

**Ordinance No. 02-07**

**AN ORDINANCE APPROVING A COMPREHENSIVE  
AND SUBSTANTIVE RE-WRITE OF THE LAND MANAGEMENT CODE  
OF PARK CITY, UTAH, SPECIFICALLY FOR:  
CHAPTER 4- HISTORIC DISTRICT COMMISSION  
CHAPTER 6- PLANNING AND ZONING ADMINISTRATION,  
CHAPTER 8- SUPPLEMENTAL REGULATIONS,  
CHAPTER 10- MASTER PLANNED DEVELOPMENTS  
CHAPTER 11- MASTER PLANNED DEVELOPMENTS- AFFORDABLE HOUSING  
CHAPTER 14- DAYCARE REGULATIONS  
TITLE 15, CHAPTER 1- GENERAL PROVISIONS  
TITLE 15, CHAPTER 15- DEFINITIONS  
AS RENUMBERED AND INCLUDED IN THE BODY OF THE  
MUNICIPAL CODE AS FOLLOWS:  
CHAPTER 6 BECOMES TITLE 15, CHAPTER 14  
CHAPTERS 8 AND 14 ARE COMBINED TO BECOME TITLE 15, CHAPTER 4  
CHAPTERS 10 AND 11 ARE COMBINED TO BECOME TITLE 15, CHAPTER 6  
CHAPTER 4 BECOMES TITLE 15, CHAPTER 11  
AND ADOPTING THE ZONING MAP OF PARK CITY DATED 5-01.**

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 and user-friendly Chapters;

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on January 24, February 28, June 13 and 22, and November 14, 2001 and forwarded to City Council a positive recommendation on Chapters 4, 6, 8, 10, 11, and 14, with additional changes to previously amended Chapters 15-1 and 15-15;

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on November 29, 2001 and April 25 and May 23, 2002 ; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code and adopt the most current zoning map, 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 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby deleted and replaced by LMC Title 15, Chapter 14 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 6 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 14 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 2. AMENDMENT TO CHAPTERS 8 AND 14 OF THE LAND MANAGEMENT CODE. Chapters 8 and 14 are hereby deleted and replaced by LMC Title 15, Chapter 4 attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 and 14 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 4 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 3. AMENDMENT TO CHAPTERS 10 AND 11 OF THE LAND MANAGEMENT CODE. Chapters 10 and 11 are hereby deleted and replaced by LMC Title 15, Chapter 6 attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapters 10 and 11 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 6 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 4. AMENDMENTS TO TITLE 15, CHAPTER 1 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 1- General Provisions, is hereby revised to include Section 15-1-13, Completion of Site Improvement Work Prior to the Approval of Plats or Issuance of Certificates of Occupancy, as stated on attached hereto Exhibit D and as deleted from Chapter 8. Any conflicts or cross references from other provisions in the LMC to Section 8.21 of Chapter 8 shall be resolved by the Community Development Director. Defined terms in Section 15-1-13 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 5. AMENDMENTS TO TITLE 15, CHAPTER 15 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 15- Definitions, is hereby revised to include new definitions and revised definitions as stated on attached hereto Exhibit E.

SECTION 6. AMENDMENT TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby deleted and replaced by LMC Title 15, Chapter 11 attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 11 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 7. ADOPTION OF THE ZONING MAP DATED 5-01. The Park City Zoning Map, dated May 2001, is hereby adopted as presented at the May 23, 2002 Council Meeting.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 23 rd day of May 2002

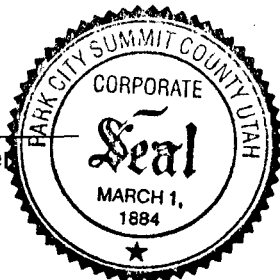
PARK CITY MUNICIPAL CORPORATION

*Dana Williams*

Mayor Dana Williams

Attest:

*Janet M. Scott*  
Janet M. Scott, City Recorder



Approved as to form:

*Mark D. Harrington*  
Mark D. Harrington, City Attorney

PARK CITY MUNICIPAL CODE  
TABLE OF CONTENTS  
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 14

---

TITLE 15 - LAND MANAGEMENT CODE

<b>CHAPTER 14 - ZONING ADMINISTRATION AND ENFORCEMENT</b> .....	1
15-14-1. ADMINISTRATION AND ENFORCEMENT .....	1
<del>15-14-2. ZONING AND BUILDING PERMITS</del> .....	<del>1</del>
15-14-2 OCCUPANCY PERMIT .....	1
15-14-3. INSPECTION .....	2
<del>15-14-5. SITE PLAN REQUIRED</del> .....	<del>2</del>
15-14-4. TIME LIMIT .....	2
15-14-5. PENALTIES/ENFORCEMENT .....	2
15-14-6. VIOLATIONS .....	2

Draft - 11/29/01

for adoption 5/23/02



**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 14 - ZONING ADMINISTRATION AND**  
**ENFORCEMENT**

*Chapter adopted by Ordinance No. 01-*

**CHAPTER 14 - ZONING  
ADMINISTRATION AND  
ENFORCEMENT.**

**15-14-1. ADMINISTRATION AND  
ENFORCEMENT.**

The provisions of this Ordinance shall be administered by the Community Development Department under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Community Development Director shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land use related ordinances or regulations. The Community Development Director, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a development is in substantial compliance with this Code, ~~or when strict compliance should be demanded or excused,~~ or other enforcement actions taken. The failure of any person to properly interpret or apply this code or any provision of it shall not operate

to waive or estop the City from subsequent enforcement action. Permits issued in violation of this Ordinance shall have no force or effect and persons knowingly or negligently building under improperly issued permits do so at their own risk.

~~**15-14-2. ZONING AND BUILDING  
PERMITS.**~~

~~Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided for or as restricted in this ordinance and the Uniform Building Code, shall not be commenced except upon clearance by the City staff for compliance with this Code and issuance of a building permit by the Building Official.~~

**15-14-2. OCCUPANCY PERMIT.**

Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit certificate of occupancy shall be issued by the Building Official to the effect that the use, building, or premises conform to provisions of this and all related

ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit certificate is needed whenever use or character of any building or land is to be changed.

**15-14-3. INSPECTION.**

The City, through its designated officials, shall, upon presentation of evidence of his authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

~~15-14-4. SITE PLAN REQUIRED:~~

~~A detailed site plan, drawn to scale, shall be filed with the City, as part of any application for a building permit for a permitted use. The site plan shall show where pertinent:~~

- ~~(A) — Scale and north arrow:~~
- ~~(B) — Lot lines and their dimensions:~~
- ~~(C) — Adjacent streets, roads, rights-of-way, and easements:~~
- ~~(D) — Location of all existing structures on subject property and adjoining properties; completely dimensioned, including utility lines, poles, fences, etc:~~

~~(E) — Existing utility line locations and sizes:~~

~~(F) — Existing and proposed grading, drainage, and landscaping plans:~~

~~(G) — Location of proposed construction and improvements, including location of all landscape elements retaining walls, drainage works, and signs:~~

~~(H) — Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location:~~

~~(I) — Necessary explanatory notes:~~

~~(J) — Name, address, and telephone number of builder and owner:~~

~~(K) — Other information which may be requested by the City or in this Code:~~

**15-14-4. TIME LIMIT.**

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Zoning Administrator, the plan approval for a permitted use shall expire.

**15-14-5. PENALTIES/ ENFORCEMENT.**

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the City, or by

affected property owners in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probable cause to believe that construction has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative injunctions. The Building Official, Planning Department and other designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

(C) **THIRD PARTY ACTIONS.** Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

**15-14-6. VIOLATIONS.**

Violations of this Code are Class "B" misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that

corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the owner of the property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

OLD CHAPTERS 8 & 14.  
for adoption 5/23/02

**PARK CITY MUNICIPAL CODE**  
**TABLE OF CONTENTS**  
**TITLE 15 LAND MANAGEMENT CODE - CHAPTER 4**

---

**TITLE 15 - LAND MANAGEMENT CODE**

<b>CHAPTER 4 - SUPPLEMENTAL REGULATIONS</b>		1
15-4-1.	PURPOSE	1
<del>15-4-2.</del>	<del>SUBSTANDARD LOTS</del>	<del>1</del>
<del>15-4-3.</del>	<del>REDUCED SITE REQUIREMENTS</del>	<del>1</del>
<del>15-4-4.</del>	<del>LOT STANDARDS</del>	<del>2</del>
<del>15-4-5.</del>	<del>SALE OR LEASE OF REQUIRED SPACE</del>	<del>2</del>
<del>15-4-6.</del>	<del>SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS</del>	<del>2</del>
15-4-72.	FENCES, WALLS, BERMS, AND/OR HEDGES	2
<del>15-4-8.</del>	<del>FRONTAGE PROTECTION, LIMITED ACCESS TO HIGHWAYS</del>	<del>3</del>
<del>15-4-9.</del>	<del>CLEAR VIEW OF INTERSECTING STREETS</del>	<del>4</del>
<del>15-4-10.</del>	<del>PUBLIC UTILITY STRUCTURES</del>	<del>4</del>
<del>15-4-11.</del>	<del>ZERO SIDE YARD REQUIREMENTS</del>	<del>4</del>
15-4-123.	HOME OCCUPATION	.
<del>15-4-13.</del>	<del>CONDOMINIUM CONVERSION</del>	<del>5</del>
<del>15-4-14.</del>	<del>SIDE YARD EXCEPTIONS</del>	<del>5</del>
<del>15-4-15.</del>	<del>REAR YARD EXCEPTIONS</del>	<del>6</del>
<del>15-4-16.</del>	<del>FRONT YARD EXCEPTIONS</del>	<del>6</del>
<del>15-4-17.</del>	<del>HEIGHT PROVISIONS</del>	<del>7</del>
15-4-184.	REGULATION OF SECONDARY LIVING QUARTERS WITHIN RESIDENTIAL DWELLINGS	.
15-4-5.	LOCK OUT UNITS	.
15-4-6.	GUEST HOUSES	.
15-4-197.	REGULATION OF ACCESSORY APARTMENTS	.
<del>15-4-21.</del>	<del>COMPLETION OF SIDE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY</del>	<del>16</del>
15-4-8.	GROUP CARE FACILITIES	.
15-4-9.	CHILD CARE AND CHILD CARE FACILITIES	.
15-4-2210.	TIMESHARE PROJECTS	.
15-4-11.	TIMESHARE CONVERSION	CONDITIONAL USE AND
<del>15-4-23.</del>	<del>REQUESTS TIMESHARE PROJECTS</del>	<del>.</del>
<del>15-4-24.</del>	<del>SALE OF TIMESHARE UNITS</del>	<del>25</del>
15-4-12.	CONDOMINIUM CONVERSION	.

