

Ordinance 2016-44

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1 GENERAL PROVISIONS AND PROCEDURES; CHAPTER 2 ZONING DESIGNATIONS (2.1 HRL, 2.2 HR-1, 2.3 HR-2, 2.4 HRM, 2.5 HRC, 2.7 ROS, 2.8 POS, 2.9 E-40, 2.10 E, 2.11 SF, 2.12 R-1, 2.13 RD, 2.14 RDM, 2.15 RM, 2.16 RC, 2.17 RCO, 2.18 GC, 2.19 LI, 2.22 PUT, and 2.23 CT); CHAPTER 6 MASTER PLANNED DEVELOPMENTS; CHAPTERS 7 AND 7.1 SUBDIVISIONS, CHAPTER 11 HISTORIC PRESERVATION AND CHAPTER 15 DEFINED TERMS

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the State Code and Council's goals; and

WHEREAS, Chapter 1 provides a description of general provisions and procedures of the Park City's land development and management code that the City desires to revise. These revisions are specifically related to the appeals process, vesting of applications, notice requirements, standards of review for applications regarding the General Plan, exactions, and other procedures and requirements; and

WHEREAS, Chapters 2.1 Historic Residential-Low Density District (HRL), 2.2 Historic Residential (HR-1), 2.3 Historic Residential 2 (HR-2), 2.4 Historic Medium Density (HRM), 2.5 Historic Recreation Commercial (HRC), 2.7 Recreation Open Space (ROS), 2.8 Protected Open Space (POS), 2.9 Rural Estate (E-40), 2.10 Estate (E), 2.11 Single Family (SF), 2.12 Residential (R-1), 2.13 Residential Development (RD), 2.14 Residential Development Medium Density (RDM), 2.15 Residential Medium Density (RM), 2.16 Recreation Commercial (RC), 2.18 General Commercial (CG), 2.19 Light Industrial (LI), 2.22 Public Use Transition (PUT) and 2.23 Community Transition (CT) provide a description of requirements, provisions and procedures specific to these zoning district that the City desires to revise. These revisions concern consistent requirements for screening of mechanical equipment (HR2, HRC, RC, GC, LI, PUT and CT); common wall development (HR-1, HR2, HRM, HRC, R-1, SF, RD, RDM, RM, RC, GC, LI and CT); building footprint and height exceptions for historic structures (HRL, HR1, HR2, HRM, HRC, and RC); height exceptions for garages on downhill lots (HRL, HR-1, HR-2, and RC), provisions for barrel roof form (HRC, POS, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, LI, PUT, and CT), in Districts as identified; and

WHEREAS, Chapter 6 provides a description of requirements, provisions and procedures specific to Master Planned Developments (MPD). These revisions relate to requiring information on Historic Structures and Sites for MPD applications, as well as standards of review regarding the General Plan; and

WHEREAS, Chapter 7 provides a description of requirements, provisions and procedures specific to Subdivisions. These revisions relate to vacations, alterations, and amendments to Subdivisions; classification of Subdivisions; required signatures and recordation of Subdivision plats and other items for consistency with the amended Utah State Code; and

WHEREAS, Chapter 11 provides a description of requirements, provisions, and procedures specific to Historic Preservation. These revisions concern the criteria and process for designating sites to the Park City Historic Sites Inventory; and

WHEREAS, Chapter 15 provides a description of defined terms used in the Land Management Code and the City desires to revise for clarity and/or add various definitions related to the above identified code amendments; and

WHEREAS, the Planning Commission conducted work sessions to discuss the Land Management Code on March 23rd and April 13th and 27th, 2016; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 22, 2016 and August 10, 2016, and unanimously forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on September 15, 2016; 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 State of Utah Code and the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, 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 TITLE 15 - Land Management Code Chapter One (General Provisions and Procedures). The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 (Historic Residential Low Density (HRL)). The recitals above are incorporated herein as findings of fact. Chapter 2.1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-1).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.2 (Historic Residential (HR-1)). The recitals above are incorporated herein as findings of fact. Chapter 2.2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-2).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.3 (Historic Residential 2 (HR-2)). The recitals above are incorporated herein as findings of fact. Chapter 2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-3).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.16 (Recreation Commercial (RC)). The recitals above are incorporated herein as findings of fact. Chapter 2.16 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-4).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.18 (General Commercial (GC)). The recitals above are incorporated herein as findings of fact. Chapter 2.18 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-5).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.19 (Light Industrial (LI)). The recitals above are incorporated herein as findings of fact. Chapter 2.19 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-6).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.23 (Community Transition (CT)). The recitals above are incorporated herein as findings of fact. Chapter 2.23 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-7).

SECTION 9. AMENDMENTS TO TITLE 15- Land Management Code Chapter 2 (various sections for barrel roof provisions, mechanical screening, common wall development, and historic structures as identified above). The recitals above are incorporated herein as findings of fact. These Sections of Chapter 2 of the Land Management Code of Park City are hereby amended as redlined (see Exhibit B-8)

SECTION 10. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6 (Master Planned Developments). The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 11. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 7 (Subdivisions- Chapters 7 and 7.1)). The recitals above are incorporated herein as findings of fact. Chapters 7 and 7.1 of the Land Management Code of Park City are hereby amended as redlined (see Exhibit D).

SECTION 12. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11 (Historic Preservation). The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 13. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 (Defined Terms). The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 14. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

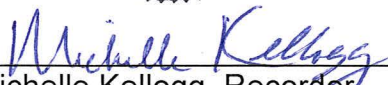
PASSED AND ADOPTED this 15th day of September, 2016

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, Mayor

Attest:


Michelle Kellogg, Recorder

Approved as to form:


Mark Harrington, City Attorney

Exhibits (Redlines of specific LMC Sections)

Exhibit A – LMC Chapter One- General Provisions and Procedures

Exhibits B1-B8 – LMC Chapter Two Zoning Districts

Exhibit C – LMC Chapter Six- Master Planned Developments

Exhibit D – LMC Chapter Seven- Subdivisions (7.0 and 7.1)

Exhibit E – LMC Chapter Eleven- Historic Preservation

Exhibit F – LMC Chapter Fifteen- Defined Terms

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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All amendments to the LMC [or Zoning Map](#) must be made in the following manner:

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

(B) **HEARINGS BEFORE PLANNING COMMISSION**.

(1) Land Management Code Adoption or Amendments

(a) The Planning Commission shall hold a public hearing on all [adoption](#) or amendments to the LMC. Notice of ~~amendment~~ ~~hearings before the Planning Commission~~ shall be given by [doing the following at least fourteen \(14\) days prior to the first public hearing:](#)

- [\(i\) posting notice on the City website or in at least three \(3\) public places within the City;](#)
- [and](#)
- [\(ii\) publishing notice in a newspaper of general circulation within the City; and](#)
- [\(iii\) publishing notice on the Utah Public Notice Website; and](#)

[\(iv\) mailing notice to each Affected Entity as defined in Chapter 15.](#)

~~posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~

[\(b\) The notice must state the general ~~generally~~ the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice \[other than a minimum of 24 hours prior to the meeting posting notice on the City website or in at least three \\(3\\) public places within the City\]\(#\) until the hearing is closed.](#)

(2) Zoning Map Amendments

[\(a\) In addition to the requirements listed above, before the City holds a hearing to adopt the Official Zoning Map or map amendment, the City shall send a courtesy notice to each Owner whose Property is located entirely or partially within the proposed map area, at least fourteen \(14\) days prior to the scheduled date of the public hearing.](#)

[\(b\) The notice shall:](#)

(i) identify each Owner of record of real Property that will be affected by the proposed Zoning Map or map amendments; and
(ii) state the current zone in which the affected Property is located;
(iii) state the proposed new zone for the affected Property;
(iv) provide information regarding, or a reference to, the proposed regulations, prohibitions, and permitted Uses that the Property will be subject to if the Zoning Map or map amendment is adopted; and
(v) state that the Owner of the Property may no later than ten (10) days after the date of the first public hearing file a written objection to the inclusion of the Owner's Property in the proposed Zoning Map or map amendment; and
(vi) state the address where the Property Owner should file the objection; and

(vii) notify the Property Owner that each written objection filed with the City will be provided to the City Council; and
(viii) state the location, date, and time of the public hearing.

(c) If written objections are received in matters relating to the adoption of a Zoning Map or map amendment, the Planning Commission shall, in addition to the requirements set forth in 15-1-7 (C), consider each objection when adopting its formal recommendation and forward all objections to the City Council.

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

(D) **HEARING BEFORE CITY COUNCIL.** The City Council ~~must~~ shall hold a public hearing on all amendments to the LMC. Notice of ~~the~~ hearings shall be given by doing the following at least fourteen (14) days prior to the first public hearing:

- (1) posting notice on the City website or in at least three (3) public places within the City; and
- (2) publishing notice in a newspaper of general circulation within the City; and
- (3) ~~posting~~ publishing notice on the Utah Public Notice Website; and
- (4) mailing notice to each Affected Entity as defined in Chapter 15.

~~providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~

The notice must state the general nature of the proposed amendment; land affected; and the time, place, and date of the hearing. Once opened the hearing may be continued, if necessary, without re-publication of notice other than a minimum of 24 hours prior to the meeting posting notice on the City website or in at least three (3) public places within the City until the hearing is closed.

Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS.** At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first.

Notice for any joint hearing shall be given by ~~posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~ following the notice requirements of Subsection D, Hearing Before City Council above.

Following the hearing and Commission vote, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(F) **TEMPORARY OR EMERGENCY ZONING LAND USE REGULATIONS.**

The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an Ordinance establishing a temporary zoning land use regulations for any part or all of the Area within the municipality if:

- (1) The City Council makes a finding of compelling, countervailing public interest; or
- (2) The area is unregulated.

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

(Amended by Ord. No. 06-22)

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

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

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

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

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

(E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments, Administrative Permits, and Administrative Conditional Use permits.

(F) Projects in the Historic Districts and Historic Sites outside the Historic Districts are subject to design review under the Design Guidelines for Historic Districts and Historic Sites.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and Final Action approval.

(H) Subdivisions and Plat Amendments are initially reviewed by staff and submitted to by the Planning Commission who makes a recommendation to ~~and submitted to~~ the City Council for Final Action approval.

(I) Variances, Special Exceptions, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

(J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other fees including engineering fees have been paid, and following applicable staff review.

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed Use	X				
Allowed-	X		z (when HPB		

if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER**. No permit issued shall be valid if any of the criteria listed in this section have not been met.

(Amended by Ord. Nos. 06-22; 09-23; 11-05)

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

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

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

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

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the

proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

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

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

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

(C) **NOTICE/POSTING**. Upon receipt of a Complete Application, the Planning Department shall provide ~~published~~ notice ~~and posting~~ per Section 15-1 -12. NOTICE.

The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit Application and shall either approve, deny, or modify and approve the permit.

(D) **STANDARDS FOR REVIEW**. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC;

(2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation; and

~~(3) the Use is consistent with the Park City General Plan, as amended; and~~

(34) the effects of any differences in Use or scale have been mitigated through careful planning.

(E) **REVIEW.** The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

(1) size and location of the Site;

(2) traffic considerations including capacity of the existing Streets in the Area;

(3) utility capacity, including Storm Water run-off;

(4) emergency vehicle Access;

(5) location and amount of off-Street parking;

(6) internal vehicular and pedestrian circulation system;

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

(9) usable Open Space;

(10) signs and lighting;

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

(15) within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and -

(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

(F) **TRANSFERABILITY.** A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not Transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION.** Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditional Use has commenced on the project or a Building Permit for the Use has been issued.

The Planning Director may grant an extension of a Conditional Use permit for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan review criteria in Section 15-1-10 (E) or other provisions of the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted in writing prior to the expiration of the Conditional Use permit.

The Planning Commission may grant an additional one (1) year extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with ~~the Park City General Plan~~ review criteria in Section 15-1-10 (E) or other provisions of the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1.12. Extension requests must be submitted in writing prior to the expiration of the Conditional Use permit.

(H) **APPEALS.** Appeals must be pursuant to Section 15-1 -18 herein.

(Amended by Ord. No. 06-22; 11-05; 12-37)

15-1 -11. SPECIAL APPLICATIONS.

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

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES.** The Board of Adjustment must review Applications for Variances, ~~Special Exceptions~~ and appeals of Planning Director determinations regarding Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior

to the issuance of any Conditional Use permit or Master Planned Development, or other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

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

(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS**. The Planning Director, or his or her designee, shall review and take Final Action on Administrative Conditional Use permits. Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

(E) **ADMINISTRATIVE PERMITS**. The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and temporary change of occupancy permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

(Amended by Ord. Nos. 06-22; 09-10; 12-37)

15-1 -12. NOTICE.

~~Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic Preservation Board must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter.~~

All notice of public hearing, unless otherwise specified in this Code or State law, must be provided in accordance with this Section and must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

(A) **POSTED NOTICES**. The Planning Department must post notice on the Property affected by the Application and as further specified in Section 15-1-21 Notice Matrix and on the City's official website or in at least three (3) public locations within the municipality.

(B) **PUBLISHED NOTICE.** Published notice shall be given by publication in a newspaper having general circulation in Park City and by publication on the Utah Public Notice Website, as further specified in Section 15-1-21 Notice Matrix.

(C) **COURTESY-MAILED NOTICE.** Pursuant to Section 15-1-21 Notice Matrix, for required or courtesy mailed noticeAs a courtesy to adjacent and surrounding Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Property Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix, together with a mailing list for those Property Owners. The addresses for adjacent Property Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner.

For ~~C~~ourtesy mailed notice that is not a legal requirement, per Utah State Code, for specific actions and noted herein, and further specified in Section 15-1-21 Notice Matrix, and any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

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

Application and of any ~~F~~final ~~A~~action on the pending Application. A copy of each Staff report regarding the Applicant or the pending Application shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. If the requirements of this subsection are not met, an Applicant may waive the failure so that the Applicant may stay on the agenda and be considered as if the requirements had been met.

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

OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.

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

at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

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

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

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

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

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an

Applicant and an Owners association. Nothing herein shall be interpreted to require Owners association consent prior to City Final Action. This notice is courtesy notice only.

(G) NOTICE FOR AN AMENDMENT TO PUBLIC IMPROVEMENTS. Prior to implementing an amendment to adopted specifications for public improvements that apply to Subdivisions or Development, the City shall give thirty (30) days mailed notice and an opportunity to comment to anyone who has requested the notice in writing.

(Amended by Ord. Nos. 02-57; 06-22; 09-10; 11-05; 12-37)

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

(A) **POLICY.**

(1) **GUARANTEE REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site or Public Improvements on construction projects, it is the policy of the City to require that Developers either complete all Site or Public Improvements prior to occupancy, or if that is not possible, that adequate

reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

(Amended by Ord. No. 06-22; 11-05)

15-1 -15. PENALTIES.

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class “C” misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

Private citizens of Park City or Property Owners have the right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. LICENSING.

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. VESTING.

(A) An Applicant is entitled to [a substantive review and](#) approval of a land

Use Application if the Application conforms to the requirements of [the City’s Land Use and Zoning Maps, the municipal specification for public improvements application to a Subdivision or Development, and the ~~an~~ applicable land Use ordinance](#) in effect when a Complete Application is submitted and all fees have been paid, unless:

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

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

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

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

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

(C) An Application for a land Use approval is considered submitted and complete when the Application is provided in a form that complies with the

petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

(G) BURDEN OF PROOF AND STANDARD OF REVIEW. The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo and it shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance.

(H) WRITTEN FINDINGS REQUIRED. The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

(I) CITY COUNCIL ACTION ON APPEALS.

(1) The City Council, with the consultation of the appellant, shall set a date for the appeal.

(2) The City Recorder shall notify the Property Owner and/or Applicant of the appeal date. The City Recorder shall obtain the

findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.

(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) CITY COUNCIL CALL-UP. Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as

required by Sections 15-1-12 and 15-1-18 (-K) herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(K) **NOTICE.** There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal.

Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board; and notice of all appeals to City Council, reconsiderations, or call-ups; and notice of appeals to the Board of Adjustment, shall be given by:

(1) Publishing the matter once at least fourteen (14) seven (7) days prior to the first hearing in a newspaper having general circulation in Park City;

(2) By Mailing courtesy notice at least fourteen (14) seven (7) days prior to the first hearing to all parties who received mailed courtesy notice for the original action. ~~The City Recorder shall provide noticing for Council call-ups; and~~

(3) By Posting the Property at least fourteen (14) seven (7) days prior to the first hearing; and

(4) Postublishing notice on the Utah Public Notice Website at least fourteen (14) days prior to the first hearing.

~~Notice of appeals to the Board of Adjustment, except for appeals of staff determination regarding Historic District Design Guidelines for City Development projects where the Historic Preservation Board participated in the design review, shall be given by:~~

~~(1) Publishing the matter once at least fourteen (14) days prior to the hearing in a newspaper having a general circulation in Park City;~~

~~(2) By mailing courtesy notice at least fourteen (14) days prior to the hearing to all parties who received mailed courtesy notice for the original action; and~~

~~(3) By posting the property at least fourteen (14) days prior to the hearing.~~

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL.** Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

(M) **APPEAL FROM THE CITY COUNCIL.** The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those

affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

(N) **RECONSIDERATION.** The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

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

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 10-15; 12-37; 14-37; 15-35; 15-53; 16-15)

15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE.** Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES.** The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

(C) **APPEAL.** Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the

City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) TAKINGS APPEAL BOARD.

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

15-1 -20. EXACTIONS.

