

**Ordinance No. 07-55**

**AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE TO CHAPTERS 15-2.6: HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT AND 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, RELATING TO PROHIBITING OFFICE, RESIDENTIAL, NON-SALES TAX GENERATING USES AND OTHER SIMILAR OR ASSOCIATED USES IN THE HCB DISTRICT AND HRC DISTRICT STOREFRONTS; ALSO RELATED AMENDMENT TO LAND MANAGEMENT CODE CHAPTER 15-15-1: DEFINITIONS.**

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, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Districts and finds it is essential to the City's long term economic and financial well-being; and

WHEREAS, The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions"; and goes on to say Park City should "Maintain and improve the resort ambiance, which includes adequate opportunities for recreation, shopping, dining and culture"; and

WHEREAS, the 2003 Hyett Palma Park City Downtown Economic Study recommends pursuing a broad variety of uses and attractions to draw locals and visitors; and

WHEREAS, The City's Budget Department and The Main Street Business Alliance have submitted Affidavits that support these amendments; and

WHEREAS, Park City's Economic Development Plan identifies the following as Top Priorities: Facilitation and establishment of more "attractions/areas of interest" for both visitors and residents; Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies; and Protect, preserve, and promote the historic Main Street downtown area as the heart of the region; and

WHEREAS, Park City's Economic Development Strategic Plan identifies the following as High Priorities: Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities; Proactively target

business sectors that will fill voids left by departing companies or for smart redevelopment reasons; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will diminish the diverse and eclectic mix of uses and attractions necessary to sustain Park City's unique vibrant Main Street core for the general public, visitors, quests, and locals; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is an element of Main Street's attractiveness and a destination center for visitors and locals; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of commercial and mixed-use buildings and districts in and near the downtown core; and

WHEREAS, a preliminary discussion was held at the joint Planning Commission/City Council work session on April 5, 2007 regarding legislative remedies available to ensure the continuation of a successful business mix on historic Main Street; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A reduction in visitor traffic will have a net negative impact to sales tax overall. A reduction in visitor numbers will also signal a change in the culture of Main Street into an elite area that is less inviting to the majority of Park City's visitors, guests, and locals; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

WHEREAS, the Council determines after evaluating issues of fairness and the overall intent of the regulation that the application of pending ordinance doctrine shall be revoked up to the date of adoption;

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

**SECTION 1. APPROVAL OF AMENDMENT.** CHAPTERS 15-2.5  
Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business

(HCB) District, and 15-15-1 Definitions, of the Land Management Code are hereby amended to read as attached hereto on Exhibits "A", "B" and "C".

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall become effective upon publication and the pending ordinance rule shall become effective as of the date of adoption.

PASSED AND ADOPTED this 30<sup>th</sup> day of August, 2007.

PARK CITY MUNICIPAL CORPORATION



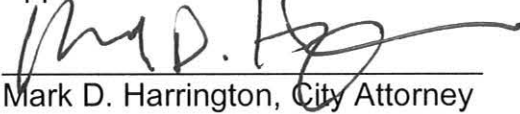
Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



## EXHIBIT A - HRC

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

*Chapter adopted by Ordinance No. 00-51*

#### **15-2.5-1. PURPOSE.**

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

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.
- (I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

#### **15-2.5-2. USES.**

Uses in the HRC are limited to the following:

- (A) **ALLOWED USES.**
  - (1) Single Family Dwelling
  - (2) Duplex Dwelling
  - (3) Secondary Living Quarters

- (4) Lockout Unit<sup>1</sup>
- (5) Accessory Apartment<sup>2</sup>
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family<sup>3</sup>
- (10) Child Care, Family Group<sup>3</sup>
- (11) Child Care Center<sup>3</sup>
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn<sup>4</sup>
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General<sup>5</sup>
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna<sup>6</sup>
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>7</sup>
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions

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<sup>1</sup>Nightly rental of Lockout Units requires a Conditional Use permit