**P**ARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 4 - Supplemental  
Regulations

---

15-4-2

15-4-2513.	REGULATION OF THE PLACEMENT OF SATELLITE RECEIVING ANTENNAS .....	
<del>15-4-27.</del>	<del>SENSITIVE LANDS REVIEW .....</del>	<del>29</del>
<del>15-4-28.</del>	<del>CRITERIA FOR CONDITIONAL USE REVIEW OF OUTDOOR SPEAKERS IN CONJUNCTION WITH OUTDOOR DINING .....</del>	<del>30</del>
15-4-3014.	TELECOMMUNICATION FACILITIES .....	
15-4-2915.	OUTDOOR DISPLAY OF WORKS OF ART .....	
15-4-2616.	TEMPORARY STRUCTURES, TENTS, AND VENDORS.	
15-4-17.	SETBACKS REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS .....	
15-4-2018.	SPECIAL REVIEW PROCESS FOR PASSENGER TRAMWAYS IN HR-1, HRL, AND HCB ZONES .....	



**TITLE E 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 4 - SUPPLEMENTAL REGULATIONS**

*Chapter adopted by Ordinance No. 00-*

**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. SUBSTANDARD LOTS.**

Nothing in this Code shall be construed as preventing the division of approved and platted duplex Lots into separate ownership under the terms of either a Condominium ownership Structure, a Planned Unit Development ownership Structure, or a party wall agreement. No new Lots may be platted or created by deed which do not comply with the minimum Lot size requirements established for that zone. *This language is now in individual zoning districts and in Chapter 15.*

**15-4 -3. REDUCED SITE  
REQUIREMENTS.**

~~Any Lot under separate ownership of record prior to April 4, 1968, which has dimensions which would prevent Building because of the Front Yard, Rear Yard, and Side Yard set back required by the zone in which the Lot is located, and any Lot which has been approved by the City Council prior to the effective date of this Code which would prevent Building because of the Front Yard, Rear Yard, and Side Yard set backs required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the Uniform Building Code for Development on construction on or near Lot lines must be met. *This has already been addressed in the non-conforming use chapter and with the BOA/variance procedure.*~~

(A) ~~Notwithstanding the above, in the HR-1 zone for single unit dwellings, the Side Yards shall be no less than three feet (3') and if reduced pursuant to this section, then no Side Yard exceptions as provided in Section 15-4-14 shall be permitted; and in the RD zone for single unit dwellings, namely in Thaynes Canyon Subdivision I and II, Prospector Village, the Front Yard for Main Buildings shall not be less than twenty feet (20'), and the Front Yard for garages shall~~

not be less than ten feet (10'), and the Side Yard shall be not less than five feet (5') except on Corner Lots. On Corner Lots, the Side Yards abutting the Street shall not be less than ten feet (10'), and the Rear Yard may be reduced to ten feet (10'). In the Prospector Square Commercial Subdivision, Lots 2 to 38 in the GC zone, front, side, and Rear Yards may be reduced to zero feet except for commercial Lots which front on state highways.

*This language was incorporated into zoning districts.*

(B) — This section is not intended to conflict with Subsection 15-4-9 nor shall it be interpreted as taking precedence over the requirements of Subsection 15-4-9.

*This language was incorporated into the specific zoning districts.*

**15-4-4. — LOT STANDARDS:**

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot shall have Area, width, and depth as required by the regulations for the zone in which the Lot is located, and the Lot has Frontage on a Street shown as a City Street on the Official Streets Master Plan, or on private easements connecting the Lot to a Street shown on the Official Streets Master Plan.

*This language was incorporated into the specific zoning districts.*

**15-4-5. — SALE OR LEASE OF REQUIRED SPACE:**

No space needed to meet the width, yard Area, coverage, parking, or other requirements of this Code for Lot or Building may be sold or leased away from such Lot or Building. *This language has been deleted as it is duplicative.*

**15-4-6. — SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:**

No Parcel of land which has less than the minimum width and Area requirements for the district in which it is located may be created from a larger Parcel of land for the purpose, whether immediate or future, of Building or Development as a Lot. *This language is in Chapter 1 and 15.*

**15-4-27. FENCES, WALLS, BERMS, AND/OR HEDGES.**

(A) Fences, walls, berms and hedges higher than six feet (6') may be erected or allowed within the buildable Area, provided that Any fence or wall greater than six feet (6') in height requires shall receive administrative conditional use approval and a Building permit. Fences, walls, berms, and hedges shall not exceed four feet (4') in height within any required Front Yard or side Street Side Yard and shall not exceed six feet (6') within any required Rear Yard or interior Side Yard. Where a Fence or wall occurs along a Property Line separating two Lots and there is a difference in the Grade of the properties, the Fence or wall or hedge

may be erected or allowed to the maximum height permitted on either side of the Property Line.

*This language will be incorporated into The Design Chapter 9 at a later date.*

(B) **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones with the following exceptions which must be approved by the Community Development Director.

- (1) For recreational facilities such as tennis courts,
- (2) As temporary vegetation protection during construction as directed by the Community Development Department.
- (3) Chain link Fences may be permitted in other circumstances by the Community Development 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 may be constructed no higher than six feet 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 their entire length.

*This language will be incorporated into the Design Guidelines Chapter at a later date.*

**~~15-4-8. FRONTAGE PROTECTION, LIMITED ACCESS TO HIGHWAYS.~~**

~~The Frontage along both sides of Park Avenue (SR 224) from 15th Street north to the north City limits, both sides of Marsae Avenue (SR 224) from its upper intersection with Prospect Avenue to the south City limits, both sides of Kearns Boulevard (SR 248) from Park Avenue east to the east City limits, and Deer Valley Drive from Park Avenue to Heber Avenue (U-224 Belt Route) are subject to special review for protection of the highway Frontage. These Areas are shown as a supplement to the zoning district map. Any Building proposal within a distance of one hundred feet (100') back from the nearest Right-of-Way line of these highways is subject to review by the Community Development Department. The highway Frontage review shall be limited to the following factors:~~

- ~~(A) To the extent possible to minimize Access points and driveways to the highways, Access shall be from existing City Streets that join with the highways rather than direct highway Access. Common driveways between adjoining projects shall be used when possible, and driveways that~~

are required in order to provide Access shall be placed where they create the least interference with through traffic on the highways:

(B) — The Department shall review proposals for pedestrian and bicycling pathways through the Frontage Property, proposals for open space, buffered Areas, and preservation of view corridors:

(C) — Regardless of the zone Setbacks in Chapter 7, no Structure shall be erected within thirty feet (30') of the nearest highway Right-of-Way line in order to preserve view corridors, buffer Areas, and allow for possible future improvements of the highway themselves. The Board of Adjustment may grant variances of this Setback.

(D) — All construction in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line is a conditional use, and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone:

*This language has been incorporated into Chapter 2.20 as the FPZ district.*

**15-4-9. — CLEAR VIEW OF INTERSECTING STREETS.**

In all zones, no obstruction to view in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within a triangular Area 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, except a reasonable number of trees pruned low enough to permit automobile drivers an unobstructed view. This shall not require changes in the Natural Grade on the Site. *This language was incorporated into the individual zoning districts and Chapter 15-Subdivisions.*

**15-4-10. — PUBLIC UTILITY STRUCTURES.**

Public utility Structures may be permitted on less than the required size Lots in any district as approved by the Community Development Department. These facilities are conditional uses.

*This language was incorporated into the zoning districts.*

**15-4-11. — ZERO SIDE YARD REQUIREMENTS.**

In Subdivisions or Master Planned Developments where the arrangement and placement of Buildings are fixed and so designated on both the preliminary and Final Plats, the Planning Commission may, after review, approve the Subdivision or Planned Unit Development waiving one of the required Side Yards. In the Prospector Square Commercial Subdivision, Lots 2 through 38 in the GC Zone, the front, side, and Rear Yard set backs may be reduced to zero set back, except those Lots fronting on a state highway, if any, or if the set back is necessary to comply with Section 15-4-9 of

~~this Code. This reduction in the Prospector Square Commercial Subdivision is predicated on the preservation of the Common Areas, pedestrian malls, and common parking Lots. If those Common Areas do not exist for the use and benefit of a Lot on which Development is proposed, the normal GC Zone requirements shall apply.~~

*This language was incorporated into the specific zoning districts.*

**15-4 -123. HOME OCCUPATION.**

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

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

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

*Incidental retail sales means the sale of common items 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 a item of clothing, etc.*

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 ( $\frac{1}{2}$ ) 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.

~~In all cases, There shall be no exterior advertising of said Home Occupation businesses on the premises by window displays or signs. , and no one outside of the immediate family may be employed.~~

*This language conflicts with paragraph 2 and removing it allows roommates or others commonly living in a dwelling unit as their primary dwelling to have a home occupation in that dwelling, as currently allowed in the second paragraph.*

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.

Home Occupation will not allow a resident, professional or otherwise, to use the dwelling for his general practice when that practice is normally associated with some other zoning district. Home Occupation will, however, allow the use of the dwelling by a physician, dentist, lawyer, clergyman, engineer or the like for consultation or emergency treatment. Consultation shall include the use of a dwelling to receive mail and maintain a telephone or automatic answering device related to the Home Occupation, but shall not allow frequent or constant visitation to the residence by clients to transact Business.

*This language is vague and has been confusing to applicants in the past, ie. can a professional engineer use his home as a home occupation when professional engineering offices are associated with general commercial zoning. The following language is recommended instead:*

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

- (A) arts and crafts studio;
- (B) culinary products kitchen or studio;
- (C) dressmaking or millinery work;
- (D) professional office;

- (E) home office for insurance or real estate sales or telemarketing; or
- (F) teaching and tutoring.

A Home Occupation shall not be interpreted to include the following:

- (A) animal hospital;
- (B) long term care facility;
- (C) restaurants, bars, cafes and other general commercial retail uses;
- (D) bed and breakfast inns; or
- (E) Child Care or Group Care Facilities.

Home Occupation shall include the care of fewer than three (3) children other than members of the family residing in the dwelling. *This language moved to Section xx-xx Child Care Regulations.*

**15-4-14. SIDE YARD EXCEPTIONS:**

The Area of a required Side Yard shall be open and unobstructed except for the following and similar uses:

- (A) The ordinary projections of window sills, belt courses, cornices, and other ornamental features to the extent of not more than four inches (4").
- (B) The projection of an eave not more than two feet (2').
- (C) The projection of a step not over two feet (2').

(D) — Awnings projecting over doorways and windows not more than three feet (3').

(E) — A Bay Window or chimney not over ten feet (10') long projecting not more than two feet (2'), provided such extension maintains the minimum Side Yard allowable for the smallest Side Yard in that district.

(F) — A light or window well not over two feet (2') in width.

(G) — Walls or Fences not more than six feet (6') in height.

(H) — A driveway leading to a properly located garage or Parking Area; however, a Side Yard cannot be used for a Parking Area except as hereinafter provided, nor for storage, nor can it be hard-surfaced in such a way as to make possible the parking of automobiles or other vehicles unless it is a driveway that leads to a garage or a properly located Parking Area in the Rear Yard.