Exaction or exactions may be imposed on Development proposed in a land Use Application if:

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

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

[The City may impose an exaction for another governmental entity upon the governmental entity's request. If the City imposes an exaction on behalf of another governmental entity, the City must transfer the exaction to the requesting governmental entity.](#)

(Created by Ord. No. 06-22)

15-1 -21. NOTICE MATRIX.

(See following pages)

<p>NOTICE MATRIX (<u>See Section 15-1-12 for specific notice requirements</u>)</p>			
<p>ACTION:</p>	<p>POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u></p>	<p>COURTESY MAILING:</p>	<p>PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE:</u></p>
<p>Zoning and Rezoning</p>	<p>14 days prior to each<u>the first hearing before Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing City before the Planning Commission and City Council</u></p>	<p><u>Required mailing</u> 14 days <u>prior to the first hearing</u> to each <u>Aaffected Eentity</u> and <u>to each Property Owner whose property is at least partially within the area to be zoned or rezoned.</u></p>	<p>14 days prior to each<u>the first hearing</u> before the Planning Commission and City Council.</p>
<p>LMC Amendments</p>	<p>14 days prior to each<u>the first hearing</u> before the Planning Commission and City Council. <u>Any subsequent hearings shall be posted at least 24 hours prior to hearing.</u></p>	<p><u>Required mailing</u> 14 days <u>prior to the first hearing</u> to each <u>Aaffected Eentity</u>.</p>	<p>14 days prior to each<u>the first hearing</u> before the Planning Commission and City Council.</p>
<p>General Plan Amendments</p>	<p>14 days prior to each<u>the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing. before the Planning Commission</u></p>	<p><u>Required mailing</u> 14 days <u>prior to first hearing</u> to each <u>Aaffected Eentity</u>.</p>	<p>14 days prior to each<u>the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing. before the Planning Commission and City Council.</u></p>

<p>NOTICE MATRIX (<u>See Section 15-1-12 for specific notice requirements</u>)</p>			
ACTION:	<p><u>POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u></p>	<p>COURTESY MAILING:</p>	<p><u>PUBLISHED (IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u></p>
	<p>and City Council.</p>		
<p>Master Planned Developments (MPD)</p>	<p>14 days prior to the <u>first</u> hearing, before the Planning Commission.</p>	<p><u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Planning Commission, to <u>Property Owners</u> within 300 ft.</p>	<p>Once 14 days prior to the <u>first</u> hearing, before the Planning Commission.</p>
<p>Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up <u>and Reconsideration</u></p>	<p><u>147</u> days prior to the date set for the appeal, <u>reconsideration</u>, or call-up hearing (<u>See Section 15-1-18</u>).</p>	<p><u>Courtesy mailing</u> 14 days <u>prior to the appeal, reconsideration, or call-up hearing, to</u> To all parties who received mailed notice for the original Administrative or Planning Commission hearing <u>action being appealed. 7 days prior to the hearing</u> (<u>See Section 15-1-18</u>).</p>	<p>Once <u>147</u> days <u>prior to</u> before the date set for the appeal, <u>reconsideration</u>, or call-up hearing (<u>see Section 15-1-18</u>).</p>
<p>Conditional Use Permit</p>	<p>14 days prior to the <u>first</u> hearing before the Planning Commission.</p>	<p><u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Planning Commission, to Owners within 300 ft.</p>	<p>Once 14 days prior to the <u>first</u> hearing before the Planning Commission.</p>

NOTICE MATRIX <u>(See Section 15-1-12 for specific notice requirements)</u>			
ACTION:	<u>POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	<u>COURTESY MAILING:</u>	<u>PUBLISHED (IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Administrative Conditional Use Permit	10 days prior to Final Action.	<u>Courtesy mailing</u> 10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	<u>Courtesy mailing</u> 10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the <u>first</u> hearing before the Board of Adjustment.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the <u>first</u> hearing before the CAD Hearing Board.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing before the Historic Preservation Board.
Determination of Significance	14 days prior to <u>the first</u> hearing before the Historic Preservation	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Historic Preservation Board to	Once 14 days prior to <u>the first</u> hearing before the Historic

<p>NOTICE MATRIX (<u>See Section 15-1-12 for specific notice requirements</u>)</p>			
<p>ACTION:</p>	<p>POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u></p>	<p>COURTESY MAILING:</p>	<p>PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE:</u></p>
	<p>Board.</p>	<p>property owners within 100 feet.</p>	<p>Preservation Board.</p>
<p>Historic Preservation Board Review for Material Deconstruction</p>	<p>14 days prior to the <u>first</u> hearing before the Historic Preservation Board.</p>	<p><u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Historic Preservation Board to property owners within 100 feet.</p>	<p>Once 14 days prior to the <u>first</u> hearing before the Historic Preservation Board.</p>
<p>Historic District or Historic Site Design Review</p>	<p>First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required.</p> <p>Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with</p>	<p>First <u>Courtesy</u> Mailing: To <u>Property</u> Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated.</p> <p>Second <u>Courtesy</u> Mailing: To <u>Property</u> Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The</p>	<p>If appealed, then once <u>147</u> days before the date set for the appeal</p>

<p>NOTICE MATRIX <u>(See Section 15-1-12 for specific notice requirements)</u></p>			
ACTION:	<p><u>POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u></p>	<p>COURTESY MAILING:</p>	<p><u>PUBLISHED (IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u></p>
	<p>the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department’s decision may be appealed.</p>	
<p>Annexations</p>	<p>Varies, depending on number of Owners and current State law. Consult with the Legal Department.</p>		
<p>Termination of Project Applications</p>	<p>-----</p>	<p><u>Required mailing to Mailed Notice:</u> To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director’s termination and closure of files.</p>	<p>-----</p>
<p>Lot Line Adjustments:</p>	<p>10 days prior to Final Action on the Property.</p>	<p><u>Courtesy mailing to</u> To <u>Property Owners</u> within 300</p>	<p><u>No published notice required.</u></p>

NOTICE MATRIX <u>(See Section 15-1-12 for specific notice requirements)</u>			
ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Between 2 Lots without a plat amendment.	Other posted legal notice not required.	ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from <u>all</u> adjacent Owners.	
Preliminary and Final Subdivision Plat Applications	14 days prior to the <u>first</u> hearing. before the Planning Commission.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Planning Commission, to <u>Property</u> Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing <u>before the Planning Commission and City Council.</u> before the Planning Commission.
Condominium <u>Plats Applications;</u> <u>Record of Survey Plats</u>	14 days prior to the <u>first</u> hearing. before the Planning Commission.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing <u>to before the Planning Commission,</u> to <u>Property</u> Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing <u>before the Planning Commission and City Council.</u> before the Planning Commission.
Condominium Plat Amendments	14 days prior to the <u>first</u> hearing.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing, to <u>Property</u> Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing <u>before the Planning Commission and City Council.</u>
			Once 14 days prior to

<p>NOTICE MATRIX <u>(See Section 15-1-12 for specific notice requirements)</u></p>			
ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Subdivision Plat Amendments	14 days prior to the <u>first</u> hearing.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing, to <u>Property</u> Owners within 300 ft.	the <u>first</u> hearing <u>before the Planning Commission and City Council.</u>
<u>Implementing an amendment to adopted specifications for public improvements that apply to a subdivision or development</u>		<u>The City shall give a thirty (30) day mailed notice and an opportunity to comment to anyone who has requested the notice in writing.</u>	
<u>Vacating or Changing a Public Street, Right-of-Way, or easement</u>	<u>14 days prior to each hearing before the City Council on or near the Street, Right-of-Way, or easement in a manner that is calculated to alert the public</u>	<u>Required mailing to each Affected Entity and to each Property Owner of record of each Parcel or Lot that is accessed by the Public Street, Right-of-Way or easement at least 14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.</u>	<u>Once 14 days prior to each the hearing a week for 4 consecutive weeks prior to the hearing before the City Council.</u>

NOTICE MATRIX <u>(See Section 15-1-12 for specific notice requirements)</u>			
ACTION:	<u>POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY -MAILING:	<u>PUBLISHED (IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Extension of Approvals	Posted notice shall be the same as required for the original application.	Courtesy-M mailed noticeing shall be the same as required for the original application.	Published notice shall be the same as required for the original application.
<p><u>Note: 1) For all Applications, notice will be given to the Applicant of date, time, and place of the each public hearing and public meeting to consider the Application and of any Final Action on a pending Application, as required by Utah State code, as amended.</u></p> <p><u>2) All notices, unless otherwise specified in this Code or by State law, must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without re-publication of notice until the hearing is closed.</u></p> <p><u>3) A copy of each Staff report regarding the Applicant, or the pending Application, shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting.</u></p> <p><u>4) If notice provided per this Section is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.</u></p> <p><u>5) All days listed are the minimum number of days required.</u></p> <p>Appendix A – Official Zoning Map (Refer to the Planning Department)</p>			

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 11-05; 12-37; 15-35; 15-53)

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

(9) Fences or walls as permitted in Section 15-4-2 Fences and Walls.

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

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

(H) **SIDE YARDS.**

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

(2) On Corner Lots, the minimum Side Yard that faces a side or platted Right-of-Way is five feet (5').

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

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁹

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁸

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.⁸

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') eave overhang is permitted on Lots with a side Yard less than five feet (5').⁸

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

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.

(7) Fences or walls, as permitted in Section 15-4-2 Fences and Walls.

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

⁹ Applies only to Lots with a Side Yard of five feet (5') or greater.

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

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

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

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

(Amended by Ord. Nos. 06-56; 09-10; 15-35)

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, 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 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 Setbacks, and driveway location standards for additions to Historic Buildings:

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

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

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

(4) When the addition complies with the Uniform-adopted Building and Fire Codes, and

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from

Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

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

(1) A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



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

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

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

height of the Building.

(3) **ELEVATOR ACCESS.**

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

- (a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
- (b) The proposed option is the only feasible option for the elevator on the Site.
- (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director ~~Commission~~ may allow additional Building Height (see entire Section 15-2.1-5) height on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code,

Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.

(A) **CONDITIONAL USE.**

- (1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located ~~upon~~ on or projecting over an existing Slope of thirty percent (30%) or greater.
- (2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.),

if the Building Footprint of the addition is located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

- (3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ or projecting over an existing Slope of (30%) or greater.

(B) For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

(C) The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

- (1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.
- (2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

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

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

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

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

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

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

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

(9) Fences or walls as permitted in Section 15-4-2, Fences and Walls.

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade.

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

(H) **SIDE YARD.**

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

(2) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(3) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened

with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

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

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

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

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

than two feet (2') into the Side Yard.¹⁰

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

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

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

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade.

(7) Fences, walls, or retaining walls as permitted in Section 15-4-2, Fences and Walls.

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

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

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

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

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

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

(Amended by Ord. Nos. 06-56; 09-10; 15-35)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with **Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards** are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(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, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the ~~International- adopted~~ Building and Fire Codes, and
- (5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-5. BUILDING HEIGHT.

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

(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

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

(1) A Structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including parapets, railing, or similar features

shall not exceed twenty four inches (24") above the highest top plate mentioned above.

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

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

- (a) The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.
- (b) The proposed option is the only feasible option for the elevator on the Site.
- (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning ~~Director~~Commission may allow additional Building Height (see entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.

(A) CONDITIONAL USE

- (1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.
- (2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200sq. ft.), if the Building Footprint of the addition is located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.
- (3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

(B) For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

(C) The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

- (1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.
- (2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:
 - (a) To determine potential impacts of the proposed Access, and Building mass and design; and
 - (b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation

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

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

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

(10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade.

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

(H) **SIDE YARD.**

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

(2) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(3) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an

individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

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

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

(2) Chimneys not more than five

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

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

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

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

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

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.

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

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

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

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

Setback of three feet (3').

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

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

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

(L) **MASTER PLANNED DEVELOPMENTS**. The Planning Commission may increase or decrease Setbacks in Master Planned Developments in accordance with Section 15-6-5 (C); however the above Grade spacing between houses shall be consistent with the spacing that would result from required Setbacks of the Zone and shall be Compatible with the historic character of the surrounding residential neighborhood. The Planning Commission may increase or decrease Maximum Building Footprint in Master Planned Developments in accordance with Section 15-6-5 (B).

(Amended by Ord. Nos. 06-56; 09-10; 10-14; 15-35)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

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

(A) **EXCEPTION.** In order to achieve new construction consistent with the Design Guidelines for Park City’s Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setbacks, and driveway location standards for additions to Historic Buildings, including detached single car Garages:

- (1) Upon approval of a Conditional Use permit, and
- (2) When the scale of the addition, ~~Garage,~~ and/or driveway ~~location~~ is Compatible with the ~~historic character of the surrounding residential neighborhood and the existing~~ Historic Structure, and
- (3) When the ~~new Construction~~ addition complies with all other provisions of this Chapter, and
- (4) When the ~~new Construction~~ addition complies with the ~~Uniform~~ adopted Building

and Fire Codes ~~and snow shedding and snow storage issues are mitigated~~ and.

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

15-2.3-6 BUILDING HEIGHT.

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

Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

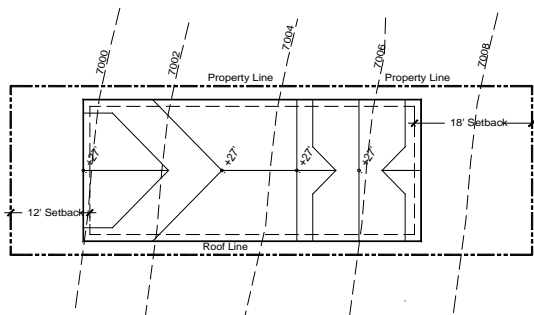
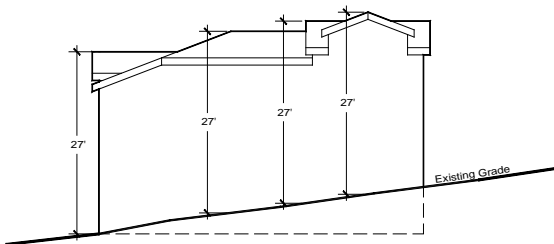
- (A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.
- (B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an

exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.

Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

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

(1) A Structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from



the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets, railings, or similar features shall not exceed twenty four (24') above the highest top plate mentioned above.

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

(1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

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

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

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

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

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

(4) **GARAGE ON DOWNHILL LOT.** The Planning ~~Director~~ Commission may allow additional Building Height (see entire Section 15-2.3-6) on a downhill Lot to accommodate a single car wide garage in a Tandem configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height may not exceed thirty-five feet (35') from existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 10-14; 13-48)

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas,

carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, and Chapter 5.

(A) **CONDITIONAL USE**

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

(2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.), if the Building Footprint of the addition is located ~~upon~~ or projecting over an existing Slope of thirty (30%) or greater.

(3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

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

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

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

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

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

15-2.3-13. MECHANICAL SERVICE.

No free standing mechanical equipment is allowed in the HR-2 zone with the exception of individual residential mechanical units serving Single family and Duplex Dwelling units within the HR-2 District, subject to the Lot and Site Requirements of Section 15-2.3-4. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view and does not exceed the allowable decibel levels of the City's Noise Ordinance from nearby residential Properties.

Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration to adjoining Properties and to mitigate visual impacts on nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and/or architectural review.

All Structures must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and/or architectural review. Refuse storage must be Screened, enclosed, and properly ~~Refuse collection and storage Areas must be fully enclosed and properly~~ ventilated so that a nuisance is not created by odors or sanitation problems.

The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for Conditional Use Permit and/or architectural review.

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

15-2.3-14. 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

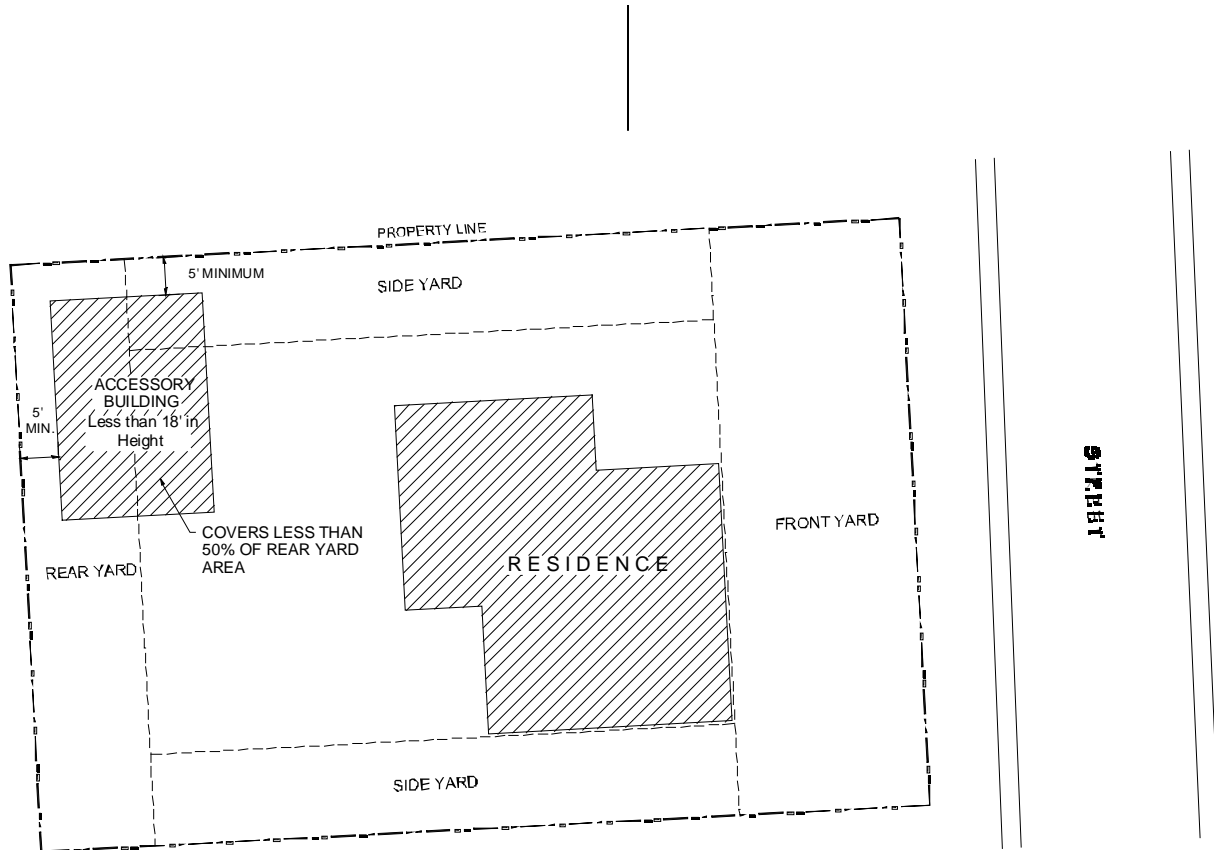
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(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

(9) Fences and walls as permitted in Section 15-4-2, Fences and Walls.

