

ORDINANCE NO. 06-69

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,
AND TO ADDRESS SUBTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 2.4 HRM ZONING DISTRICT, 2.5 HRC ZONING DISTRICT, 2.6 HCB ZONING
DISTRICT, CHAPTER 2.8 POS DISTRICT, CHAPTER 2.9 E-40 DISTRICT, CHAPTER 2.10 E
DISTRICT, CHAPTER 11- HISTORIC PRESERVATION BOARD, AND CHAPTER 14-
ZONING ADMINISTRATION AND ENFORCEMENT**

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

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

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code regarding density requirements in the Estate (E) and Rural Estate (E-40), Planning Director determination of lot width measurements for unusual lot configurations, minimum lot size for single family dwellings in the HRM District, side yard setback exceptions, exceptions to Building setbacks and driveway location standards for additions to Non-complying Historic Buildings in the HRC District, expanding the Historic Preservation Board from 5 to 7 members, and revising LMC violations to a Class C misdemeanor;

WHEREAS, these amendments are changes identified since the 2000 Land Management Code revisions.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on September 27, 2006 and forwarded to City Council a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on October 19, 2006; and

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

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

SECTION 1. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2 (Sections 2.4, 2.5, 2.6, 2.8, 2.9, and 2.10, is hereby amended as attached hereto as Exhibits A-F. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

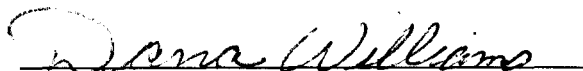
SECTION 2. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 11, Section 15-11-1 Establishment of Board, is hereby amended as attached hereto as Exhibit G. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 14 OF THE LAND MANAGEMENT CODE. Chapter 14, Section 15-14-6 Violations, is hereby amended as attached hereto as Exhibits H. Any conflicts or cross-references from other provisions of the LMC to Chapter 14 shall be resolved by the Planning Director.

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

PASSED AND ADOPTED this 19th day of October, 2006

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





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

Chapter adopted by Ordinance No. 00-51

15-2.4-1. PURPOSE.

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

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

minimizes the visibility of Parking Areas, and

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

15-2.4-2. USES.

Uses in the HRM District are limited to the following:

(A) **ALLOWED USES.**

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

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

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

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

- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family⁴
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

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

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

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

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

⁷Allowed only in Historic Structures or historically Compatible Structures

- (12) Office, General⁸
- (13) Retail and Service Commercial, Minor⁸
- (14) Retail and Service Commercial, personal improvement⁸
- (15) Neighborhood Market, without gasoline sales⁸
- (16) Cafe, Deli⁸
- (17) Café, Outdoor Dining⁹
- (18) Parking Area or Structure with five (5) or more spaces
- (19) Temporary Improvement¹⁰
- (20) Recreation Facility, Public
- (21) Recreation Facility, Private
- (22) Outdoor Events¹⁰
- (23) Fences greater than six feet (6') in height from Final Grade¹⁰

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

15-2.4-3. CONDITIONAL USE PERMIT REVIEW.

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

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⁸Allowed only in Historic Structures

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

¹⁰Requires an Administrative Conditional Use permit

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

(A) Consistent with the Historic District Design Guidelines, Section 15-4.

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

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

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

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

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

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

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

15-2.4-4. LOT AND SITE REQUIREMENTS.

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

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

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

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

Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, Height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3, Conditional Use Permit Review.

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

(C) **FRONT YARD.**

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

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

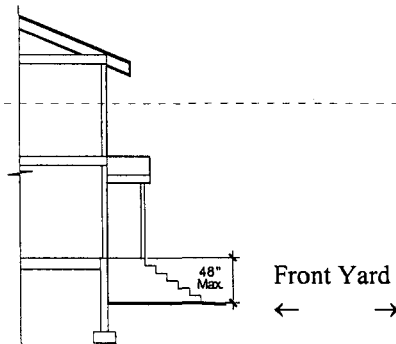
(3) See Section 15-2.4-5 for special requirements for Triplexes and Multi-Unit Dwellings.

(D) **FRONT YARD EXCEPTIONS.**

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

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

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



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

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

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(5) Sidewalks, patios, and pathways.

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

(E) **REAR YARD.**

(1) The minimum Rear Yard is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.

