1) Wooden rail,
- (2) Architecturally Compatible solid wood and natural stone,

specific visual analysis.

- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined by the Planning Department, not including chain link Fencing.

(I) **BUILDING HEIGHT.** No Building within the ECPO shall exceed the following height limits, as defined in Chapter 15 of this Title:

(1) Twenty- feet (20') if the entry corridor Setback is less than one hundred fifty feet (150').

(2) Twenty- five feet (25') if the entry corridor Setback is greater than one hundred fifty feet (150') but less than two hundred feet (200').

(3) Up to the maximum height allowed by the underlying zone if the Setback is two hundred feet (200') or greater.

In addition, Buildings may be required to be stepped back to preserve and enhance important views.

(J) **PEDESTRIAN FACILITIES.** Trails and sidewalks shall be provided in all ECPO Developments in accordance with the Park City Trails Master Plan. Trails and sidewalks may occupy Setback Areas.

(K) **LANDSCAPING/VEGETATION PROTECTION.** A landscaping plan shall be required for all ECPO Developments, and

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all Significant Vegetation protection shall be undertaken pursuant to LMC Chapter 15-5.

(L) **DESIGN STANDARDS.** All Development within the ECPO shall comply with the design standards contained in LMC Chapter 15-5.

(M) **TRAILHEAD PARKING.** Trailhead parking of less than twenty-five (25) spaces is allowed within the Setback Area but at least thirty feet (30') outside of the UDOT Right-of-Way. Parking must be adequately Screened with berms and/or landscaping to a height of at least three feet (3') above the surface of the Lot unless said landscaping/berming is discouraged by UDOT for sight/safety reasons. Vehicular Access to trailhead parking Lots is to be by City Streets if possible or by permission of UDOT if from a State Highway. Any Structure, way finding sign or Use is subject to the Conditional Use permit review.

(N) **OUTDOOR DISPLAY OF ART.** The permanent installation of an outdoor display of art that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way. Outdoor displays of art are subject to the provisions of Title 15-4-15.

(1) **PUBLIC PARK FACILITIES.**

(I) The permanent installation of outdoor recreational equipment that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative

Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

(B) Public park Accessory Buildings less than eighteen feet (18') in height and six hundred square feet (600 sq. ft.) in size are allowed as a Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

(Amended by Orr/. Nos. 04-17: 04-31: 06-76)

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.23 - COMMUNITY TRANSITION (CT) DISTRICT

Chapter adopted by Ordinance No. 06-48

15-2.23-1. PURPOSE.

The purpose of the Community Transition (CT) District is to:

- (A) Encourage low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health;
(B) Encourage low Density Development designed in a manner so as to cluster Uses in the least visually sensitive Areas and maximizes open space;
(C) Enhance and expand public open space and recreation Uses Compatible with the adjacent public deed-restricted open space;
(D) Prohibit highway service commercial, regional-commercial, and limit residential land Uses;
(E) Require Building and Site design solutions that minimize the visual impacts of parking and parking lot lighting from the entry corridor and adjacent neighborhoods and land Uses;

- (F) Preserve and enhance environmentally Sensitive Lands such as wetlands, Steep Slopes, ridgelines, wooded Areas, and Stream Corridors;
(G) Preserve Park City's scenic entry corridor by providing significant open space and landscape buffers between Development and the highway corridor;
(H) Encourage transit-oriented Development and Uses;
(I) Promote significant linkages to the broader community open space and trail network;
(J) Encourage the Development of high quality public places such as parks, trails, and recreation facilities;
(K) Encourage Development which preserves the natural setting to the greatest extent possible; and
(L) Minimize curb cuts, driveways, and Access points to the highway.
(M) Encourage sustainability, conservation, and alternative energy activities. (1e,

15-2.23-2. USES.

Uses in the Community Transition District are limited to the following:

(A) ALLOWED USES.

- (1) Conservation Activities
- (2) Home Occupation
- (3) In-home Babysitting
- (4) Family Child Care
- (5) Secondary Living Quarters
- (6) Agriculture

(B) ADMINISTRATIVE CONDITIONAL USES.

- (1) Trails and Trailhead Improvements
- (2) Outdoor Recreation Equipment
- (3) Essential Public Utility Use, Service or Structure less than 600 sf
- (4) Accessory Buildings less than 600 sf
- (5) Parking Areas with 4 or fewer spaces
- (6) Outdoor Events and Outdoor Music (See 15-4)
- (7) Temporary Improvement
- (8) Outdoor Dining and support retail associated with Support 1 Uses within an MPD
- (9) Special Events
- (10) Fences and Walls (See 15-4)
- (11) Anemometer and Anemometer Towers

(C) CONDITIONAL USES.

- (1) Master Planned Developments (MPDs)
- (2) Public, Quasi-Public, Civic, Municipal Uses
- (3) General Acute Hospital
- (4) Alternative Professional Health-related Services
- (5) Athletic Training and Testing Offices and Facilities
- (6) Athletic Program Administrative Offices
- (7) Support Short-Term Athlete Housing or lodging associated with an approved recreation facility (within an approved MPD)
- (8) Accredited Physician Office Space
- (9) Accredited Medical & Dental Clinics
- (10) Medical Heliport
- (11) Group Care Facility
- (12) Ancillary Support Commercial (within an approved MPD)
 - (a) Gift Shop
 - (b) Dispensing pharmacy
 - (c) Medical supply
 - (d) Restaurant
 - (e) Deli
 - (f) Outdoor Grills/ Beverage Service Stations
 - (g) Day-Child Care Center
- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot
- (16) Municipal/Institutional Accessory Building and Use

- (17) Parking Lot, Public or
- (18) Public Utility or Essential Services
- (19) Single Family Dwelling (with an approved MPD¹)
- (20) Duplex Dwelling (with an approved MPD¹)
- (21) Multi-Unit Dwelling (with an approved MPD¹)
- (22) Telecommunication antenna
- (23) Transit Facilities
- (24) Parking Areas, Lots, and Structures with more than 5 Parking Spaces
- (25) Raising and Grazing of horses
- (26) Commercial Riding Stables
- (27) Small Energy Wind Systems

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

(Amended by Ord. No. 07-25)

15-2.23-3. LOT AND SITE REQUIREMENTS .

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

¹ Residential Uses cannot exceed 1 unit/acre

Development must comply with the following:

(A) **LOT SIZE.** There is no minimum Lot size in the CT District.

(B) **FRONT, REAR AND SIDE YARDS.** Unless otherwise further restricted by Frontage Protection Overlay standards and/or Master Planned Development conditions of approval, all Structures must be no less than twenty five feet (25') from the boundary line of the Lot, district or pl:ible Right of Way. The minimum Front, Side, and Rear Yards for all Structures is twenty-five feet (25'). The Planning Commission may vary required yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce side Yards to allow less than ten feet (10') between Structures. Setbacks may be further restricted by Frontage Protection Overlay (FPZ) standards and/or Master Planned Development conditions of approval.

(C) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, and approved Parking Areas are allowed as exceptions in the Front, Side, and Rear Yards. Screened mechanical and utility equipment, hot tubs, and decks are allowed as exceptions in the Side and Rear Yards provided that a minimum 5' setback is maintained.

(D) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner

Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.23-4. DENSITY.

The base Density of the CT District is one (1) unit per twenty (20) acres. Residential Uses cannot exceed 1 unit/acre.

(A) DENSITY BONUS- ONE (1) UNIT/ACRE. The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are incorporated through a Master Planned Development:

(1) OPEN SPACE. The Master Planned Development shall provide seventy percent (70%) transfer of Open Space on the project Site.

(2) FRONTAGE PROTECTION ZONE NO-BUILD SETBACK. The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

(3) PARKING. Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the Master Planned Development's required project

parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) PUBLIC TRANSIT FACILITIES. The Master Planned Development shall include the Development of a public transit hub facility within the Development Area. The Planning Commission may consider waiving this requirement if a Developer/Applicant contributes funding for an existing or proposed transit hub that is located within a close walking distance from a proposed Development.

(5) ENHANCED PUBLIC BENEFIT DEDICATION. The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development activity.

(6) PUBLIC TRAILS AND PEDESTRIAN IMPROVEMENTS. The Master

Planned Development shall provide public dedicated pedestrian improvements and enhanced trail connections to adjacent open space and/or public ways.

(7) SENSITIVE LANDS OVERLAY STANDARDS. The Master Planned Development shall comply with the Development Standards all requirements set forth in Section 15-2.21 Sensitive Lands Overlay. For the purpose of Density Determination for Master Planned Developments, "underlying zone" shall mean 1 unit per acre for residential MPDs and 3-units per acre for non residential MPDs. Density is determined by compliance with the criteria in Section 15-2.23-4).

(8) AFFORDABLE HOUSING. The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. The Planning Commission may consider alternative housing Uses for the additional five percent (5%) Affordable Housing commitment.

(9) SUSTAINABLE-GREEN DEVELOPMENT DESIGN. All Development within the proposed Master Planned Development shall implement City-approved sustainable green Building practices

and Site design practices in effect at the time of Application.

(B) DENSITY BONUS -THREE (3) UNITS/ACRE. The base Density of the CT District may increase up to three (3) units per acre for non-Residential uses provided that all Density bonus requirements set forth in Section 15-2.23-4(A) Density Bonus – One (1) Unit/Acre are met and the following additional standards are incorporated into the Master Planned Development.

(1) OPEN SPACE. The Master Planned Development shall provide eighty percent (80%) open space on the project Site.

(2) FRONTAGE PROTECTION ZONE NO-BUILD SETBACK. The Master Planned Development shall include a three hundred foot (300') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

(3) PARKING. Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of

Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/ tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION**. The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

(5) **AFFORDABLE HOUSING**. The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23-4 (A) (8) **Total is 110% of base requirement..**

15-2.23-5. **MAXIMUM BUILDING HEIGHT.**

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

(A) **MAXIMUM BUILDING HEIGHT EXCEPTIONS**. **To allow for pitched roofs and to provide usable space within the Structure, The following exceptions apply:**

(1) **A-G** gable, hip, or similar pitched **-reef-roofs** may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) **Afl:-A** antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the highest point of the Building to comply with **Uniform Building Code (UBC) International Building Code (IBC)** requirements.

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

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(5) **Anemometers and Anemometer towers used to measure wind energy potential may extend above the maximum Zone Height stibject to a visual analysis and Conditional Use approval by the Planning Commission.**

(6) **Wind Turbines may extend above the maximum Zone Height subject to a visual analysis and**

Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point or top of tower, whichever is greater.

15.-2.23-6. ARCHITECTURAL REVIEW.

(A) REVIEW. Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15 S and compliance with any additional architectural design guidelines approved by the Planning Commission as part of the Master Planned Development.

15-2.23-7. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3.

15-2.23-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the adjacent district.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department

will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.23-9. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible from a Public Street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

15-2.23-10. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) OUTDOOR DISPLAY OF GOODS PROHIBITED. Unless expressly allowed as an Allowed or Conditional Use, or Allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks and canoes.

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

provide all required materials and plans.
Appeals of departmental actions are heard
by the Planning Commission.

(I) OUTDOOR DINING.

Outdoor dining ~~is-requires an~~
~~Administrative Conditional Use and~~
~~1s~~ subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Propetty and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedeshian circulation .
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance., ~~Title e.~~
- (f) No Use after 10:00 p.m.
- (g) ~~Review of the No net increases in the Restaurant's seating capacity to determine appropriate mitigation measures in the event of without adequate mitigatffin~~

~~If-the~~ increased parking demand.