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

more than thirty inches (30") above Final Grade.

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

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16 above.

(2) Site plans and Building

designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(3) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(4) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

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

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹¹

(2) Chimneys not more than five Feet (5') wide projecting not more than two feet (2') into the Side Yard.¹¹

(3) Window wells and light wells Projecting not more than four feet (4') into the Side Yard.¹¹

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹¹

(5) Window sills, belt courses,

¹¹ Applies only to Lots with a minimum Side Yard of five feet (5') or greater

- (a) The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.
- (b) The proposed option is the only feasible option for the elevator on the site.
- (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning ~~Director~~ Commission may allow additional Building Height (see entire Section 15-2.16-5 (L)) height on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height height may not exceed thirty-five feet

(35') from Existing Grade.

(Amended by Ord. Nos. 06-76; 09-10; 11-05; 13-48; 15-35)

15-2.16-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

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

- (1) Upon approval of a Conditional Use Permit, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this

Chapter, and

(4) When the addition complies with the International-adopted Building and Fire Codes, and

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(Amended by Ord. Nos. 06-76;11-05)

15-2.16-7. ARCHITECTURAL REVIEW.

(A) **ALL DEVELOPMENT.** Prior to the issuance of Building Permits for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

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

(B) **SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE HISTORIC AREAS.**

(1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:

(a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and

(b) Any residential Development that is located along or Accessed off of Park Avenue.

The Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.

(2) Appeals of departmental determinations of compliance with the Design Guidelines for Historic Districts and Sites, LMC Section 15-11 and Section 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of this Code.

(Amended by Ord. Nos. 06-76; 09-10;11-05)

15-2.16-8. PARKING REGULATIONS.

(A) Tandem Parking is allowed for Single Family and Duplex Dwellings in the RC District.

(B) Common driveways are allowed along shared Side 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 such a shared drive.

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

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

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

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

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area. Driveway widths are regulated in Section 15-3.

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

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

(Amended by Ord. Nos. 06-76; 09-1; 11-05)

15-2.16-9. MECHANICAL SERVICE.
All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to mitigate visual impacts on nearby Properties and general

public view. All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and architectural review.

All Structure must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for Conditional Use Permit and architectural review.

15-2.16-109. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.16-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

visibility of or Access to any adjacent Property.

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

(Amended by Ord. Nos. 05-49; 06-76; 09-10)

15-2.16-110. CRITERIA FOR BED AND BREAKFAST INNS.

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

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.

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

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

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

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

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

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

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

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

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

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

(Amended by Ord. No. 06-76)

15-2.16-121. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a

determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

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

15-2.16-132. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50

sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-76)

15-2.16-143. SIGNS.

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

15-2.16-154. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.

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- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.

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(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.

(9) Patios, decks, pathways, steps, 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.

(10) Enclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Rear Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(E) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney

and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~Side Yards between connected Structures are 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.~~

(3) 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 must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered

a Front Yard and the Setback must not be less than twenty feet (20').

(5) The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I)

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

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

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

(3) Roof overhangs and eaves projecting not more than three feet (3') 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) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over a doorway or window extending not more than three feet (3') into the Side Yard.

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

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

(9) Paths and steps connecting to a City stairway, trail, or path.

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

(11) Unenclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Side Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building

Code (IBC) and Fire Code requirements.

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

(H) **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.

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related

Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS**. In the Prospector Square Subdivision, Front, Side and Rear Yards may be reduced to zero feet (0') for all Affected Lots as specified above. Commercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2-20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection.

(Amended by Ord. Nos. 04-11; 06-76; 13-23)

15-2.18-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

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

(1) Gable, hip, **Barrel**, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 of greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may

No Sexually Oriented Business may be located:

- (1) within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;
- (2) within three hundred feet (300') of any residential zoning boundary; or
- (3) within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

(B) **MEASUREMENT OF DISTANCES.** For the purposes of this Section, distances are measured as follows:

- (1) The distance between any two (2) Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.
- (2) The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park,

library, cemetery, or religious institution.

- (3) The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.

(C) **DEFINITIONS.** Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings set forth in the Municipal Code of Park City, Section 4-9-4.

15-2.18-8. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS .

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to mitigate visual impacts on nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and/or architectural review.

All Structure must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and/or architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for Conditional Use Permit and/or architectural review.

15-2.18-89. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) If the Use is in an 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 Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (D) The rooms are available for Nightly Rental only.
- (E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is on-Site 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
- (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.

15-2.18-910. 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

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(6) Hard-Surfaced Parking Areas subject to the same location requirements a detached Accessory Building meeting all landscaping requirements stated in LMC Chapter 15-3-3 and Title 14.

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

(8) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁸

(9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade provided it is located at

⁸Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

least five feet (5') from the Rear Lot Line.

(G) **SIDE YARDS.**

(1) The minimum Side Yard is ten feet (10').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~Side Yards between connected Structures are 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.

(3) The minimum Side Yard for a detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard is five feet (5').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

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

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

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

(3) Roof overhangs and eaves projecting not more than three feet (3') 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) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above

Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over doorways and windows projecting not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁹

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

(9) Paths and steps connecting to a City stairway, trail, or path.

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

⁹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(Amended by Ord. No. 06-76)

15-2.19-6. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty feet (30') from Existing Grade. This is the Zone Height.

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

- (1) Gable, hip, Barrel, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning Director.

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

(6) Ski lifts and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

(Amended by Ord. Nos. 06-76; 07-25)

15-2.19-7. 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.

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

(Amended by Ord. No. 06-76)

15-2.19-8. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require a Conditional Use Permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.19-9. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to ~~eliminate mitigate its visual impacts view from nearby on nearby~~ Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use ~~P~~ermit and/or architectural review.

All Structures~~s~~'s must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use ~~P~~ermit and/or architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

The loading and unloading of goods must take place entirely on the Site. Loading ~~a~~Areas must be Screened from general public view. All loading ~~a~~Areas shall be shown on the plans prepared for Conditional Use permit and/or architectural review.

15-2.19-10. CRITERIA FOR BED AND BREAKFAST INNS.

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

(A) If the use is in an 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 Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

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

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

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

(G) No Kitchen is permitted within rental rooms.

(H) Parking is provided on-Site at a rate of one (1) space per rentable room.

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

15-2.19-11. 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

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- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot
- (16) Municipal/Institutional Accessory Building and Use
- (17) Parking Lot, Public or
- (18) Public Utility or Essential Services
- (19) Single Family Dwelling (with an approved MPD¹)
- (20) Duplex Dwelling (with an approved MPD¹)
- (21) Multi-Unit Dwelling (with an approved MPD¹)
- (22) Telecommunication Antenna
- (23) Transit Facilities
- (24) Parking Areas, Lots, and Structures with more than five (5) Parking Spaces
- (25) Raising and Grazing of Horses
- (26) Commercial Riding Stables
- (27) Small Energy Wind Systems

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

(Amended by Ord. Nos. 07-25; 09-10)

15-2.23-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a

Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** There is no minimum Lot size in the CT District.

(B) **FRONT, REAR AND SIDE YARDS.** The minimum Front, Side, and Rear Yards for all Structures is twenty-five feet (25'). The Planning Commission may vary required yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. Setbacks may be further restricted by Frontage Protection Overlay (FPZ) standards and/or Master Planned Development conditions of approval.

A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however; the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit

¹ Residential Uses cannot exceed 1 unit/acre

review, to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

(C) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, and approved Parking Areas are allowed as exceptions in the Front, Side, and Rear Yards. Screened mechanical and utility equipment, hot tubs, and decks are allowed as exceptions in the Side and Rear Yards provided that a minimum five feet (5') Setback is maintained.

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

(Amended by Ord. No. 09-10)

15-2.23-4. DENSITY.

The base Density of the CT District is one (1) unit per twenty (20) acres. Residential Uses cannot exceed one (1) unit/acre.

(A) **DENSITY BONUS – ONE (1) UNIT/ACRE.** The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are

incorporated through a Master Planned Development:

(1) **OPEN SPACE.** The Master Planned Development shall provide seventy percent (70%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the Master Planned Development's required project parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **PUBLIC TRANSIT FACILITIES.** The Master Planned Development shall include the Development of a public transit hub

measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that

provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

(5) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23-4(A)(8). Total is 110% of base requirement.

15-2.23-5. MAXIMUM BUILDING HEIGHT.

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

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

(1) Gable, hip, **Barrel**, or similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

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

(3) Water towers, mechanical equipment, and associated Screening,

when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

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

(5) Anemometers and Anemometer Towers used to measure wind energy potential may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point or top of tower, whichever is greater.

(Amended by Ord. Nos. 07-25; 09-10)

15.-2.23-6. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-5 and compliance with any additional architectural design guidelines approved by the Planning Commission as part of the Master Planned Development.

15-2.23-7. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3.

15-2.23-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to ~~eliminate~~ mitigate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the adjacent district, and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and/or architectural review ~~by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.~~

15-2.23-9. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage facilities must be on-Site and accessible from a Public Street. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and/or architectural review. Refuse storage must be ~~fully~~ Screened, enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for Conditional Use Permit and/or architectural review.

15-2.23-10. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.**
Outdoor dining requires an Administrative Conditional Use

permit and is subject to the following criteria:

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

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

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

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

(e) No music or noise is in excess of the City Noise Ordinance.

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

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an

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

(8) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

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

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

more than thirty inches (30") above Final Grade.

(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 Structures are designed with a common wall on a Property Line, each Structure is located on an

individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~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.¹¹

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

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

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

(5) Window sills, belt courses, cornices, 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

¹¹ Applies only to Lots with a minimum Side Yard of five feet (5').

more than thirty inches (30") in height above Final Grade.

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

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

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

(10) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') 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.

(Amended by Ord. Nos. 06-69; 09-10; 15-35)

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

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

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

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

(D) **OPEN SPACE**. The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section 15-15 Open Space. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing at least fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

(Amended by Ord. Nos. 09-10; 12-37; 13-42)

15-2.4-6. EXISTING HISTORIC STRUCTURES.

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

(A) **EXCEPTION.** For additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and 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:

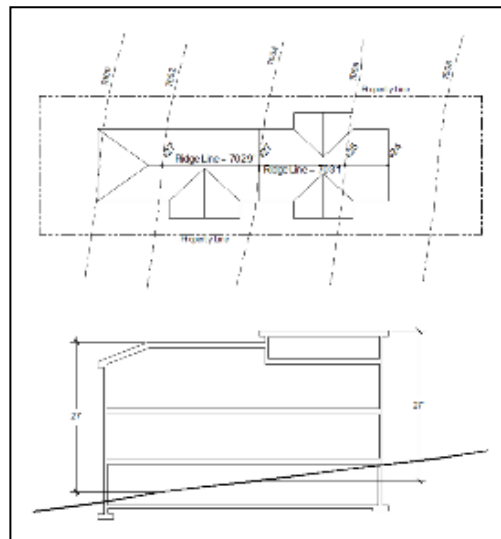
- (1) Upon approval of a Conditional Use permit, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International-adopted Building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

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(Amended by Ord. Nos. 06-69; 13-42)

15-2.4-7. BUILDING HEIGHT.

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



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

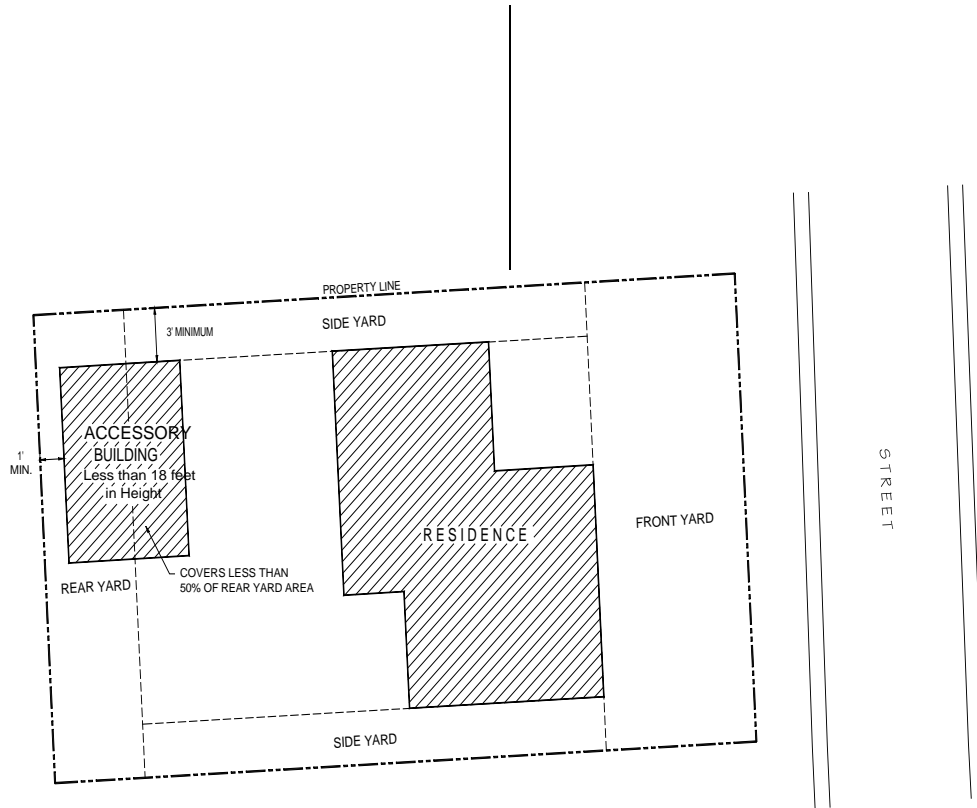
- (1) Antennas, chimney, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building

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

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

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

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

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

(E) **SIDE YARD.**

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

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

(3) A Side Yard between connected Structures is not required where Structures are designed with a

common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the minimum required Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

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

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

- (1) Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.
- (2) Chimneys not more than five feet (5') wide, projecting not more

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement and complies with height exception criteria in Section 15-2.2-6(B)(10).

(Amended by Ord. Nos. 06-69; 07-25; 09-10)

15-2.5-6. EXISTING HISTORIC STRUCTURES.

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

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

(1) Upon approval of a Conditional Use Permit, and

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

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

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

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(Amended by Ord. No. 06-69)

15-2.5-7. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23; 15-53)

15-2.5-8. MECHANICAL SERVICE.

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

All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and/or 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.~~

All Structures must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use permit and architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

(Amended by Ord. No. 06-69)

15-2.5-9. SERVICE ACCESS.

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

The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for Conditional Use Permit and architectural review.

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

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

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.

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Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear Yards.

(Amended by Ord. No. 09-10)

15-2.7-4. BUILDING HEIGHT.

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

(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for a pitched roof and to provide usable space within the Structure, the following height exceptions apply:

- (1) A gable, hip, Barrel, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with 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) Ski lift or tramway towers may extend above the maximum Zone Height subject to a visual

analysis and administrative approval by the Planning Director.

(5) Anemometers and Anemometer Towers used to measure wind energy potential for future Wind Energy Systems may extend above the maximum Zone Height subject to a visual analysis and Administrative Conditional Use approval, see Section 15-2.7-8.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point, see Section 15-2.7-9.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.7-5. 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.

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

(Amended by Ord. No. 09-10)

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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.
- (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.

(Amended by Ord. No. 06-69)

15-2.8-3. LOT AND SITE REQUIREMENTS.

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

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, at Grade patios, driveways, Ancillary Structures, approved Parking Areas and Screened mechanical and utility equipment are allowed in the Front, Side, and Rear Yards.

(Amended by Ord. No. 09-10)

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) Gable, hip, Barrel, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

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

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

(Amended by Ord. Nos. 06-69; 07-25)

15-2.8-5. ARCHITECTURAL REVIEW.

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

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

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(Amended by Ord. No. 06-69)

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) Gable, hip, Barrel, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.
- (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.

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

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

(Amended by Ord. Nos. 06-69; 07-25)

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.

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

(Amended by Ord. No. 06-69)

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

(Amended by Ord. No. 06-69)

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) Gable, hip, [Barrel](#), and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features subject to 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) Elevator Penthouses 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.

(Amended by Ord. Nos. 06-69; 07-25)

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.

(Amended by Ord. No. 06-69)

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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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.11 - SINGLE FAMILY (SF) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.11-1. PURPOSE.