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

(F) **REAR YARD EXCEPTIONS.**

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

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

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

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

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

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

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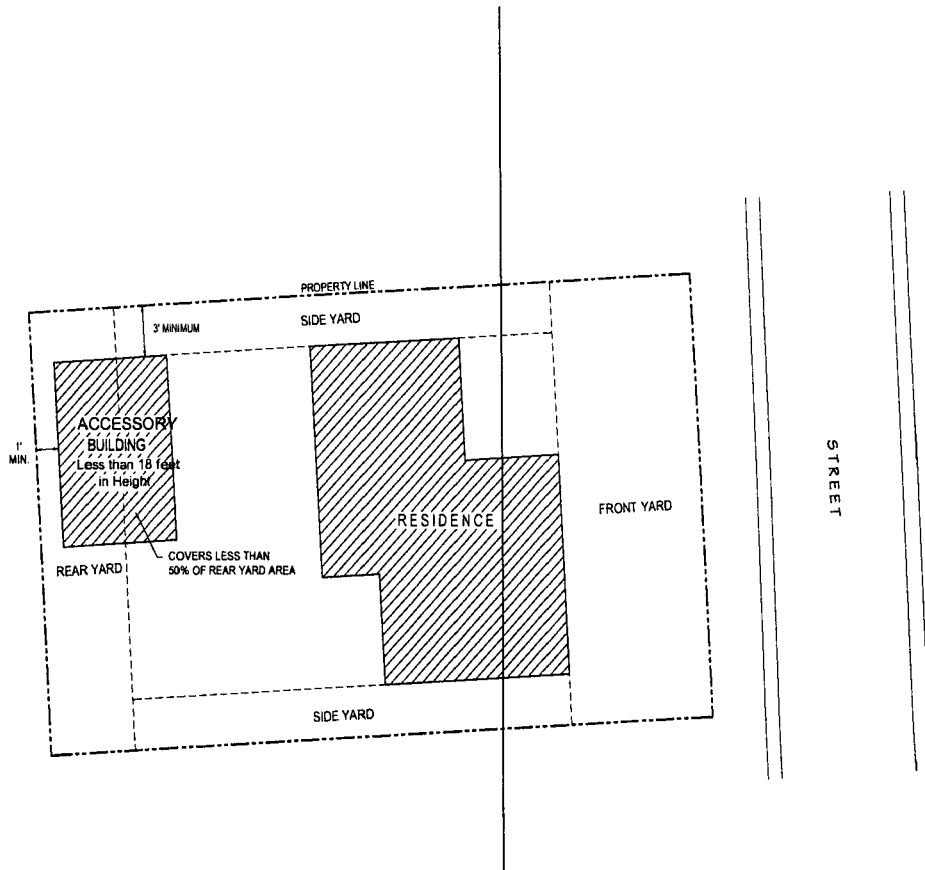
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(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

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

(9) Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2.¹¹

¹¹ A Fence, retaining wall or wall over six feet (6') in height requires an Administrative Conditional Use permit.

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

(G) SIDE YARD.

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

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

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

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

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

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

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

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

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

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

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

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

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in Height above Final Grade, provided

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

there is at least a one foot (1') Setback to the Side Lot Line.

(7) ~~Fences, walls, and retaining walls~~ not more than six feet (6') in height, or as permitted in Section 15-4-2.¹³

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

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

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

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

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

¹³ A Fence over six feet (6') in height requires an Administrative Conditional Use permit.

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

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

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

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

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Tri-plex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. The Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

15-2.4-6. EXISTING HISTORIC STRUCTURES.

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

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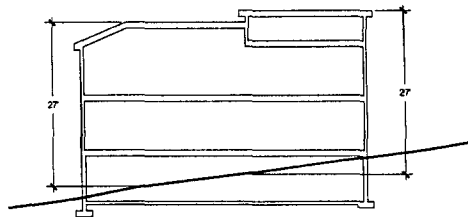
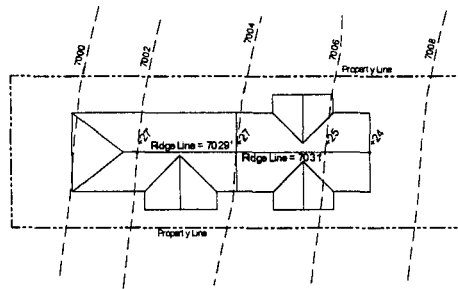
parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

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

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

15-2.4-7. BUILDING HEIGHT.

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



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

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

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

(3) Church spires, bell towers, and like architectural features as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone

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

(4) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Zone Height requirements.

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

15-2.4-8. PARKING REGULATIONS.

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

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

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

- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
- (2) the reduction, mitigation or

elimination of garage doors at the Street edge.

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

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

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

15-2.4-9. SULLIVAN ROAD ACCESS.

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

(A) **CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.** Limited Access is allowed only when an

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

(B) NEIGHBORHOOD MANDATORY ELEMENTS

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

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

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

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

(b) Increased Front Yard Setbacks.

(c) Increased snow storage.

(d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant

landscape elements.

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

(f) Minimized Access to Sullivan Road.

(g) Decreased Density.

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

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

(5) **PARKING MITIGATION.** Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

(6) **PRESERVATION OF HISTORIC STRUCTURES AND**

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

15-2.4-10. ARCHITECTURAL REVIEW.

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

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

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

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the

Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

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

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

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

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

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

(D) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

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

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

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and check-in.

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

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

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

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

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

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

15-2.4-12. OUTDOOR EVENTS AND MUSIC.

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

following:

(A) Notification of adjacent Property Owners.

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

(C) Impacts on adjacent residential Uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

15-2.4-13. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance

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and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

15-2.4-14. SIGNS.