(2) OUTDOOR GRILLS/
BEVERAGE SERVICE

STATIONS. Outdoor gtils and/or beverage service stations ~~require an~~
~~Administrative Pemlit and~~ are subject to the following criteria:

- (a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for immediate consumption .
- (c) The Use is Compatible with the neighborhood.
- (d) The proposed service station does not impede pedestiiian circulation.
- (e) The proposed service station does not impede emergency Access or circulation .
- (f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.
- (g) No violation of the City Noise Ordinance.,~~;&He~~
(r.

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

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

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6-:
- (c) Impacts on adjacent residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

15-2.23-11. ANEMOMETERS AND ANEMOMETER TOWERS

Anemometers and Anemometer Towers require an Administrative Conditional Use Permit for temporary installation, for up to three years, to measure wind energy potential for a site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for aU construction, including access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the anemometer, an application for and all other submittal requirements for Administrative Conditional Use Permits and a narrative addressing the following:

- (A) No violation of the City Noise Ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and Height requirements (See Height Exceptions). Setbacks may be decreased if a signed encroachment agreement with the affected property owner is provided, and public rights-of-way and power lines are not impacted by the location.
- (D) Compliance with FAA Regulations.
- (E) Compliance with the International Building Code.
- (F) At the time of Application for an Administrative Conditional Use Permit, standard engineered drawings for the tower, base, and footings shall be submitted.

(G) Building Permit. Prior to issuance of a Building Permit the plans shall comply with all applicable sections of the International Building Code, including Electric codes and all requirements and criteria of this Section.

(H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five (5') feet shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1.XXX to determine visual impacts on Ridge Line Areas and Entry Corridors.

(I) Removal and Decommissioning. Anemometers and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of 12 months or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the System Owner shall have 60 days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the System at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be

?

fully returned to its natural state within 11 months of the removal of the installation.

15-223-12. SMALL WIND ENERGY SYSTEMS

Small Wind Energy Systems (System) require a Conditional Use Permit. The Use must comply with Section 15-1-10, Conditional Use Review and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all access roads and installation details, such as grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the tower and turbines; property survey showing size of property and location of structures, utilities, easements, streets and rights-of-way on the property and on adjacent properties within a horizontal distance equivalent to 110% of the proposed Height; an application for and all other submittal requirements for Conditional Use Permits; and a narrative addressing the following review criteria:

(A) Location. Location on the Property and associated wind data shall indicate the optimum citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable structures, property lines, power lines, and public and private streets and right-of-ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the-proposed System,

due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

(B) Setbacks and Height. (See Height Exceptions- Section 15-2.23-5). Small Wind Energy Systems shall not exceed the Setback requirements of the Zone and shall be set back a minimum distance equal to 110% of the total Height of the System. EXCEPTION/. Setbacks may be decreased if a signed encroachment agreement with the affected property owner is provided, and the public rights-of-way and power lines are not impacted by the location.

(C) Lot Size. Small Wind Energy Systems that are greater than eighty (80') feet in Height shall be located on a Lot Size of One Acre or more.

(D) Design. Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) Lighting. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA Regulations.

(E) Noise. No violation of the City Noise Ordinance.

(G) Signs. Signs shall be restricted to reasonable identification of the manufacturer, operator of the System, utility, and safety signs. All signs shall comply with the Park City Sign Code.

(H) Building Permit. Prior to issuance of a Building Permit the System shall comply with applicable sections of the International Building Code, including Electric codes and all requirements and criteria of this Section.

(I) Visual Analysis. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1.XXX for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and Entry Corridors.

(J) System Conditions. The Applicant/System Owner shall maintain the System in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) Removal and Decommissioning. Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. System shall be considered abandoned when it fails to operate for a period of 24 months or more.

Upon a notice of abandonment from the Building Department, the System Owner shall have 60 days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the System at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall

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be fully returned to its natural state within five (5) years of the removal and decommissioning of the System.

(L) Replacement. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

15-2.23-1+13. VEGETATION PROTECTION .

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

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

15-2.23-14. CRITERIA FOR RAISING AND GRAZING OF HORSES.

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

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

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

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

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

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

15-2. 23-15. SIGNS.

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

15-2. 23-Y16. RELATED PROVISIONS.

**PARK CITY MUNICIPAL CODE- TITLE 15 LMC, Chapter 2.23 Community Transition
District 15-2.23-13**

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

PARK CITY MUNICIPAL CODE
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**TITLE 15 -LAND MANAGEMENT CODE (LMC)
CHAPTER 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 a specified area. approved by the City Engineer, 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

(f) location of the Site

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

(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.

(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-alter** the review and approval of the Planning Department with specific findings. The determination shall be based on:

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

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.

(c) photometric data,

(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:

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

(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;

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 **previously** 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

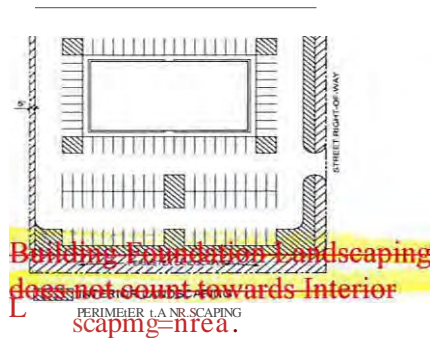
GENERAL COMMERCIAL (GC), REGIONAL COMMERCIAL OVERLAY (RCO), **COMMUNITY TRANSITION (CT)** AND LIGHT INDUSTRIAL (LI) ZONING DISTRICTS. Each Parking Area in the GC, RCO, **CT** and LI Districts must have an Interior Landscaped Area equivalent to twenty percent (20%) of the total Parking Area, including 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 **required** Perimeter Landscaping may count towards the Interior Landscaped Area.

In the design of large Parking Areas, bays or stalls shall generally be separated approximately every 12-15 stalls, by landscaping islands to break up the mass of Hard -Surfaced paving. The Parking Area must be designed to provide adequate snow storage in winter and should utilize best management practices, such as Bio Swales, oil and sand separators, and other methods to prevent surface and ground water contamination. See Section 15-3-3 (E).

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. Building Foundation

Landscaping does not count towards

Interior Landscaping Area.



NON-CONFORMANCE. All landscaping previously 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 I. OTHER ZONES.** 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 approximately every 10-12 stalls landscaping islands 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.

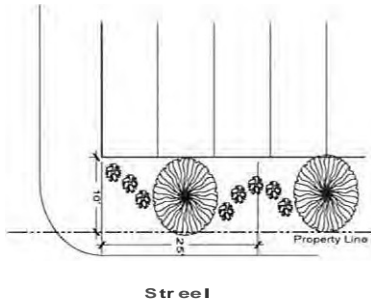
(5) **PERIMETER LANDSCAPING.** Unless a driveway exception is used, unenclosed Parking Areas shall generally include landscaping on all perimeter Property Lines. This provision shall not be required in zoning districts that allow zero Lot Line Development, or within the Historic District Zones, unless 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.



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

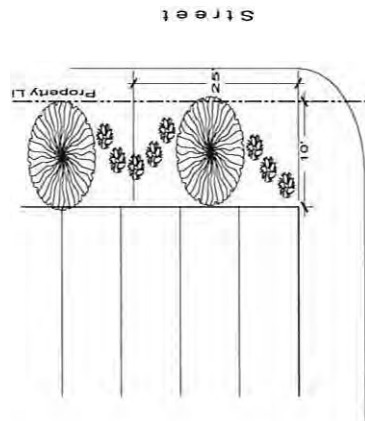
(7) **STORMWATER DETENTION/ POLLUTION CONTROL.** Landscaped Areas used for storm water detention and pollution control may count towards the landscaping requirements.

(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 at least 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 cmTent Uniform Building Code International 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 AND SPACING.** 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
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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'

(2) SPACING. A minimum of seventy-five feet (75') Spacing between major commercial driveways is recommended. Shared Use of commercial drives is strongly recommended.

A minimum of fifteen feet (15') Spacing between Single-Family driveways is required if the Lot frontage is sufficient. In the Historic District a minimum of ten feet (10') Spacing between driveways is recommended. Shared driveways are strongly recommended.

The center line of intersections of the driveways of major traffic generators

entering from opposite sides of roadway must be either perfectly aligned or offset by a minimum of one hundred and fifty feet (150').

The City Engineer may approve minor Spacing divisions. Access must be spaced as follows:

STREET CLASSIFICATION	MINIMUM SPACING BETWEEN DRIVEWAYS	MINIMUM SPACING FROM INTERSECTION
LOCAL	15'	25'
COLLECTOR	50'	75'
ARTERIAL	75'	150'
HISTORIC DISTRICT	7.5'	10'

(1) 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.



Yes No

(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.

(Amended by Ord.No. 06-22)

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.

(I) **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:

- (a) Such drives shall be paved with a hard-surface.
- (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.

(3) PARKING RESTRICTIONS.

(ad) 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

Driveway Areas are not to be used for the parking or storage of an trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.

(b) Driveway Areas are not to be used for the storage of any trailer, camper, motor home, boat or equipment at any time.

(c) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parked completely on private Property. Exceptions. Parking may be allowed within a ROW area, such as within the Historic District when the Street is not located within the platted ROW and the ROW is between the street and garage. Exceptions must be approved by the City Engineer. Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parked completely on private Property.

(B) PARKING AREAS WITH FIVE 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.

(5) A geotechnical report must be submitted to the City engineer providing recommendations on parking lot design and construction parameters.

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 ninety (!JO) degree (-9Q.B1-layout;

(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.

(Amended by Ord. No. 06-22)

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)

PARK CITY MUNICIPAL CODE- TITLE 15 LMC, Chapter 3- Off-Street Parking

15-3-12

Accessory Apartment	I per bedroom	
Lockout Unit in Single Family and Duplex Dwellings	I 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	I per Dwelling Unit
	Apartment/Condominium greater than 650 sf and less than 1000 sf floor Area	1.5 per Dwelling Unit
	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
Donnitory	1 per 200 sf floor Area devoted to accommodations	
Boarding House, Hostel,	1 per 2 beds; and I per manager's unit	
Secondary Living Quarters	1 per bedroom in addition to requirements for primary residence	

Guest House	I per Unit
Nightly Rental	Parking for the first six (6) bedrooms is based on the parking requirement for the dwelling. An additional space is required for every additional two (2) bedrooms utilized by the Nightly Rental Use. Parking for Historic Structures may be allowed on the Street adjacent to the Property, if approved by the Planning, Engineering, and Building Departments

(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

PARK CITY MUNICIPAL CODE- TITLE 15LMC, Chapter 3-Off-Street Parking

15-3-13

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
Airport s/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.

(Amended by Ord. Nos. 06-22; 07-25)

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 MPD's.

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 (MPD).

(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 a review by the City Engineer as to function and design.

(Amended by Ord. No. 06-22)

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.

(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-lit Areas but shall not interfere with pedestrian movements and snow storage.

(Amended by Ord. No. 06-22)

15-3 -LO. 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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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 RETAINING WALLS.

(A) LOCATION. Fences and retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions in Chapter 2.

Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or Side Yard. Within any required Front Yard or Sheet Side Yard, Fences and retaining walls shall not exceed four feet (4') in height, measured from Final Grade.

Where a Fence or retaining wall occurs along-a Property Line separating two (2) Lots and there is a difference in the Grade of

the Properties, the Fence or retaining wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

A Fence or retaining wall greater than six feet (6') in height, within the Setback Areas, requires an administrative Conditional Use permit approved by the Planning, Building and Engineering Departments, unless the Fence or retaining wall is approved as part of a Master Planned Development (MPD) 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 retaining walls shall not exceed four feet (4') in height, measured from Final Grade.

Fences and retaining 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 retaining wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or retaining wall may be erected or allowed to the maximum height permitted on either side

of the Property Line.