(I) — A detached garage may be located in a Side Yard provided said garage meets the requirements specified for the district in which it is located, and the requirements of the Building and Fire Codes for Buildings in close proximity to the Lot lines.

(J) — Hot tubs, decks or similar uses at ground level shall be allowed in a Side Yard provided they are located at least ten feet (10') from a dwelling on an adjoining Lot or five feet (5') from Property Line.  
*Language incorporated in each zoning district.*

**15-4-15. REAR YARD EXCEPTIONS:**

The Area of a required Rear Yard shall be open and unobstructed except for the following which are permitted:

(A) — A Bay Window or chimney not over ten feet (10') long projecting not more than two feet (2').

(B) — Window wells extending not more than four feet (4').

(C) — The projection of an eave or cornice not more than two feet (2').

(D) — Private swimming pools, tennis courts, and similar uses shall be allowed in a Rear Yard provided they are located at least thirty feet (30') from any dwelling on an adjoining Lot and at least ten feet (10') from any Property Line.

(E) — Garages and other Accessory Buildings as hereinafter provided. Such Structures shall not cover over fifty percent (50%) of the Rear Yard Area.

(F) — Hard-surfaced Parking Areas subject to the same location requirements of a garage.

(G) — Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet (4') from any Property Line and also that they conform to all requirements established by

the Civil Defense Agency for approved shelters:

(H) ~~Air conditioners.~~

(I) ~~Fences not over six feet (6') in height.~~

(J) ~~Hot tubs or similar uses shall be allowed in a Rear Yard provided they are located at least ten feet (10') from a dwelling on an adjoining Lot or five feet (5') from Property Line.~~

*Language incorporated into zoning districts.*

**15-4-16. FRONT YARD EXCEPTIONS:**

The Area of a required Front Yard shall be open and unobstructed except for the following which are permitted:

(A) ~~A Fence or wall not more than four feet (4') in height; no Fence more than three feet (3') in height shall be allowed within thirty feet (30') of the intersection on any Corner Lot.~~

(B) ~~Uncovered steps leading to the Main Building; provided, however, that they are not more than four feet (4') in height and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection. Any portion of any steps, covered or uncovered, that are more than four feet (4') above Grade must maintain the required Setback line.~~

(C) ~~Eaves or cornices projecting not more than two feet (2').~~

(D) ~~A driveway leading to a properly located garage or Parking Area, provided, however, no portion of a Front Yard as required in this Code except for those approved driveways, shall be Hard-surfaced or graveled so as to encourage or make possible the parking of automobiles, nor shall the City allow any curb cuts or approve any driveways except for entrance and exit driveways leading to properly located Parking Areas. Hard-surfaced parking may be permitted in the Front Yard of HR-1 and R-1 properties subject to compliance with the zone district requirements. Such parking shall not be permitted in the required Side Yard extended forward to the Front Property Line.~~

(E) ~~Circular driveways shall be permitted in required Front Yard Areas of single-family dwellings leading to and from a properly located garage or carport on the Property subject to the following conditions:~~

~~(1) Such drives shall be Hard-surfaced.~~

- ~~———— (2) ——— Such drives shall not be over sixteen feet (16') in width.~~
- ~~———— (3) ——— There shall be an Area in landscaping at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.~~
- ~~———— (4) ——— Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.~~
- ~~———— (5) ——— Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property.~~

*Language incorporated into zoning districts.*

**15-4-17. ——— HEIGHT PROVISIONS.**

The total height of the Building shall be measured as the vertical distance from Natural Grade or Final Grade, whichever yields the smaller/shorter Building, at a point three feet (3') out from the foundation wall, as defined in this Code, to the highest point of a flat roof or to the deck line of a mansard roof or to the highest ridge of a hip or gable roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen inches (18") above the deck line. Roofs not clearly fitting any of the above three classifications shall be classified by the Community Development Department in accordance with the roof

~~classification it most resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the Structure, the following exceptions apply:~~

~~(A) ——— In all but the HR-1 and HRL Districts, the ridge of a gable, hip, gambrel or similarly pitched roof may extended up to five feet (5') above the specific maximum height limit for the zone.~~

~~(B) ——— Antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the specified maximum height limit for the zone.~~

~~(C) ——— Water towers and mechanical equipment may extend up to five feet (5') above the specified maximum height limit.~~

~~(D) ——— Church spires, bell towers, flag poles, and like architectural features as permitted under the Historic District Guidelines, may extend over the specified maximum height limit by up to fifty percent (50%) of the height limit, but shall not contain any Habitable Spaces above the maximum zone height stated.~~

~~(E) ——— In order to accommodate a one-story element and pitched roof with a ridge design running perpendicular to the Street, the Community Development Department may permit a Building Height increase, not to exceed eighteen feet (18') to the ridge line when measured from the~~

~~midpoint of the front/Street-side Property Line. Additional Building Height, pursuant to this exception, shall not be permitted for portions of the Structure further back than thirty four feet (34') from the Street-Front Property Line. Prior to granting any additional Building Height, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines and results in a better overall architectural design and neighborhood Compatibility.~~

~~(F) — In order to accommodate a pitched roof running with a ridge design running perpendicular to the Street, the Community Development Department may grant additional Building Height provided that no more than twenty percent (20%) of the ridge line exceeds the height requirements. Prior to granting any additional Building Height, pursuant to this exception, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines; results in a better overall architectural design, and does not substantially interfere with sight lines of adjacent properties. This is intended to promote more Historic roof forms and to prevent the proliferation of non-Historic, long-sloping roof forms that run parallel to the Slope.~~

*Language incorporated into zoning districts or deleted during LMC Phase I amendments.*

**15-4 -184. REGULATION OF SECONDARY LIVING QUARTERS WITHIN RESIDENTIAL DWELLINGS.**

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 Building Permit or Certificate of Occupancy issuance:

(A) **SIZE.** The maximum size for Secondary Living Quarters shall be 800 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.

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

(C) **SINGLE UTILITY METERS.** The main Dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens.

(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 uses.

~~(F) — **PROHIBITED IN HISTORIC DISTRICT.** Secondary living quarters will not be approved in the Historic District. See first paragraph.~~

**15-4 -5. LOCKOUT UNITS.**

Lockout Units are a Conditional Use in the HR-L District and are an Allowed Use in all other Zoning Districts, except in the ROS, SF, and LI Districts where they are not permitted. A Lock Out 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 Section 15-1-10. Guest Houses are only permitted on lots of one acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, RCO, GC, or LI zoning Districts. 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 stating that the Guest House may not be sold or leased separate from the Main House, shall be recorded at the County Recorders Office.

**15-4 -197. — REGULATION OF ACCESSORY APARTMENTS.**

The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the community. While preservation of the single family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety. ~~The following provisions are intended to facilitate Accessory Apartments while minimizing land use conflicts and environmental degradation.~~ Accessory Apartments shall be are subject to the following criteria:

(A) **CRITERIA FOR USE.**

- (1) **SIZE.** Accessory Apartments may be no more than one ~~fourth~~ third of the dwelling size, shall be limited to a maximum Floor Area of ~~size of 800~~ 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 size 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 ~~thirty~~ twenty-five feet (30/25') as measured from the Property Line. ~~No parking shall be permitted within the Front Yard Setback Area.~~ 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. ~~Significant Vegetation is vegetation~~

~~which has a caliper (diameter) in excess of two inches (2") as measured four inches (4") above Grade or other vegetation providing desirable visual Screening between properties. Significant Vegetation is a defined term.~~

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

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

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

(iii) Reasonable efforts, such as automatic garage

door openers, lease provisions and/or limitation of garage storage, have been made to encourage the use of all off-Street-parking.

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

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

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

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

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

"A permit for an Accessory Apartment was issued to

\_\_\_\_\_,  
the current Owner of this Property on

\_\_\_\_\_. This permit does not run with the land and is automatically invalidated by the sale or transfer of this Property. Prospective purchasers should be advised that only one unit on the Property may be rented; the other must be occupied by the Owner. Prospective purchasers who intend to reside in one of the units on the Property may apply to the Planning Department for an Accessory Apartment permit. If the Apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted. The Owner shall strictly adhere to the prohibition of the use of the accessory Structure as a Nightly Rental.

(8) **NIGHTLY RENTALS.**  
Accessory Apartments are intended for long term rental of ~~six (6) months~~ thirty (30) days or more and may not be used for Nightly Rentals.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and Notification requirements established in Section 15-1-12 (E). ~~Chapter 1, Section 1.15 (D).~~

(~~EB~~) **REGULATED USE REVIEW.**  
The Community Development 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 Community Development Department shall approve a permit if the requested ~~use~~ Accessory Apartment complies with the criteria for use in Section 15-4-7 (A), established herein. The Regulated Use permit shall be subject to the one-year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**  
The Accessory Apartment permit may be revoked by the Community Development 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 Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(~~DC~~) **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 ~~use~~ 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 Section ~~1.13(j)~~ 15-1-10 have been mitigated. The Conditional Use permit shall be subject to the one-year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Community Development 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 Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

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

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

Planning Commission shall approve the request only if the following findings can be made:

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

**15-4-8. GROUP CARE FACILITIES.**

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

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

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

Family foster homes are exempt from these regulations, provided that the maximum number of foster children in any given home shall not exceed four (4).

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 four (4) 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 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 Community Development 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 Section 15-1-10 (Conditional Use Permit review) herein:

- (1) Whether the adjacent street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.

(2) Whether the Group Care Facility has made on-site accommodations for all parking and circulation requirements.

(3) Whether the architectural design of the Facility is compatible with the character of the adjacent neighborhood.

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

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

(D) **NOTICE.** A notice of any Group Care Facility Conditional Use Permit granted by the City, and any

conditions imposed upon such Facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the property upon which the Group Care Facility is permitted.

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

**15-4-9. CHILD CARE AND CHILD CARE FACILITIES.**  
~~CHAPTER 14. CHILD CARE REGULATIONS~~

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

(B) ~~14.2.~~ **IN-HOME BABY-SITTING.** In-Home Baby-Sitting includes the provision of Child Care for ~~fewer than~~ four or fewer children within a ~~private~~ homeDwelling, and within commercial buildings outside of residential zones. In-

Home Baby-Sitting shall be permitted in all zoning districts except for the Light Industrial (LI) and Recreation Open Space (ROS) zones, wherein in-home baby-sitting shall only be allowed if it is for employees of an approved business with the same business providing the child care service. In-Home Baby-Sitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted accessory use. Standard building and zoning regulations shall be complied with.