The purpose of the Single Family SF District is to:

- (A) maintain existing predominately Single Family detached residential neighborhoods,
- (B) allow for Single Family Development Compatible with existing Developments,
- (C) maintain the character of mountain resort neighborhoods with Compatible residential design; and
- (D) require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

15-2.11-2. USES.

Uses in the SF District are limited to the following:

- (A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling¹
- (3) Secondary Living Quarters²
- (4) Accessory Apartment³
- (5) Nightly Rental⁴
- (6) Home Occupation
- (7) Child Care, In-Home Babysitting⁵
- (8) Child Care, Family⁵
- (9) Child Care, Family Group⁵
- (10) Accessory Building and Use
- (11) Conservation Activity

¹Permitted only on Lots designated for Duplexes on the official Subdivision Plat.

²Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or Allowed Use within Holiday Ranchettes Subdivision.

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments. Accessory Apartments in detached Structures are not allowed within Holiday Ranchettes Subdivision.

⁴Allowed only within Prospector Village Subdivision. Commercial Uses are not allowed within Nightly Rental units.

⁵See LMC Chapter 15-4-9 for Child Care Regulations.

- (12) Agriculture
- (13) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Guest House⁶
- (2) Group Care Facility
- (3) Child Care Center⁵
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna⁷
- (7) Satellite Dish, greater than thirty-nine inches (39") diameter⁸
- (8) Raising, grazing of horses
- (9) Bed and Breakfast Inn
- (10) Parking Area or Structure with five (5) or more spaces⁹
- (11) Temporary Improvements⁹
- (12) Outdoor Event⁹
- (13) Recreation Facility, Public or Private

⁶Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or Allowed Use within Holiday Ranchettes Subdivision.

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

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

⁹Requires an Administrative Conditional Use permit.

- (14) Master Planned Development with moderate income housing Density bonus
- (15) Fences greater than six feet (6') in height from Final Grade⁹

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

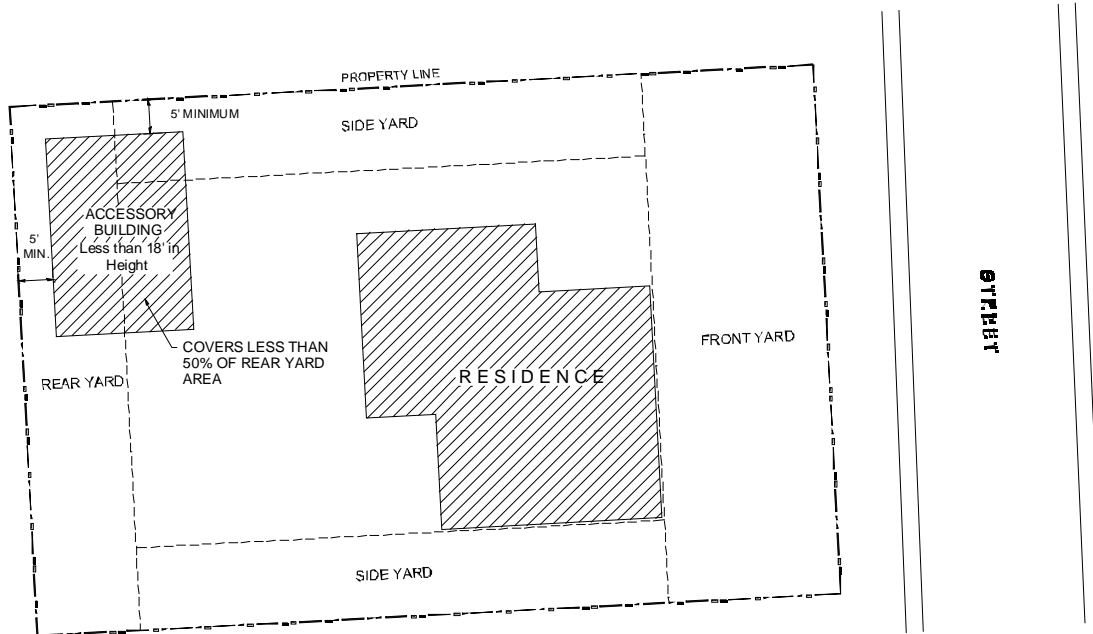
(Amended by Ord. No. 06-76)

15-2.11-3. 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) **DENSITY.** The maximum Density for Subdivisions is three (3) units per acre. Subdivisions must Cluster Development to maximize common Transferred Development Right (TDR) Open Space.

(B) **FRONT, REAR, AND SIDE YARDS.** All Development activity must comply with the following minimum Yards. See Section 15-2.11-3(I) for Yard exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.



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

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

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning

Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁰

(10) Patios, decks, pathways, steps, or 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.

(G) **SIDE YARD.**

(1) The minimum Side Yard is twelve feet (12').

¹⁰Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

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

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

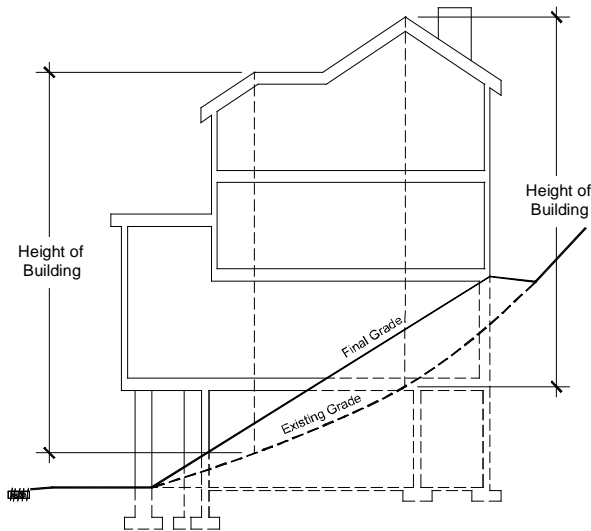
(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(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 at least 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 Sections 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height. Accessory Structures in the SF District shall not exceed a maximum height of eighteen feet (18').



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

- (1) A gable, hip, **Barrel**, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) 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 Chapter 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.

(Amended by Ord. Nos. 05-65; 06-76; 07-25)

15-2.11-5. 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

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CHAPTER 2.12 - RESIDENTIAL (R-1) DISTRICT

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

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

(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.

(F) **SIDE YARD.**

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

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line.

¹¹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review , to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~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.~~

(3) 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 one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

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

(G) **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) Roof overhangs and eaves projecting not more than two feet (2') 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 located at least a one foot (1') from 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. 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.¹²

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway or path.

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

(H) **SNOW RELEASE.** Site plans and Building design must resolve snow release

¹²Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

issues to the satisfaction of the Chief Building Official.

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

(Amended by Ord. No. 06-76)

15-2.12-4. SPECIAL SETBACK REQUIREMENTS FOR CONDITIONAL USES.

Conditional Uses in the R-1 District must maintain the following Setbacks:

(A) **SIDE YARD**. The minimum Side Yard is ten feet (10').

(B) **FRONT YARD**. The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind the front facade of the Main Building or underground.

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

(D) Front, Rear, and Side Yard Exceptions as stated in Section 15-2.12-3 apply.

15-2.12-5. BUILDING HEIGHT.

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

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

(1) Gable, hip, Barrel, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

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

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

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Design Guidelines, LMC Chapter 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 Department.

- 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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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.13 - RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

- (A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

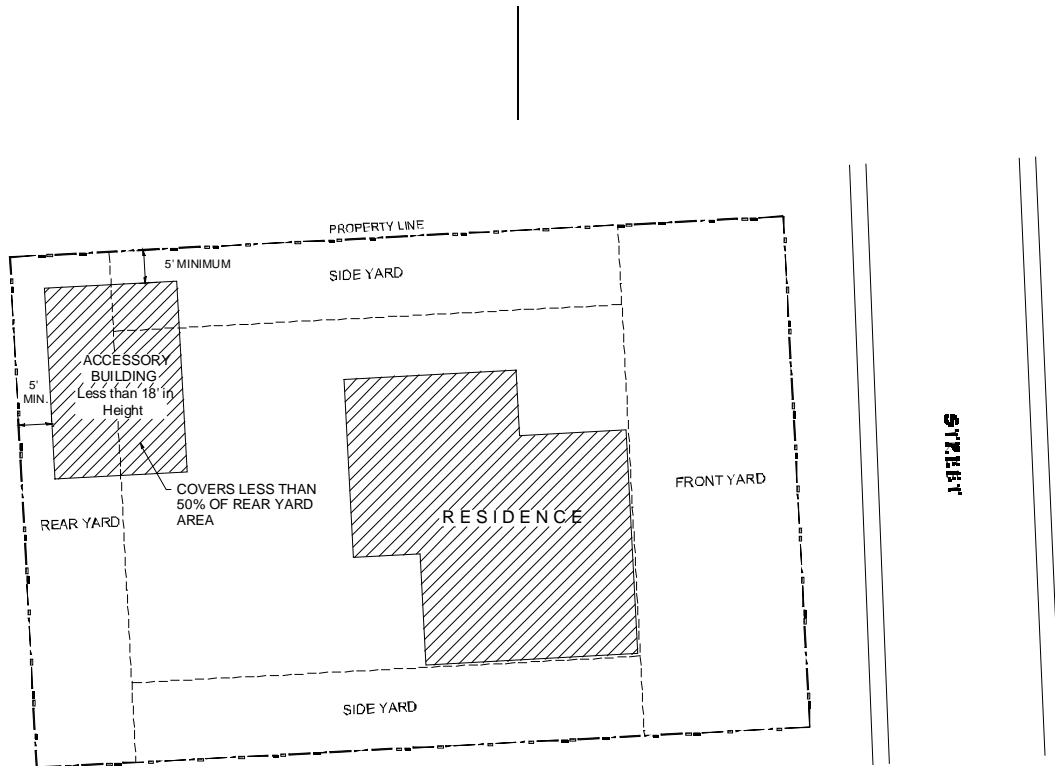
- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴

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 and Nightly Rentals are not permitted in the April Mountain and Mellow Mountain Estates Subdivisions

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



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

(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. 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.¹⁵

(10) Patios, decks, pathways, steps, 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.

¹⁵Fences and walls greater than six feet (6') in height requires an administrative Conditional Use permit

(F) **SIDE YARD.**

(1) The minimum Side Yard is twelve feet (12').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

(G) **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) 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 at least one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning

Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

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

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

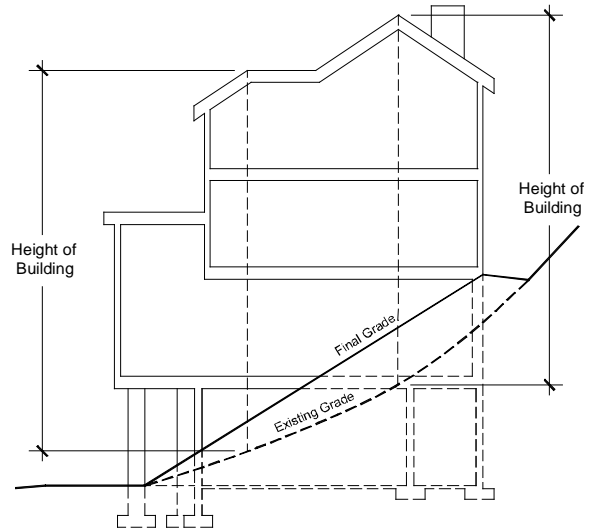
(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(G) **OTHER EXCEPTIONS.** The Planning Commission may vary Side Yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in Section 15-2.13-3(F)(2).

(Amended by Ord. No. 06-76)

15-2.13-4. BUILDING HEIGHT.

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



###

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

(1) Gable, hip, **Barrel**, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to

(1)

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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.14 - RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY
(RDM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.14-1. PURPOSE.

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) allow Development in accordance with the Sensitive Lands Ordinance;
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and between adjacent

Areas; and

- (G) minimize impacts of the automobile on architectural design.

(Amended by Ordinance No. 02-24)

15-2.14-2. USES.

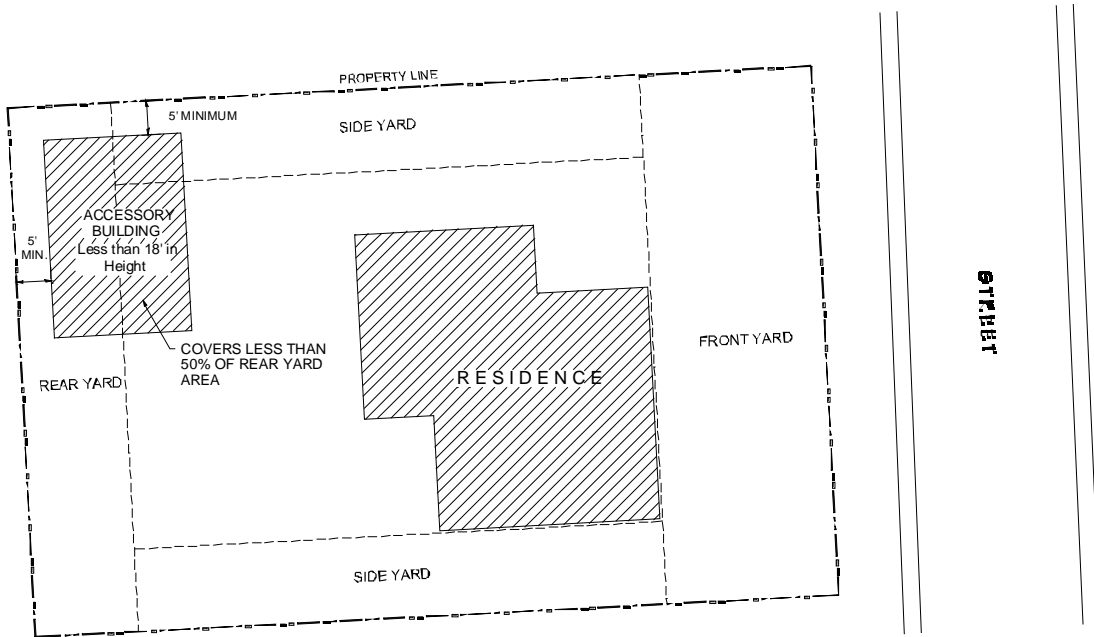
Uses in the RDM District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Duplex Dwelling
 - (3) Triplex Dwelling
 - (4) Secondary Living Quarters
 - (5) Lockout Unit¹
 - (6) Accessory Apartment²
 - (7) Nightly Rental³
 - (8) Home Occupation

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

²See LMC Chapter 15-4, Accessory Apartments.

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



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

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

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between 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 review¹⁴.

(10) Patios, decks, pathways, steps, 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.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Structure is ten feet (10').

(2) A Side Yard between

¹⁴Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required **minimum** Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

(3) On Corner Lots, the Side Yard that faces a Street may not have a Side Yard that is less than fifteen feet (15').

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

- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.
- (2) 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 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, located at least a minimum of one foot (1') from 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. 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.¹⁵

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

(9) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade 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.

(I) **OTHER EXCEPTIONS.** The Planning Commission may vary Front, Rear and Side Yards in Subdivisions and Master Planned Developments. In no case may the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in LMC Section 15-2.14-3(G) herein.

(Amended by Ord. No. 06-76)

15-2.14-4. BUILDING HEIGHT.

¹⁵Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

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

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

(1) Gable, hip, Barrel, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

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

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

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

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

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.15 - RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.15-1. PURPOSE.

The purpose of the Residential Medium Density RM 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 that minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas,

15-2.15-2. USES.

Uses in the RM District are limited to the following:

(A) **ALLOWED USES.**

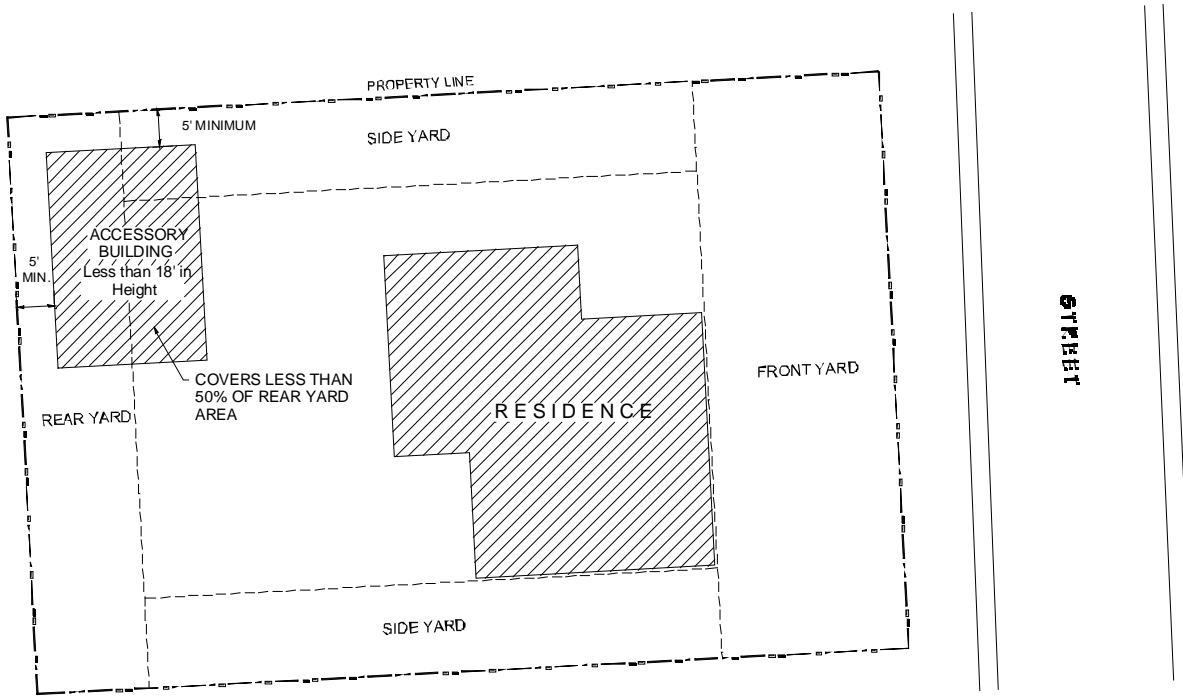
- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting⁴
- (10) Child Care, Family⁴
- (11) Child Care, Family Group⁴
- (12) Accessory Building and Use

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, Child Care Regulations



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

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

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁹

(10) Patios, decks, pathways, steps, or 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

⁹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

or Accessory Building is five feet (5').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~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.~~

(3) 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').