(1) EXCEPTION. 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 or as approved as part of a Master Planned Development (MPD) or Conditional Use permit. **Prior to issuance of an Administrative Conditional Use permit the property shall be posted and affected, adjacent property owners shall be noticed 10 days prior to Final Action.**

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 or as approved as part of a Master Planned Development or Conditional Use permit. **Prior to issuance of an Administrative Conditional Use permit the property shall be posted and affected, adjacent property owners shall be noticed 10 days prior to Final Action.**

Any Fence or retaining wall greater than six feet (6') in height requires a Building Permit.

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

(Amended by Ord. Nos. 06-22; 07-25)

15-4-3. HOME OCCUPATION.

A Home Occupation is a permitted Accessory Use, conducted and carried on entirely within a dwelling, or within an Accessory Structure on the same Lot, 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.

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) dressmaking 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 and other general commercial retail Uses;
- (4) Bed and Breakfast Inns; or
- (5) Child Care or Group Care Facilities.

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 issuance:

- (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 Quarters 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 in 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.

(Amended by Ord. No. 06-22)

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 (MPD) approval. A Guest House may not increase the Floor Area or Building Footprint as specified in the Land Management Code (LMC) 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.

(Amended by Ord. No. 06-22)

15-4-7. ACCESSORY APARTMENTS.

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 Accessmy Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use petmit 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) Accessmy 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 Accessmy Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundaty contain other established Accessmy Apartments. There may be no more than four (4) Accessmy Apartments within a three hundred foot (300') radius.

(6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessmy 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 petmit runs with the land and is automatically transferred to the new owner by the sale or transfer of this Property. provided however, if the Use by the new Owner does not

continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(8)(1). Prospective purchasers should be advised that only one (I) unit on the Property may be rented; the other must be occupied by the Owner.

The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days.

(8) **NIGHTLY RENTALS.** If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.

(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 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 Planning Department shall impose reasonable conditions to mitigate any impacts to the surrounding neighborhood.

(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.

(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) **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. 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 (!) unit is Owner-occupied;
- (4) Impacts of the Use can be mitigated ;
- (5) Neither Dwelling Unit is proposed to be rented for periods less than thirty (30) days; and

- (6) All significant impacts to the surrounding neighborhood are reasonably mitigated and continue to be mitigated.

(Amended by Ord. Nos. 06-22; 07-49)

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 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 cunent 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 petmit 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) **PROIDBITED.** Group Care Facilities are prohibited in the HRL, POS, and ROS Zoning Districts.

(Amended by On/. No. 06-22)

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 petmitted 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.

(1) **PERMITS REQUIRED.** Family Child Care homes shall be permitted in all Zoning Disticts subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home by the Chief Building Official and either an Administrative Petmit 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.

(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:

(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.

(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. ff 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.

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, of a Certificate of Occupancy for the home.

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.

(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:

(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 approval.

(g) **Structure Inspection Required.** The Structure shall conform to International Building Code (IBC) 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.

(b) **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.

(iii) Patrons of the 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.

U) 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 providers 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), Community Transition (CT) 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 or if approved within a Master Planned Development.

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.

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.

(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 approval, but chain link Fencing shall not be used.

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

(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 Den sity ca lculations.

(f) Lot Size and Configuration. The minimum Lot ar\!a 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 pot lions 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 tor usable play areas, which are contiguous to the StTUcture.

(g) Setbacks. Standard Setbacks shall be observed except that Child Care Centers located in residential Disticts 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.

(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.

U) **Exceptions.** The Planning Commission may grant an exception to these Site requirements if it can be shown that the impact or the Child Care Center on traffic circulation or on adjacent Properties will not be increased if the exception is granted.

(Amended by Ord. No. 06-22)

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.

(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) 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.

(Amended by Ord. No. 06-22)

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.

(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 Resolutions; 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, 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.

(II) 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 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.

(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.

(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.

(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.

(Amended by Ord. No. 06-22)

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.

(Amended by Ord. No. 06-22)

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 benches 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, 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 dark

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.

(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.

(Amended by Ord. No. 06-22)

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) **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.

(I) 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.

(C) **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.

(D) **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.

(E) **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.

(f.) **SITE REQUIREMENTS .**

(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:

(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) **Roofmounted 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.

(G) SITE DISTURBANCE. Any Application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to driveways or roads 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 .

(H) ZONING RESTRICTIONS.

Unless otherwise required within this Section, Applications for Antennas shall be 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 R08 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, ROS, CT, and RC zones. Any freestanding Antenna located on existing poles in the R08 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, R-1', 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, CT, 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, CT 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 unbuilt, 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 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. Nos. 02-47: 06-22)

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 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. Nos. 03-13; 06-22)

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

Prior to the issuance of an Administrative 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:

(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 .

(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.

(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) FEES. All applicable fees.

(5) BUILDING PERMIT. A permit issued by the Building Department is required for temporary Structures and tents greater than 200 square feet in area, or as determined by the Chief Building Official upon review of size, materials, location, weather, and proposed use.

(6) SPECIAL EVENTS PERMITS. See Section 15-4-20 for regulations related to Special Events and Overcrowding Administrative Permits.

(7) DURATION. In no case shall a tent be installed for a duration longer than fourteen (14) days and for more than five (5) times per year on the same Property or Site, unless a longer duration or greater

by the City as part of a Master Plan

LV' 11 . If 1<J.,J)

* could look @ size of tents

get some info from AA to provide

frequency is approved by the Planning Commission consistent with Conditional Use Criteria in Section 15-1-10.

(8) NOTICE. Notice of Administrative Permits shall be consistent with Section 15-1-21.

(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 International Building Code (IBC).

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

(Amended by Ord. No. 06-22)

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 an exception 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 which is the Rear Yard.

(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.

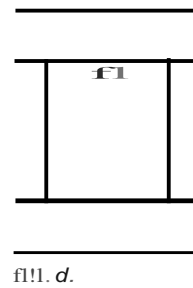
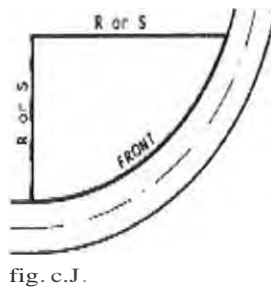
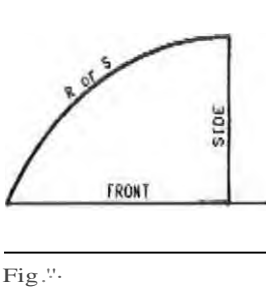
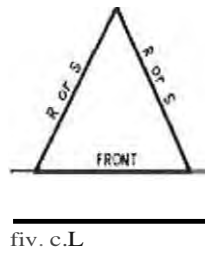
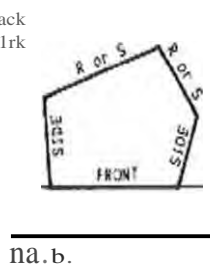
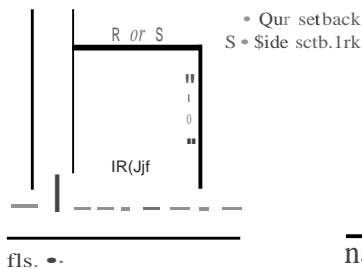
(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one (1) side is clearly opposite the front, the rear Setback must be opposite the front Setback. If it is not clear where side and rear Setbacks should be, the Planning Director may choose which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

Yard.

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

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

See the following illustrations:



(Amended by Ord. No. 06-22)

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:

(I) 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.

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 of Structure of the Liftway and any existing dwelling shall be ten feet (10'), in addition to the width of the Liftway itself. 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.

(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.

(Amended by Ord. No. 06-22)

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.

(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.

(Amended by Ord. No. 06-22)

15-4-20. SPECIAL EVENTS AND OVERCROWDING ADMINISTRATIVE CONDITIONAL USE PERMITS.

(Created by Ord. No. 05-57)

(A) **PURPOSE.** The intent of these regulations is to allow temporary overcrowding Administrative Permits for special events and activities 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 Permit and for no more than 12 times per 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. The Planning Director may reduce this timeframe to fifteen (15) days upon written request of the Applicant. Applications shall be filed with ...t&-the

Planning Department and shall include the following information:

(I) 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.

for non-occupancy

(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.

(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.

(12) Notice shall comply with Section 15-1-21.

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

(E) TEMPORARY STRUCTURES, TENTS, AND VENDORS. See Section 15-4-16 for regulations related to Administrative Permits for Temporary Structures, Tents, and Vendors not associated with Special Events Permits.

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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-I) 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 (IIR-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. Nos. 04-08; 06-22)

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.

(Amended by Ord. No. 06-22)

15-6-4. PROCESS

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

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the

Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

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

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

For MPDs that are vested as part of 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.

(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 15-1-1-921, 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 shall be heard by the City Council. Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) DEVELOPMENT AGREEMENT.

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

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

are a part of the Planning Commission approval;

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

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

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

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) LENGTH OF APPROVAL.

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS.**

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

(J) **SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.

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

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

(Amended by Ord. No. 06-22)

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 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.

(I) 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.

(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. Landscaped Open

Space may be utilized for project amenities such as pathways, plazas, and other similar uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial uses, or Buildings requiring a building permit.

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

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to

Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation .

(t) 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.

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.

, aRd MPD's which include:

(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 Streetscape 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 15-2.2.1.

(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. Nos. 04-08; 06-22)

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

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

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

(F) The MPD, as conditioned, complements 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.

(Amended by Ord. No. 06-22)

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance

incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula 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. Project Open space may be utilized for common project amenities, such as tennis courts, swimming pools, recreational Buildings not requiring a building permit, pathways, plazas, and similar uses. Open space may not be utilized for Commercial uses, Streets, roads, driveways, or Parking Areas.

(H) RENTAL RESTRICTIONS.

The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

(Amended by Ord. No. 06-22)

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 to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, One (1) Unit Equivalent equates to one (1) Single Family Lot, 2000 square feet of multi-family dwelling residential floor area, or 1000 square feet of commercial or office floor area. A Duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by

the MPD. The MPD may stipulate Maximum Building Footprint and/or Maximum Floor Area for Single Family and Duplex Lots. Residential Unit Equivalents for multi-family dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2000 square feet and portions of Unit Equivalents for additional square feet above or below 2000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and Accessory Meeting Space do not require the use of Unit Equivalents as outlined in Section 15-6-8 (C) and (D) below.

[p]

{A} CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE. Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) LOCKOUTS. For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS. Within a Hotel or Nightly Rental Condominium project, 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 1000 square feet of Gross-Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) RESIDENTIAL ACCESSORY USES. Residential Accessory Uses include 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
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

(Amended by Ord.No. 06-22)

PARK CITY MUNICIPAL CODE
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**TITLE 15 - LAND MANAGEMENT CODE (LIMC)
CHAPTER 10- BOARD OF ADJUSTMENT**

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

15-10-2. TERM OF OFFICE .

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each

year on June L. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

15-10-3. POWERS AND DUTIES.

(A) The Board of Adjustment shall hear and decide:

(1) Appeals from zoning decisions applying Title 15, Land Management Code;

(2) Special exceptions to the terms of the Land Management Code; and

(3) Variances from the terms of the Land Management Code.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

(Amended by Ord. No. 06-35)

15-10-4. GROUNDS FOR REMOVAL .

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

(Amended by Ord. No. 06-35)

15-10-5. ORGANIZATION .

(A) CHAIRMAN. The Board of Adjustment shall elect one of its members to serve as Chair for a term of one (1) to two years at its first meeting following the date of expiration of terms in June. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tern to act as Chair solely at that meeting. A Chair may be reappointed for its own proceedings as are deemed necessary.

(B) QUORUM. No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

15-10-6. MEETINGS .

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.