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

15-2.4-15. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-5-13.
- Telecommunication Facility. LMC Chapter 15-5-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3.3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 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.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³

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¹Nightly rental of Lockout Units requires a Conditional Use permit

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

- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (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 Antenna⁵
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁶

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

⁴Requires an Administrative Conditional Use permit

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

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

- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions
- (12) Private Residence Club Project and Conversion⁴
- (13) Office, Intensive
- (14) Office and Clinic, Medical
- (15) Financial Institution, without drive-up window⁷
- (16) Commercial Retail and Service, Minor⁷
- (17) Commercial Retail and Service, personal improvement⁷
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁷
- (20) Restaurant, General⁷
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events⁴
- (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

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Comment [k1]: Insert footnote references 15-4-18

Comment [k2]: Insert footnote reference 15-4-18

⁷If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

(30) Fences greater than six feet (6') in height from Final Grade⁴.

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

(Amended by Ord. No. 04-39)

15-2.5-3. LOT AND SITE REQUIREMENTS.

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

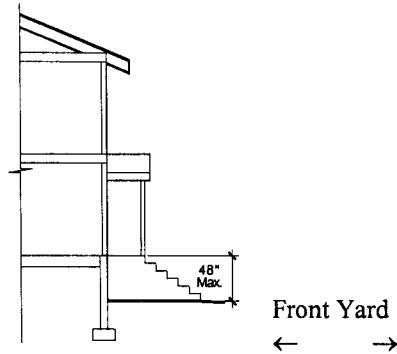
All Development activity must comply with the following minimum Lot and Site requirements:

(A) **FRONT YARD.** The minimum Front Yard is ten feet (10').

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

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

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



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

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(4) Roof overhangs, eaves, and cornices, projecting not more than two feet (2') into the Front Yard.

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(5) Sidewalks, patios, and pathways.

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

the following illustration:

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

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

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

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

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

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

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

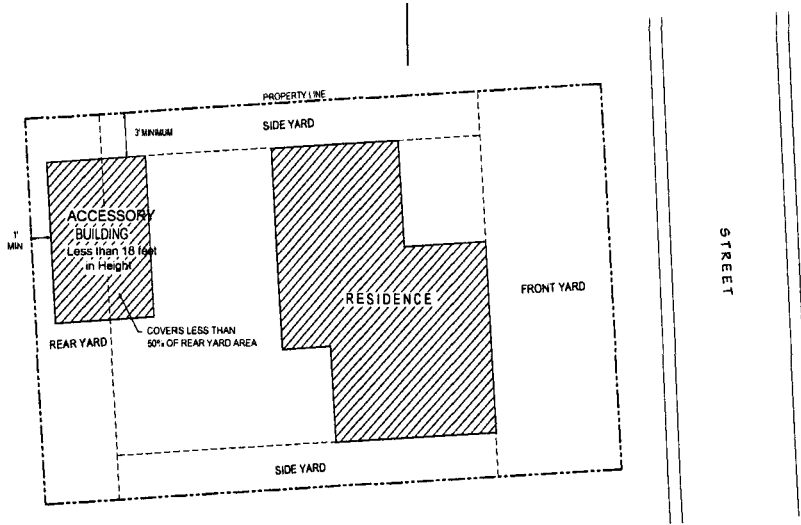
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(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover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



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

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

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.⁸

(10) Patios, decks, steps, pathways, and similar Structures not

⁸A Fence greater than six feet (6') in height requires an administrative Conditional Use permit

more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(E) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

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(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.

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

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Side Lot Line may not exceed one hundred feet (100').

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

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

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

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

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

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

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

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

4-2.⁸

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

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

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

(11) A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

(G) **FLOOR AREA RATIO.** In all projects within the HRC Zone:

(1) **STRUCTURES BUILT AFTER OCTOBER 1, 1985.**

Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.

(2) **STRUCTURES BUILT**

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PRIOR TO OCTOBER 1, 1985. Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

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

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

15-2.5-4. ACCESS.

(A) **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from

Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT**

EXCEPTIONS. The following height exceptions apply:

(1) A gable, hip, gambrel, and similarly pitched roof may extend up to five feet (5') above the Zone Height.

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

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

(4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

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

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15-2.5-6. EXISTING HISTORIC STRUCTURES.

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

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

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

15-2.5-7. ARCHITECTURAL REVIEW.

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

with the Historic District Design Guidelines.

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

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

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

15-2.5-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District.

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All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Building, and Engineering Departments. The Staff will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.5-9. SERVICE ACCESS.

All Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards.

15-2.5-10. HEBER AVENUE SUB-ZONE.

Properties fronting on the north side of Heber Avenue, and east of Main Street, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
- (C) The Floor Area Ratio limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

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

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

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(C) Common Parking Structures are allowed where such a grouping facilitates:

- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
- (2) the reduction, mitigation, or elimination of garage doors at the Street edge.

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

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

(F) Turning radii are subject to review

by the City Engineer as to function and design.

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) The Use is in a Historic Structure or addition thereto, or a historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.

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

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(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

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- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

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

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.5-13(B)(3) for outdoor display

of bicycles, kayaks, and canoes.

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

(1) **OUTDOOR DINING.**

Outdoor dining is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance, Title 6.