*State licensing requirements start with 5 children in either family child care or child care centers, although there are different rules based on mixed ages and how many are under 2 years of age where licensing may kick in with fewer.*

*Staff recommends changes to the use tables for various zoning districts as a result of these changes in state requirements and subsequent LMC requirements, ie. changing certain Allowed uses to Conditional uses for the Family Group Child Care homes.*

**(C) 14.3. FAMILY DAY CHILD CARE.**

Family Day Child Care is a small scale Child Care facility home which includes the provision of Child day Care for four to six up to eight (8) children. Family day Child Care in residential zones must be within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen if they are cared for in the same area of the structure as that designated for Family Child day Care. Conformance to the criteria contained herein and all State Child Care Building Code requirements meet Park City requirements;

however, state licensing requirements for child care may be more restrictive.

*State has changed numbers for this category from six to eight. To be consistent with State regulations for Family Child Care the LMC has been revised to increase the number from 6 to 8.*

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 day Child Care homes shall be permitted in all other commercial and residential zoning Districts subject to issuance by the Chief Building Official, of a certificate of occupancy for the home, and either an administrative permit issued by the City Planning Director or a Conditional Use Permit issued by the Planning Commission, which shall be subject to the following conditions. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Community Development 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 off-street parking space is ~~provided~~ 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 ~~if provided~~ that parking is not within the side setbacks established for that zone ~~or if~~ and the driveway is not required for a drop-off/pick-up area as required herein.

(b) **Drop-off/Pick-up Area.** Two drop off/pick-up parking spaces must be provided. These spaces can be street parking spaces provided that they are located within 50 feet 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.

(~~dc~~) **Arterial Street.** If located on an arterial street or State Highway, an off-street drop-off/pick-up area is required.

(ed) **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 ~~of at least~~ 240 square feet ~~shall be provided on-site.~~ No structured area for active play or play structures may be located in the front yard (~~not capitalized!~~) in residential zones. Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Signsage.** 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 ~~Day~~ Child Care home.

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

(g) **Multi-Unit Dwellings family Housing.** Family day Child Care in a Multi-Unit family Dwellings housing project (projects which are condominiumized) is a Conditional Use, subject to the review criteria for Conditional Use Permits stated in Section 15.1.10 with review and approval by the Planning Commission. Family day Child Care will not be approved for Multi-family Unit Dwellings housing projects 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.

**(D) 14.4. FAMILY GROUP CHILD CARE.** Family Group Child Care is a medium scale facility Child Care home which includes the provision of Child Care for seven (7) to twelve (12) children nine (9) to sixteen (16), inclusive. Family Group Child Care in residential zones must be provided within the provider's primary residence and shall include the provider's own children under the age of 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.

A Family Group Care facility home shall not be permitted in the Light Industrial (LI) or Recreation Open Space (ROS) zone unless it is for the use of the employees of a business, with the same business operating the Child Care Facility.

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 Community Development 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 day Group Child Care homes are subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home. an

Administrative Permit issued by the City Planning Director

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.

- homes shall be permitted in all other commercial and residential zoning districts subject to the issuance of an administrative permit by the City Planning Director and subject to the same conditions listed in Section 14.3. of this Chapter and subject to the following exceptions and additions:

**(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 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.

(ab) **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 50 feet 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.

shall be provided (rather than two) with two of the spaces being provided on the site. The driveway may be used for this purpose if the driveway is not necessary for employee or resident parking.

(dc) **Arterial Street.** If located on an arterial street or State Highway, an off-street drop-off/pick-up area is required.

(bd) **Density.** No more than one Family Group Child Care home may be permitted on any one street or within any 300 foot radius (whichever area is less), and no more than two Family Group Child Care homes may be located in any one 500 foot radius area. Family day Child Care homes and other family 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.

**(ee) Play Area Size and Location.** An outdoor play area of at least ~~480~~ 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. ~~No structured area for active play or play structures may be located in the front yard (not capitalized) in residential zones.~~ Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

**(df) 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 Community Development Department approval.

**(eg) Structure Inspection Required.** The structure shall conform to UBC 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 ~~for more than ten~~ children.

**(fh) Neighborhood Meeting.** Prior to permit issuance for a Family Group Child Care home facility in a residential zone, a neighborhood meeting, under the direction of the Community Development Department, shall be held to discuss the proposed facility with property owners within 300 feet of the subject parcel, subject to standard notification requirements. ~~Very often neighbors' concerns can be eased by explaining beforehand how the group care home shall be operated. moreover, T~~he hearing gives the child care provider an opportunity to understand the neighborhoods' concerns and ~~perhaps modify to consider~~ operational policies or make reasonable modifications to the site plan to mitigate impacts of the use. ~~in an effort to maintain a positive neighborhood relationship.~~

**(gi) One Year Review.** The All Conditional Use Permits for Family Group Child Care homes ~~administrative permit for a~~ shall receive a one time review by the Planning Commission one 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:

1. The facility use has consistently generated more parking demand than can be handled within 50 feet of the property parcel boundary on the same side of the street.
2. The facility use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.
3. Patrons of the facility Family Group Care home have consistently violated traffic laws.
4. The facility Family Group Child Care home and uses or objects related to the facility does not conform to Code defined standards.

If the Planning Commission finds that the facility 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 year.

**(hj) Multi-family Unit Dwelling Housing:** Family Group Child Care in a Multi-family Unit Dwelling housing project is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-family Unit housing projects 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)14.5. CHILD CARE CENTER.** A Child Care Center is a large scale center based Child Care facility in which the provision of Child Care for 5 or more children occurs in a place other than the care providers primary residence and on a regular basis 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 providers 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 zones Districts except for the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate -40 (E-40), and the Regional Commercial Overlay (RCO) zones Districts. In these Districts wherein a Conditional Use Permit is required, and in the Light Industrial (LI) zone where a child care center is not permitted unless it serves the employees of a business, with the business operating the facility, in which case a conditional use permit is required. A Child Care Center may be located within a residential zone District with a Conditional Use Permit approval, pursuant to Section 15-1-10.

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 Section 15-1-10, the proposed building for architectural compatibility of the proposed Child Care Center and shall also consider the following location at criteria guidelines and site requirements during the review process.

Draft - 11/29/01

(1) **LOCATION CRITERIA. Locational Guidelines.** For projects within a residential neighborhood, the Planning Commission shall consider the following locational guidelines for locating Child Care Centers .

(a) Traffic will not be encouraged onto local roads within a Subdivision is discouraged. and Location of Child Care Centers is encouraged such that the Center facility can be conveniently accessed by from existing collector or arterial roads.

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

(c) The facility 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 facility 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. Site Requirements.** The following site requirements shall be observed:

(a) Parking. At least one parking space shall be provided for each on-duty staff person per shift and one space for every six 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 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. ~~in any area of Park City.~~

(d) Play Areas. No structured area for active play or play structures may be located in a front yard. Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) Density. No more than one Child Care Center shall be permitted in any one residential subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other family child care

operations which are not regulated shall not be included in density calculations.

(f) Lot Size and Configuration. The minimum Lot Area size for a Child Care center with more than sixteen children shall be 12,000 square feet. The lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play areas which are contiguous to the structure.

(g) Setbacks. Standard setbacks shall be observed except that Child Care Centers facilities located in residential zones Districts shall provide at least 18 foot side yards and 25 foot rear yards.

(h) Play Area within Setbacks. No more than 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 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, setback at

least ten feet from the property line and must conform to all other criteria of the Park City Sign Code.

(j) **EXCEPTIONS.** The Planning Commission may grant an exception to these site requirements if it can be shown that the impact of the ~~facility~~ Child Care Center on traffic circulation or on adjacent properties will not be increased if the exception is granted.

**15-4 -2310. 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. ~~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 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 Community Development 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 Community Development 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 Community Development 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 Section 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.

~~Unless The Applicant has established that~~ shall also demonstrate that there are is no ~~seriously~~ 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. ~~the project's Conditional Use Permit will be denied.~~

**(C) ~~EXISTING PROJECTS- EFFECT OF TIMESHARE AMENDMENTS TO ORDINANCES.~~**

~~Any Timeshare Project established by a Timeshare Instrument wherein Timeshare Intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing Timeshare Project shall, to the extent that the Timeshare Instrument concerning such existing Timeshare Project is inconsistent with this and other ordinances relating to Timeshare Projects, be governed and controlled by the ordinances of the City as they existed prior to the adoption of the timeshare regulation ordinance and by the terms of such existing Timeshare Project's Timeshare Instrument to the extent that the terms of such Timeshare Instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing Timeshare Project or the creation of any additional Timeshare Intervals therein must fully comply with these amendments.~~

*This language conflicts with the non-conforming use language and should be deleted.*

**15-4-24. ~~SALE OF TIMESHARE UNITS.~~**

(A) — PRESALE OF TIMESHARE INTERVALS. Prior to the time that a Building permit has been obtained for a Timeshare Project other than a Timeshare Conversion, or a Conditional Use Permit has been obtained for a Timeshare Conversion, a timeshare Developer may offer reservations to purchase Timeshare Intervals subject to the following requirements:

———— (1) ——— A reservation to purchase a Timeshare Interval shall be binding upon the timeshare Developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that a Building permit has been obtained for the Timeshare Project if the project of which the Timeshare Interval is a part is a Timeshare Project other than a Timeshare Conversion, or a conditional use permit has been obtained for the Timeshare Project if the project of which the Timeshare Interval is part is a Timeshare Conversion.

———— (2) ——— The form of reservation agreement used by the timeshare Developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the Timeshare Interval, and execution of such final contract of purchase may not take place prior to the date that a Building permit has been obtained for the Timeshare Project if the project is a

Timeshare Project other than a Timeshare Conversion, or a Conditional Use Permit has been obtained for a Timeshare Project if the project is a Timeshare Conversion:

———— (3) ——— Any presale activity by a timeshare Developer, its Agents, employees or subcontractors must meet all requirements governing the offering or sale of Timeshare Intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.

(B) — VIOLATIONS OF REQUIREMENTS. Any timeshare Developer who violates the requirements of this section in the reservation of Timeshare Intervals shall be guilty of a Class B misdemeanor and upon conviction thereof may be punished by a fine and/or imprisonment as described in the current Park City Criminal Code. Each sale or other violation shall be a separate offense. In addition to criminal penalties for violations of the provision of this Code relating to sales of Timeshare Intervals; the City Council may, upon hearing at which the timeshare Developer is permitted to state his position, rescind the conditional use approval, and vacate the platting of Timeshare Intervals or Timeshare Estates as to those units which are not sold as of the date of rescision.

*Regulation of Timeshare sales is not a function of the LMC. Regulated elsewhere.*

**15-4 -1122. TIMESHARE  
CONVERSION ~~CONVERSION~~;  
CONDITIONAL USE REQUESTS.**

**(A) TIMESHARE CONVERSION.**

Developers of Timeshare Conversions shall file with the Community Development 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 Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and

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

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

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

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

(9) Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water use resulting from the change in use.

(10) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements from not less than sixty five percent (65%) of the Owners of

all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the application for a conditional use permit.

(11) Any other information that the Developer or Community Development 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 time share 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 Community Development

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 Community Development 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 ~~Section 15-15-1 Chapter 2~~ 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.