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

(5) See Section 15-2.15-4 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.

(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

Triplex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. This Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

15-2.15-5. BUILDING HEIGHT.

No Structure shall 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) Gable, hip, [Barrel](#), and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4/12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 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) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(Amended by Ord. No. 06-76)

15-2.15-6. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the Community Development 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.

15-2.15-7. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.
- (B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.22 - PUBLIC USE TRANSITION DISTRICT
REGULATIONS

Chapter adopted by Ordinance No. 05-12

15-2.22-1. PURPOSE.

The purpose of the Public Use Transition (PUT) 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 recreational and institutional purposes with limited commercial support 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 town core;
(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 visual impacts of automobiles and parking on Historic Buildings and Streetscapes;
(H) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces;
(I) allow for community input on Development design within the District through the public Conditional Use permit review process; and
(J) provide a transition between the HCB and the HR-1 Districts for the purpose of providing municipal Uses and public gathering and activity Areas.

15-2.22-2. USES.

Uses in the Public Use Transition District are limited to the following:

- (A) ALLOWED USES.
(1) Municipal/Institutional Accessory Building and Use 600 sf or less
(2) Conservation Activity

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the PUT District; however, where new construction abuts a residential zone, the new construction shall meet the required minimum Setback of the abutting zone.

(C) **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.

15-2.22-4. MAXIMUM BUILDING 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. The maximum Building Height shall be forty-five feet (45') as measured from Existing Grade.



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

- (1) Gable, hip, **Barrel**, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning and Building Departments.
- (5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.
- (6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-

finding towers, are permitted to a height of sixty-five feet (65').
(Amended by Ord. Nos. 06-76; 07-25)

15.-2.22-5. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-9. Restorations, rehabilitations, adaptive reuses, and additions to Historic Structures within the PUT shall be reviewed by the Planning Department 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 all LMC and/or 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 LMC and/or 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 Planning Commission. 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 Code provisions violated by the staff determination.

15-2.22-6. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3. 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.

15-2.22-7. MECHANICAL SERVICE.

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

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

15-2.22-8. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's

occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and/or architectural review. Refuse storage must be Screened, enclosed, and properly ventilated. The refuse storage must be on-Site and accessible from a Public Street. ~~Refuse storage must be fully enclosed and properly ventilated.~~ Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for Conditional Use Permit and/or architectural review.

15-2.22-9. 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 15-2.6-1(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the City 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 increases in the Restaurant's seating capacity without adequate

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(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

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

(1) A legal description of the land;

(2) All relevant zoning parameters including all findings, conclusions and conditions of approval;

(3) An express reservation of the future legislative power and zoning authority of the City;

(4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developers agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

(8) A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.

(9) A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a Qualified Historic Preservation Professional.

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The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.**

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the MPD requirements in this Chapter and the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or

surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

(I) **MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval. The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for

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compliance with the large scale MPD approval.

(Amended by Ord. Nos. 06-22; 09-10; 11-05)

15-6 -5. MPD REQUIREMENTS.

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

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor

Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/

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All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE**. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

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

(K) **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(L) **MINE HAZARDS**. All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

(M) **HISTORIC MINE WASTE MITIGATION**. For known historic mine waste located on the property, a soil remediation mitigation plan must be

prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

(N) GENERAL PLAN REVIEW. All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

(O) HISTORIC SITES. All MPD Applications shall include a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report, as further described on the MPD application. The Historic Structures Report shall be prepared by a Qualified Historic Preservation Professional.

(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14; 11-05 11-12; 13-23; 15-36)

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

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(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

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

(~~D~~C) The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

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

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

(~~G~~F) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;

(~~H~~G) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(~~H~~H) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(~~I~~J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been

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

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

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

(~~M~~L) The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

(~~N~~M) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(~~O~~N) The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

(~~O~~) The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

(Amended by Ord. Nos. 06-22; 10-14; 13-23)

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(2) PRIVATE PROVISIONS.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) SEVERABILITY. If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these

regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

(Amended by Ord. No. 06-22)

15-7-6. CONDITIONS.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended. If the amended plat is approved and recorded, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat on the same land. The recorded vacating

ordinance shall replace a previously recorded plat described in the vacating ordinance.

(Amended by Ord. No. 06-22)

15-7-8. VARIANCES.

Refer to Section 15-10-9 herein regarding variance procedures.

15-7-9. SAVING PROVISION.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any Person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

15-7-10. ENFORCEMENT.

It shall be the duty of the Planning Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(A) No Owner, or Agent of the Owner, of any Parcel of land located in a proposed Subdivision, shall Transfer or sell any such Parcel before a plat of such Subdivision has been approved by the Planning Commission

and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

(B) The Subdivision of any Lot or any Parcel of land, by the Use of metes and bounds description for the purpose of sale, Transfer, or lease with the intent of evading these regulations, shall not be permitted. However, the City may approve metes and bounds descriptions for purposes of Lot Line Adjustments, resolving conflicting boundary descriptions, and the recombination of historically platted Properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described Subdivisions shall be subject to all of the requirements contained in these regulations.

(C) No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or plat subdivided or sold in violation of the provisions of these regulations.

(Amended by Ord. No. 06-22)

15-7-11. VIOLATIONS AND PENALTIES.

Any Person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

(A) **CIVIL ENFORCEMENT.** Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to

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(1) **MINOR SUBDIVISION.** A Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

(a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final Subdivision Plat and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. GENERAL PROCEDURE.

(A) **OFFICIAL SUBMISSION DATES.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED.** All residential Subdivisions with more than

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section of this code of the IBC.

(3) Approval of a condominium plat amendment to combine units does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.

(Amended by Ord. Nos. 06-22; 11-05; 15-35)

15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.

(A) SIGNING OF PLAT.

(1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.

(2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as

shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

(3) The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.

(4) The plat shall conform to City ordinances and be approved by the culinary water authority, ~~and~~ the sanitary sewer authority, and the local health department, if the local health department and the City consider the local health department's approval necessary.

(5) The City may withhold an otherwise valid plat approval until the Owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(6) a Subdivision Plat recorded without the required signatures is void.

(B) RECORDING OF PLAT. It shall be the responsibility of the Developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such

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(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; and

(I) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.

(Amended by Ord. No. 09-23; 15-53)

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District or any structures on the Historic Sites Inventory.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property which are structures on the Historic Sites Inventory or are within a two (2) block radius of the Historic District.

(Amended by Ord. No. 09-23)

15-11-7. LIMITATIONS.

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

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

(Amended by Ord. Nos. 06-35; 09-23)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

- (A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.
- (B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.
- (C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.
- (D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).
- (E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic

Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. Nos. 09-09; 09-23)

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated

to the Historic Sites Inventory as a Landmark Site if the ~~Planning Department~~ Historic Preservation Board finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or ~~has achieved Significance~~ or if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history; or

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type,

period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the ~~Planning Department~~Historic Preservation Board finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

(b) It retains its Essential ~~Historical~~ Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant ~~or on~~ any reconnaissance or intensive level survey of historic resources; ~~or~~ and

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to its ~~Essential~~ Historical Form even if it has non-historic additions; ~~and/or~~

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; ~~or~~ and

(d) It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic Importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(3) CONTRIBUTORY SITE.

Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the Planning Department finds it meets all the criteria listed below:

- (a) The structure is forty (40) years old or older and
- (b) Meets one of the following:
 - (i) Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or
 - (ii) It is important in local or regional

history, architecture, engineering, or culture associated with at least one (1) of the following:

- (a) An era of Historic importance to the community; or
- (b) Lives of Persons who were of Historic importance to the community, or
- (c) Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period

(c) Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.

(4) Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic

- (ii) The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or
- (iii) The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; or

(4) All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:

- (i) Restoring the building at its present site; or
- (ii) Relocating the building within its original site; or
- (iii) Stabilizing the building from deterioration and retaining it at its present site for future use; or
- (iv) Incorporating the building into a new development on the existing site.

(B) PROCEDURE FOR THE RELOCATION AND/OR

REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.

All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

(Created by Ord. 09-23; Amended by Ord. Nos.12-37; 15-53)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.

In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; and

(2) At least one of the following:

(a) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(b) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or

(c) The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, ~~the~~ at that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly; unique conditions include but are not limited to:

(i) If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or

(ii) If the physical conditions of the existing materials prevent temporarily lifting or moving a

building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or

(iii) All other alternatives have been shown to result in additional damage or loss of historic materials.

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.

All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster’s New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”; “used” or “occupied” as applied to any land or Building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

1.1 **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.4 **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the to the primary Use located on the same Lot.

1.5 **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

1.6 **ADMINISTRATIVE PERMIT.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7 **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8 **AFFECTED ENTITY.** A county, municipality, local district, special service district under Utah State Code Title 17D, Chapter 1, Special Service District Act, school district, inter-local cooperation entity established under Utah State Code Title 11, Chapter 13, Inter-local Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if: (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity.

1.8 **AGENT.** The Person with written authorization to represent an Owner.

1.9 **AGRICULTURE.** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

1.10 **ALLOWED USE.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

1.11 **ALTERATION, BUILDING.** Any act or process that changes the Architectural Detail of a Building, including but not limited to, the erection, construction, reconstruction, or removal of any Building.

1.12 **ANCILLARY STRUCTURE.** One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

1.13 **ANEMOMETERS AND ANEMOMETER TOWERS.** A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind

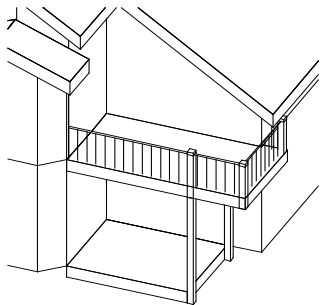
proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

1.19 **AREA OR SITE.** A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

1.20 **ATTIC.** The space between the ceiling joists and roof rafters.

1.21 **BAKERY.** A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

1.22 **BALCONY.** A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. See following illustration:



1.23 **BAR.** A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

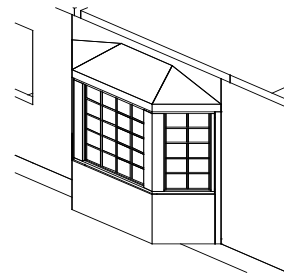
1.231.24 **BARREL ROOF.** A roof with a semi-cylindrical form and having a semi-circular cross-section.

1.241.25 **BASE ZONING.** Existing zoning without the addition of the Transfer of Development Rights overlay zone.

1.251.26 **BASEMENT.** Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.

1.26

1.261.27 **BAY WINDOW.** A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



1.271.28 **BED AND BREAKFAST INN.** A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented

nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

~~1.28~~1.29 **BEDROOM.** A separate room designed for or used as a sleeping room.

~~1.30~~ **BILLBOARD.** ~~A separate room designed for or used as a sleeping room. A permanent outdoor Sign that is located off-premises.~~

~~1.29~~1.31

~~1.30~~1.32 **BLANK WALL.** A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

~~1.31~~1.33 **BLOCK.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

~~1.32~~1.34 **BOARDING HOUSE.** A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

~~1.33~~1.35 **BUILDING.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

~~1.34~~1.36 **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

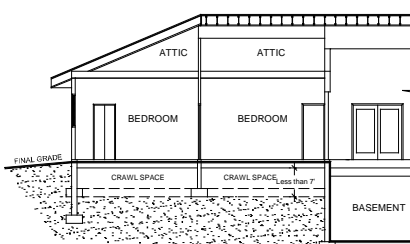
~~1.35~~1.37 **BUILDING FOOTPRINT.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the

by the Historic Preservation Board.

~~1.68~~1.70 **COUNCIL.** Members of the City Council of Park City.

~~1.69~~1.71 **COVER, SITE.** The Area covered by an Impervious Surface such as a Structure, deck, pool, patio, walk, or driveway.

~~1.70~~1.72 **CRAWL SPACE.** An uninhabitable Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



~~1.71~~1.73 **CREST OF HILL.** The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

~~1.72~~1.74 **CUL-DE-SAC.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

~~1.73~~1.75 **DELI OR DELICATESSEN.** A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code (IBC) Commercial Kitchen facilities and

does not employ hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

~~1.74~~1.76 **DEMOLISH OR DEMOLITION.** Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed Buildings(s) or Structure(s). Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, ~~or and~~ Reconstruction pursuant to Section 15-11-15 of this Code. It also excludes any Material Deconstruction approved by the Historic Preservation Board pursuant to Section 15-11-12.5, or is exempt pursuant to 15-11-12(A).

~~1.75~~1.77 **DENSITY.** The intensity or number of non-residential and Residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

(A) In terms of visual compatibility, Density refers to the pattern of clustering residential or commercial structures within a neighborhood and/or District. The pattern is established by the overall mass (length, height, and width) of the structure visible from the Right-of-Way, size of the lot(s), width between structures, and orientation of structures on the site.

~~1.76~~1.78 **DESIGN GUIDELINE.** A standard of appropriate activity that will

proximity of Structures.

1.881.90 **DWELLING.**

- (A) **Dwelling, Duplex.** A Building containing two (2) Dwelling Units.
- (B) **Dwelling, Triplex.** A Building containing three (3) Dwelling Units.
- (C) **Dwelling, Multi-Unit.** A Building containing four (4) or more Dwelling Units.
- (D) **Dwelling, Single Family.** A Building containing not more than one (1) Dwelling Unit.

1.891.91 **DWELLING UNIT.** A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

1.901.92 **ECONOMIC HARDSHIP, SUBSTANTIAL.** Denial of all reasonable economic Use of the Property.

1.911.93 **ELDER CARE.** A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

1.921.94 **ELEVATOR PENTHOUSE.** The minimum Structure required to enclose the top most mechanical

workings of an elevator.

1.931.95 **EMERGENCY REPAIR WORK.** Work requiring prompt approval because of an imminent threat to the safety or welfare of the public or to the structure or site. The scope of the approval for emergency repair work shall only be to the extent related to stabilizing or repairing the emergency situation. Staff shall give a verbal report regarding the emergency repairs at the next Historic Preservation meeting.

1.941.96 **EQUIPMENT SHELTER.** See Telecommunications Facilities, Equipment Shelter 1.231(B).

1.951.97 **ESCROW.** A deposit of cash or approved alternate in lieu of cash with a third party held to ensure a performance, maintenance, or other Guarantee.

1.961.98 **ESSENTIAL HISTORICAL FORM.** The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

1.971.99 **EXTERIOR ARCHITECTURAL APPEARANCE.** The architectural character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

1.981.100 **FACADE.**

finished surface of the interior of the exterior boundary walls.

(B) **Floor Area, Gross Commercial.**

The Area of a Building including all enclosed Areas excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area.

Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

(C) **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

~~1.108~~1.110 **FLOOR AREA RATIO**

(FAR). The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

~~1.109~~1.111 **FOOT CANDLE.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

~~1.110~~1.112 **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

~~1.111~~1.113 **FULLY SHIELDED.**

Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

~~1.112~~1.114 **GARAGE.**

(A) **Garage, Commercial.** A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing.** Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private.** An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public.** A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

1.115 **GEOLOGIC HAZARD.** A hazard

joinery, tooling, and turning.

(F) **Feeling.** A Site’s expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property’s Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.135 HISTORIC SITES INVENTORY.

A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

~~1.132~~**1.136 HISTORIC STRUCTURES REPORT (HSR).** A multi-disciplinary planning document, often created by a team of professionals that provides a forum to identify historic fabric and the means to minimize its loss, damage, or adverse effects upon it. The HSR generally includes the history of construction, alterations, owners, and significant events at the property based on physical and documentary evidence; current conditions; remaining significant and character-defining features; evaluation of current and proposed program needs in relation to the historic fabric; recommended overall treatment approaches; recommended treatment for individual features or areas; prioritization of recommendations and cost estimates; and identification of future areas of research or documentation. The report

provides a framework for owners and stewards to consider physical alterations to the property with the understanding of how the proposed work will impact the historic fabric and character.

~~1.133~~**1.137 HOME OCCUPATION.** A

Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

~~1.134~~**1.138 HOSPITAL.** An institution

specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as “Office, Medical”.

(A) **Hospital, Limited Care.** An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

~~1.135~~**1.139 HOTEL/MOTEL.** A

Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies.

(A) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

~~1.170~~1.174 **NOTEWORTHY.**

Deserving notice or attention because of uniqueness, excellence, or Significance.

~~1.171~~1.175 **NURSERY,**

GREENHOUSE. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

~~1.172~~1.176 **NURSING HOME.** A Business described also as a “rest home”, or “convalescent home”, other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

~~1.173~~1.177 **OFF-SITE.** Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

~~1.174~~1.178 **OFF-STREET.** Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

~~1.175~~1.179 **OFFICE.**

(A) **Office, General.** A **Building Business** offering executive, administrative, professional, or clerical services; ~~or portion of a Building wherein services are performed involving predominately operations performed~~ -with limited client visits and limited traffic generated generation by employees and/or clients; that generally employs fewer than three persons per one thousand square feet of Net Leasable Floor Area.