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

(g) No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

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

- (a) The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (c) The Use is Compatible with the neighborhood.
- (d) The proposed service station does not impede pedestrian circulation.
- (e) The proposed service station does not impede emergency Access or circulation.
- (f) Design of the service station is Compatible with the adjacent Building and

Streetscape.

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

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

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

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

(a) The Area of the proposed bicycle, kayak, motorized scooters, or canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

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

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is

only allowed during Business hours.

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

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

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

(c) Impact on adjacent residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical, sign, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

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

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

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

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

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

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

either the Planning Director of Building Official.

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

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

(i) No additional signs are allowed. A sales tag, four (4) square inches or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.) The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. No. 05-49)

15-2.5-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

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15-2.5-15. SIGNS.

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

15-2.5.16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.

- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

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

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

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(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

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
- (2) Multi-Unit Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹

¹Nightly Rental of Lock Units requires a Conditional Use permit

- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home
Babysitting
- (9) Child Care, Family⁴
- (10) Child Care, Family Group⁴
- (11) Child Care Center⁴
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁵
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16
rooms
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office and Clinic, Medical
- (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

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

³Nightly Rental of residential
dwellings does not include the Use of
dwellings for Commercial Uses

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

⁵Requires an Administrative
Conditional Use permit

- (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
Displays⁶

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(B) **CONDITIONAL USES.**

- (1) Group Care Facility
- (2) Public and Quasi-Public
Institution, Church, School
- (3) Essential Municipal Public
Utility Use, Facility, Service,
and Structure
- (4) Telecommunication Antenna⁷
- (5) Satellite Dish, greater than
thirty-nine inches (39") in
diameter⁸
- (6) Plant and Nursery stock
products and sales
- (7) Hotel, Major

⁶Olympic 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.

⁷See LMC Chapter 15-4-14,
Supplemental Regulations for
Telecommunication Facilities

⁸See LMC Chapter 15-4-13,
Supplemental Regulations for Satellite
Receiving Antennas

- (8) Timeshare Projects and Conversions
- (9) Timeshare Sales Office, Off-Site within an enclosed Building
- (10) Private Residence Club Project and Conversion⁵
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive
- (13) Restaurant, Outdoor Dining⁵
- (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 Grade⁵
- (23) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁹

(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)

15-2.6-3. LOT AND SITE REQUIREMENTS.

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

(A) **LOT SIZE.** The minimum Lot Area is 1,250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION.** Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts.

Comment [k1]: Add footnote to reference section 15-4-18 Passenger Tramways and Ski Base Facilities

Comment [k2]: Add footnote to reference section 15-4-18 see above note

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⁹Olympic 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.

The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES.** No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED.** No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

(F) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner

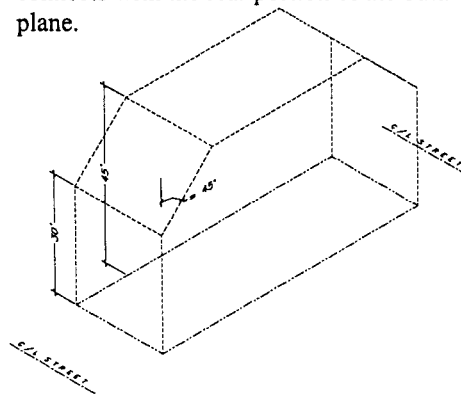
Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

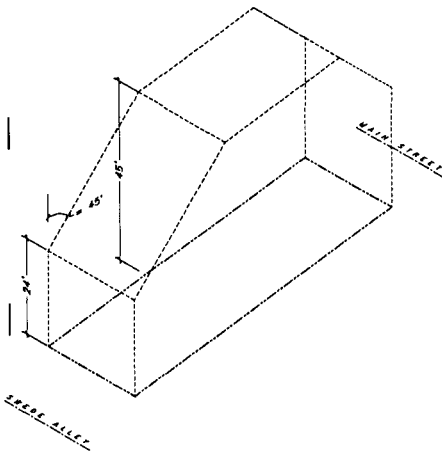
15-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.

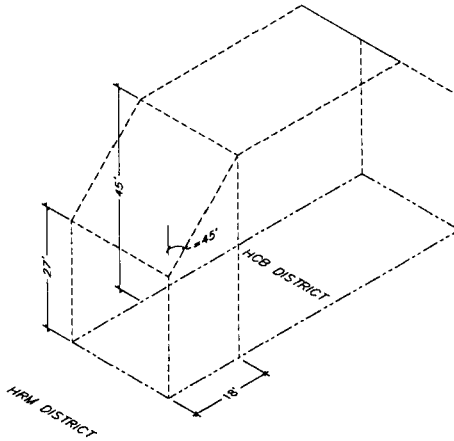


(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

(C) For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Yard Property Line to a height of twenty-four feet (24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

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

review the proposed plans for compliance with the Historic District Design Guidelines, LMC Chapter 15-5.

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

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

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(4) Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

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

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

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

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(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(D) Building Facades facing residential Property must be designed in such a manner that their presence is minimized through the Use of sound proofing, limited openings, and landscaping. No loading docks, service yards, detached mechanical equipment or

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(Amended by Ord. No. 03-38)

15-2.6-6. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must

trash dumpsters or compounds are permitted to be oriented towards residential Properties.