(A) WITNESSES. The Chairman of the Board of Adjustment or in his absence, the Acting Chairman Pro Tern may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) MINUTES. Written minutes shall be kept of all Board meetings. Such minutes shall include:

(1) The date, time and place of the meeting.

(2) The names of members present and absent.

(3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

(4) The names of all citizens who appeared and the substance in brief of their testimony.

(5) Any other information that any member requests be entered in the minutes.

The minutes are public records and shall be available within a reasonable time after the meeting.

15-10-7. APPEALS.

Also see Section 15-1-18. The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement, decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment *effi* on the record made before the Historic Preservation Board or Planning Commission. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of a decision of the land Use authority in it

interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority.

(Amended by Ord. No. 06-35)

15-10-8. SPECIAL EXCEPTIONS.

The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

(A) The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

(B) The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.

(C) The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.

(D) The proposed special exception will be constructed, altered and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.

(E) The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.

(F) The proposed Use and Development will not cause material air, water, soil or noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

(Amended by Ord. Nos. 06-20; 06-20)

15-10-9. VARIANCE.

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to

a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;

- (4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and
- (5) The split of the Land Management Code is observed and substantial justice done.
- (D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.
- (2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of

privileges granted other Properties in the same zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void.

(H) The Board of Adjustment and any other body may not grant a Use variance.

(I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

(Amended by Ord. No. 06-35)

15-10-10. PERSONS ENTITLED TO APPEAR.

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the light to respond to testimony offered in opposition to the Application.

15-10-11. DECISION.

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

15-10-12 VOTE NECESSARY.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

15-10-13. JUDICIAL REVIEW OF BOARD DECISION.

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the Board of Adjustment decision is filed with the City Recorder.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION**

*Chapter adopted by Ord. No. 02-07;
Chapter Amended in Entirety by Ord. No.
03-34*

**CHAPTER 11 - HISTORIC
PRESERVATION**

**15-11-1. ESTABLISHMENT OF
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

(Amended by Ord. No. 06-69)

**15-11-2. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise

and such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1)) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation .

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation .

(4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIRMAN.** The HPB shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chairman is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chairman Pro Tern to act as Chairman solely for that meeting.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chairman or Chairman Pro Tern.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chairman may vote at the meetings.

(Amended by Ord. No. 07-34)

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES .

The purposes of the HPB are:

(A) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complimentary, contemporary design and construction through the creation of comprehensive Historic District Design Guidelines, and update as necessary;

(B) To protect and enhance the City's Historic appeal to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To provide input to City Council towards safeguarding the heritage of the City in protecting Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

- (E) To promote the private and public Use of Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;
- (F) To make recommendations to the City Council on policies and ordinances that may encourage Historic preservation.
- (G) To communicate and promote the benefits of Historic preservation for the education, prosperity, and general welfare of the people;
- (H) To provide input to staff, Planning Commission, and City Council on matters concerning the overall Development of the City's Historic preservation program;
- (I) To make recommendations to the City Council on the Development of, and to administer, all City-sponsored preservation incentive programs;
- (J) To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines; and
- (K) To review and take action on all determination of Historic preservation Applications submitted to the City.

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

- (A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(E) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of Historic preservation.

(F) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

15-11-7. LIMITATIONS .

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

- (A) Utah Heritage Foundation.
- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA)

(Amended by Ord. No. 06-35)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community Significance is required based on the level of Significance. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those

that may be located outside the Historic District.

(A) HISTORIC PRESERVATION PLAN. The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

(B) GUARANTEE REQUIRED. The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

(C) TERMS OF GUARANTEE. The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

(D) AMOUNT OF THE GUARANTEE. The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

(E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.** The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. No. 09-09)

15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.

The HPB shall promulgate and update as necessary Historic District Design Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be used by the Planning Department staff in reviewing Historic District design review Applications. The Historic District Design Guidelines shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HPB may recommend changes

in the Historic District Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

15-11-11. HISTORIC DISTRICT DESIGN REVIEW .

(A) The Planning Department shall review and approve or deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

(1) The Owner and/or Applicant for any Property shall be required to submit a Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(1) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-12. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of

exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings

and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary facade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or

(ii) Addition of upper stories or the removal of original

upper stories occurred after the Period of Historic Significance, or

(iii) Moving it from its original location to a Dissimilar Location to the original, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii)) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(B) PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in sections 15-II-12(A)(1) or 15-11-12(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1)) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-12(A)(1) or Section 15-11-12(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(4) **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY**. The Historic Preservation Board may remove a Site from the Historic Sites Inventory.

(1) **CRITERIA FOR REMOVAL.**

- (a) The Site no longer meets the criteria set forth in Section 15-11-12(A)(1) or 15-11-12(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed;
- (b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- (c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-12(A)(1) or 15-11-12(A)(2).

(2) **PROCEDURE FOR REMOVAL.**

- (a) **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-12(A)(1) or Section 15-11-12(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department

within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(Amended by Ord. No. 09-05)

15-11-13. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition or removal of a Historic Building, Structure or Site.

All Applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section

15-11-12(A) herein, and forwarded with a recommendation for action to the HPB.

(A) **DETERMINATION OF INSIGNIFICANCE.** If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed is insignificant, the Planning staff may sign-off on the issuance of a Demolition permit.

(B) **DETERMINATION OF SIGNIFICANCE.** If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed does possess Significance, the Applicant shall be required to submit a CAD Application pursuant to Sections 15-11-15 through 15-11-17, as appropriate.

(C) **REMOVAL OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 115.1 of the International Building Code, the Chief Building Official may order its removal or repair.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public hazard, the Application for Demolition or removal shall be stayed for 180 days.

15-11-14. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building

Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant, pursuant to the standards of review set forth in Section 15-11-13(A) herein, may be Demolished or removed without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

(Amended by Ord. No. 06-35)

15-11-15. PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3'X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship

information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and
- (3) A member appointed from the Board of Adjustment.

15-11-16. CAD HEARING .

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-17(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition or removal of a Significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;

- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) CONDUCT OF OWNER

EXCLUDED. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

(D) DECISION. The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and

approve the issuance of a CAD if one of the following conditions exists:

- (1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or
- (2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and
- (3) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) APPROVAL. If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also

require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) DENIAL. If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) APPEAL. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is baned unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

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TITLE 15 -LAND MANAGEMENT CODE CLMC}
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

**15-12-1. PLANNING
COMMISSION CREATED .**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

(Amended by Ord. No. 06-35)

**15-12-2. TERMS AND
ELIGIBILITY OF MEMBERS**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Wednesday in July. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have

resigned when they move their residences outside the City limits.

(Amended by Ord. No. 08-07)

**15-12-3. GROUNDS FOR
REMOVAL**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**15-12-4. COMMUNITY
REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as

amended, and such other powers as are conferred on it by the City Council.

15-12-6. CHAIRMANCHAIR.

The Planning Commission shall, on or before after the second Wednesday in March July each year, at the appointment of new members, elect one of its members to serve as a ChairmanChair who shall serve for a term of one (1) year. The Chair may be elected to serve for but it may be re elected for one (1) succeeding consecutive additional term, but not for more than two (2) successive terms. A Person may not serve more than two (2) consecutive terms as Chairman of the Planning Commission. The ChairmanChair may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

15-12-7. STAFF.

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

(Amended by Ord. No. 06-35)

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a

record, by individual member, of votes taken;

(D) The names of all citizens who appeared and the substance in brief of their testimony; and

(E) Any other information that any member requests be entered in the minutes. The minutes are public record and shall be available within a reasonable time after the meeting.

15-12-12. DECISIONS.

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

15-12-13. QUORUM REQUIREMENT.

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the **Chairman/Chair** for computation purposes.

15-12-14. VOTING.

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the **Chairman/Chair** shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected **Chairman/Chair** Pro

Tern shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as **Chairman/Chair** Pro Tem. **Voting to remove an item of business from the consent agenda shall require an affirmative vote of two thirds of the members present to pass. Other** All votes shall be a simple majority.

15-12-15. REVIEW BY PLANNING COMMISSION.

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

(1) City General Plan and General Plan amendments review and recommendation to City Council;

(2) Annexation **and Zoning** review with recommendation to City Council;

(3) Land Management Code and **re-zoning** review with recommendation to City Council;

(4) Subdivision approval with recommendation to City Council;

(5) Large scale Master Planned Development approval;

(6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;

- (7) Consent agenda items;
- (8) Review of appeals of Planning Directors interpretation of the Land Management Code and decisions;
- (9) Subdivision and record of survey plat and plat amendment review with recommendation to City Council ;
- (10) Fmmal Tetmination of inactive applications; ami
- (11) Sensitive Lands review; and
- (12) Extension of Conditional Use Permit and Master Planned Development approvals.

(B) The scope of review for each of these functions is as follows:

(1) CITY GENERAL PLAN REVIEW. The Planning Commission shall have the primary responsibility to initiate and update the City General Plan, including planning for adequate sheets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) ANNEXATION REVIEW . The Commission shall review all annexation requests according to the

Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) LAND MANAGEMENT CODE AND REZONING REVIEW.

The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) SUBDIVISION APPROVAL. The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL. All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned

Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

(6) RATIFICATION OF CONDITIONAL USE PERMITS.

The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

(7) CONSENT AGENDA ITEMS. The following items may be placed on the consent agenda, unless a public hearing is otherwise required if the application is uncontested, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use permits;
- (b) Plat and plat amendment approvals;
- (c) Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.
- (d) Other items of a perfunctory nature, which the Chairman/Chair directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda. A member of the public may demand a public hearing on a consent agenda item. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections, which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of two thirds of

the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Developer Applicant requests the item be tabled continued in order to prepare additional information to respond to the Commission's concerns.

(8) REVIEW OF APPEALS OF THE PLANNING DIRECTOR'S

INTERPRETATION OF THE LAND MANAGEMENT CODE.

At any time, The Owner, Applicant, or any non-Owner with standing as defined in Section 15-1-18(0) of this Code, may request that Planning Director's Final Actions on a project be reviewed by the Planning Commission. The standard scope of review by the Planning Commission shall be the same as the scope of review at the Staff level. Appeal process shall be in accordance with Section 15-1-18.

(9) SUBDIVISION AND RECORD OF SURVEY PLAT AND PLAT AMENDMENT

REVIEW. The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether

imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

(10) TERMINATION OF INACTIVE APPLICATIONS. See Termination of Projects, Section 15-1-14.

(11) SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

(12) EXTENSION OF CUP AND MPD APPROVAL. See Extension of CUP, Section 15-1-10 (G) and MPD Section 15-6-4 (H) Length of Approval.

(Amended by Ord. No. 06-35)

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TITLE 15 -LAND MANAGEMENT CODE CLMC)
CHAPTER 15-DEFUOTIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

15-15-1.1. Access. The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

15-15-1.2. Accessory Apartment. A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

15-15-1.3. Accessory Building. A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar structures that do require a Building Permit;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) also includes not including Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillar) Structures, less than 160 square feet (see Ancillar) Structure).

15-15-1.4. Accessory Use. A land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.

15-15-1.5. Active Building Permit. Any Building Permit that has not expired.

15-15-1.6. Administrative Permit. A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

15-15-1.7. Affordable Housing. Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

15-15-1.8. Agent. The Person with written authorization to represent an Owner.

15-15-1.9. Agriculture. Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

15-15-1.10. Allowed Use. A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

15-15-1.11. Alteration, Building. Any act or process that changes the Architectural Detail of a Building, including but not limited to, the erection, construction, reconstruction, or removal of any Building.