~~15-4-21. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.~~

~~(A) POLICY.~~

~~(1) SECURITY REQUIRED.~~

~~In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities. No plat will be approved, where required, and no certificate of occupancy granted unless and until adequate financial security is posted in accordance with this section.~~

~~(2) NO THIRD PARTY BENEFICIARIES INTENDED.~~ It is the intention of the City that this financial security given by the Developer be limited to a contract

~~between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Community Development Director.~~

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

~~All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must~~

be approved in advance by the Community Development Department.

~~(C) — SECURITY FOR COMPLETION.~~

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

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

~~———— (2) — The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site improvements is safe and that Access~~

for emergency vehicles is adequate with the Site improvements unfinished; and,

~~———— (3) — The Developer posts adequate security for the benefit of the City to insure completion of the Site improvements in full compliance with the approved plans within one year from the date of plat approval, if required, or issuance of the certificate of occupancy, whichever occurs first.~~

~~(D) — AMOUNT OF SECURITY. The amount of the security to be posted by the Developer shall be determined by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the Department, 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 at a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated~~

reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) ~~TERMS OF SECURITY.~~ The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in Escrow Eserowed, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Eserow or other security arrangements.

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

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah,

naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one year, or,

- (2) A deposit of cash with a third party Escrow, or,
- (3) An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.
- (4) Some combination of the above as approved by the City.

(G) ~~RETAINED AMOUNT RETAINAGE.~~ 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 year following final inspection and approval of the Site improvement work by the City. No retained amount retainage shall be held for

landscaping improvements once the installation of the required materials has been approved by the City. The retained amount retainage amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount retainage will be used to replace or repair any Site improvements which fail or appear to be defective during the one year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount retainage, 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 be contested by the Developer.

(H) — MODIFICATION OF PLANS. A Developer may, at its option, request modifications to plans covering Site improvement work by submitting revised plans to the Community Development Department for review and action. Until the revised plans have received approval by the Department, the Developer shall be required to offer security for the performance of the

Site improvement work as shown on the last set of plans to have received Department approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other security held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site improvements, additional security must be provided by the Developer to cover the increased costs.

(I) — PAYMENT OF INTEREST.

Any interest accruing on funds in Escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in Escrow Escrowed for this purpose.



required under other provisions of the Land Management Code.

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

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

*This language has been moved to Chapter 1 as part of this revision. It will become Section*

*15-1-13 and the sections following it in Chapter 1 will be renumbered.. This will be reflected in the ordinance to adopt phase II.*

**15-4 -1213. CONDOMINIUM CONVERSION.**

Existing Structures shall not be converted to Condominium ownership without first receiving the review and recommendation

of the Community Development Department, 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. ~~Timeshare Conversion is addressed in Section 15-4-21. ??~~

**15-4 -2513. REGULATION OF THE 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

~~shall be deemed a permitted use. It shall be unlawful to install any Satellite Receiving Station 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 Community Development Department.

(C) **INSTALLATION STANDARDS.**

The following standards apply to the installation of a Satellite Receiving Station that is greater than 2' in diameter:

(1) **HEIGHT.** Ground-mounted receiving stations shall be limited to a maximum height of ten feet (10') above Grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished Grade beneath the apparatus, with the apparatus set in its operating position. Finished Grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

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

If Setbacks are not specified for the Development, Setbacks for the underlying zone must be met. The Community Development 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 Community Development Department 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 by the Community Development Department. 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 Historic District Commission providing no other feasible location exists and they meet the criteria of this section. The HDC 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 HDC 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 shall be allowed per project. A second receiving station may be allowed upon written approval by the Community Development Department 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 calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

**15-4 -3014. TELECOMMUNICATION FACILITIES.**

The intent of this section is to ensure that telecommunications facilities are Compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications facilities and related equipment where they are least visible from

Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent Property Owners. The installation of these devices is governed by the following regulations.

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

(B) **DEFINITIONS.**

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

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

(3) **ANTENNA, ENCLOSED.** An Antenna or series of individual Antennas entirely enclosed inside a Structure including but not limited

to a cupola or wall of a Building or chimney.

(4) **ANTENNA, FREESTANDING.** An Antenna mounted on or within a stand-alone support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.

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

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

(7) **ANTENNA, WALL MOUNTED.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

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

facility on an existing Structure, tower or Building in a manner that precludes the need for that Telecommunications facility to be located on a free-standing Structure of its own.

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

(10) **STEALTH TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(11) **TELECOMMUNICATIONS.**

The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

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

Telecommunications and/or radio signals.

(14) **TECHNICAL NECESSITY.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(C) **SUBMITTAL REQUIREMENTS.**

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

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

(2) An Applicant proposing to erect a new Telecommunications Facility shall provide documentary

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

(3) Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the Applicant's existing Telecommunications Facilities that provide Telecommunications within the City, as well as any changes proposed within the following twelve-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 mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

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

(F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development 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 Section 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 300 feet of the proposed Telecommunications Facility. If there are no occupied properties within 300 feet, notice shall be given to the closest, registered Home Owners Association.

(2) **CONSENT AGENDA REVIEW.** Applications meeting the

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 mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

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

(F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development 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 Section 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 300 feet of the proposed Telecommunications Facility. If there are no occupied properties within 300 feet, 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.

(G) **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 Title 15 of the Land Management Code, 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) **Roof Mounted Antenna,** placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure.

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

(4) **DESIGN.**

(a) **Equipment Shelters** located outside of an existing Building shall require a public hearing in front of the

Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.

(b) Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth Telecommunications Facilities shall be designed in a manner to blend with the existing and natural environment.

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

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

(H) **SITE DISTURBANCE.** Any application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to driveways or roads 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 Community Development Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Chapter 9.

(I) **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 COS zones. Freestanding Antenna on new Structures within the ROS zone are also prohibited.

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

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

(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any Roof Mounted Antenna located on a Historic or underground Structure or within the COS zone.

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

(c) **Public Hearing Required.** Roof Mounted Antenna located in HRL,

HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones.

(3) **WALL MOUNTED ANTENNA.**

(a) **Prohibited.** Any Wall Mounted Antenna located on a Historic or underground Structure or within the COS zone.

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

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

(4) **Enclosed Antenna.**

(a) **Prohibited.** Any Enclosed Antenna located within a Historic Structure or within the COS zone.

(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, and LI may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** The location of Enclosed Antenna which require an increase in height or exterior wall modification to the existing Structure.

(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 Chapter 5 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. The City is not a party to those covenants, and no permit from the City shall effect the enforce ability of such

covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land use restrictions apply to their Site before applying for the permit from the City. 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 Title 4, Chapter 8, of the Park City Municipal Code. A Temporary Antenna permit application must be submitted to the Community Development Department. The application will be administratively reviewed by the Community Development 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 Park City Land Management Code.

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

(Q) **OLYMPIC TELECOMMUNICATIONS FACILITIES.**

The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by ~~Subsection 8.30(o)~~ Section 15-4-14 (O).

1. **Purpose.** Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(o). The

purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.

2. **Definitions.** As used in this section, the following terms shall be defined as follows:

- a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.
- b. "Olympic Telecommunications Facility" means a temporary Telecommunications Facility associated with the 2002

Olympic Winter Games.

3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:

- a. Each applicant shall present documentary evidence regarding the need for additional capacity 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; and
- b. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed

2. **Definitions.** As used in this section, the following terms shall be defined as follows:

a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.

b. "Olympic Telecommunications Facility" means a temporary Telecommunications Facility associated with the 2002 Olympic Winter Games.

3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:

a. Each applicant shall present documentary evidence regarding the need for additional capacity 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, and

b. 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 locations around and within one mile of the proposed Telecommunications Facility where it will be most visible.

4. **Administrative Review.** All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Department Staff, pursuant to the criteria provided below. At the applicant's option, any application that is denied for

noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code, Subsections 8.30(a-n):

a. ~~Noticing.~~ Notice of applications will be sent to all property owners within three-hundred (300) feet of the proposed Olympic Telecommunications Facility once Staff's preliminary determination of compliance has been reached, establishing a ten (10) calendar day period in which Staff's decision can be appealed to the Planning Commission.

5. ~~Administrative Review Criteria.~~ The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors, and to the greatest extent

possible, provide screening from adjacent property owners. The Community Development Department shall not issue an administrative Conditional Use Permit for an Olympic Telecommunications Facility unless it finds that the application complies with all of the following criteria:

a. ~~Rights of Way.~~ No Olympic Telecommunications Facility shall be located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.

b. ~~Setbacks.~~ Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications

Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures:

c. ~~Height.~~ Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, 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:

i. ~~Antenna;~~ placed on a flat roof, may extend up to ten (10) feet 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:

ii. ~~Roof Mounted Antenna;~~ placed on a pitched roof; may extend up to five (5) feet above the existing structure:

iii. ~~Freestanding Antenna may exceed the base height of the zone by up to 30% when a majority of the facility and support structure is not visible from the right-of-ways due to either existing vegetation or the location of the surrounding structures.~~

d. ~~Design.~~

i. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from a right-of-way or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.

ii. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the

surrounding area.

c. Site Circulation. The location of the Olympic Telecommunications Facility shall not impede traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.

f. Site Disturbance. The Olympic Telecommunications Facility shall leave no temporary and/or lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of significant vegetation. As used herein, "Significant

Vegetation<sup>22</sup> means trees six inches (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 (20) square feet or more measured at the drip line. Plans must show all trees within twenty feet (20') of a proposed Olympic Telecommunications Facility or within twenty (20) feet of any proposed access route thereto.

The Community Development Department will require, as a condition of approval, the mitigation of any site disturbance occurring during installation of the facility. This condition will need to be met prior to the site becoming operational.

Upon removal of the Olympic Telecommunications Facility, the applicant shall reasonably return the site to its natural and/or original condition on the date of infrastructure permit approval. The Community Development Department may require, as a condition to the approval, that the applicant adopt and comply with a re-vegetation plan for the site specifying vegetation type, size, location and grass seed mixture. The re-vegetation plan for the site shall be approved by Community Development Department Staff.

~~g. Zoning Restrictions.~~

~~i. Olympic Telecommunications Facilities in the HRC, HCB, HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, ROS;~~

FPZ, and POS zones are required to be reviewed pursuant to Section 8.30(f) of the Land Management Code.  
Olympic Telecommunications Facility are additionally to be reviewed pursuant to Subsections 8.30(a-n) of the Land Management Code.

ii. Olympic Telecommunications Facilities are permitted to be reviewed pursuant to Subsection 8.30(q) within the RDM, GC, LI, RCO, RD and RC zones.

h. Signs. No signs may be attached to or associated with any Olympic Telecommunications Facility except those relating to the health and safety of the general public.

i. Noise. The Olympic Telecommunications Facility must comply with any noise regulations applicable to the zone in which the facility is located.

