



Ordinance No. 01-17

**AN ORDINANCE APPROVING A COMPREHENSIVE
AND SUBSTANTIVE RE-WRITE OF THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, SPECIFICALLY FOR:
CHAPTER 3- PLANNING COMMISSION,
CHAPTER 5- BOARD OF ADJUSTMENT, AND
CHAPTER 15- SUBDIVISION GENERAL PROVISIONS AS
RENUMBERED AND INCLUDED IN THE BODY OF THE
MUNICIPAL CODE AS FOLLOWS:
CHAPTER 3 BECOMES TITLE 15, CHAPTER 12
CHAPTER 5 BECOMES TITLE 15, CHAPTER 10
CHAPTER 15 BECOMES TITLE 15, CHAPTER 7**

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

WHEREAS, in January of 1998 the City Council directed staff to undertake a comprehensive and substantive re-write of the Land Management Code;

WHEREAS, the City is in the process of a comprehensive rewrite of the entire Land Management Code to reorganize the document's structure, clarify and resolve inconsistencies, update regulations to be consistent with the General Plan, and provide self-contained (user-friendly) Chapters;

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on February 28 and March 28, 2001 and forwarded to City Council a positive recommendation on Chapters 3, 5, and 15;

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on April 26 and May 17, 2001; 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 General Plan and the values and identified goals of the Park City community, to protect health and safety, to maintain the quality of life for its residents; and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 3 OF THE LAND MANAGEMENT CODE. Chapter 3 is hereby deleted and replaced by LMC Title 15, Chapter 12 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 3 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 12 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 2. AMENDMENT TO CHAPTER 5 OF THE LAND MANAGEMENT CODE. Chapter 5 is hereby deleted and replaced by LMC Title 15, Chapter 10 attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 5 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 10 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 3. AMENDMENT TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15 is hereby deleted and replaced by LMC Title 15, Chapter 7 attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 7 shall be defined in accordance with the LMC, Title 15, Chapter 15.

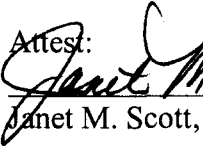
SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 17th day of May 2001

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:


Janet M. Scott,



Approved as to form:


Mark D. Harrington, City Attorney

PARK CITY MUNICIPAL CODE
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15-10-34. ABSENCE DEEMED RESIGNATION OR 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 against the member with the Mayor. The Mayor shall provide the member with a public hearing if the member requests one.

15-10-45. ORGANIZATION.

(A) **CHAIRMAN.** The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.

(B) **QUORUM.** No business shall be conducted unless at least three members of the Board, not counting the alternate, are present.

15-10-56. MEETINGS.

Meetings of the Board shall be held at the call of the Chairman 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, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public. 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.

~~The Board shall keep minutes of its proceedings showing the roll call of votes upon all questions or, if a member is absent or fails to vote, indicating such fact, and~~

15-10-78 SPECIAL EXCEPTIONS.

The Board may hear applications for special exceptions to the terms of ~~this Code~~ 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 ~~under this Code~~. Applications for special exceptions must be filed with the Community Development 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:

- (1) 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.
- (2) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- (3) 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.
- (4) The proposed special exception will be constructed, arranged and operated so as to be compatible with

the use and development of neighboring property in accordance with the applicable district regulations.

- (5) The proposed Use and Development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- (6) 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 ~~this title~~ 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.

15-10-79. VARIANCE.

- (A) Any person or entity desiring a waiver or modification of the requirements of the ~~zoning ordinance~~ Land Management Code as applied to a parcel or property that he/she

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 district.

(F) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(G) Variances run with the land.

~~(H)~~ However, ~~the~~ The Board of Adjustment may condition a variance by requiring the owner to obtain a building or other necessary permit within one year of issuance of the variance, or the variance shall be null and void.

~~(I)(H)~~ The Board of Adjustment and any other body may not grant use variances.

~~(J)(H)~~ 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.

15-10-810. 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 right to respond to testimony offered in opposition to the application.

15-10-911. 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.

15-10-1012. VOTE NECESSARY.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, ~~or board, or~~ commission, or to decide in favor of the Applicant ~~on any matter upon which it is required to pass under any such ordinance or to grant a variance or special exception.~~

15-10-1113. JUDICIAL REVIEW OF BOARD DECISION.

The City or any person ~~aggrieved adversely~~ affected by any decision of the Board of Adjustment may ~~petition have and maintain a plenary action for relief therefrom in 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's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within 30 days after the Board of Adjustment's decision is filed with the City Recorder.~~ petition provided a petition for such relief is presented to the court within

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Planning Commissions pursuant to Chapter 9 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. CHAIRMAN.