15-15-1.12. Ancillary Structure. One-story, attached or detached Structure, 250 square feet in area or smaller, that is

subordinate to and located on the same Lot as the principal use, does not include dwelling area, and is not intended for sleeping or cooking. Includes: Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

15-15-1.13 Anemometers and Anemometer Towers. A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

15-15-1.14 Antenna. A transmitting or receiving device used in Telecommunications that radiates or captures radio, television, or similar communication signals.

(A) Antenna, Drive Test. A temporary Antenna which is used for field testing of Telecommunication signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(B) Antenna, Enclosed. An Antenna or series of individual Antennas entirely enclosed inside a Structure, including but not limited to a cupola or wall of a Building or chimney.

(C) Antenna, Freestanding. An Antenna mounted on or within a stand alone support Structure including but not limited to a wooden pole, steel pole, lattice tower,

utility pole, lift tower, light standard, flag pole, or other vertical support.

(D) Antenna, Roof Mounted.

An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) Antenna, Temporary.

An Antenna used for a time period of less than thirty (30) days.

(F) Antenna, Wall Mounted.

An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

15-15-1-1±15 Apartment. A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.

15-15-1-14-16 Applicant. The Owner of the Property that is the subject of the Application, or the Owner's Agent.

15-15-1-&.17 Application. A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and rezoning requests, Subdivision and record of survey plats, plat amendments, Code amendments, design review, and Administrative Permits.

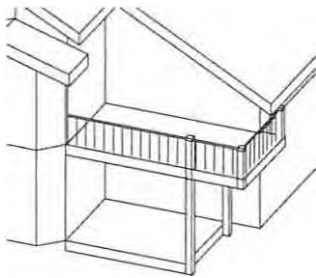
(A) Application, Complete. A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

15-15-1-t-618. Architectural Detail. Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

15-15-1+7:-J 9 Area or Site. A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

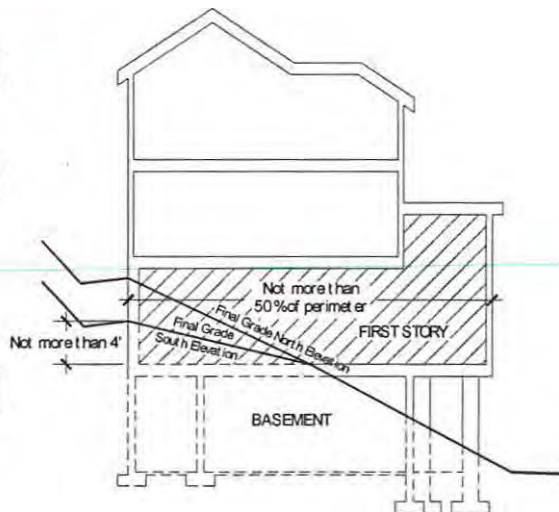
15-15-1-1-&20 Bakery. A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Cafe or Restaurant.

15-15-1.W21. **Balcony**. A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. See following illustration:

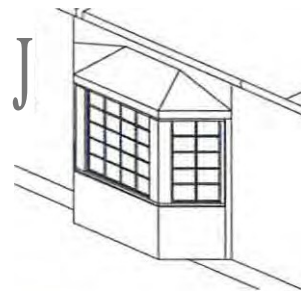


15-15-1.292. **Bar**. A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

15-15-1.U23. **Basement**. Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See Section 15-15-1.952-**First Story**.



15-15-1. 24 **Bay Window**. A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



15-15-L 25. **Bed and Breakfast Inn**. A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

15-15-1. 26. **Bedroom**. A separate room designed for or used as a sleeping room.

15-15-1. 27. **Billboard**. A separate room designed for or used as a sleeping room.

15-15-1. 28. **Blank Wall**. A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

15-15-1.2-729. **Block**. A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad

Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

15-15-1.30 **Boarding House.** A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

15-15-1.31 **Building.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main.** The principal Building, or one of the principal

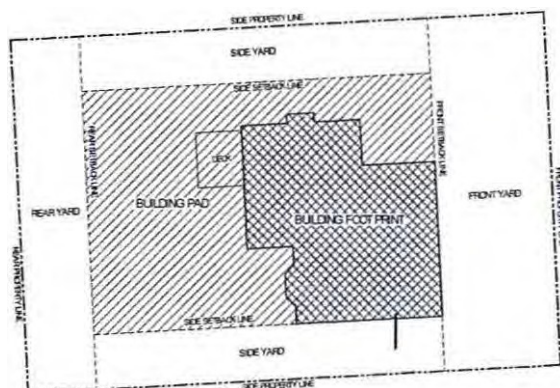
Buildings on a Lot, that is used primarily for the principal Use.

(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

15-15-1.32 **Building Envelope.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

15-15-1.33 **Building Footprint.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including stairs, patios, and decks.

15-15-1.34 **Building Pad.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also refer to Section 15-15-1.36 **Limits of Disturbance.**

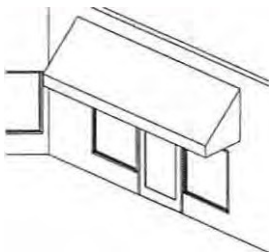


15-15-1 J-35. Building Permit. A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

15-15-1. 36. Business. Any activity within Park City carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods or Property and the rendering of personal services for others for consideration by Persons engaged in any profession trade, craft, occupation, or other calling.

15-15-1. 37. Cafe. A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chefs, or other employees typically associated with a restaurant.

15-15-1. 38. Canopy. A roof or awning constructed of fabric or other material and extending outward from a Building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the Canopy or cantilevered from the Building.



15-15-1 J-9 Capital Improvements Program. A proposed schedule and description of all proposed public works, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

15-15-L. O. Certificate of Appropriateness. A certificate issued by the Building Department in cases of immediate public hazard, the Planning Department in cases of architectural insignificance, or the Historic Preservation Board in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or Building having architectural Significance.

15-15-1.;941. Certificate of Economic Hardship. A certificate issued by the Historic Preservation Board authorizing an Alteration, construction, removal, or Demolition of a Historic Landmark, or Building having architectural Significance, even though a Certificate of Appropriateness has previously been denied.

15-15-1.4-G-+2. Certificate of Occupancy. A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

15-15-1.4-t-D. Child Care. The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day.

The term does not include babysitting services on a casual, non-recurring nature or in the child's own home nor cooperative,

reciprocate Child Care by a group of parents in their respective domiciles.

(A) Child Care, In-Home Babysitting. The provision of Child Care for four (4) or fewer children within a dwelling and within commercial Buildings outside of residential Zoning Districts.

(B) Child Care, Family. The provision of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(C) Child Care, Family Group. The provision of Child Care for nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

15-15-1 .e44 Child Care Center. A Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children for less than twenty four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

15-1 .. 1.45. City Development Any Conditional Use Permit or Master Planned De'elopnment in which Park Cit) Municipal Corporation or corporations controlled by Park Cit) Municipal Corporation is the Applicant. provide more than 50% of the estimated construction costs of the proposed project.

15-15-1 .+.;46. Clear view of Intersecting Streets. On any Comer Lot, an Area is kept

clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street. This Area is the Site Distance Triangle. See Section 15-15-1.21.;;9, Site Distance Triangle.

15-15-1. +++7.Club.

(A) Club, Private. Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

(B) Club, Private Residence. Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with 24 hour reservation and Property management, seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

(1) a deeded interest in real Property;

(2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;

(3) a non-entity membership in a

non-profit corporation, non-incorporated association, or other entity;

(4) beneficial interest in a trust;

(5) other arrangement providing for such Use and occupancy rights.

(C) Club, Private Residence Conversion. The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

(D) Club, Private Residence Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(E) Club, Private Residence Project. Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

15-15-1-8-48. Cluster Development. A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation,

Open Space, and preservation of environmentally sensitive Areas.

15-15-1-4649. Code. The Land Management Code (LMC).

15-15-1-1-750. Collector Road. A road intended to move traffic from local roads to major throughways. A Collector Road generally serves a neighborhood or a large Subdivision.

15-15-1-4&51 Co-Location. See Telecommunications Facility, Co-Location, 15-15-1-B-t-238 (A).

15-15-1-4-9-,52 Commercial Use. Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

(A) Commercial Use, Support. A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) Commercial Use, Resort Support. A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

15-15-1-3-G53. Common Area. Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment of the residents.

15-15-1.54. Common Ownership. Ownership of the same Property by different Persons.

15-15-1.55. Compatible or Compatibility. Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

15-15-1.56. Conditional Use. A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

15-15-1.57. Condominium. Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium Ownership Act.

15-15-1.58. Conservation Activity. A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

15-15-1.59. Constitutional Taking. Final Action(s) by the City to physically take or exact private real Property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the United States, or of Article 1, Section 22, of

the Utah Constitution.

15-15-1.60. Construction Activity. All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

15-15-1.61. Construction Mitigation Plan. A written description of the method by which an Owner will ameliorate the adverse impacts of Construction Activity.

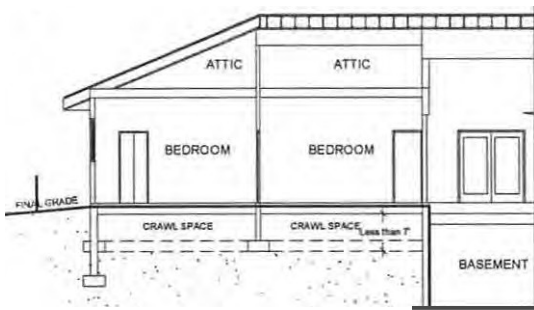
15-15-1.62. Construction Plan. The map and drawings showing the specific location and design of the Development.

15-15-1.63. Contributing Building. Structure, Site/Area or Object. A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

15-15-1.64. Council. Members of the City Council of Park City.

15-15-1.65. Cover, Site. The Area covered by an impervious surface such as a Structure, deck, pool, patio, walk, or driveway.

15-15-1.66. Crawl Space. An Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



15-15-1.67. Crest of Hill. The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

15-15-1.8. Cul-de-sac. A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

15-15-1.6669. Deli or Delicatessen. A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code (IBC) Commercial Kitchen facilities and does not employ hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

15-15-1.70. Demolish or Demolition. Any act or process that destroys in part or in whole a Landmark or Structure.

15-15-1.71. Density. The intensity or number of non-residential and residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

15-15-1.72. Design Guideline. A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

15-15-1.73. Detached. Completely separate and disconnected. Not sharing walls, roofs foundations, or other structural elements.

15-15-1.74. Developable Land. That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

15-15-1.75. Developer. The Applicant for any Development.

15-15-1.76. Development. The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.

15-15-1.77. Development Agreement. A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

15-15-1.78. Development Approval Application. Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or

rezoning Subdivision, or annexation. The term "Development Approval Application" shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

15-15-1-7679. Disabled Care. A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1) or more of a Person's major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

15-15-1-1+80. Dwelling.

(A) Dwelling, Duplex. A Building containing two (2) Dwelling Units.

(B) Dwelling, Triplex. A Building containing three (3) Dwelling Units.

(C) Dwelling, Multi-Unit. A Building containing four (4) or more Dwelling Units.

(D) Dwelling, Single Family. A Building containing not more than one (1) Dwelling Unit.

15-15-1-+§S 1. Dwelling Unit. A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

15-15-1 +982. Economic Hardship,

Substantial. Denial of all reasonable economic Use of the Property.

15-15-1.W83. Elder Care. A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

15-15-1.8+8-L Elevator Penthouse. The minimum Structure required to enclose the top most mechanical workings of an elevator.

15-15-1. 85. Equipment Shelter. See Telecommunications Facilities, Equipment Shelter 15-15-1. 238(8).

J 5-15-1.£86. Escrow. A deposit of cash or approved alternate in lieu of cash with a third party held to ensure a performance, maintenance, or other Guarantee.

15-15-1.M87. Exterior Architectural Appearance. The architectural character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

15-15-1.8-§.88. Facade.