6. Exemptions. Those Olympic Telecommunications Facilities located within the Olympic Sports Venues or Use Areas, which are reviewed and approved by the City as part of a an approved Master Festival License and/or City Services Agreement, are exempt.

7. Permits. Approved Olympic Telecommunications Facilities will receive three permits from the Community Development Department

a. Conditional Use Permit.

b. ~~Infrastructure Permit.~~  
The infrastructure plan for the site shall be reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than April 15, 2001, upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility

c. ~~Antenna Installation Permit.~~ No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic Telecommunications Facility shall be installed without first

receiving approval of a Building Permit. Antenna Installation permits shall specify an installation date not earlier than October 1, 2001.

8. ~~Olympic Telecommunications Facility Removal.~~ All conditional use permits for Olympic Telecommunications Facilities shall specify a date upon which the applicant must complete removal of the Olympic Telecommunications Facility, including infrastructure. The Community Development Department shall determine the removal date taking into consideration the location of the site and any possible environmental factors effecting the removal process. Removal of the Olympic Telecommunications Facility shall include reasonably returning the site to its natural and/or original condition at the date of infrastructure permit approval. The applicant shall be solely responsible for the removal of Olympic Telecommunications Facility

~~by the date specified in the Conditional Use Permit. If such facility is not removed and/or the site is not returned to its natural condition pursuant to the re-vegetation plan by the applicant, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, 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.~~

*Amended by Ordinance No. 99-51; 00-37; 01-03.*

**15-4 -2915. OUTDOOR DISPLAY OF WORKS OF ART.**

The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, ~~certain~~ public Property and Buildings, and other locations where such art can be viewed by the public. Outdoor Display of Works of Art is an Administrative Conditional Use permit subject to the criteria of this Section and the conditional use permit criteria of Chapter

15-1-10 (E). Approved outdoor displays of works of art may be exempt from Chapter 12-9-1(r) of the Park City Municipal Code provided such displays meet the following criteria:

(A) The location and work of art must be ~~approved~~ reviewed by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed ~~and approved~~ by the Historic District Commission.

(B) The display must be of a permanent nature and able to withstand the elements if located outside.

(C) The City ~~shall~~ accepts no liability in case of damage or theft.

(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.

(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(F) A Building permit may be required in situations requiring installation of a base and/or electrical connections.

(C) The City shall accept no liability in case of damage or theft.

(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.

(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(F) A Building permit may be required in situations requiring installation of a base and/or electrical connections.

(G) In the case of the denial of a request for a display of a work of art, the Applicant may appeal to the City Council.

(H) All works of art shall meet the setbacks and height limitations of the zone.

(I) Any illumination of the work of art shall be reviewed and approved by the Community Development Department prior to installation of such lighting. All lighting shall conform to the lighting regulations in LMC Chapter 9.

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

Prior to the issuance of a permit for any Temporary Structure, Tent, or Vendor the following requirements shall be met:

**(A) APPLICATION.** An application must be submitted to the Community Development Department including the following information:

- (1) General Description - Overview of 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 - To scale indicating in detail how the proposal will comply with the UBC - 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 will be included.
- (3) Structural Information/Calculations For all temporary structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire

rating, etc. must be submitted.

- (4) All applicable fees.

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

- (1) Lease Agreement with Park City Required.
- (2) The use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on Mass Gathering.
- (3) The use must meet all applicable Uniform Building Code (UBC) requirements.
- (4) The applicant shall adhere to all applicable City and State licensing ordinances.

**C. REVIEW CRITERIA-PRIVATE PROPERTY:**

- (1) The proposed use must be on private property. The applicant shall provide written notice of the property owner's permission.
- (2) The proposed use should not diminish existing parking. Any net loss of parking shall be mitigated in the applicant's plan.
- (3) The proposed use shall not impede pedestrian circulation, emergency

access, or any other public safety measure.

- (4) The use shall not violate the City Noise Ordinance.
- (5) The use and all signing shall comply with the Municipal Sign and Lighting Codes.
- (6) The use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on Mass Gathering.
- (7) The use shall not violate the Uniform Building Code (UBC).
- (8) The applicant shall adhere to all applicable City and State licensing ordinances.

**15-4 -2617. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.**

All Lots shall have a front, two sides and a rear Setback with the following exceptions and clarifications. See illustration at end of section.

- (A) Development on Corner Lots shall have two (2) front Setbacks. 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 Owner or Developer 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 Developer or Owner.

(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one side is clearly opposite the front, the rear Setback must be opposite the ~~driveway~~ front Setback. If it is not clear where side and rear Setbacks should be, the Developer or Owner may choose which is side and which is rear.

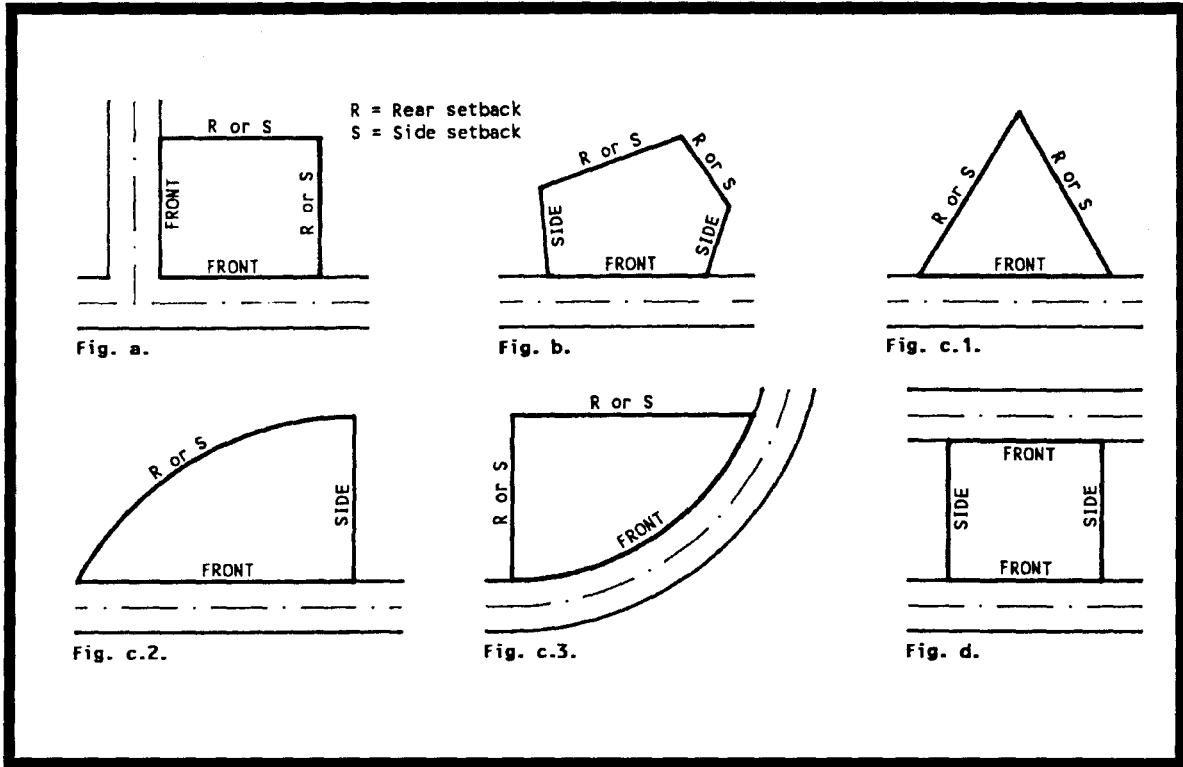
(D) On those Lots which border a Street on both the back and front, both sides must have a front Setback.

(E) Any Lots which are not specified in this section shall have Setbacks determined by the Community Development Department.

~~15-4-27. SENSITIVE LANDS REVIEW.~~

*This language is now in the zoning sections under Sensitive Lands Review.*

~~Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.~~



**15-4-28. CRITERIA FOR CONDITIONAL USE REVIEW OF OUTDOOR SPEAKERS IN CONJUNCTION WITH OUTDOOR DINING.**

*This language has been added to the zoning districts.*

**(A) CONDITIONAL USE REQUIRED.** The Planning Commission will consider, as a conditional use, the placement of outdoor speaker systems in conjunction with approved outdoor dining. In reviewing whether a conditional use should be granted, the Planning Commission shall consider adjacent land

uses. If outdoor music cannot be mitigated so as not to adversely impact adjacent uses, the request for a conditional use will be denied by the Planning Commission.

**(B) CRITERIA.** The Planning Commission shall attach criteria and conditions appropriate to reduce any potential impact of outdoor speaker systems on adjacent properties. At a minimum, the following criteria shall be applied to all requests for the use of outdoor speakers:

- ~~(1) Music shall have hours limited to between 11:00 A.M. and 10:00 P.M.~~
- ~~(2) Sound levels of the music shall be kept at a volume so as not to be disruptive to adjacent Property and shall not be audible beyond the boundaries of the outdoor dining Area.~~
- ~~(3) Speakers shall be placed at table level or below and shall not be directed Off-Site.~~

~~(C) **REVIEW FOR COMPLIANCE.** All conditional use approvals for outdoor speaker systems shall be reviewed by the Community Development Staff for compliance with the conditions of approval after one (1) year. If the staff finds that conditions have been violated at any time before or after the one year review, the conditional use approval for outdoor speakers may be terminated.~~

**15-4 -2018. SPECIAL REVIEW PROCESS FOR PASSENGER TRAMWAYS AND SKI BASE FACILITIES IN HR-1, HRL, HRC, AND HCB ZONES.**

(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 shall be is a Conditional Use in all zones where the use may be considered. the HRC and HCB zone. See land use table for Passenger Tramways in other zones.

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

(1) **OWNERSHIP OF LIFTWAY.** The Applicant owns or controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration. Ownership or control of portions of the Liftway which cross over Public Streets may be demonstrated by a written permit or license to cross the Street, signed by the governmental entity which has jurisdiction over the Street crossed. 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 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 lines 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 the review and approval by of 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 Liftway and any existing dwelling shall be eight feet (8'), 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. ~~whenever it is economically reasonable to do so.~~ The Applicant for ~~proponent~~ of 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 ~~proponent~~ 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.

**PARK CITY MUNICIPAL CODE**  
**TABLE OF CONTENTS**  
**TITLE 15 LAND MANAGEMENT CODE - CHAPTER 6**

---

**TITLE 15 - LAND MANAGEMENT CODE**

<b>CHAPTER 6 - MASTER PLANNED DEVELOPMENTS</b> .....	1
15-6-1.    PURPOSE .....	1
15-6-2.    APPLICABILITY .....	1
15-6-3.    USES. ....	2
15-6-4.    PROCESS .....	2
15-6-5.    MPD REQUIREMENTS .....	4
15-6-6.    REQUIRED FINDINGS/CONCLUSIONS OF LAW .....	9
15-6-7.    MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT .....	10
15-6-8.    UNIT EQUIVALENTS .....	11



**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 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.**

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 Commercial Business (HCB), Historic Residential - Medium Density (HRM) and Historic Recreation Commercial (HRC) for the following:

- (A) Any residential project larger than ten (10) Lots or units.
- (B) All Hotel and lodging project with more than fifteen (15) five (5) Unit Equivalents.
- (C) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

MPDs are not allowed in Historic Zones, with the exception of HR-1 zoned Parcels that are not part of the original Park City Survey, which may be considered for affordable housing MPDs consistent with Section 15-6-7.