15-2.6-7. SWEDE ALLEY DEVELOPMENT CRITERIA.

In addition to the standards set forth in this Chapter, all Development abutting Swede Alley must comply with the following criteria:

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45B) to a maximum height of twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged.

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure.

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede Alley facade may have the same height or Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are

strongly encouraged. Uniform height and Setbacks are discouraged.

(D) Provisions for public Open Space, open courtyards, and landscaping are strongly encouraged.

(E) Pedestrian connections from Swede Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored.

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited.

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area.

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING.

(A) APPROVAL. No awning or Canopy may be erected, enlarged, or altered

over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED.** No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

(A) **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE.** Non-residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces¹⁰. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 15-3. Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

(C) **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

An Applicant may appeal the staff's measurement of Floor Area to determine the

¹⁰Mechanical and storage spaces must be in accordance with JBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

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parking requirement to the Board of Appeals in accordance with the International Building Code.

The Planning Commission may recommend to the City Council that new additions to Historic Structures be exempt from a portion of or all parking requirements where the preservation of the Historic Structure has been guaranteed to the satisfaction of the City.

(D) PRE 1984 PARKING EXCEPTION. Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.

15-2.6-10. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including

those Properties located above the roof tops of Structures in the HCB District.

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All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Engineering, and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

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15-2.6-11. ACCESS, SERVICE AND DELIVERY.

All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial Uses shall not be from residential districts, such as HR-1 and HR-2.

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All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of

durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic. Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR-1 and HR-2)
(Amended by Ord. No. 01-28)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) OUTDOOR DISPLAY OF GOODS PROHIBITED. Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See

Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

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

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

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance, Title 6.

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

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

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

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

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

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

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

(f) Design of the service

station is Compatible with the adjacent Buildings and Streetscape.

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

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

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

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

(a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

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

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

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

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Use Permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

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

(c) Impacts on adjacent residential Uses.

(d) Proposed plans for music, lighting, structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

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

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

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

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

(e) The Use does not violate the Summit County health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

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

either the Planning Director or Building Official.

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

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

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. No. 05-49)

15-2.6-13. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) The Use is in a Historic Structure or addition thereto, or a Historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

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- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

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

15-2.6-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance

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and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

15-2.6-15. SIGNS.

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

15-2.6-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.8 - PROTECTED OPEN SPACE (POS) DISTRICT**

Chapter adopted by Ordinance No. 00-15

15-2.8-1. PURPOSE.

The purpose of the Protected Open Space (POS) District is to:

- (A) promote useable, public, non-improved, non-commercial, connected and contiguous Open Space for community benefit,
- (B) promote open lands that remain fundamentally undisturbed,
- (C) prohibit construction on ridge lines and Steep Slopes, or in wetlands, watersheds, and view sheds,
- (D) promote the preservation of Historic Sites,
- (E) preserve the vegetation and habitat of natural Areas,
- (F) provide incentives to protect Open Space and conservation resources through voluntary conservation easements and/or deed restrictions, and

(G) provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails.

15-2.8-2. USES.

Uses in the POS District are limited to the following;

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE
CONDITIONAL USE PERMIT (CUP).**

- (1) Parking Area or Structure for four (4) or fewer spaces.
- (2) Fences greater than six feet (6') in height from existing Grade

(C) **CONDITIONAL USES.**

- (1) Trail and Trailhead Improvement
- (2) Essential Municipal Public Utility Use, Service, or Structure
- (3) Accessory Building, less than 600 sq. ft.

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- (4) Ski-related Accessory Building, less than 600 sq. ft.
- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge¹

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

15-2.8-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

15-2.8-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT**

EXCEPTIONS. The following height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) Antennas, chimneys, flues, vents and similar Structures may

¹Subject to a City approved Ski Area Master Planned Development and LMC Section 15-4-18.

extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC) requirements.

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

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15-2.8-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

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Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

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15-2.8-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') above the ground, groves of smaller trees, or clumps of oak and

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maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

15-2.8-7. SIGNS.

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

15-2.8-8. RELATED PROVISIONS.

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

- X Parking Ratio Requirements. LMC Chapter 15-3 -6.
- X Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.9 - RURAL ESTATE (E-40) DISTRICT

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Chapter adopted by Ordinance No. 00-51

15-2.9-1. PURPOSE.

The purpose of the Rural Estate (E-40) District is to:

- (A) preserve and enhance the natural environment and resources of Park City, to protect the health and welfare of the residents of the community,
- (B) provide a zone for rural and agricultural Uses that require large Lot sizes,
- (C) mitigate geologic and flood hazards, and
- (D) preserve Open Space.

15-2.9-2. USES.