(A) Facade, Building. The exterior of a Building located above ground and generally visible from public points of view.

(B) Facade, Front. That portion

of a Building that generally faces the street and/or Front Lot Line.

15-15-1.8689. Facade Easement. A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

15-15-1.8+90. Facade Shift. A change or break in the horizontal or vertical plane of the exterior of a Building.

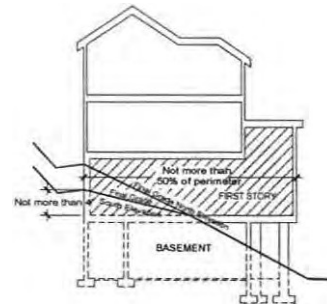
15-15-1.91. Fence. A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

15-15-1.992. Filtered Light Fixture. Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

15-15-1.9G93. Final Action. The later of the final vote or written decision on a matter. A written decision includes the issuance of a building pennit.

15-15-1.9+9-t. Final Plat. A recordable Subdivision or Condominium map.

15-15-1.95. First Story. The lowest story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. See the following illustration:



15-15-1.9J.96. Flood Plain Area. An Area adjoining a river, Stream, or water course, or body of standing water in which a potential flood hazard exists when the Area experiences a one hundred year storm, including, any Area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.

15-15-1.9497 Floor Area.

(A) Floor Area, Gross Residential. The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement Areas below Final Grade are not considered Floor Area.

(B) Floor Area, Gross Commercial. The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches.

¹400 sq. ft. in Historic Districts

Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for Commercial purposes including, but not limited to, storage, bathrooms, painting, and meeting space, are considered Floor Area.

(CB) Floor Area, Net Leasable. Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

15-15-1.098. Floor Area Ratio (FAR). The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

15-15-11.099. Foot Candle. A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) Foot Candle, Average (afc). The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

(B) Foot Candle, Horizontal (hfc). A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) Foot Candle, Vertical (vfc). A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

15-15-1.09+100. Frontage. That

portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

15-15-1.101. Fully Shielded. See Section 15-15-1.144-J.&(B) Luminaire, Fully Shielded.

15-15-1.102. Garage.

(A) Garage, Commercial. A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) Garage, Front Facing. Garages that face or are generally parallel to the Street frontage.

(C) Garage, Private. An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) Garage, Public. A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

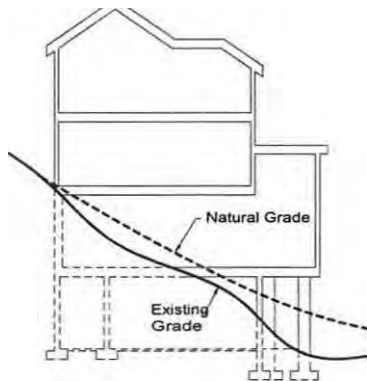
15-15-1.103G. Geologic Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, Property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable Slopes, faulting landslides, and rock fall.

15-15-1.104+. Governing Body. The City Council of Park City.

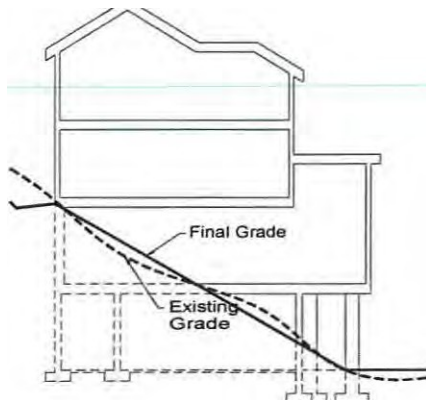
15-15-1.105. Grade. The ground

surface elevation of a Site or Parcel of land.

(A) **Grade, Existing.** The Grade of a Property prior to any proposed Development or Construction Activity.



(B) **Grade, Natural.** The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property . The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.



(C) **Grade, Final.** The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

15-15-1.-1-W106. **Grading.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

15-15-1.+W107. **Group Care Facility .** A Building or Structure where care, protection, supervision, and limited medical care are provided on a regular schedule for up to ten (10) children or adults, including caretakers. May include multiple overnight stays.

15-15-1. 108. **Grubbing.** Any form of security, including a cash deposit with the City, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City or some combination of the above as approved by the city or an approved equal, including but not limited to a lien on the Property.

15-15-1. 109. **Guarantee.** Any form of security including cash, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City.

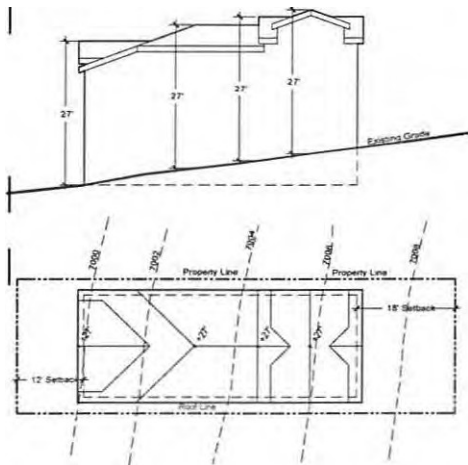
15-15-1.+Q.+.-110 **Guest House.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents. Guest Houses are not a lodging Use where typical lodging services are provided. Payment is not allowed.

15-15-1.+WIII. **Habitable Space**

Room). Space in a Structure for living, sleeping eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar Areas are not considered Habitable Space.

15-15-I.+G-9112. **Hard-Surfaced.** Covered with concrete, brick, asphalt, or other impervious surface.

15-15-IA-WIIJ. **Height, Building.** The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.



15-15-1.11-t. **Helipad.** A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

15-15-1.115. **Heliport.** An landing area used for the landing and taking off of helicopters, including all necessary

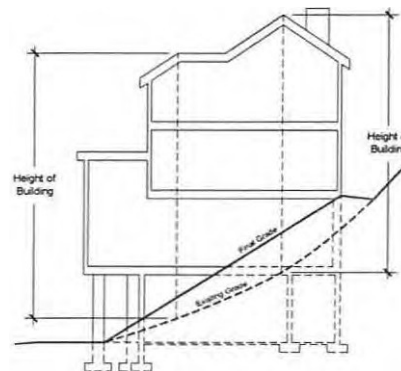
passenger and cargo facilities, fueling, and emergency service facilities.

15-15-1.J 16 **Helistop.** Any landing area used for the taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by a helicopter without prior permission having been obtained.

15-15-1.H-J 17. **Historic.** That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

15-15-1. 18. **Historic Building, Structure, Site or Object.** Any Building, Structure, Site and/or object, as designated by the Historic Preservation Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

15-15-1.1-HJ 19. **Historic District.** A geographically definable Area possessing a significant concentration, linkage, or continuity of Buildings, Structures, Sites or objects united by past events, plan or physical Development. A Historic District may comprise an individual Site or individual elements separated geographically but linked by association, plan, design, or history.



15-15-1.1-t+.120 Home Occupation .
A Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

15-15-1. 121. Hospital. An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as "Office, Medical".

(A) Hospital, Limited Care. An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

15-15-J.m t 22. Hotel/Motel. A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis and accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities, and/or other facilities or activities customarily associated with Hotels, such as daily maid service. These terms do not include Lockout Units or Bed and Breakfast Inns. Hotels/Motels are considered a lodging Use. Hotel/Motels are generally an establishment containing guest rooms, some of which have a separate entrance leading directly from the outside of the Building. Payment is generally on a daily or weekly basis.

(A) Hotel/Motel, Major. A Hotel, Motel, with more than fifteen (15) Hotel Rooms.

(B) Hotel/Motel, Minor. A Hotel, Motel, with fewer than sixteen (16) Hotel Rooms.

15-15-1.+1-+ 123. Hotel Room. A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

15-15-1.+1-& 124. Hotel Suite. Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette .

See Sections 15-15-1.25J..Bed and Breakfast Inn, 15-15-1.+J+.Lockout Unit, and 15-15-1.30 . Boarding House .

15-15-1.+++9125. Impact Analysis. A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

15-15-1. 126. Inaction. An Application is Inactive and subject to denial on the basis of Inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an

intent to abandon the project;

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

15-15-1.121127. Incidental Retail Sales. The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for an item of clothing, etc.

15-15-1.122128. Indoor Entertainment Facility. An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, or bowling alley.

15-15-1.129. Kitchen. An enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

(A) Kitchen, me Commercial. A Kitchen that is required by the International Building Code (IBC), because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, and similar types of equipment.

15-15-1.1-24130. Kitchenette. An Area used or designed for the preparation of

food and containing a sink, refrigerator and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit.

15-15-1. 131 Landmark. A Property, Building, or Structure designated as a "Landmark" by the Historic Preservation Board (HPB) pursuant to the procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its Historic and/or architectural Significance to Park City.

15-15-1. 132. Landscaping.

(A) Landscaping, Interior. Planting islands located within the Parking Area.

(B) Landscaping, Parking Area. Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

(C) Landscaping, Perimeter. Planting Areas between the Property Line and Parking Area.

15-15-1. 133. Liftway. The necessary Right-of-Way, both surface and air space, for the operation of any tram or ski lift.

15-15-IP-&13-L Liftway Setback. The minimum allowable distance between the side line of the Liftway and any Structure.

15-15-1-P-9135. Light Source. A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

(A) Light Source, Refractive . A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

15-15-1-JG136. Limits of Disturbance. The designated Area in which all Construction Activity must be contained.

15-15-1-8+137. Lockout Unit. An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

15-15-1 1A:P-138. Lot. A unit of land described in a recorded Subdivision Plat.

(A) Lot, Corner. A Lot situated at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

15-15-1.ill139. Lot Depth . The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

15-15-1.-84140. Lot Line. Any line defining the boundaries of a Lot.

15-15-1 11i141 . Lot Line Adjustment. The relocation of the Property Line between two (2) adjoining Lots.

15-15-1.-H6142. Lot Width. The minimum distance between the Side Lot Lines at the Front Yard or Front Building Facade . See the following illustration :



15-15-1-8+.-143 Lumen. A measurement of light output or the amount of light emitting from a Luminaire .

15-15-1-1-.;&1 .t. Luminaire . A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) Luminaire, Cutoff-Type. A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90°).

(B) Luminaire, Fully Shielded. Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

(C) Luminaire, Partially Shielded. Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

15-15-1.1-9 145. Master Planned Development (CMPD). A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

15-15-1. 146 Maximum Extent Feasible. The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining "Maximum Extent Feasible".

15-15-1.14-h 147 Maximum House Size. A measurement of Gross Floor Area.

15-15-1. 1487 Model Home. A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

15-15-1.14-t;149. Neighborhood Convenience, Commercial. Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

15-15-1.14-t-44150. Nightly Rental. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

15-15-1.14-§.151. Non-Complying Structure. A Structure that:

(A) legally existed before its current zoning designation; and

(B) because of subsequent zoning changes, does not conform with the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

15-15-1.14-t-6152. Non-Conforming Use. A Use of land that:

(A) legally existed before its current zoning designation ;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.

15-15-1.++7153. Nursery.

Greenhouse. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

15-15-1.+4&!54. Nursing Home. A Business described also as a 'rest home-, or "convalescent home", other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Section 15-15-L+G4107 Group Care Facility.

15-15-1.+49155. Off-Site. Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

15-15-1.+W156. Off-Street. Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

15-15-1.157+. Office.

(A) Office, General. A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees

and/or clients.

(B) Office, Intensive. Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.

(C) Office, Medical. A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

(D) Office, Moderately Intensive. A Business offering executive, administration, professional, or clerical services which are performed with a moderate level of client interaction and traffic generated by employee and/or clients.

15-15-L+£158. Official Streets Master Plan. As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of the Streets, highways,

roads, and Rights-of-Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

15-15-L+£159. Official Zoning Map. The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

15-15-I.B-1- 160. One Bedroom Apartment. A Dwelling Unit consisting of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

15-15-I..ffil 61. Open Space.