**15-6 -3. USES.**

A Master Planned Development 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 Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-15.

**15-6 -4. PROCESS.**

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Community Development Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Community Development 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 Sections 15-1-12 and 15-1-19, Notice Matrix, of this Code.

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

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.

For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

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

(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 Sections 15-1-12 and 15-1-19, Notice Matrix, of this Code. 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.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with Section 15-1-17.

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

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;

- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developer's agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.

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

**(J) SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development will be processed as a Conditional Use. At this time, the Planning Commission will review specific plans including architecture and landscaping. The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will be required at which time the Planning Commission will review the Application for compliance with the Large Scale MPD approval.

**15-6 -5. MPD REQUIREMENTS.**

All Master Planned Developments shall contain the following minimum

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

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8.

(1) **EXCEPTIONS.** The Community Development 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 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) **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.

Setbacks within the project may be varied from those otherwise required in the zone,

but must meet minimum Uniform Building Code requirements.

(C) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in Section 15-15 with the exception of the General Commercial (GC) District 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 pedestrian Areas, increased landscape material sizes, transit improvement, pedestrian plazas, pedestrian way/trail linkages, and public art.

(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.

(D) **OFF-STREET PARKING.** 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:

(1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(4) 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 guaranteed by Use covenant and deed restriction.

(5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

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

The Community Development 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.

(E) **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. The Applicant will be required to request a Site specific determination and bears 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; and

(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.

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.

(F) **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.

(G) **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%) may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 9.

(H) **SENSITIVE LANDS COMPLIANCE**. All MPDs containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, subject to the applicability as defined in Section 15-15 of this Code.

(I) **EMPLOYEE/AFFORDABLE HOUSING**. MPDs shall submit a housing mitigation plan which must include employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(J) **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.

**15- 6- 6. REQUIRED FINDINGS/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 of this Code;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

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

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;

(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 provisions of the Sensitive Lands provisions of the Land Management Code. The project

has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

**15-6-7. MASTER PLANNED  
AFFORDABLE HOUSING  
DEVELOPMENT.**

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing dwelling units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted affordable housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and finding of this section shall apply to Affordable Housing projects, except for those listed below.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density up to twenty (20) dwelling units per acre. The Unit Equivalent formula will be applied, provided that Hotel Rooms, Hotel Suites, Lockout, and other arrangements for transient lodging purposes are not permissible in taking advantage of the moderate income Density bonus.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority in the adopted affordable housing resolution in effect at the time of Application.

**15-6-8. UNIT EQUIVALENTS.**

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. In general, one (1) Unit Equivalent equates to 2000 square feet of residential floor Area and 1000 square feet of commercial floor Area. For purposes of

calculating residential Unit Equivalents, the following table shall apply:

**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 - Master Planned Developments**

15-6-12

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

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, 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 floor Area may be dedicated to support Commercial Uses, see definition of Support Commercial Use, without the Use of a Unit

Equivalent for commercial space. 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 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 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 Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses 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 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 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
- Mountain patrol
- Mountain administration
- Mountain maintenance and storage facilities
- Emergency medical facilities
- Public lockers
- Public restrooms
- Employee restrooms
- Ski school/day care facilities
- Ticket sales
- Ski check
- Circulation and hallways

*This language has been deleted from Chapter 8 (old) Supplemental Regulations and is recommend to be included in Chapter 1, as Section 15-1-13.*

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

**(A) POLICY.**

**(1) SECURITY REQUIRED.**  
In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility

facilities. No plat will be approved, where required, and no certificate of occupancy granted unless and until adequate financial security is posted in accordance with this section.

**(2) NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial security given by the Developer be limited to a contract between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws of defects which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Community Development Director.

**(B) CONSTRUCTION ACCORDING TO APPROVED PLANS.** All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and

Draft- 11/29/01

*for adoption 5/23/02*

trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must be approved in advance by the Community Development Department.

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

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

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

adequate with the Site improvements unfinished; and,

(3) The Developer posts adequate security for the benefit of the City to insure completion of the Site improvements in full compliance with the approved plans within one year from the date of plat approval, if required, or issuance of the certificate of occupancy, whichever occurs first.

(D) **AMOUNT OF SECURITY.** The amount of the security to be posted by the Developer shall be determined by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the Department, 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 at a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF SECURITY.** The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in Escrow ~~Escrowed~~, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Escrow or other security arrangements.

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

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one year, or,
- (2) A deposit of cash with a third party Escrow, or,
- (3) An agreement with the construction lender providing that

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

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

(G) **RETAINED AMOUNT RETAINAGE.** 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 year following final inspection and approval of the Site improvement work by the City. No retained amount ~~retainage~~ shall be held for landscaping improvements once the installation of the required materials has been approved by the City. The retained amount ~~retainage~~ amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount ~~retainage~~ will be used to replace or repair any Site improvements which fail or appear to be defective during the one year period. The corrective work may be done by the City or

the Developer. At the completion of that work, the retained amount ~~retainage~~, 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 be contested by the Developer.

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

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

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

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

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

Draft 11/29/01

Proposed Amendments to Land Management Code, Chapter 15- Defined Terms  
Text in redline (shaded) is new language.

**Accessory Building.**

- (D) Not including structures that do not require a building permit, such as sheds, less than 160 sf.

**Agriculture.** Use of land.... fur farms, livestock feeding operations, animal hospitals...

**Allowed Use.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-conforming Use.

**Application.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a development permit, including but not limited to Conditional Use Permits, Building permits, variances, annexation and re-zoning requests, Subdivision and Record of Survey plats, plat amendments, Code amendments, Design Review, and Administrative Permits.

**Building Permit.** A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

**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.

Add under **Child Care.**

(A) **Child Care Center.** A Structure or Building, including outside play areas, used for the provision of Child Care for more than four children for less than 24 hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

(~~A~~B) **Child Care, In-Home Babysitting.** The provision of Child Care for ~~three (3)~~ four (4) or fewer children within a Dwelling ~~Unit~~ and within commercial buildings outside of residential Zoning Districts.

(~~B~~C) **Child Care, Family.** The provision of Child Care for ~~four (4) to six (6)~~ 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~~D) **Child Care, Family Group.** The provision of Child Care for ~~seven (7) to twelve (12)~~ 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.

**Code.** The Land Management Code.

**Commercial Uses.** ~~An occupation, employment, or enterprise that is carried on to facilitate and exchange of goods, services, or ideas.~~ Retail business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

**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.

**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.

**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 a item of clothing, etc.

Change **Lockout RoomUnit.**

**Lot Line.** Any line defining the boundaries of a Lot.

Add the following to **Nightly Rental:** Nightly Rental does not include the use of Dwelling Units for Commercial Uses.

**Outdoor Use.** 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.

Add to **Passenger Tramway.** A mechanical device....as amended. Includes ski tows and ski lifts.

**Property Owner.** See **Owner.**

**Regulated Use.** A Use that is Allowed, subject to certain regulations and restrictions as prescribed in this Code.

**Residential Use.** 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..

**SBWRD.** Snyderville Basin Water Reclamation District.

**Sensitive Land 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.

**Sexually Oriented Businesses.** Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

**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.

**Single Family Subdivision.** A development consisting of primarily, although not exclusively, Single Family Dwellings.

**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.

**UDOT.** Utah State Department of Transportation, an agency that maintains and regulates State Highways.

**Use.** The purpose or purposes for which land or structures are occupied, maintained, arranged, designed, or intended.

**Zone Height.** The base Building Height permitted in the Zoning District, prior to application of any allowable Height exceptions.

**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.

**PARK CITY MUNICIPAL CODE  
TABLE OF CONTENTS  
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 11**

---

**TITLE 15 - LAND MANAGEMENT CODE**

<b>CHAPTER 11 - HISTORIC DISTRICT COMMISSION</b> .....	1
15-11-1. COMMISSION CREATED .....	1
15-11-2. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL .....	1
15-11-3. TERMS AND QUALIFICATIONS OF MEMBERS .....	1
15-11-4. PURPOSES .....	2
15-11-5. PERMIT ISSUANCE, PROJECT APPROVAL .....	2
15-11-6. ADDITIONAL POWERS .....	3
15-11-7. ORGANIZATION .....	4
15-11-8. STAFF ASSISTANCE .....	4
15-11-9. LIMITATIONS .....	4
15-11-10. ARCHITECTURAL DESIGN STANDARDS .....	4
15-11-11. PRESERVATION OF HISTORIC BUILDINGS, STRUCTURES AND SITES .....	5
15-11-12. REVIEW OF HISTORIC BUILDINGS, STRUCTURES, SITES AND PRESERVATION POLICY .....	5
15-11-13. SIGNIFICANT HISTORIC BUILDINGS, STRUCTURES AND SITES .....	5
15-11-14. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES .....	7
15-11-15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION	7
15-11-16. PRE-HEARING APPLICATION REQUIREMENTS .....	8
15-11-17. CAD HEARING FOR A SIGNIFICANT BUILDING, STRUCTURE OR SITE .....	9
15-11-18. NEW CONSTRUCTION .....	10

**EXHIBIT F**

*5/23/02 - Adoption*



**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 11 - HISTORIC DISTRICT COMMISSION**

*Chapter adopted by Ordinance No. 02-*

**CHAPTER 11 - HISTORIC DISTRICT COMMISSION.**

**15-11-1. COMMISSION CREATED.**

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 District Commission (HDC). The HDC shall be composed of five (5) members, one of whom shall be member of the Planning Commission.

**15-11-2. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.**

Any HDC member who is absent from two (2) consecutive regularly scheduled Commission 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 HDC are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

**15-11-3. TERMS AND QUALIFICATIONS OF MEMBERS.**

Members of the HDC shall serve terms of two (2) years. The terms shall be staggered. Terms may expire on February 1 but members of the HDC shall continue to serve until their successors are appointed and qualified.

(A) The member appointed from the Planning Commission shall serve a term of two (2) years, but a vacancy shall occur in the event the Person ceases to be a member of the Planning Commission. The Mayor shall appoint a new HDC 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 HDC have technical representation in Historic renovation and preservation and secondly that it have cultural representation in Park City history. 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 serving on the Board, 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 HDC 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.