(B) **Office, Intensive.** ~~Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.~~ A Business offering executive, administrative, professional or clerical services performed with a high level of client interaction and a high level of traffic generation; that employs five or more persons per one thousand square feet of Net Leasable Floor Area.

(C) **Office, Medical.** A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian

clinic, but does not include pet boarding
Uses for non-medical related reasons.

(D) **Office, Moderately Intensive.** A Business offering executive, administration, professional, or clerical services ~~which are~~ performed with a moderate level of client interaction and traffic ~~generated generation:~~ that generally employs fewer than five persons per one thousand square feet of Net Leasable Floor Area. by employee and/or clients.

~~1.176~~1.180 **OFFICIAL STREETS MASTER PLAN.** As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of the Streets, highways, roads, and Rights-of-Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

~~1.177~~1.181 **OFFICIAL ZONING MAP.** The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries; and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

~~1.178~~1.182 **ONE BEDROOM APARTMENT.** A Dwelling Unit consisting

of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

~~1.179~~1.183 **OPEN SPACE.**

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

~~1.180~~1.184 **ORDINARY HIGH WATER MARK.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot

Street, as set forth above, shall be designated as a “Storefront Property.” The Planning Director or designee shall have the final determination of applicability.

~~1.204~~1.208 **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

~~1.205~~1.209 **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner’s Agent.

~~1.206~~1.210 **PUBLIC ART.** Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

~~1.207~~1.211 **PUBLIC IMPROVEMENT.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may ~~effect~~affect a City improvement.

1.212 **PUBLIC USE.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

~~1.208~~1.213 **QUALIFIED HISTORIC**

PRESERVATION PROFESSIONAL. A professional with a combination of education in a closely related field of study plus work experience to meet the Secretary of the Interior’s Historic Preservation Qualification Standards. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. The standards are set for history, archeology, architectural history, architecture, and historic architecture.

~~1.209~~1.214 **QUALIFIED PROFESSIONAL.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

~~1.210~~1.215 **QUASI-PUBLIC USE.** A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

~~1.211~~1.216 **RECEIVING SITE.** A Parcel of real property denoted as a receiving site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A receiving site is the site to which Development Credits may be Transferred.

~~1.212~~1.217 **RECONSTRUCTION.** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose

number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

1.297 UTAH PUBLIC NOTICE WEBSITE. A website dedicated to bringing greater accessibility to public notice information and increased participation by the public in the State of Utah. It is a central source for all public notice information statewide, provided in a standardized format for publishing. It allows the public to subscribe by either RSS feed or email to receive its notices and updates. <http://www.utah.gov/pmn/index.html> (create link to this website)

1.2921.298 VANTAGE POINTS. A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and
- (K) Across valley view.

1.2931.299 VEHICLE CONTROL

GATE. Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.2941.300 WETLAND,

SIGNIFICANT. All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

1.2951.301 WILDFIRE/WILDLAND INTERFACE ZONE.

All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.2961.302 WIND ENERGY SYSTEM,

SMALL. All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

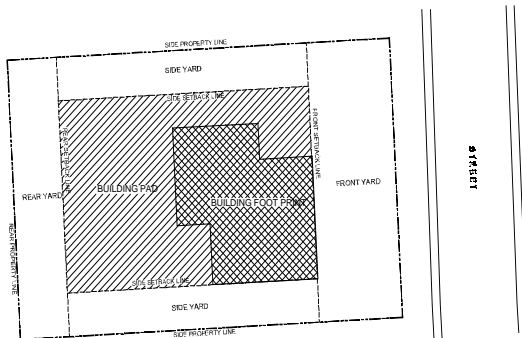
1.2971.303 YARD.

(A) **Yard, Front.** The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line

of the closest Structure.

(B) **Yard, Rear.** The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



1.299 **ZONING DISTRICT.** An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

~~1.299~~1.305 **ZONING MAP, OFFICIAL.** The map adopted by the City Council depicting the geographic scope of

the City’s land Use designations.

~~1.300~~1.306 **XERISCAPE.** A landscaping method developed especially for arid and semiarid climates utilizing water – conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07; 09-05; 09-09; 09-10; 09-14; 09-23; 09-40; 11-05; 11-12; 12-37; 14-57; 15-53; 16-02)

15-15-2. LIST OF DEFINED TERMS.

- A-
- Access
- Accessory Apartment
- Accessory Building
- Accessory Use
- Active Building Permit
- Administrative Permit
- Affected Entity
- Affordable Housing
- Agent
- Agriculture
- Allowed Use
- Alteration, Building
- Ancillary Structure
- Anemometers and Anemometer Towers
- Antenna
- Antenna, Test Drive
- Antenna, Enclosed
- Antenna, Freestanding
- Antenna, Roof Mounted
- Antenna, Temporary
- Antenna, Wall Mounted

Apartment	Certificate of Occupancy
Applicant	Child Care
Application	Child Care, In-Home Babysitting
Application, Complete	Child Care, Family
Architectural Detail	Child Care, Family Group
Area or Site	Child Care Center
Attic	City Development
-B-	Clearview of Intersecting Streets
Bakery	Club
Balcony	Club, Private
Bar	Club, Private Residence
<u>Barrel Roof</u>	Club, Private Residence Conversion
Base Zoning	Club, Private Residence Off-Site
Basement	Club, Private Residence Project
Bay Window	Cluster Development
Bed and Breakfast Inn	Code
Bedroom	Collector Road
Billboard	Co-Location (see Telecommunications Facility, Co-Location)
Blank Wall	Commercial Use
Block	Commercial Use, Support
Boarding House	Commercial Use, Resort Support
Building	Common Area
Building, Attached	Common Ownership
Building, Detached	Compatible or Compatibility
Building, Main	Conditional Use
Building, Public	Condominium
Building Alteration (see Alteration, Building)	Conservation Activity
Building Envelope	Conservation Easement
Building Footprint	Constitutional Taking
Building Pad	Construction Activity
Building Permit	Construction Mitigation Plan
Business	Construction Plan
-C-	Contributing Building, Structure, Site/Area or Object
Café	Council
Canopy	Cover, Site
Capital Improvements Program	Crawl Space
Certificate of Appropriateness	Crest of Hill
Certificate of Economic Hardship	Cul-de-sac

-D-

Deli or Delicatessen
Demolish or Demolition
Density
Design Guideline
Detached
Developable Land
Developer
Development
Development Agreement
Development Approval Application
Development Credit
Development Credit Certificate
Development Right
Disabled Care
Dissimilar Location
Dwelling, Duplex
Dwelling, Triplex
Dwelling, Multi-Unit
Dwelling, Single Family
Dwelling Unit

-E-

Economic Hardship, Substantial
Elder Care
Elevator Penthouse
Equipment Shelter (see Telecommunications
Facility, Equipment Shelter
Escrow
Essential Historical Form
Exterior Architectural Appearance

-F-

Facade, Building
Façade, Front
Facade Easement
Facade Shift
Fence
Filtered Light Fixture
Final Action
Final Plat

First Story
Flood Plain Area
Floor Area, Gross Commercial
Floor Area, Gross Residential
Floor Area, Net Leasable
Floor Area Ratio (FAR)
Foot Candle
Foot Candle, Average (afc)
Foot Candle, Horizontal (hfc)
Foot Candle, Vertical (vfc)
Frontage
Fully Shielded

-G-

Garage, Commercial
Garage, Front Facing
Garage, Private
Garage, Public
Geologic Hazard
Good Cause
Governing Body
Grade
Grade, Existing
Grade, Natural
Grade, Final
Grading
Green Roof
Group Care Facility
Grubbing
Guarantee
Guest House

-H-

Habitable Space (Room)
Hard-Surfaced
Height, Building
Helipad
Heliport
Helistop
Historic
Historic Building, Structure, Site or Object

Historic District
Historic Integrity
Historic Significance, Period of
Historic Sites Inventory
Historical Form, Essential (see Essential
Historical Form)

Historic Structures Report

Home Occupation
Hospital
Hospital, Limited Care
Hotel/Motel
Hotel/Motel, Major
Hotel/Motel, Minor
Hotel Room
Hotel Suite

-I-

Impact Analysis
Impervious Surface
Inaction
Incidental Retail Sales
Indoor Entertainment Facility

-K-

Kitchen
Kitchen, IBC Commercial
Kitchenette

-L-

Landmark
Landmark Site
Landscaping, Interior
Landscaping, Parking Area
Landscaping, Perimeter
Liftway
Liftway Setback
Light Source
Light Source, Refractive
Limits of Disturbance
Lockout Unit
Lot

Lot, Corner
Lot Depth
Lot Line
Lot Line Adjustment
Lot Width
Lumen
Luminaire
Luminaire, Cutoff Type
Luminaire, Fully Shielded
Luminaire, Partially Shielded

-M-

Master Festival
Master Planned Development (MPD)
Maximum Extent Feasible
Maximum House Size
Model Home

-N-

Neighborhood Convenience, Commercial
Nightly Rental
Non-Complying Structure
Non-Conforming Use
Noteworthy
Nursery, Greenhouse
Nursing Home

-O-

Off-Site
Off-Street
Office, General
Office, Intensive
Office, Medical
Office, Moderately Intensive
Official Streets Master Plan
Official Zoning Map
One Bedroom Apartment
Open Space, Landscaped
Open Space, Natural
Open Space, Transferred Development
Right (TDR)

Ordinary High Water Mark
Ordinary Repairs and Maintenance
Outdoor Use
Outdoor Recreation Equipment (see
Recreation Equipment, Outdoor)
Owner

-P-

Parcel
Parking, Public
Parking, Residential
Parking, Shared
Parking Area
Parking Lot, Commercial
Parking Space
Parking Structure
Passenger Tramway
Period of Historic Significance
Person
Physical Mine Hazard
Planned Unit Development (PUD)
Porous Paving
Preliminary Plat
Preservation
Preservation Easement
Private Club (see Club, Private)
Private Residence Club (see Club, Private
Residence)
Private Residence Club Conversion (see
Club, Private Residence Conversion)
Private Residence Club Project (see Club,
Private Residence Project)
Property
Property, Storefront
Property Line
Property Line, Front
Property Owner (see Owner)
Public Art
Public Improvement
Public Use

-Q-

Qualified Historic Preservation Professional
Qualified Professional
Quasi-Public Use

-R-

Receiving Site
Reconstruction
Recreation Equipment, Outdoor
Recreation Facilities, Commercial
Recreation Facilities, Private
Recreation Facilities, Public
Recycling Facility
Recycling Facility, Class I
Refractive Light Source
Regulated Use
Rehabilitation
Residential Use
Resort Support Commercial
Restaurant
Restaurant, Drive-Through
Restoration
Resubdivision
Retail and Service, Commercial-Auto
Related
Retail and Service, Commercial-Major
Retail and Service, Commercial-Minor
Retail and Service, Commercial-
Personal Improvement
Ridge Line Area
Riding Stable, Commercial
Right-of-Way
Road, Collector
Road Classification
Road Right-of-Way Width

-S-

Salt Lake City 2002 Winter Olympic Games
Olympic Legacy Displays
Satellite Receiving Station
SBWRD

Screen or Screened
Secondary Living Quarters
Sending Site
Sensitive Land
Sensitive Land Analysis
Sensitive or Specially Valued Species
Setback
Sexually Oriented Businesses
Significance
Significance, Period of Historic
Significant Ridge Line Area
Significant Site
Significant Vegetation
Single Family Subdivision
Site
Site Development Standards
Site Distance Triangle
Site Suitability Analysis
Sketch Plat
Slope
Slope, Steep
Slope, Very Steep
Spacing
Special Event
Storefront Property (see Property,
Storefront)
Story
Stream
Stream Corridor
Street
Street, Public
Streetscape
Streetscape, Architectural
Structure
Studio Apartment
Subdivision
Subdivision, Major
Subdivision, Minor
Subdivision Plat
Substantial Economic Hardship (see
Economic Hardship, Substantial)

Suitability Determination

-T-
Tandem Parking
Telecommunications
Telecommunications Facility
Telecommunications Facility, Co-Location
Telecommunications Facility, Equipment
Shelter
Telecommunications Facility, Stealth
Telecommunications Facility, Technical
Necessity
Temporary Improvement
Timeshare Conversion
Timeshare Estate
Timeshare Instrument
Timeshare Interval
Timeshare Off-Premises Contacting Activity
Timeshare Off-Premises Sales Activity
Timeshare Off-Premises Sales Office
Timeshare On-Site Sales Activity
Timeshare On-Site Sales Office
Timeshare Project
Timeshare Sales Presentation
Timeshare Unit
Timeshare Use
Transfer
Transferred Development Right (TDR)
Open Space
Transportation Services

-U-
UDOT
Uniformity Ratio
Unit Equivalent
Use
Use, Intensity of
[Utah Public Notice Website](#)

-V-
Vantage Points

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June 22, 2016
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6. A financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.

7. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for new development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.

8. A note shall be included on the plat prior to recordation stating that all new development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of the building permit application.

9. A 10' wide non-exclusive public utility and snow storage easement shall be shown along the frontages of Round Valley Drive and Gillmor Way prior to plat recordation.

7. Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding 1) standard of review for appeals and noticing,; 2) standard of review for applications with regard to the General Plan; 3) Steep Slope CUP applicability; 4) common wall development (in HR-1, HR-2, and CT Districts); 5) exceptions to building height and footprint for Historic Sites as valid Complying Structures in HRL, HR-1, HR2 and RC; 6) mechanical service, delivery, and loading areas (GC, LI Districts); 7) lighting requirements or reducing glare and landscape mulch materials; 8) specifications for barrel roofs; 9) require historic site information in MPD applications and review; 10) clarify review criteria to be met when making a determination of historic significance, 11) administrative corrections for consistency and clarity between Chapters such as noticing requirements; and 12) definitions for barrel roof, billboard, glare, and intensive office. (Application PL-16-03115)

Commissioner Suesser returned to the meeting.

Planner Whetstone stated that if the Planning Commission forwards a positive recommendation to the City Council for the proposed amendments the Motion should be pursuant to the Ordinance as opposed to pursuant to the Findings of Fact and Conclusions of Law.

Chair Pro Tem Band suggested that the Planning Commission review the LMC amendments item by item as listed in the Staff report.

1. Standards of Review for Appeals and Noticing

Planner Whetstone noted that the noticing changes were reflected in Exhibit A. The changes were primarily for consistency with change to the State Code.

Commissioner Suesser stated that she did not have the opportunity to review the amendments closely prior to the meeting, and she was not prepared to comment this evening.

Chair Pro Tem asked if these amendments were noticed for action. Assistant City Attorney stated that it was noticed for public hearing and action and the Planning Commission could forward a recommendation to the City Council or continue to another meeting. They could also forward the amendments where there was agreement and continue the ones that need further discussion.

Planner Whetstone explained that this was the only process in Appeals that had a seven day noticing requirements. On appeals the State does not specify a period. Planner Whetstone stated that most of the noticing processes for Park City are 14 days. The Staff recommended changing to a 14 day notice for consistency, unless the State Code has a different requirement, since 14 days is standard in the Code.

Commissioner Suesser referred to the added language in 151-18K, and suggested that "Staff determination" should be plural, to read "Appeals of Staff determinations."

Planner Whetstone noted that another change consistent with State Law is to post to the Utah Public Notice website, which is a State requirement.

Commissioner Suesser asked if there were multiple hearings in these appeals. Planner Whetstone stated that the requirement is for the first hearing. If the public hearing is continued and the public hearing is not closed on any item that has been noticed, a republication of notice is not required. Assistant City Attorney McLean stated that this was the current practice. Before the first hearing before the Planning Commission the item will be noticed 14 days prior. If it is continued to a date certain it is not re-posted or re-

published in the paper. It is always re-noticed on the Park City website and on the Utah Public Notice website, along with the agenda. That is done for every meeting under the Open Public Meetings Act laws. The only distinction is that the language clarifies that before the first meeting before City Council there will be a published noticed. That has not been consistently done in the past.

The Commissioners were comfortable with Item 1.

2. Standards of Review for applications with regard to the General Plan

Planner Whetstone stated that this amendment was a recommendation from the City Attorney. Under D, Standards of Review, having the use consistent with the Park City General Plan was struck in that section and inserted under the Review Criteria, where an application is reviewed for consistency with the goals and objectives of the Park City General Plan. She noted that it changes the standard of review for an MPD or CUP application. The Code is supposed to reflect the General Plan. Planner Whetstone read the added language, "...review for consistency with the goals and objectives of the General Plan, however, such review for consistency shall not alone be binding."

Planner Whetstone replied that the same language applies to MPDs. It was removed from 15-6-6, under Required Findings and Conclusions of Law and added under General Review. The change was reflected on page 213 of the Staff report.

Director Erickson clarified that the amendments were cleaning up the language to reflect that the General Plan is guidance and not regulation.

Commissioners were comfortable with Item 2, with the exception of Commissioner Suesser who was not prepared to sign off on the proposed change.

Chair Pro Tem Band stated that this item could be removed for action if the Commissioners wanted to discuss it further when Commissioners Joyce and Strachan were present. The Commissioners agreed to continue this amendment for further discussion.

3. Steep Slope CUP applicability

Planner Whetstone remarked that this amendment would increase the regulation in Historic Districts for what counts as footprint for steep slopes. Director Erickson stated that the issue is when a Steep Slope CUP would be required. If the steep area was a horizontal plane and something projected over it, it would not be regulated. Based on the new language, if it is a vertical plane and a deck projects into it, it would require a steep slope

CUP. Planner Whetstone pointed out that it would not apply to decks because decks are not building footprint.