Uses in the E-40 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Secondary Living Quarters

- (3) Lockout Unit¹
- (4) Accessory Apartment²
- (5) Nightly Rental³
- (6) Home Occupation
- (7) Child Care, In-Home Babysitting
- (8) Child Care, Family⁴
- (9) Child Care, Family Group⁴
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Raising, grazing of horses
- (14) Residential Parking Area or Structure, with four (4) or fewer spaces

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(B) **CONDITIONAL USES.**

- (1) Guest House
- (2) Group Care Facility

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4 Supplemental Regulations for Accessory Apartments

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

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

- (3) Child Care Center⁴
- (4) Public and Quasi-Public Institution, Church and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna⁵
- (7) Satellite Dish, greater than thirty-nine inches (39") diameter⁶
- (8) Plant and Nursery Stock Production and Sales
- (9) Raising, grazing of livestock
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Parking Lot or Structure with five (5) or more space
- (13) Temporary Improvement⁷
- (14) Passenger Tramway Station and Ski Base Facility
- (15) Ski Rope Tow, Ski Lift, Ski Run, and Ski Bridge
- (16) Outdoor Event⁷
- (17) Recreation Facility, Public and Private
- (18) Recreation Facility, Commercial
- (19) Commercial Stables, Riding Academy
- (20) Mines and Mine Exploration

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

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

⁷Requires an Administrative Conditional Use permit.

- (21) Fences greater than six feet (6') in height from Final Grade⁷
- (22) Vehicle Control Gates⁸

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

(Amended by Ord. No. 04-08)

15-2.9-3. LOT AND SITE REQUIREMENTS.

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

Comment [k1]: Add footnote to reference Section 15-4-18

Comment [k2]: Add footnote to reference Section 15-4-18

(A) **LOT SIZE AND DENSITY.** The minimum Lot size for all Uses is forty (40) acres. The maximum density is one (1) unit per forty (40) acres.

Comment [k3]: Staff requests discussion on whether minimum Lot size should be deleted and replaced with a maximum density to allow development to cluster on smaller lots with the remainder of the property as dedicated open space.

(B) **LOT WIDTH.** The minimum Lot Width is one hundred feet (100'). In the case of Unusual Lot Configurations, Lot Width measurements shall be determined by the Planning Director.

⁸See Section 15-4-19 for specific review criteria for gates

(C) **SETBACKS.** The minimum Front, Side, and Rear Yards for all Structures are thirty feet (30').

15-2.9-4. BUILDING HEIGHT.

No Structure may be erected to a height of greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

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

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

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

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

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but shall not contain Habitable Space above the Zone Height. Such exceptions

require approval by the Planning Director.

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

(6) Ski Lift and Tramway towers may extend above the Zone Height subject to a Conditional Use Permit, a visual analysis, and compliance with requirements as stated in LMC Section 15-4-18.

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15-2.9-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

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Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.9-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate-40 (E-40) District are subject to the Sensitive Lands Overlay (SLO) Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the following materials with a Conditional Use Application:

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(A) A map of the Site showing the contours in intervals of no more than five feet (5') in elevation;

(B) A map showing Access routes, both existing and proposed, showing the Grade of Rights-of-Way and private and Public Roads, widths, curve data, and similar information for evaluation of emergency vehicle Access;

(C) A soils analysis from a qualified engineer, showing that there are no serious geologic, hydrologic, or mining hazards, and that Development on the Site will not create or exacerbate such hazards.

(D) A report from a qualified engineer showing the availability of water service and adequacy of pressure from existing facilities, and/or the costs of constructing and operating new facilities necessary to deliver adequate pressures, including fire flows to the project.

(E) Graphic materials sufficient to show the location of the project and the visual impact of the project from various locations within the City.

15-2.9-7. CRITERIA FOR BED AND BREAKFAST INNS.

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

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to

rehabilitate the Historic portion of the Structure.

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

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(C) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

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

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

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

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

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

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

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

15-2.9-8. OUTDOOR EVENTS AND MUSIC.

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

- (A) Notification of adjacent Property Owners.
- (B) There is no violation of the City Noise Ordinance, Title 6.
- (C) Impacts on adjacent residential Uses.
- (D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

- (F) Duration and hours of operation.
- (G) Impacts on emergency Access and circulation.

(Amended by Ord. No. 04-08, Criteria for Vehicle Control Access Gates Deleted)

15-2.9-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination as to whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;

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(4) flies; and

(5) feed/hay

15-2.9-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

15-2.9-11. SIGNS.

Signs are allowed in the E-40 District as provided in the Park City Sign Code, Title 12.

15-2.9-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-5-2.

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

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.10- ESTATE (E) DISTRICT**

Chapter adopted by Ordinance No. 00-51

15-2.10-1. PURPOSE.

The purpose of the Estate (E) District is to:

(A) allow very low density, environmentally sensitive residential Development which:

- (1) preserves ridge tops, meadows, and visible hillsides,
- (2) preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
- (3) preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
- (4) mitigates geologic and flood hazards,
- (5) protects views along the City's entry corridors, and
- (6) decreases fire risk by keeping Development out of sensitive wild land interface Areas.

(B) incorporate pedestrian trail linkages between and through neighborhoods; and

(C) encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

15-2.10-2. USES.

Uses in the Estate (E) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment³
- (6) Nightly Rental^{1,2}

Comment [k1]: Add a footnote to state that a duplex requires a minimum property area of 6 acres.

