

Ordinance No. 08-07

AN ORDINANCE APPROVING AMENDMENTS TO THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TO ADDRESS REVISIONS TO SECTION 15-15-2 TERMS AND ELIGIBILITY OF MEMBERS AND SECTION 15-15 DEFINITIONS

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

WHEREAS, the City reviews the General Plan and Land Management Code on an annual basis and identifies necessary amendments to the Land Management Code to address administrative and substantive revisions;

WHEREAS, Chapter 12- Planning Commission identifies the terms and eligibility of Planning Commissioners and the City desires to amend the expiration date from the second Monday in February to the second Wednesday in July, consistent with City Council direction to appoint boards and commissions in July.

WHEREAS, Chapter 15- Definitions provide clarity of meaning for words used in the Land Management Code and amendments to existing definitions are necessary to clarify terms that appear on recorded plats that are not currently defined in the code. The term Maximum House Size is found on several subdivision plat notes. The City desires to clarify this term by including a definition for this term in the code;

WHEREAS, these amendments are changes identified during the 2007 annual review of the Land Management Code;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at it's regularly scheduled meeting on February 27, 2008, and forwarded a recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 13, 2008; and

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

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

SECTION 1. AMENDMENT TO CHAPTER 12.2 OF THE LAND MANAGEMENT CODE. Chapter 12.2 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 12.2 shall be resolved by the Planning Director.

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

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 13th day of March, 2008.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

EXHIBIT A

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

**15-12-1. PLANNING COMMISSION
CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

(Amended by Ord. No. 06-35)

**15-12-2. TERMS AND ELIGIBILITY
OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second ~~Wednesday~~ ~~Monday~~ ~~in February~~ July. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

15-12-3. GROUNDS FOR REMOVAL.

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**15-12-4. COMMUNITY
REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

15-12-6. CHAIRMAN.

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one (1) year, but may be re-elected for one (1) succeeding

EXHIBIT B

Lumen. A measurement of light output or the amount of light emitting from a Luminaire.

15-15-1.138. **Luminaire**. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) **Luminaire, Cutoff-Type**. A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90°).

(B) **Luminaire, 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.

(C) **Luminaire, Partially Shielded**. Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

15-15-1.139. **Master Planned Development (MPD)**. A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

15-15-1.140. **Maximum Extent Feasible**. The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact.

Economic considerations may be taken into account but shall not be the overriding factor in determining "Maximum Extent Feasible".

15-15-1.141 Maximum House Size. A measurement of Gross Floor Area.

15-15-1.141. **Model Home**. A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

15-15-1.142. **Neighborhood Convenience, Commercial**. Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

15-15-1.143. **Nightly Rental**. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

15-15-1.144. **Non-Complying Structure**. A Structure that:

(A) legally existed before its current zoning designation; and

(B) because of subsequent zoning changes, does not conform with the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.