Commissioner Campbell noted that a cantilever floor counts as a footprint. Director Erickson remarked that floor area is different than regulating for Steep Slope. Commissioner Campbell was unsure why the proposed language was necessary. Director Erickson explained that if someone tried to avoid doing a steep slope CUP and maximizing building volume, he would design the footings and foundation and the first floor to not impact the steep slope, and then on the second floor cantilever a deck over it. Commissioner Campbell stated that his understanding of building footprint is that if you shine a light from above directly down, anything in the shadow of that was part of the building footprint. Planner Whetstone stated that if the house cannot project over the steep slope area. Commissioner Campbell thought the existing footprint rule would catch it if that occurred. Planner Whetstone noted that the current language only states "If the footprint is located upon an existing slope", meaning that the footprint actually touches the steep slope.

Director Erickson suggested that the Staff might need to further consider this amendment. The intent was to clarify that a Steep Slope CUP could not be avoided. Commissioner Campbell favored the intent but he questioned the necessity of the added language. Commissioner Phillips agreed with Commissioner Campbell that it was already regulated by the footprint rule. However, he was not opposed to leaving in the added language for additional clarification. The Commissioners concurred.

4. Common Wall Development

Planner Whetstone stated that this amendment would not apply in the HR-L zone because only single-family is allowed in the HR-L zone. Reference to the HR-L should be stricken from the language. The proposed amendment would apply to HR-1, HR-2 and CT zones. It also currently applies in the other zones.

Planner Whetstone revised the proposed language on page 214 of the Staff report, "A side yard between connected structures is not required where structures are designed with a common wall on a property line, each structure is on an individual lot, and the lots are burdened with a party wall agreement in a form approved by the City Attorney, Chief Building Official, and all applicable Building and Fire Code requirements are met." She clarified that IBC was replaced with Building.

Assistant City Attorney recalled that the Staff had an internal discussion on policy issues in terms of setbacks and new construction versus old construction. She explained the issues that were created by this amendment related to setbacks and the common wall. Another

issue is whether this amendment is meant to clean up the non-conformities that were historically done and preventing having to go through the condominium process; or whether the Planning Commission thinks this should be allowed in the future.

Chair Pro Tem Band thought this item needed further consideration and discussion. The Commissioner agreed to continue item 4 for discussion.

5. Exceptions to building height and footprint for Historic Sites as valid complying Structures in HRL, HR-1, HR2 and RC.

Chair Pro Tem understood from the Staff that this item was not ready to be forwarded to the City Council.

Planner Whetstone explained that the intent of this language was to say that a historic structure should not have to be modified to have a ten foot step at 23 feet to meet the Code. It should be a legal complying structure if it does not have a setback.

Planner Whetstone stated that another exception is when you have a historic structure 35 feet below grade with a garage at the top, there would be an exception to the 35 feet. Another exception is a historic structure that does not meet the total 35 feet in height from finish floor to the wall plane because that is how it sits as an existing historic structure and it is non-complying. The proposed amendment recognizes that if something is historic they are legally non-complying structures. However, additions must comply with building setbacks, building footprint, driveway location standards and building height. That language did not change.

Planner Whetstone stated that the exception has always been used for a basement under a historic structure. A basement or driveway location could be approved with a conditional use permit if all the other criteria are met. Planner Whetstone remarked that one additional criteria was added requiring that it comply with the Design Guidelines. The second exception related to a house being so far below the street that a new garage would keep it from meeting the overall building height.

The Commissioners agreed to continue this item for further discussion. Director Erickson suggested a drawing or a site tour to help with the discussion.

6. Mechanical service, delivery and loading areas (GC, LI Districts).

Planner Whetstone stated that the language is currently in the LI District and the Staff was proposing to put the same language into the GC zone. The only change to the language is

to replace eliminate the view with mitigate the view from nearby properties. The Commission recommended this item be forwarded to City Council.

7. Lighting requirements for reducing glare and landscape mulch materials

Commissioner Campbell thought lighting and landscaping were important issue and he suggested that they wait until all the Commissioners were present to have the discussion.

Commissioner Phillips asked if there is a way to measure lighting. Director Erickson replied that there are three different ways of measuring three different kinds of lighting including glare. He noted that Community Development Director, Anne Laurent has a proposed lighting ordinance that carries a full suite of measurements, including for glare, which is defined in the amendments as the difference between how dark it is and how light it is.

Planner Whetstone remarked that the amendment upgrades the purpose statements and adds a definition for "Glare". It also add LEDs as an approved light source and the temperature for LEDs should be less than 3000K.

The Commissioner agreed to continue this item, for additional information and discussion with the rest of the Commission.

8. Specifications for barrel roofs.

Director Erickson suggested that the definition of barrel roofs could be moved forward subject to removing the phrase, "such as cathedrals, railroad station, theaters and sports venue arenas", because it was intended to address residential structures.

Chair Pro Tem Band stated that unless the Commissioner had other issues this item would be forwarded to the City Council as amended by Director Erickson.

9. Require historic site information in MPD applications and review.

Director Erickson believed this item would need input from the public as well as discussion by the planning Commission. He noted that they require MPDs to identify mine sites and mine hazards, but they do not require identification of potentially historic structures. Director Erickson recalled that the Planning Commission required a new inventory at Park City Mountain Resort; however, it was not required on Alice Claim and it was later discovered that there was a historic site. This would require historic sites to be identified in an MPD.

Planner Whetstone read the proposed language under (O) on page 220 of the Staff report. "All MPD applications shall include a map and a list of known historic sites on the property and a historic Structures Report, as further described on the MPD applicant. The Report shall be prepared by a qualified historic preservation professional".

Director Erickson stated that the Planning Commission should decide whether or not to give the Planning Director the authority to waive the requirement on small MPDs. Planner Whetstone did not think it should be waived if the intent is to know all historic sites in an MPD.

Commissioner Thimm remarked that those types of things become difficult in terms of defining when it is waivable. Chair Pro Tem Band thought this amendment helps more than it hurts and if they find that it causes problems with smaller developments it could always be amended.

Commissioner Suesser asked if there was a requirement to have the property inspected for historic sites. She noted that the proposed language says "a map and list of known historic sites on the property". She noted that it does not require someone going out to the site to look at it. Planner Whetstone stated that the remainder of that language requires a report to be prepared by a qualified professional, which would require someone going to the site. Commissioner Suesser wanted to know what the report would entail. Director Erickson explained that there is a professional standard for an inventory of known historic sites which involves using the Historic Sites Inventory and mapping anything on the MPD. He pointed out that this language does not require a reconnaissance of new sites. If they want a reconnaissance the Staff would need to revise the language.

Commissioner Campbell thought the language was vague. Chair Pro Tem Band noted that the language requires a report to be prepared by a qualified historic preservation professional. Commissioner Suesser thought reconnaissance was important and it should possibly be required.

Planner Whetstone noted that the language came from the Historic Planners and they may have a definition for a Historic Structures Report. Commissioner Campbell suggested a definition for a qualified historic preservation professional.

Chair Pro Tem Band suggested that they continue this item to discuss some of the issues that were raised.

10. Clarify review criteria to be met when making a determination of historic significance.

Planner Whetstone presented an exhibit from Chapter 11-11 – Criteria for designating sites to the Historic Sites Inventory. She indicated where “and’s” and “or’s” were corrected in the language after review by the Historic Preservation Planners and Assistant City Attorney McLean.

Chair Pro Tem Band asked for the essential change in this section. Assistant City Attorney McLean stated that Essential Historic Form is a defined term in the Code but it was not clear. The intent was to clarify that it was the same term. Planner Whetstone stated that Essential Historical Form was incorrect and it was changed in the definition to Essential Historic Form.

Commissioner Suesser understood that the changes might not be significant, but not having had the opportunity to review it she was not prepared to sign off on it.

This item was continued this item for further discussion.

11. Administrative corrections for consistency and clarity between Chapters such as noticing requirements.

Planner Whetstone referred to the notice matrix and noted that that the changes were made to be consistent with State Code. Assistant City Attorney referred to noticing for Zoning and Rezoning and noted that after “first hearing”, language should be added to say, “of the Planning Commission and the City Council”.

Chair Pro Tem Band suggested that the Planning Commission continue this item for further changes and clarification.

12. Definitions for barrel roof, billboard, glare and intensive office.

Planner Whetstone added a definition of Affected Entity and handed out a sheet to the Commissioners with the definition and what it involves. She requested that it be included in the definitions being forwarded to the City Council. Assistant City Attorney McLean noted that the language for Affected Entity was directly from the State Code.

Chair Pro Tem Band noted that the language for barrel roofs was revised earlier in this discussion and the same revision applied.

The Commissioners discussed the definition of a billboard and what constitutes a billboard. Due to various regulations related to billboards, Director Erickson suggested that they pull billboard from this list of definitions.

Chair Pro Tem Band added Affected Entity to the definitions.

Regarding the definition for glare, Commissioner Campbell remarked that excessive and uncontrolled is hard to define and could be argued. He asked if they revise the language to say "caused by brightness". Chair Pro Tem Band stated that anything could be considered brightness. Planner Whetstone stated that if the light bulb is not shielded and in an opaque it creates glare. Director Erickson believed the definition for glare was taken from the International Lighting Code. Commissioner Campbell asked Ms. McLean if she could defend the words "excessive and uncontrolled" by someone who argues that they do have control of their light bulb. Ms. McLean agreed that the more definitive the better.

Director Erickson stated that there are standards coming forward that define the contrast in terms of luminosity. He was not opposed to continuing the definition for glare for further discussion. Commissioner Suesser was not comfortable with the word "sensation". She recommending using "impact" instead of "sensation".

The Commissioners agreed to continue the definition of glare for further discussion.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

Chair Pro Tem Band summarized that Items 1, 3, 6 and 8 as amended and a portion of item 12, would be forwarded to the City Council. The remaining items would be continued.

MOTION: Commissioner Campbell moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments Items 1, 3, 6 and 8 as amended and a portion of Item 12, the definitions for Affected Entity, and Barrel Roof, Office, General, Office Intensive, and Office, Moderately Intensive. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Campbell made a motion to CONTINUE LMC Amendments Items 2, 4, 5, 7, 9, 10 and 11, and a portion of Item 12, the definitions for glare and billboard, to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

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The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

4. **Land Management Code (LMC) amendments - Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, noticing, and standards of review; Chapter 2- common wall development process (in HR-1, HR-2, and CT Districts), clarification of building height requirements (horizontal stepping and overall height) for Historic Structures and Sites; Chapter 5- landscape and lighting requirements; Chapter 6- require inventory and report on mine sites for MPD applications; Chapter 11- historic preservation Criteria for designating sites; Chapter 15- related definitions (Billboard, Historic Structures Report, Qualified Historic Preservation Professional, Glare, and others); and various Chapters to provide consistency between Chapters. (Application PL-16-03115)**

5. **Land Management Code (LMC) amendments - Various administrative and substantive amendments to the LMC in order to comply with changes made in the State Code. Chapter 1- regarding procedures, noticing, and other requirements; Chapter 7- effect of vacation, alteration, or amendment of plats; procedures, requirements and review of plat amendments; Chapter 7.1 modifications to public improvements required for a subdivision; Chapter 15 – related definitions. (Application PL-16-03115)**

Planner Kirsten Whetstone noted that the majority of the Commissioners had reviewed these LMC amendments on June 22nd, and continued them for further discussion when all the Commissioners were present.

Planner Whetstone stated that the amendments involve six chapter. The amendments to Chapter one, the general provisions and notice appeals vesting exactions, are amendments to comply with State Code. The second part was the standard of review for conditional use permits regarding the General Plan, and putting it as one of the review criteria.

Planner Whetstone noted that the amendments for Chapter Two relate to the zoning districts. One change was in the CT, Community Transition Zone, to allow attached structures with a common wall party wall to be separately owned without a condominium plat. The same amendment is proposed in the historic residential zones; but only if duplexes or triplexes are allowed in the zone.

Planner Whetstone noted that the Chapter 6, Master Planned Developments, was the third chapter being amended. One amendment is the standard of review for Master Planned Developments as related to the General Plan, and moving it from a required finding to one of the review criteria. The second amendment to Chapter 6 are the

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inclusion of requirements for historic sites map and the inventory of historic structures and sites, as well as a historic structures report. The fourth chapter being amended was Chapter 7, Subdivisions. The amendments to 7 and 7.1 were compliance with changes to the State Code. Chapter 11 was the next chapter being amended, which is Historic Preservation. The amendment is a clarification of criteria for designating sites to the Park City Historic Sites Inventory. Chapter 15 were definitions related to these amendments. The definitions were for Essential Historical Form, Historic Structures report, Qualified Historic Preservation Professional, and the Utah Public Notice website.

Planner Whetstone noted that Chapter 5 was included in the agenda, which is the architectural chapter and addresses lighting and landscaping. The Staff requested that the Planning Commission continue Chapter 5 to a date uncertain.

The Staff requested that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Chair Strachan referred to Chapter 15 and asked if the only changes were those required by State Statute. Assistant City Attorney McLean explained that the City is more restrictive than State Code. Currently, the State Code does not require any published notice other than on the Utah Public Notice website. However, the City has additional requirements within the Code that are greater than the State requirement. Ms. McLean clarified that most of the proposed changes in Chapter 15 were due to the fact that the State Code changed with regards to zoning, noticing, and LMC noticing. She gave examples of some definitions that were verbatim out of the State Code. The language regarding appeals was more of a reflection of consistency by Staff.

Chair Strachan noted that the City previously amended the appeals portion of the Code based on the roles of the Board of Adjustment and the HPB, and duplicative reviews. He asked why it was being done again. Assistant City Attorney McLean replied that it was an effort to clean up the language and remove duplicative references. She clarified that there were no substantive changes from what was already approved regarding appeal rights. It extends the noticing from 7 days to 14 days across the board and cleans up the Code for better clarification.

Chair Strachan opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside Avenue, commented on the duplex common wall where two separate structures are attached. Ms. Meintsma assumed they would primarily be single lot structures, and noted that by being attached with a common wall, the 3-foot side yard becomes a 6-foot side yard on each side. She stated that a 6-foot side yard is a nice side yard on a structure in Old Town; whereas, a 3-foot side yard is mostly dead space. With a 6-foot side yard the closest structure 9-feet away. Ms. Meintsma referred to a comment in the Staff report that the Planning

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Commission may consider increasing the exterior side yards. However, with a 6-foot side yard the structure would be 19-feet wide. She did not think it was reasonable to make the side yard greater. Ms. Meintsma pointed out that the footprint on two individual structures with a common wall is 844 square feet. If it is not a common wall but it is still a duplex, it becomes one structure with two parts and the footprint is reduced by 169 square feet. If it is not a common wall it actually becomes a smaller structure. Ms. Meintsma stated that if it really is two individual structures with a common wall, the side yard should not be reduced and should remain at 6-feet to keep the structure from being narrower than 19-feet. She suggested that the structures might need a smaller footprint as opposed to a smaller side yard.

Chair Strachan closed the public hearing.

Planner Whetstone indicated the proposed redline language for that particular situation on page 330 of the Staff report. It was the same language in the HR-L, HR-1, the RC section for single family duplex lots, and the HR-2. If lots are combined in any of the above-mentioned zones, a duplex requires a conditional use permit. Planner Whetstone read, "The Planning Commission made consider increasing side yards during the required conditional use permit review for the use to mitigate potential impacts on adjacent property". It also talks about how all the side yard exceptions apply. The Planning Commission may also consider decreasing the building footprint during the conditional use permit review. She pointed out that some of these are existing duplexes that sit on two lots, and others could be new duplex structures on two lots that are built with a common wall. Planner Whetstone remarked that the intent was that the side yards would be based on the underlying lots. On a 25' lot the side yard would be 3' and 3'. The Planning Commission could increase that setback depending on the design of the lot because there is a set footprint based on the lot. Depending on the neighborhood or a specific situation, the side yard may also be decreased.

Commissioner Campbell asked for an explanation of Exhibit G on page 513 of the Staff report. Planner Whetstone replied that it was the minutes from the June 22nd Planning Commission meeting. The header was missing to reflect that they were the minutes from that meeting, and she assumed the header was cut off when the packet was printed. She reiterated that two Commissioners were not present on June 22nd and the Planning Commission continued these LMC amendments until they could be reviewed by the full Commission. Also, some of the amendments needed further clarification and description of the background and the consequences. She had included the minutes from the previous meeting so the Planning Commission could recall the details of that discussion. Planner Whetstone would make sure the heading was back on before this goes to the City Council.

Commissioner Suesser referred to Chapter 15-1-10-E-16, regarding the conditional use review process and the language, "The use is consistent with the Park City General

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Plan as amended. She noted that it was removed from the first section and moved to subsection 16. Commissioner Suesser understood from the language that if the Planning Commission does not find that the conditional use as proposed is consistent with the General Plan, that alone could not justify denial. She was told that was correct.

Chair Strachan explained that the old Code used to say that the Planning Commission had to find compliance with the General Plan. The problem is that the General Plan is both sword and shield. Everyone can find something in the General Plan that supports their position or undermines it. There was no way to find compliance with the General Plan, and the General Plan itself is not a binding documents, therefore, the Planning Commission would have problems during a CUP review when the application ran afoul of certain provisions in the General Plan.