(A) Open Space, Landscaped . Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hardscaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) Open Space, Natural. A natural, undisturbed Area with little or no improvements. Open space may include but is not limited to, such Areas as Ridge Line Area Slopes over thirty percent (30%),

wetlands, Stream Corridors, trail linkages Subdivision or Condominium Common Area, or view corridors.

(C) Open Space, Transferred Development Right (TDR). That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently transferred. This Area may be either Natural or Landscaped Open Space.

15-15-1.-86 162. Ordinary High Water Mark. The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted . In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

15-15-1.+\$.7L63. Ordinary Repairs and Maintenance. Work done on a Building in order to correct any deterioration , decay, or damage to a Building or any part thereof in order to restore same as or nearly as practical to its condition prior to such deterioration, decay, or damage.

15-15-1. 164. Outdoor Use or Event. Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with

indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

15-15-1.m165. Owner. Any Person, or group of Persons, having record title to the Property sought to be developed or subdivided, and the Owner's Agent.

15-15-1.+6()166. Parcel. An un-platted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

15-15-1.M:l-167. Parking.

(A) Parking, Public. A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) Parking, Residential. A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) Parking, Shared. The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

15-15-1. 168. Parking Area. An unenclosed Area or Lot other than a Street used or designed for parking.

15-15-1.+£169. ParkingLot, Commercial. A Parking Lot in which motor vehicles are parked for compensation

or for Commercial Uses.

15-15-1.-1-6+.170 Parking Space. An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

15-15-t. 171. Parking Structure. A fully enclosed Structure designed and intended for parking.

15-J5-L+M172. Passenger Tramway. A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

15-15-1.WI73. Person. An individual, corporation, partnersrup, or incorporated association of individuals such as a club.

15-15-1.+6&17-1 Planned Unit Development (PUD). Multiple, Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as possible with TOR Open Space and in which the overall design, size, mass, scale, Setback, materials, colors and visual character are integrated one with another.

15-15-1.+69175. Porous Paving. A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface

exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving.

15-15-L1-7() 176. Preliminary Plat. The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

15-15-1.+++I 77. Preservation Easement. An easement that includes, as minimum stipulations a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

15-15-1. 178. Private Club. See 15-15-1.4-J-87A), Club, Private.

15-15-1.ffi 179. Private Residence Club. See 15-15-1.4447(B), Club, Private Residence.

15-15-1.-1-++ 180. Private Residence Club Conversion. See 15-15-1.4447(C), Club, Private Residence Club Conversion.

15-15-1.m 181. Private Residence Club Project. See 15-15-1. 7(D), Club, Private Residence Club Project.

15-15-1.1-++6 182. Property. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real

Property of, the same Person or Persons.

(A) Property, Storefront. A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

(1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back inside building edge, of the public sidewalk and

(2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

15-15-L1-77183. Property Line. The boundary line of a Parcel or Lot.

(A) Property Line, Front. That part of a Parcel or Lot which abuts a Street.

15-15-1.-7% 18-L Property Owner. See 15-15-1. 1 65, Owner.

15-15-L1-79185. Public Improvement. Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot

improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

15-15-1m186. **Public Use.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

15-15-1.+8+187. **Qualified Professional.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

15-15-1. 188. **Quasi-Public Use.** A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

15-15-1 .+&J-1 89. **Recreation Equipment, Outdoor.** Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities.

15-15-1.+&JI90. **Recreation Facilities.**

(A) **Recreation Facilities, Commercial.** Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

(B) **Recreation Facilities, Private.** Recreation facilities operated on private Property and not open to the general

public. Including recreation facilities typically associated with a Homeowner or Condominium Association, such as pools, tennis courts, playgrounds, spas, picnic areas and similar facilities for the use of owners and guests.

(C) **Recreation Facilities, Public.** Recreation facilities operated by a public agency and open to the general public with or without a fee.

15-15-1. 191. **Refractive Light Source.** A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

15-15-1.+UI92. **Regulated Use.** A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

15-15-1.+8+193. **Residential Use.** Uses and Project that consist primarily of activities that are residential in nature that may include other support uses, such as support commercial, but where the principal use is for human habitation and associated activities. Residential Use includes occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

15-15-1.+8%194. **Resort Support Commercial.** Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

15-15-1-195. Restaurant. A Business in which food is prepared and sold for consumption.

(A) Restaurant, Drive-Through. A Restaurant, Deli, Cafe, fast food Restaurant, or other similar Business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

15-15-1-196. Re-subdivision. A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

15-15-1-197. Retail and Service.

(A) Retail and Service, Commercial-Auto Related. An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to the automobile, such as auto repair, auto body work, painting, detailing, auto and auto related equipment sales, with moderate to high volume of customer turnover and moderate to high parking demand. These Uses do not include auto dismantling, salvage, junk yards, and similar Uses. Self-service car washes are included.

(B) Retail and Service, Commercial-Major. A large scale Business engaged primarily in the sale or rental of goods, merchandise, or services with a high customer turnover and high

parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) Retail and Service, Commercial-Minor. A Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods. These Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

(D) Retail and Service, Commercial-Personal Improvement. A Business engaged in or offering courses and services for the enhancement of personal recreational interests, Business skills, vocational training, dance training, art and drama classes, public speaking, and similar Uses where the class or session meets as a group.

15-15-1-198. Ridge Line Area. The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

15-15-1-199. Riding Stable, Commercial. A Structure and/or Site for horses, ponies, and/or mules, that is rented or used for compensation.

15-15-1-1-9-201. Right-of-Way. A strip of land, dedicated to public Use, that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

15-15-1-1-201. Road .

(A) Road, Collector. A road intended to move traffic from local roads to major throughways. A Collector Road generally serves a neighborhood or a large Subdivision.

15-15-1-1-202. Road Classification. The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

15-15-1-1-203. Road Right-of-Way Width. The distance between Property Lines measured at right angles to the center line of the Street.

15-15-1-204m Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays. Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits that expressly commemorate the Salt lake

City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

15-15-1-1-99205. Satellite Receiving Station. Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TYRO's or dish Antennas. This definition does not include conventional television Antennae.

15-15-1-1-206. SBWRD. Snyderville Basin Water Reclamation District.

15-15-1-207 Screen or Screened. The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

15-15-1.202.108 **Secondary Living Quarters.** An Area within a main dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

15-15-1. 209. **Sensitive Land.** Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

15-15-1. 210 **Sensitive Lands Analysis.** A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/ Wildland Interface Zones.

15-15-1. 211 **Sensitive or Specially Valued Species.** Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern as identified in the document; animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

15-15-1. 212 **Setback.** The required minimum distance between a Building Pad and the closest of the following:

- (A) Property Line;
- (B) platted Street; or
- (C) existing curb or edge of a Street.

15-15-1. 07.2J3 **Sexually Oriented Businesses.** Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

15-15-I.WS-:214 **Significance.** The value placed on a Building relating to its architectural or Historical importance.

15-15-1. 215 **Significant Ridge Line Area.** Ridge lines in Areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these ridge lines is to be determined during the sensitive lands visual analysis process.

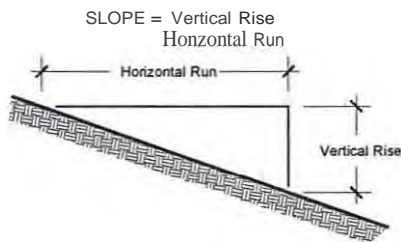
15-15-1. 216. **Significant Vegetation.** Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

15-15-1. 217. **Single Family Subdivision.** A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

15-15-1.212218. **Site Development Standards.** Regulations unique to each

zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

15-15-1.2+*219. Site Distance Triangle. A triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.

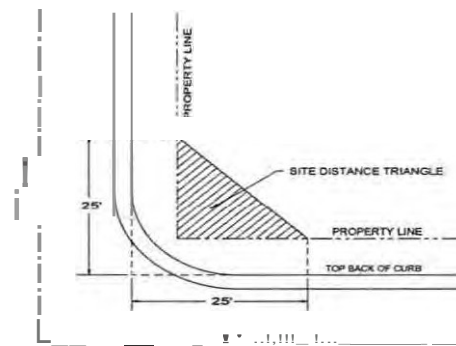


15-15-1. H-4220. Site Suitability Analysis. A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

15-15-1. 221. Sketch Plat. A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general

agreement with the Planning Commission as to the form of the plat.

15-15-1. 222 Slope. The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) Slope, Steep. Slope greater than fifteen percent (15%).

(B) Slope, Very Steep. Slope greater than forty percent (40%).

15-15-1.217223. Spacing. Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

15-15-1.224. Special Event. (Sti ll need a definition- checking with special events folks and ping)

15-15-1. 225. Stealth. See Telecommunications Facility, Stealth 15-15-1.238+(C).

15-15-1.2-1Jf226. Storefront Property.
See Property, Storefront 15-15-1.1-76182(A).

15-15-1.220.227. Stream. A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

15-15-1.221.228. Stream Corridor. The Corridor defined by the Stream's Ordinary High Water Mark.

15-15-1. 229. Street. Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) Street, Public. A Street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee.

15-15-L.223230. Streetscape. The distinguishing characteristics of a particular Street including paving materials, adjacent space on both sides of the Street, landscaping, retaining walls, sidewalks Building Facades, lighting, medians, Street furniture, and signs.

(A) Streetscape, Architectural. The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

15-15-1.221.231 Structure. Anythin g constructed, the Use of which requires a

fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground ; definition includes "Building".

15-15-1.225232. Studio Apartment. A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

15-15-1.226.233. Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Re-subdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

(A) Subdivision, Major. All Subdivisions of four (4) or more Lots, or any size Subdivision requiring any new Street or extension of municipal facilities, or the creation of any Public Improvements.

(B) Subdivision, Minor. Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the Parcel or

adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or these regulations.

15-15-1.227234. Subdivision Plat. The final map or drawing, on which the Applicant's plan of Subdivision is presented to the City Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

15-15-1.228235. Suitability Determination. A determination by the Planning Director whether Development at increased Densities due to a Density transfer from a Sensitive Area is Compatible with Development on surrounding or adjacent Property.

15-15-1.229236. Tandem Parking. A parking design which allows parking one (1) vehicle behind another. Such parking may not include more than two (2) cars in depth, and may not require occupants of separate Dwelling Units to park behind one another.

15-15-1.237. 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.

15-15-1.238. Telecommunications Facility. A Telecommunications Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or

radio signals.

(A) Telecommunications Facility, Co-Location. The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

(B) Telecommunications Facility, Equipment Shelter. A cabinet or Building used to house equipment for Telecommunications Facilities.

(C) Telecommunications Facility, Stealth. A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(D) Telecommunications Facility, Technical Necessity. A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

15-15-1.232239. Temporary Improvement. A Structure built and maintained or used during construction of a Development, activity or special event and then removed prior to release of the performance Guarantee.

15-15-1.240. Timeshare Conversion. The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

15-15-1. 241. Timeshare Estate. A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.

15-15-1.235242. Timeshare Instrument. Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

15-15-1.m143. Timeshare Interval. A Timeshare Estate or a Timeshare Use.

15-15-1. 244. Timeshare Off-Premises Contacting Activity. Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

15-15-1. 245. Timeshare Off-Premises Sales Activity. Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

15-15-1.239.246. Timeshare Off-Premises Sales Office. An office outside of

a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

15-15-1. 247. Timeshare On-Site Sales Activity. Timeshare sales activity occurring within a Timeshare Project.

15-15-1.211248. Timeshare On-Site Sales Office. An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

15-15-[.2f2249. Timeshare Project. Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

15-15-1.213250. Timeshare Sales Presentation.