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one year, but may be re-elected for one succeeding consecutive term. A person may not serve more than two consecutive terms as Chairman of the Planning Commission. The Chairman 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 Community Development 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.

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. PURPOSES.

The Planning Commission ~~is intended to~~ 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 the decisions of the Community Development Department. The Planning Commission shall review those matters designated in ~~Section 1-15~~. 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 15-1-19.

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.

(A) **MINUTES.** Written minutes shall be kept of all Commission 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.

- Termination of inactive applications; and
- ~~review of trams and lifts outside the ROS and Estate Zones.~~
- Sensitive Lands Review

The scope of review for each of these functions is as follows:

(A) **CITY COMPREHENSIVE GENERAL PLANNING REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City's General Plan ~~long-range master planning for the City~~, including planning for adequate streets and utilities, parks, trails, and 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. The Commission shall review all proposed annexations to the City and shall recommend action and zoning on land to be annexed. ~~A member of the Community Development Department shall be designated to work with the Commission in this long-range planning function.~~

(B) **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.

(C) **LAND MANAGEMENT CODE AND ZONING 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.

(D) **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.

(E) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for Large Scale Master Planned Development approval shall be reviewed by the Planning Commission. ~~An application must be filed with the Community Development Department on a form established by the Community Development Department. Payment of all applicable fees shall accompany the application. as described in Chapter 10. Large Scale Master Planned Developments planning shall be required in all zones, except in all Historic District zones, for developments include those departments which propose proposing more than 6 lots, for all hotel and lodging projects with more than 15 rooms or units, and for all commercial and industrial projects proposing more than 10,000 square feet of gross floor area. more than 50 Unit Equivalents and/or 15% or more of the floor area. The floor area is exclusive of parking. for non-residential use.~~ 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

Commission may approve, disapprove, or modify and approve the request for Large Scale Master Planned Development approval. The approval process shall establish the following items:

- _____ (a) _____ designation of land uses within the project area;
- _____ (b) _____ designation of identifiable development parcels within the total project area. These development parcels are not required to be divided or platted as subdivision lots; but may be designated on maps as a part of the approval with a final legal description of the parcels to be required at the time each is developed or sold, leased, or otherwise transferred or separated from the whole tract.
- _____ (c) _____ designation of the land use or mixture of uses for each development parcel;
- _____ (d) _____ designation of density ranges in Unit Equivalents for each development parcel identified;
- _____ (e) _____ designation of the order of development to ensure economical expansion of City services;

- _____ (f) _____ designation of specific conditions to the development of any parcels which are by their nature more subject to development constraints than the typical parcel in the proposed development;
- _____ (g) _____ designation of density transfers from one parcel to another, if any;
- _____ (h) _____ whether or not there will be commercial uses on all or some of the development parcels identified, and if so, the specific parcels that will include commercial uses;
- _____ (i) _____ the general architectural theme and character of the overall development.
- _____ (2) _____ **LENGTH OF APPROVAL.** The Large Scale Master Planned Development approval granted by the Planning Commission shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Approval will lapse after two years of inaction, unless extended for up to two years by the Planning Commission. Zone changes occurring while the approval is in effect shall not affect the approval. Changes in the Master Plan requested by the developer will be reviewed and approved as a revision to the Master Plan by the Planning

(3) Requests for time extensions of Conditional Use Permit ~~approvals~~, Master Planned Development, ~~approvals~~, and Plat approvals.

(4) Other items of a perfunctory nature which the Chairman 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. 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 requests the item be tabled in order to prepare additional information to respond to the Commission's concerns.

(H) **REVIEW OF APPEALS OF COMMUNITY DEVELOPMENT DEPARTMENT DECISIONS. STAFF ACTIONS.** At any time, the Owner, Applicant, ~~developer~~ or any non-owner with standing as defined in Section ~~17(b)~~ 15-1-17(D) of this Code may request that Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the

same as the scope of review at the Staff level. ~~on the matters at issue.~~

(I) **SUBDIVISION AND RECORD OF SURVEY PLAT AND PLAT AMENDMENT REVIEW. PLAT APPROVAL.**

The Commission shall review all plats, ~~to be recorded~~ affecting land within the City limits or annexations to the City. 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. ~~No new conditions may be imposed at the plat approval stage.~~ 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.

(J) **TERMINATION OF INACTIVE APPLICATIONS PROJECTS.** See Termination of Projects, Section ~~17.~~ 15-1-13.

~~(H) **REVIEW OF PASSENGER TRAMWAY PROPOSALS.** The Planning Commission shall hold hearings and perform the review of proposals for passenger tramways and liftways located in zones where they are conditional uses according to the standards of review set forth in Section 8.18 of this Code. Although these uses are conditional uses in these zones, the neighborhood impacts are such that specific review by the Planning~~