Commissioner Joyce had the same question and he was unsure how to address it. He felt like it had no teeth and was completely ambiguous. Assistant City Attorney McLean stated that the change was suggested by the City Attorney's Office because the Legal Department has litigated these situations. If compliance with the General Plan is the only reason the Planning Commission needs for denial, it would be difficult to defend in court. Luckily, the City was on the opposite side of that argument in the case of 1440 Empire Avenue, which went to the court of appeals on the subdivision, and the CUP was litigated in district court. That issue came up and the plaintiffs argued that it was not consistent with the General Plan because it was a transition zone. The courts found that General Plans by statute are advisory. The General Plan is meant to be big picture rather than have findings related to a specific approval. Ms. McLean stated that because the General Plan is such a vast document it is difficult to say whether or not an application complies. She clarified that the General Plan is an important document that helps lead policy, but it should not be part of an approval, and especially administrative approvals.

Commissioner Joyce questioned why it was even included in the LMC. Commissioner Suesser was comfortable including the language because it adds to the weight of the other criteria. Chair Strachan and Commissioner Band concurred. Commissioner Band noted that the State Ombudsman told them that the General Plan is a guiding document and questioned whether it should even be referenced in the LMC. Chair Strachan thought the State Ombudsman's comment was conflicting because they are required by State Statute to have a General Plan, but then they cannot rely on it.

Chair Strachan agreed that the language was vague, but the Code is not always cut and dry. Commissioner Suesser reiterated her preference to keep the language in the Code.

Commissioner Thimm referred to page 286, Item #3, historic structures are allowed to not comply with building height and footprint. He thought there was already language in

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the LMC about pre-existing conditions and non-conformance for historic buildings. Planner Whetstone explained that the current language exempts historic structures from setbacks and parking, but it does not address building footprint. The proposed change clarifies footprint and height for existing historic structures. Commissioner Thimm was satisfied with the included language.

Commissioner Joyce referred to page 289 of the Staff report, where it talks about requiring a historic structures report as part of the MPD. He thought it sounded big and involved, particularly when he saw it defined in the definitions section. Commissioner Joyce stated that the Planning Commission was already tagged with being bureaucratic at times, and he cited example of MPDs where a historic structures report would be irrelevant. He thought it sounded expensive, and it was unclear what would be included. Commissioner Joyce was concerned that they were adding a large piece to an MPD process that was already convoluted, without a condition to say it is relevant.

Planner Whetstone stated that if it was as piece of land that has one or two small structures, the extent of that report would be simple and inexpensive. However, if those structures are in need of preservation, it is important to show they intend to preserve them.

Commissioner Joyce did not dispute those scenarios. However, the definition of a historic structures report asks for things that are not relevant. Planner Whetstone replied that it is relevant because if someone wants to do an MPD and the property contains historic structures, part of the good cause of the MPD should be to preserve those historic structures. In order to do that they would need to know the existing conditions of what is there and how they intend to preserve it.

Commissioner Thimm thought there was value in doing this and creating a mechanism to protect historic structures. There are gives and gets that go with an MPD and it is important for people to understand if there is heritage on their property and having that mechanism is a good thing. Commissioner Campbell agreed. However, he asked if there was a mechanism to make the process easier. Director Erickson stated that at a minimum it was important to identify the fact that there are sites inside the property when someone come in for an MPD. Once that is done, the Planning Commission could have the discretion to waive the historic sites report for good cause. It would give the Planning Commission an "off-ramp" to waive the report. Chair Strachan thought the Planning Director or the HPB should have the mechanism to waive the historic sites report. Director Erickson stated that the Staff would craft criteria under which the Planning Director could do it. If the Planning Commission preferred that it go to the HPB, they could create criteria for that body.

Commissioner Campbell clarified that he liked the idea of the historic structures report and he was not suggesting that they change it. However, he would like the Staff to compile a list of names or places that the applicants could reference to get the report

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done.

Commissioner Joyce stated that he is reluctant to add rules that react to one or two, but affects everyone. However, since the majority of the Commissioners supported it he suggested that they leave the amendment as proposed; and if they hear complaints that it is extraneous, they could add the "off-ramp" criteria. The Commissioner concurred.

Commissioner Campbell understood that the government body that was listed to view the criteria did not license or insure the ones conducting the report. He thought it was something that could be open to abuse. Director Erickson clarified that the report needs to be done by a qualified professional. Commissioner Campbell asked if they were licensed and insured. Director Erickson answered no. Commissioner Campbell stated that they were asking the professional to do part of the enforcement for the City by certifying that there are or are not structures on the property. He thought some developers would pay decent money to get the report whitewashed to say there were no historic structures. Director Erickson agreed that it was a possibility. Chair Strachan thought it was a problem throughout the Code. People could pay off engineers or others to get the result they want. Commissioner Campbell stated that one way to avoid that problem would be for the City to have an approved list. Chair Strachan was hesitant to create a monopoly on who would get the business. Director Erickson clarified that the City was not asking for certification. They were only asking that the structures be identified. Commissioner Campbell was comfortable leaving it the way it was, but he wanted the Commissioners think about it for a later discussion.

Commissioner Joyce referred to page 294 of the Staff report regarding notification. He read, "The Planning Commission shall hold a public hearing on all amendments to the LMC". Notice of the hearings...mailing notice to each affected entity." He was unsure how they would decide who was affected by and LMC change, because he believed it affects everyone. Assistant City Attorney replied that "affected entity" is a defined term in the Code, and it was also in the definition section. The definition was taken directly from State Code. It tends to be school districts, sewer districts, and similar types of entities. Commissioner Joyce stated that the Planning Commission was considering Code changes that would potentially affect everyone who does something in Park City. He asked if everyone would be notified by mail. Ms. McLean answered no. She explained that they would mail notice to each affected entity as defined by the Code and the specific definition. However, another section in the State Code says that if for some reason notice is not published in the newspaper and not posted on the Utah Public Notice website, they have the ability to mail notice to owners directly.

Commissioner Joyce pointed out that they were making an LMC change on notifications and that affects everyone who does anything with the Planning Department. Ms. McLean referred to the definition and noted that "Affected Entity" was capitalized. It also talks about "owners" who are affected. She clarified that those are two are not the

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same. She suggested the idea of distinguishing the two to make it clearer. Ms. McLean stated that “affected Entity” capitalized is a very specific group.

Commissioner Joyce remarked that it was under the heading of “Land Management Code Amendments”. If they are making an LMC amendment on notification, he wanted to know who would be the affected entity of such a change. Chair Strachan replied that affected entity was defined in the Code. Commissioner Joyce held his position that a change to the LMC affects everyone.

Commissioner Campbell noted that the definition of Affected Entity says “A county, municipality or local district”. He pointed out that it is not an individual, which should address Commissioner Joyce’s objection. Assistant City Attorney McLean read the definition as it was taken from the State Code. “Affected Entity means, County, Municipality, Local District, Special Service District, School District, interlocal cooperation entity, specified public utility, property owner, property owners’ association, or the Utah Department of Transportation, if the entity, service or facilities are likely to require expansion or significant modification because of the intended use of land. The Entity has filed with the municipality a copy of the entities general or long range plan, or the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with the requirements imposed under this Chapter.” Ms. McLean stated that if the land owner filed something with the City, the City would send them a notice.

Chair Strachan believed the point was that the definition specifically says property owner. Assistant City Attorney McLean clarified that this change was not creating anything new. The intent of the change is to comply with State law and match the language.

Commissioner Joyce stated that when they add language to the LMC it is important to know what it means and to actually execute it. He wanted to make sure that the notification would properly occur and that it would not come back on the City if they do not send a mailed notification to everyone. Chair Strachan thought Commissioner Joyce made a good point. The second sentence of subparagraph 4, because it does not define “affected”, could mean everyone. Ms. McLean stated that she had recommended adding the language because she could see a circumstance where something was not noticed. However, the City does not have to follow the language in the State Code.

The Planning Commission and Ms. McLean discussed the language. The question was whether subparagraphs 1, 2, 3, 4 all applied. Commissioner Joyce thought the language as written meant they could skip 2 and 3 but they could not skip 4. Ms. McLean stated that the difference is that Affected Entity includes all the groups identified in the definition. It can include a property owner if A, B, or C applies in

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Subsection 1 of the Code. It does not mean a notice must be sent to everyone in the city. Subsections 2 and 3, talks about owners who are affected. Notices could be mailed to owners who are affected if it is not posted on the Public Notice website or published in the paper.

Assistant city Attorney McLean suggested removing that language to avoid confusion because the City always publishes on the Public Notice website. Chair Strachan agreed that it should be removed. He pointed out that if they do not do subsections 2 or 3 and they choose which owners are directly affected and should get a mailed notice, someone will come to a meeting and say they were directly affected and did not receive a notice. Commissioner Joyce thought it could be argued that everyone in town lives within 300 feet of an LMC change.

The Planning Commission agreed to keep the first phrase in subparagraph 4, "mailing notice to each affected entity", and strike everything after that. Ms. McLean offered to review the amendments and strike it from other areas where it appears, as well as from the notice matrix. The motion could be to remove the language wherever it appears and she and Planner Whetstone would make sure it is removed before this goes to the City Council.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments to Chapters 1, 2, 6, 7, 11, 15 as described in the Staff report and as amended this evening. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Campbell moved to CONTINUE LMC Amendments to Chapter 5 to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

EXHIBIT H

Land Management Code AmendmentsWork Program for 2016/2017- Planning Commission priorities based on April 27, 2016 Work SessionMinimum (requires minimal staff research and Commission discussion)

1. **Appeals process** approvals for consistency with Chapter 1 and throughout the Code. *Identify appeals process (15-1-19), including noticing, and appeal authority for appeals of HDDR and CUP approval applications. **(Forwarded to CC on August 10)***
2. **Clarify standard for review of Conditional Use Permit and MPDs** (Chapters 1 and 6). *General Plan review is more specific to legislative actions such as zoning, rezoning, MPDs, annexations, LMC Amendments. CUP applications are more administrative and the standard of review in 15-1-10 (D) needs to be reworded to reflect that. **(Forwarded to CC on August 10)***
3. **Clarify Steep Slope CUP and setback applicability** (regarding vertical plane). *Based on applicant interpretation Staff sees a need to clarify that Steep Slope CUP applications apply when development occurs on Steep slope as well as onto the entire horizontal and vertical planes that make up the property and similar case with setback regulations. Add language to Chapter 2 (HRL, HR-1, HR-2, and RC). **(Forwarded to CC on June 22)***
4. **Allow common wall development with Party Wall Agreement** for all Districts (HR-1, HR-2, HCB, and CT) as is currently allowed in the R-1, HRM, HRC, SF, RD, RDM, RM, RC, GC, and LI Districts (Chapter 2) as a way to allow units to be individually sold without a condominium plat (especially for duplexes where 2 unit condominiums are an impediment to affordable housing). *Research history of this issue and consider adding the existing language to the remaining Districts- "A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. **(Forwarded to CC on August 10)***
5. **Exception for ten foot horizontal step and total 35' height requirement for historic structures and clarify height exception for garages on downhill lots** in HRL, HR-1, HR-2 and RC District as legal non-complying structures (Chapter 2). *Adding to existing language in 15-2.2-4 Existing Historic Structure to include the Building Height as a standard that makes a valid Complying Structure if it doesn't comply with the current regulations for Building Height. "Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standard are valid Complying Structures...." **(Forwarded to CC on August 10)***
6. **Consistent language for screening of mechanical equipment in GC and LI District** (Chapter 2). *Section 15-2.19-9 Mechanical Services, Delivery, and Loading Areas, which has specific requirements for exterior mechanical equipment screening, etc. should be included in the GC District too. **(Forwarded to CC on Jun 22)**.*

7. **Landscape review standards for landscape materials and mulches-** prohibit petroleum based and synthetic mulches (Chapter 5). *Review materials and mulches for water conservation, e.g. bark, gravel, turf, native grasses, etc.* **(Discussed on June 22 and continued to date uncertain on August 10)**
8. **Allow barrel roofs** as a permitted roof form (Chapter 5) and codify how height is measured (Chapter 2). *Discuss and define barrel roofs and consider including in Chapter 2 as an allowed roof form* **(Forwarded to CC on June 22).**
Determination of height exception for barrel roofs (Chapter 2).
9. Review Master Planned Development requirements specific to **Mine Sites** (Chapter 6). *Review Section 15-6-5 specifically for Mine Sites to be shown on MPD site plans and may require that an inventory of sites be prepared along with a protection and/or preservation plan.* **(Forwarded to CC on August 10)**
10. **Various administrative corrections** (cross references to incorrect sections, typos, terminology and changes, related definitions, and other minor administrative corrections). (Various Chapters). **(Forwarded to CC on August 10)**
11. **State mandated changes** (Various Chapters). **(Forwarded to CC on August 10)**

Moderate (requires moderate amount of time for Staff research and more in depth Commission discussion of policy issues)

1. **Residential/neighborhood lighting glare.** Regulations to prevent glare and definitions (Chapters 5 and 15).
2. **Align Special Events regulations** with recent Municipal Code changes for Special Events, Temporary Structures and Tents, Outdoor Events, etc. in all Districts. The Municipal Code was recently amended and the Land Management Code is not consistent and should be amended (Chapters 2 and 4).
3. **Definitions** (as they apply to these amendments and review of all for updates and clarification) (Chapter 15).
4. Clarification of Planning Director approval of “**diminimus adjustments.**” Review Section 15-14-1 Administration and Enforcement, and include a paragraph and explanation for Planning Director determination of substantial compliance with this Code, including allowance for approval of diminimus adjustments. (Chapters 14 and 15).
5. **Standards for expiration of inactive or stayed applications** *Determine timeframe for when inactive or stayed applications should expire after 90 days without action. Provide more specific requirements for keeping an application current. Definition of Inaction.* (Chapters 1 and 15).
6. **Standards for application revisions and requirements for submittal of new application** when changes are substantial. *Provide standards for when substantial revisions to an application require a new application. New fees? New application? What is substantial? New subsection of 15-1-14?* (Chapters 1 and 15).
7. **Screening of mechanical** discussion in general. What constitutes adequate screening of mechanical equipment? Landscaping, fencing, walls, roof top

structures, paint, etc. discussion. *Discussion in terms of general screening requirements and definitions* (Chapter 2, 5, and 15).

8. **Flat roof/green roof regulations.** Historic residential zones, related design guideline amendments, non-historic districts and architectural design. Pros and cons as they relate to architectural compatibility and energy conservation (Chapters 2, 5 and 15)

Significant (requires a significant amount of time for staff research and review of larger policy issues and greater in depth review and discussion by the Commission, likely will include greater public involvement as well)

1. **Review Master Planned Development requirements** (Ski Lockers, Soils Ordinance, Mine Sites (**reviewed June 22 and August 10**), Support Commercial and Meeting Space, Back of House Uses and Transportation related), and related definitions. *Review Section 15-6-8 specifically for accessory uses in Sections F and G* (Chapters 6 and 15).
2. **Review Unit Equivalent requirements in Master Planned Developments** and for various Public Uses. *LMC calculates for Residential and Commercial/office uses. How do you calculate UE for public and private recreation facilities, essential municipal public utilities and uses, accessory buildings, skating rinks, indoor sports fields, public and quasi-public schools and churches, child care centers, public assembly structures, etc. Review Section 15-6-8- Unit Equivalents specifically in Sections A-E* (Chapters 2, 6, and 15).
3. **Parking and driveway regulations** regarding maximum driveway grades; parking areas for vehicles, boats and trailers; maximum parking standards; parking in Historic District standards consistent with Parking Chapter, paving and gravel. *The current regulations for maximum driveway grades (up to 14%) encourage more grading of the site, use of heated driveway systems, and construction higher on the lot. Recommend maximum driveway grade of less than 10%. Applicant with unique lot characteristics still would be able to apply for a variance* (Chapters 3 and 15).
4. Review **Allowed and Conditional Uses in all Districts for consistency and for consideration of other uses.** *Recent discussion includes requests to provide or revise land use tables and definitions for the following: Agricultural Uses, Accessory Apartments, Portable Storage Units, Resort Accessory Uses, Resort Summer Uses, Essential Municipal Uses, Ski-related Accessory Buildings (also for other recreational activities), Temporary Improvements, Tents, Recreation Facilities, Support Commercial, Outdoor Events and Special Events) and others. Provide a land use table or matrix in the code* (Chapters 2 and 15).
5. **Expand Annexation Expansion Boundary** to include City Owned property to the North and East of current City Limits. *Review General Plan language, State Code requirements, and current LMC language to understand existing annexation expansion boundary (15-8-7) and consider amending to include other City owned properties within the Expansion boundary area. Will need to review the process for changing annexation expansion boundaries and include in the LMC as well to comply with State Code* (Chapter 8).

6. **Portable Storage Unit and Group Mail Box** regulations. *Discuss these uses, definitions, and locations where allowed, conditional or prohibited in all Districts, specifically an issue in the Historic Districts (Chapters 2, 4, and 15).*
7. **House size and footprint reductions** in the historic districts and potentially for existing non-historic neighborhoods and future developments (Chapters 2 and 15).

For more in depth review and research

This was the category used at the last meeting to “park” and note for items that will require more in depth research and analysis prior to Planning Commission discussion.

1. **Landscape review standards for energy efficiency.**
2. Review and upgrade **entire lighting standards for energy efficiency**, color, etc. in Chapter 3 for Parking Lots (Section 15-3-3 (C)) and Chapter 5 (15-5-5 (I)) for General Architectural Standards. *Review best practices and include more specific metrics for lighting for energy efficiency and good urban design.*
3. Codify requirements for **Net Zero Buildings** and other energy efficiencies (Chapters 5 and 6). *Requires a white paper and discussion of the topic of net zero building and what specific items need to be added into the LMC to provide regulatory teeth to achieve these goals.*
4. **TDR program** regulations and process.
5. **Wood burning fireplaces** restrictions.
6. **Transportation related amendments**