<sup>2</sup>See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

<sup>3</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>4</sup>Requires an Administrative Conditional Use permit

<sup>5</sup>**Prohibited in Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue (excluding those HRC zoned areas north of the 8<sup>th</sup> Street) rights-of-way; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street.**

<sup>6</sup>See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

<sup>7</sup>See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (12) Private Residence Club Project and Conversion<sup>4</sup>
- (13) Office, Intensive
- (14) Office and Clinic, Medical
- (15) Financial Institution, without drive-up window<sup>8</sup>
- (16) Commercial Retail and Service, Minor<sup>7</sup>
- (17) Commercial Retail and Service, personal improvement<sup>7</sup>
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli<sup>7</sup>
- (20) Restaurant, General<sup>7</sup>
- (21) Restaurant and café, Outdoor Dining<sup>4</sup>
- (22) Outdoor Events<sup>4</sup>
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade<sup>4</sup>
- (31) Private Residence Club, Off-Site<sup>5</sup>**

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

*(Amended by Ord. Nos. 04-39; 06-69)*

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<sup>8</sup>If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

## EXHIBIT B

### TITLE 15 - LAND MANAGEMENT CODE (LMC)

### CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

*Chapter adopted by Ordinance No. 00-15*

#### **15-2.6-1. PURPOSE.**

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

#### **15-2.6-2. USES.**

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling<sup>9</sup>
- (2) Multi-Unit Dwelling<sup>1</sup>
- (3) Secondary Living Quarters<sup>1</sup>
- (4) Lockout Unit<sup>1,10</sup>
- (5) Accessory Apartment<sup>1,11</sup>
- (6) Nightly Rental<sup>12</sup>
- (7) Home Occupation<sup>1</sup>
- (8) Child Care, In-Home Babysitting<sup>1</sup>
- (9) Child Care, Family<sup>1,13</sup>
- (10) Child Care, Family Group<sup>1,5</sup>
- (11) Child Care Center<sup>1,5</sup>
- (12) Accessory Building and Use<sup>1</sup>
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn<sup>14</sup>
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General<sup>1</sup>
- (19) Office, Moderate Intensive<sup>1</sup>
- (20) Office and Clinic, Medical<sup>1</sup>
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Display<sup>15</sup>

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**<sup>9</sup>Prohibited in Storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way.**

<sup>10</sup>Nightly Rental of Lock Units requires a Conditional Use permit

<sup>11</sup>See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

<sup>12</sup>Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

<sup>13</sup> See LMC Chapter 15-4-9 for Child Care Regulations

<sup>14</sup>Requires an Administrative Conditional Use permit

<sup>15</sup>Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Group Care Facility<sup>1</sup>
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna<sup>7</sup>
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>8</sup>
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions<sup>1</sup>
- (9) Timeshare Sales Office, Off-Site within an enclosed Building<sup>1</sup>
- (10) Private Residence Club Project and Conversion<sup>5</sup>
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive
- (13) Restaurant, Outdoor Dining<sup>5</sup>
- (14) Outdoor Events
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade<sup>5</sup>
- (23) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays<sup>9</sup>
- (24) Private Residence Club, Off-Site<sup>1</sup>

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

*(Amended by Ord. No. 02-38; 04-39; 06-69)*

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<sup>7</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>8</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>9</sup>Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

## Exhibit C

### TITLE 15 - LAND MANAGEMENT CODE (LMC)

#### CHAPTER 15 - DEFINITIONS

*Chapter adopted by Ordinance No. 00-25*

#### CHAPTER 15 - DEFINED TERMS.

##### 15-15-1.44. Club.

(E) Club, Private Residence, Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

##### Storefront Property

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

1. A window and/or entrance within 50 lateral/horizontal feet of the back (inside building edge) of the public sidewalk; and
2. A window and/or entrance that is not more than 8 feet above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the street as set forth above shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.