(A) An offer to sell or reserve a Timeshare Interval;

(B) An offer to sell an option to purchase a Timeshare Interval;

(C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or

(D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

15-15-1.251. Timeshare Unit. That unit of Property and time where

surface Area greater than one-tenth (1110) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

15-15-1. 262. Wildfire/Wildland Interface Zone. All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

15-15-1.263. Wind Energy System, Small. All equipment, machinery, and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of 100 kW or less.

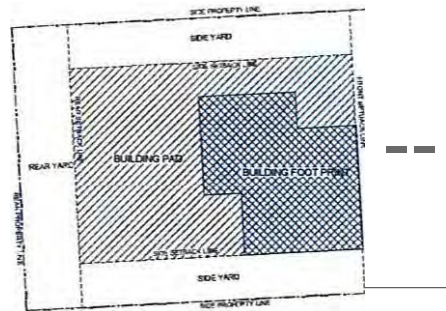
15-15-1. 264. Yard.

(A) Yard, Front. The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The "depth" of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.

(B) Yard, Rear. The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The "depth" of the Rear Yard is the minimum distance between the Rear Lot

Line and the rear line of the closest Structure.

(C) Yard, Side. The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The "width" of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



15-15-J.:B-1265. Zone Height. The base Building height permitted in the Zoning District prior to Application of any allowable height exceptions.

15-15-1.B-1266. Zoning District. An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

15-15-1.259267. Zoning Map, Official. The map adopted by the City Council depicting the geographic scope of the City's land Use designations.

possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

15-15-1.2.15252. Timeshare Use. Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club Use.

15-15-1.2-46253. Transferred Development Right (TDR) Open Space. See Section 15-15-1.155(C) Open Space, TOR.

15-15-1.2-17254. Transportation Services. A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

15-15-1. 255. UDOT. Utah State Department of Transportation, an agency that maintains and regulates State Highways.

15-15-1. 256. Uniformity Ratio. The ratio between the average and minimum light distribution or luminance across a given Area.

15-15-1. 257. Unit Equivalent. The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

15-15-1.251258. Use. The purpose or

purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

(A) Use, Intensity of. The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

15-15-1.252259. Vantage Points. A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

1. Osguthorpe Bam;
2. Treasure Mountain Middle School;
3. Intersection of Main Street and Heber Avenue;
4. Park City Ski Area Base;
5. Snow Park Lodge;
6. Park City Golf Course Clubhouse;
7. Park Meadows Golf Course Clubhouse;
8. Utah Highway State Road 248 at the turn-out one quarter mile west from U.S. Highway 40; and
9. Highway State Road 224, one-half mile south of the intersection with Kilby Road.
10. Intersection of Thaynes Canyon Drive and State Road 224.

15-15-1.J.£260. Vehicle Control Gate. Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

15-15-1.2M261. Wetland, Significant. All wetlands that occupy a

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07)

15-15-2. LIST OF DEFINED TERMS.

-A-

Access
 Accessory Apartment
 Accessory Building
 Accessory Use
 Active Building Permit
 Administrative Permit
 Affordable Housing
 Agent
 Agriculture
 Allowed Use
 Alteration , Building
 Ancillary Structure
 Anemometers and
 Anemometer Towers
 Antenna
 Antenna, Test Drive
 Antenna, Enclosed
 Antenna, Freestanding
 Antenna, Roof Mounted
 Antenna, Temporary
 Antenna, Wall Mounted
 Apartment
 Applicant
 Application
 Application, Complete
 Architectural Detail
 Area or Site

-B-

Bakery
 Balcony
 Bar
 Basement

Bay Window
 Bed and Breakfast Inn
 Bedroom
 Billboard
 Blank Wall
 Block
 Boarding House
 Building
 Building , Attached
 Building, Detached
 Building, Main
 Building, Public
 Building Alteration (see Alteration, Building)
 Building Envelope
 Building Footprint
 Building Pad
 Building Permit
 Business

-C-

Cafe
 Canopy
 Capital Improvements Program
 Certificate of Appropriateness
 Certificate of Economic Hardship
 Certificate of Occupancy
 Child Care
 Child Care, In-Home Babysitting
 Child Care, Family
 Child Care, Family Group
 Child Care Center
 City Development
 Clearview of Intersecting Streets
 Club
 Club, Private
 Club, Private Residence
 Club, Private Residence Conversion
 Club, Private Residence Off-Site
 Club, Private Residence Project
 Cluster Development
 Code

Collector Road
 Co-Location (see Telecommunications Facility, Co-Location)
 Commercial Use
 Commercial Use, Support
 Commercial Use, Resort Support
 Common Area
 Common Ownership
 Compatible or Compatibility
 Conditional Use
 Condominium
 Conservation Activity
 Constitutional Taking
 Construction Activity
 Construction Mitigation Plan
 Construction Plan
 Contributing Building, Structure, Site/Area or Object
 Council
 Cover, Site
 Crawl Space
 Crest of Hill Cul-de-sac

-D-

Deli or Delicatessen
 Demolish or Demolition
 Density
 Design Guideline
 Detached
 Developable Land
 Developer
 Development
 Development Agreement
 Development Approval Application
 Disabled Care
 Dwelling, Duplex
 Dwelling, Triplex
 Dwelling, Multi-Unit
 Dwelling, Single Family
 Dwelling Unit

-E-

Economic Hardship, Substantial
 Elder Care
 Elevator Penthouse
 Equipment Shelter (see Telecommunications Facility, Equipment Shelter)
 Escrow
 Exterior Architectural Appearance

-F-

Facade, Building
 Facade Front
 Facade Easement
 Facade Shift
 Fence
 Filtered Light Fixture
 Final Action
 Final Plat
 First Story
 Flood Plain Area
 Floor Area, Gross Residential
 Floor Area, Gross Commercial
 Floor Area, Net Leasable
 Floor Area Ratio (FAR)
 Foot Candle
 Foot Candle, Average (afc)
 Foot Candle, Horizontal (hfc)
 Foot Candle, Vertical (vfc)
 Frontage
 Fully Shielded

-G-

Garage, Commercial
 Garage, Front Facing
 Garage, Private
 Garage, Public
 Geologic Hazard
 Governing Body
 Grade
 Grade, Existing
 Grade, Natural

Grade, Final
 Grading
 Group Care Facility
 Grubbing
 Guarantee
 Guest House

-H-

Habitable Space (Room)
 Hard-Surfaced
 Height, Building
 Helipad
 Helipoll
 Heli stop
 Historic
 Historic Building, Structure, Site or Object
 Historic District
 Home Occupation
 Hospital
 Hospital, Limited Care
 Hotel/Motel
 Hotel/Motel, Major
 Hotel/Motel, Minor
 Hotel Room
 Hotel Suite

-I-

Impact Analysis
 Inaction
 Incidental Retail Sales
 Indoor Entertainment Facility

-K-

Kitchen
 Kitchen, IBC Commercial
 Kitchenette

-L-

Landmark
 Landscaping, Interior
 Landscaping, Parking Area
 Landscaping, Perimeter

Liftway
 Liftway Setback
 Light Source
 Light Source, Refractive
 Limits of Disturbance
 Lockout Unit
 Lot
 Lot, Comer
 Lot Depth
 Lot Line
 Lot Line Adjustment
 Lot Width
 Lumen
 Luminaire
 Luminaire, CutoffType
 Luminaire, Fully Shielded
 Luminaire, Partially Shielded

-M-

Master Planned Development (MPD)
 Maximum Extent Feasible
 Maximum House Size
 Model Home

-N-

Neighborhood Convenience, Commercial
 Nightly Rental
 Non-Complying Structure
 Non-Conforming Use
 Nursery, Greenhouse
 Nursing Home

-O-

Off-Site
 Off-Street
 Office, General
 Office, Intensive
 Office, Medical
 Office, Moderately Intensive
 Official Streets Master Plan
 Official Zoning Map

One Bedroom Apartment
 Open Space, Landscaped
 Open Space, Natural
 Open Space, Transferred Development
 Right (TOR)
 Ordinary High Water Mark
 Ordinary Repairs and Maintenance
 Outdoor Use
 Outdoor Recreation Equipment (see
 Recreation Equipment, Outdoor)
 Owner

-P-

Parcel
 Parking, Public
 Parking, Residential
 Parking, Shared
 Parking Area
 Parking Lot, Commercial
 Parking Space
 Parking Structure
 Passenger Tramway
 Person
 Planned Unit Development (PUD)
 Porous Paving
 Preliminary Plat
 Preservation Easement
 Private Club (see Club, Private)
 Private Residence Club (see Club, Private
 Residence)
 Private Residence Club Conversion (see
 Club, Private Residence Conversion)
 Private Residence Club Project (see Club,
 Private Residence Project)
 Property
 Property, Storefront
 Property Line
 Property Line, Front
 Property Owner (see Owner)
 Public Improvement
 Public Use

-Q-

Qualified Professional Quasi-
 Public Use

-R-

Recreation Equipment, Outdoor
 Recreation Facilities, Commercial
 Recreation Facilities, Private
 Recreation Facilities, Public
 Refractive Light Source
 Regulated Use
 Residential Use
 Resort Support Commercial
 Restaurant
 Restaurant, Drive-Through
 Re-subdivision
 Retail and Service, Commercial-Auto
 Related
 Retail and Service, Commercial-Major
 Retail and Service, Commercial-Minor
 Retail and Service, Commercial-
 Personal Improvement
 Ridge Line Area
 Riding Stable, Commercial
 Right-of-Way
 Road, Collector
 Road Classification
 Road Right-of-Way Width

-S-

Salt Lake City 2002 Winter Olympic Games
 Olympic Legacy Displays
 Satellite Receiving Station
 SBWRD
 Screen or Screened
 Secondary Living Quarters
 Sensitive Land
 Sensitive Land Analysis
 Sensitive or Specially Valued Species
 Setback
 Sexually Oriented Businesses
 Significance

Significant Ridge Line Area	Timeshare Estate
Significant Vegetation	Timeshare Instrument
Single Family Subdivision	Timeshare Interval
Site Development Standards	Timeshare Off-Premises Contacting Activity
Site Distance Triangle	Timeshare Off-Premises Sales Activity
Site Suitability Analysis	Timeshare Off-Premises Sales Office
Sketch Plat	Timeshare On-Site Sales Activity
Slope	Timeshare On-Site Sales Office
Slope, Steep	Timeshare Project
Slope, Very Steep	Timeshare Sales Presentation
Spacing	Timeshare Unit
Storefront Property (see Property, Storefront)	Timeshare Use
Stream	Transferred Development Right (TOR) Open Space
Stream Corridor	Transportation Services
Street	
Street, Public	-U-
Streetscape	UDOT
Streetscape, Architectural	Uniformity Ratio
Structure	Unit Equivalent
Studio Apartment	Use
Subdivision	Use, Intensity of
Subdivision, Major	
Subdivision, Minor	-V-
Subdivision Plat	Vantage Points
Substantial Economic Hardship (see Economic Hardship, Substantial)	Vehicle Control Gate
Suitability Determination	
	-W-
-T-	Wetland, Significant
Tandem Parking	Wildfire/Wildland Interface Zone
Telecommunications	Wind Energy System, Small
Telecommunications Facility	
Telecommunications Facility, Co-Location	-Y-
Telecommunications Facility, Equipment Shelter	Yard, Front
Telecommunications Facility, Stealth	Yard, Rear
Telecommunications Facility, Technical Necessity	Yard, Side
Temporary Improvement	
Timeshare Conversion	-Z-
	Zone Height
	Zoning District
	Zoning Map, Official

(Amended by Ord. Nos. 02-38; 0-1-39: 06-86; 07-55)