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¹Nightly rental of Lockout Units requires a Conditional Use permit. ²Nightly Rentals do not include the Use of dwellings for Commercial Uses.

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³See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments.

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- (7) Home Occupation
- (8) Child Care, In-Home Babysitting³
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Accessory Buildings and Uses
- (12) Conservation Activity
- (13) Agriculture
- (14) Raising, grazing of horses
- (15) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Guest House
- (2) Group Care Facility
- (3) Child Care Center³
- (4) Public and Quasi-Public Institution, Church and School
- (5) Essential Municipal Public Utility Use, Facility, Services, and Structure
- (6) Telecommunication Antenna⁴
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- (8) Plant and Nursery stock products and sales
- (9) Raising, grazing of livestock

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

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

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

- (10) Cemetery
- (11) Bed & Breakfast Inn
- (12) Hotel, Minor⁶
- (13) Hotel, Major⁶
- (14) Parking Area or Structure with five (5) or more spaces
- (15) Temporary Improvement⁷
- (16) Passenger Tramway Station and Base Facility⁹
- (17) Ski Tow Rope, Ski Run, Ski Lift, and Ski Bridge⁹
- (18) Outdoor Event
- (19) Recreation Facility, Public and Private
- (20) Recreation Facility, Commercial
- (21) Commercial Stables, Riding Academy
- (22) Master Planned Development with moderate income housing density bonus⁶
- (23) Master Planned Development with residential and transient lodging Uses only⁶
- (24) Master Planned Development with Support Retail and Minor Service Commercial⁶
- (25) Mines and Mine Exploration
- (26) Vehicle Control Gates⁸

⁶Subject to regulations of LMC Chapter 15-6, Master Planned Developments

⁷Requires an Administrative Conditional Use permit

⁸See Section 15-4-19 for specific review criteria for gates

⁹See Section 15-4-18 Passenger Tramways and Ski Base Facilities

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(27) Fences greater than six feet (6') in height from Final Grade⁷.

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.
(Amended by Ord. No. 04-08)

15-2.10-3. LOT AND SITE REQUIREMENTS.

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

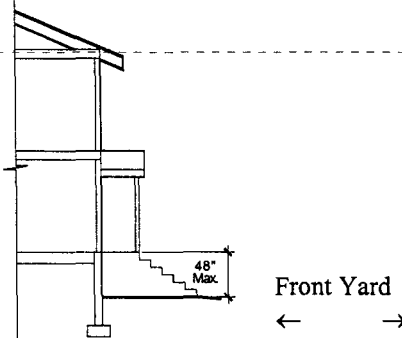
(A) **LOT SIZE AND DENSITY.** The minimum Lot size for all Uses is three (3) acres, except that a Duplex requires a minimum Lot size of six (6) acres. The Planning Commission may reduce the minimum Lot size during review of a Master Planned Development or Subdivision plat to encourage clustering of density. The maximum density is one (1) unit per three (3) acres.

(B) **LOT WIDTH.** The minimum Lot Width is one hundred feet (100'). In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director. The Planning Commission may reduce the minimum Lot Width during review of a Master Planned Development or Subdivision plat.

(C) **REQUIRED SETBACKS.** The minimum Front, Side and Rear Yard for all Structures is thirty feet (30'). The Planning Commission may vary required Yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than 10 feet (10') between Structures.

(D) **FRONT YARD EXCEPTIONS.** The required Front Yard must be open and free of any Structure except for the following:

- (1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.



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Comment [k2]: Staff requests discussion on whether minimum Lot size should be deleted and replaced with a maximum density to allow development to cluster on smaller lots with the remainder of the property as dedicated open space.

<p>(3) <u>Decks, porches, and Bay Windows</u>, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.</p>	<p>(4') into the Rear Yard.</p>	<p>Deleted: A d</p>
<p>(4) <u>Roof overhangs, eaves, and cornices</u> projecting not more than three feet (3') into the Front Yard.</p>	<p>(4) <u>Roof overhangs and eaves</u> projecting not more than three feet (3') into the Rear Yard.</p>	<p>Deleted: or</p>
<p>(5) <u>Sidewalks, patios, and pathways.</u></p>	<p>(5) <u>Window sills, belt courses, cornices, trim, and other ornamental features</u> projecting not more than six inches (6") <u>beyond the window or main structure to which it is attached.</u></p>	<p>Deleted: A</p>
<p>(6) <u>Driveways</u> leading to a garage or Parking Area. No portion of a Front Yard, except for <u>patios, driveways, allowed Parking Areas and sidewalks,</u> may be Hard-Surfaced or graveled.</p>	<p>(6) A detached Accessory Building not more than eighteen (18') feet in height and maintaining a minimum Setback of five feet (5'). Such Structure must not cover over twenty-five percent (25%) of the Rear Yard.</p>	<p>Deleted: r</p>
<p>(7) Circular driveways meeting all requirements stated in Section 15-3-4.</p>	<p>(7) <u>Hard-Surfaced Parking Areas</u> subject to the same location requirements as a <u>Detached Accessory Building.</u></p>	<p>Deleted: or</p>
<p>(E) <u>REAR YARD EXCEPTIONS.</u> The required Rear Yard must be open and free of any Structure except for the following:</p>	<p>(8) Screened mechanical equipment, hot tubs, <u>and similar Structures</u> located at least five feet (5') from the Rear Lot Line.</p>	<p>Deleted: A</p>
<p>(1) <u>Bay Windows</u> not more than ten feet (10') long projecting not more than two feet (2') into the Rear Yard.</p>	<p>(9) <u>Fences, walls, and retaining walls</u> not more than six feet (6') in height, <u>or as permitted in Section 15-4-2 Fences and Walls.</u> A retaining wall may have multiple steps, however, <u>each exposed face</u> cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted</p>	<p>Deleted: w</p>
<p>(2) <u>Chimneys</u> not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.</p>	<p>(3) <u>Window wells and light wells</u> projecting not more than four feet</p>	<p>Deleted: A</p>
<p>(3) <u>Window wells and light wells</u> projecting not more than four feet</p>	<p>(3) <u>Window wells and light wells</u> projecting not more than four feet</p>	<p>Deleted: r</p>
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with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁰

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

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

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

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

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

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

(5) Window sills, belt courses, cornices, trim, and other ornamental

features, projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade provided there is a five foot (5') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height or as permitted in Section 15-4-2 Fences and Walls. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹¹

(8) Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) A detached Accessory Building not greater than eighteen

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¹⁰ A Fence greater than six feet (6') in height requires an Administrative Conditional Use permit.

¹¹ A Fence greater than six feet (6') in height requires an Administrative Conditional Use permit.

feet (18') in height located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

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

15-2.10-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

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

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

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

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

(4) Church spires, bell towers, and like architectural features subject

to the Architectural Guidelines, LMC Section 15-5, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

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

(6) Ski Lift and Tramway towers may extend above the Zone Height subject to a Conditional Use Permit, a visual analysis and compliance with requirements as stated in LMC Section 15-4-18.

15-2.10-5. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.10-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate (E) District are subject to the Sensitive Lands Overlay (SLO) Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the

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following materials with a Conditional Use permit application:

- (A) A map of the Site showing the contours in intervals of no more than five feet (5') in elevation.
- (B) A map showing Access routes, both existing and proposed, showing the Grade of public and private Rights-of-Way, widths, curve data, and similar information for evaluation of emergency vehicle Access.
- (C) A soil analysis from a qualified engineer, showing that there are no serious geologic, hydrologic, or mining hazards, and that Development on the Site will not create or exacerbate such hazards.
- (D) A report from a qualified engineer showing the availability of water service and adequacy of pressure from existing facilities, and/or the costs of constructing and operating new facilities necessary to deliver adequate pressures, including fire flows to the project.
- (E) Graphic materials sufficient to show the location of the project and the visual impact of the project from various locations within the City.

15-2.10-7. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) If the Use is in a Historic Structure, the Applicant will make every attempt to

rehabilitate the Historic portion of the Structure.

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

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

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

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

15-2.10-8. OUTDOOR EVENTS AND MUSIC.

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

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

(Amended by Ord. No. 04-08, Criteria for Vehicle Control Access Gates Deleted)

15-2.10-9. CRITERIA FOR RAISING

AND GRAZING OF HORSES.

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The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination as to whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and
 - (5) feed/hay

15-2.10-10. VEGETATION PROTECTION.

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

(6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

15-2.10-11. SIGNS.

Signs are allowed in the Estate (E) District as provided in the Park City Sign Code, Title 12.

15-2.10-12. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. Chapter LMC 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D).
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation Board. LMC Chapter 15-11.

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

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION

*Chapter adopted by Ord. No. 02-07;
Chapter Amended in Entirety by Ord. No.
03-34*

**CHAPTER 11 - HISTORIC
PRESERVATION**

**15-11-1. ESTABLISHMENT OF
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

**15-11-2. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and

such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

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EXHIBIT G,

PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 14

TITLE 15 - LAND MANAGEMENT CODE

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EXHIBIT H.



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

Chapter adopted by Ordinance No. 02-07

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

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

The provisions of this Ordinance shall be administered by the Planning, Engineering, and Building Departments under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Planning Director, City Engineer, or Chief Building Official 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 Planning Director, City Engineer, or Chief Building Official, 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 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.

(Amended by Ord. No. 06-35)

15-14-2. OCCUPANCY PERMIT.

Land, Buildings, or premises in any Zoning District shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A 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 certificate is needed whenever Use or character of any Building or land is to be changed.

(Amended by Ord. No. 06-35)

15-14-3. INSPECTION.

The City, through its designated officials, shall, 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; and to make examinations and surveys pertinent to the preparation of the General Plan or preparation or enforcement of this Code.

(Amended by Ord. Nos. 06-20; 06-20)

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 Planning, Engineering, and Building Departments, the plan approval for a permitted Use shall expire.

(Amended by Ord. No. 06-35)

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. A 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 probably cause to believe that Construction Activity 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 Title are Class "C" 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.

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