**15-11-4. PURPOSES.**

The purposes of the HDC are:

- (A) To preserve diverse and harmonious architectural styles and design preferences reflecting phrases of the City's history and to encourage complimentary, contemporary design and construction through comprehensive Design Guidelines;
- (B) To protect and enhance the City's attraction 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 safeguard the heritage of the City by providing for the protection of Landmarks representing significant elements of its history, and to promote interest in preservation;

(E) To promote the private and public Use of Landmarks and the Landmark districts for the education, prosperity, and general welfare of the people;

(F) To make recommendations to the City Council on policies and ordinances that may encourage preservation.

**15-11-5. PERMIT ISSUANCE, PROJECT APPROVAL.**

(A) The Community Development Department shall review and approve, or deny, all Applications for Building Permits to build, locate, demolish, construct, remodel, alter or modify any facade on any Structure or Building or other visible element including but not limited to signs, lighting fixtures, and Fences located with the Park City Historic District.

(B) All Building projects within the Historic District shall be reviewed by the Community Development Department for compliance with the guidelines promulgated by the HDC and adopted by the City Council by resolution or ordinance. Those proposals for permitted or Conditional Uses which, after review by the Department are found to be in compliance shall be approved by the Department without the necessity of HDC

review or hearing. Appeals of Planning Department staff decisions may be made to the Community Development Director. In those cases where the Department Community Development Director finds the proposal is not in compliance, or where it is unable to make a determination at all, the proposal is submitted for review by the HDC, which shall either approve, approve with conditions, or disapprove the proposal. The HDC shall state specific reasons for disapproval so the Applicant has an opportunity to address those concerns. At any time in the review process, the Applicant, or any Person qualified to file a non-Owner petition pursuant to Section 15-1-13 of this Code, may request Historic District review of the Application. Actions of the HDC are subject to review by the City Council in the manner described in Chapter 1.

(C) In reviewing Applications for Building Permits, the Community Development Department (or HDC on review) shall approve each Application if it is determined that the Structure, construction, remodeling, modification, alteration, or Building complies with the Historic District Architectural Design Guidelines as adopted by the City Council by resolution or ordinance.

(D) Application for demolition permits are reviewed by the Community Development Department except on those Buildings which have been designated as "Landmarks" or "significant" Historic Buildings by the HDC in which case, the permit is to be reviewed by the HDC.

**15-11-6. ADDITIONAL POWERS**

In addition to the powers set forth in Section 15-11-5, the HDC shall:

(A) Recommend to the City Council for adoption standards to be used by the City or HDC in reviewing Applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any Building or visible element within the 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) Advise the City Council on Property Owner incentives to preserve designated Buildings in the district.

(E) 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.

(F) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of the Historic District.

(G) Provide advice and guidance on request of the Property Owner or occupant on the restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, including Landmarks, Landmark Sites, Historic District, or neighboring Property within public view.

**15-11-7. ORGANIZATION.**

(A) **CHAIRMAN.** The HDC 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 service for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by a majority of the appointed members of the HDC, including the Chairman.

(C) **VOTING.** All actions of the HDC 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.

**15-11-8. STAFF ASSISTANCE.**

The City shall, subject to the approval of the City Manager, provide the HDC with such assistance as is reasonably necessary by the HDC, to provide assistance concerning matters related to their fields of expertise:

(A) Utah Heritage Foundation.

(B) National Trust for Historic Preservation.

(C) Utah State Division of History.

(D) Park City Historical Society.

**15-11-9. LIMITATIONS.**

The HDC has no authority to waive or increase any requirement of any ordinance of the City.

**15-11-10. ARCHITECTURAL DESIGN STANDARDS.**

The HDC shall promulgate Architectural Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be the design standards applied by the City, and HDC on review, in reviewing specific Building proposals or reviewing City staff actions on appeal. The standards shall address renovation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HDC may recommend changes in the Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the Council.

The Design Guidelines shall apply in all zones within the Historic District, which are designated throughout this Code by the Use of the word "Historic" in the Zoning District name, or the letter "H" in the abbreviation of that name.

**15-11-11. PRESERVATION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.**

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 should be encouraged. 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.

**15-11-12. REVIEW OF HISTORIC BUILDINGS, STRUCTURES, SITES AND PRESERVATION POLICY.**

The HDC is the official body to review matters concerning designation and preservation of Historic Buildings, Structures and Sites within Park City, and may take appropriate action as may be necessary, as authorized by other sections of this Code to preserve Historic Buildings, Structures and Sites. The Historic District Commission is authorized to function as a committee on Historic Buildings, Structures and Sites and to designate significant Historic Buildings, Structures and Sites within the City which it considers to be of Historic significance and to make this

information available to all interested citizens.

**15-11-13. SIGNIFICANT HISTORICAL BUILDINGS, STRUCTURES AND SITES.**

It is hereby declared that all Buildings, Structures and Sites within Park City that are either located within the Historic District, listed in the most recent Park City Historic Survey, or are over fifty (50) years old are presumed historically "significant" for the purposes of this Chapter. The HDC may maintain a list of such significant Properties. Any Owner of a presumed historically significant Building, Structure or Site may apply for a hearing before the HDC to rebut the presumption of significance created herein. The Application shall be on forms as prescribed by the HDC and shall be filed with the Community Development Department (CDD). Upon receiving an Application for a determination of significance, the CDD staff shall schedule a hearing on the HDC agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic significance of the Property at the hearing, the HDC shall evaluate whether the Building, Structure or Site demonstrates a quality of significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design,

setting, materials, and workmanship according to the following criteria:

(1) The Building, Structure or Site is associated with events or lives of Persons significant to our past; and/or

(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to the Historical or architectural aspects of the Building, Structure or Site.

(B) **DECISION**. The HDC shall determine that the Property is historically insignificant only if it finds that the

Building, Structure or Site is of no or minimal Historic significance because of its location, age, condition, modifications, relation to other Structures or Sites in the Area, or other factors demonstrate that the Property is inconsequential to the Historic value of the Area and to Park City as a whole. If the HDC finds that the Building, Structure or Site is insignificant it shall immediately be removed from the list, if any, of significant Properties. The HDC shall forward a copy of its written findings to the Owner and the Community Development Department. The Community Development Department shall maintain a list of Properties that the HDC has determined are historically insignificant.

(C) **APPEAL**. The Applicant or any party participating in the hearing may appeal the HDC decision to the City Council within ten (10) days of the decision.

**15-11-14. 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.

**15-11-15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION.**

With the exception of any Building or Structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be historically significant by the provisions of Section 15-11-13 may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Community Development Department or the Historic District Commission (HDC). Application for a CAD shall be made on forms prescribed by the HDC and shall be made first to the Community Development Department.

(A) **DETERMINATION OF SIGNIFICANCE.** If, upon review of the Application, the Community Development Department concludes that the Building, Structure or Site sought to be demolished is significant according to the standards set forth in Section 15-11-13(a) herein, the Application shall be processed under Section 15-11-16 and 15-11-17 as appropriate. Upon making said determination of significance, the Community Development Department shall provide a written explanation of its findings to the Applicant. Any Applicant disagreeing with such

determination of significance, the Community Development Department shall provide a written explanation of its findings to the Applicant. Any Applicant disagreeing with such determination of significance may request a hearing pursuant to Section 15-11-13 within ten (10) days of being given notice of said determination. After the hearing, the Application shall be processed according to Section 15-11-16 and 15-11-17 as appropriate. If the HDC determines that the Building, Structure or Site is insignificant, the Community Development Director may issue the CAD after a waiting period as determined by subsection (B)(1) below.

(B) **DETERMINATION OF INSIGNIFICANCE.** If, upon review of the Application, the Community Development Department concludes that the Building, Structure or Site sought to be demolished or removed is not significant according to the standards set forth in Section 15-11-13 (A) herein, the Department may determine that issuance of a CAD is appropriate. If such a determination is made, the staff shall schedule the CAD as an informational item on the next available Historic District Commission agenda. The staff shall provide the Application, background information, and the findings supporting the staff determination.

(1) If the Historic District Commission concurs with the staff determination, the Community Development Director shall issue a CAD.

(2) If the Historic District Commission determines that the Building is significant, the Applicant shall be required to process the CAD application through the processes outlined under Section 15-11-16 and 15-11-17 as appropriate, unless the Applicant requests a hearing to contest the determination of significance pursuant to Section 15-11-13, in which case that section shall apply.

(C) **REMOVAL 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, the Chief Building Official may issue a CAD.

(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.

**15-11-16. PRE-HEARING APPLICATION REQUIREMENTS.**

Upon refusal of the Community Development Department to issue a CAD, 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 3'x2', readable from a point of public Access and state that more information may be obtained from the Community Development 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 some interest in the Property such as a facade easement, 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 Owner may request a hearing before the HDC upon showing that the above requirements have been met and all economic hardship information required by the HDC has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Department staff shall, within fourteen (14) days, notify the Owner if any additional information is needed to complete the Application. If the Department staff does not notify the Owner, the Application will be deemed complete. Within forty-five (45) days of receiving the completed Application, the Department staff shall schedule a hearing regarding the Application on the agenda of the HDC.

**15-11-17. CAD HEARING FOR A SIGNIFICANT BUILDING, STRUCTURE OR SITE.**

At the hearing, the HDC will only approve demolition or removal of an historically significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the demolition or removal Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the HDC may require the Owner to 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 HDC shall adopt by resolution separate standards for investment or income producing and non-income producing Properties. Non-income Properties shall consist of Owner occupied Single Family Dwellings and non-income producing institutional Properties. The information requested by the HDC may include, but not be limited to the following: Purchase date, price and financing arrangements; current market value; form of ownership; type of occupancy; cost estimates of demolition and post-demolition plans; maintenance and operating costs; costs and engineering feasibility of rehabilitation; property tax information; rental rates and gross income from the Property.

(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 tenant improvements.

(C) **WRITTEN FINDINGS.** The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

(1) For income producing Properties, the Building, Structure or Site cannot be feasible used or rented at a reasonable rate of 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

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

(2) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **FINAL DECISION.**

(1) **APPROVAL.** If the HDC approves the Application and issues the CAD, 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 HDC may, as a condition of approval, require the Property Owner to provide the HDC with documentation of the 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 specified by the HDC. The HDC may also require the Owner to incorporate an appropriate memorialization 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.

(2) **DENIAL.** If the HDC denies the Application for demolition, the Owner shall not demolish the Building, Structure or Site and the City may provide the Owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available. The Owner may not re-apply for demolition for a period of three (3) years from the date of the HDC's final decision, unless the Building, Structure or Site is structurally

unsound or substantial changes in circumstances have occurred other than those caused by the negligence or intentional acts of the Owner, in which case the Owner may apply as conditions warrant.

(3) **APPEAL.** All final decisions of the HDC may be appealed to the City Council within ten (10) days.

**15-11-18. NEW CONSTRUCTION.**

New construction and exterior remodeling within the Historic District zones shall conform to architectural standards and regulations promulgated by the Historic District Commission and adopted by the City Council. These standards shall be applied by the staff and the Commission, subject to the review process.