

Planning Commission Staff Report



Application: PL-15-02803
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP
Date: June 10, 2015
Type of Item: Legislative – LMC Amendments MPDs

Summary Recommendation

Staff recommends that the Planning Commission review and discuss the following proposed amendments to the Land Management Code (LMC):

- Amendments to Chapter 6 Master Planned Developments (MPD) related to the applicability of the Master Planned Development Chapter for proposed Development projects.

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council according to the findings of fact and conclusions of law in the Draft Ordinance.

Executive Summary

Staff proposes amendments to Chapter 6 of the Land Management Code regarding applicability of the Master Planned Development process within the General Commercial (GC) and Light Industrial (LI) zones. The purpose of these amendments is to address an issue that came up during review of a recent project where the proposed project was smaller than the threshold requirements for a Master Planned Development and the applicant desired to utilize the MPD process.

Description

Project Name: LMC Amendments related to Chapter 6 Master Planned Developments
Approximate Location: General Commercial (GC) and Light Industrial (LI)
Proposal: Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Background

On May 13, 2015, the Planning Commission reviewed a proposal for an eleven unit multi-family building to be located within the General Commercial (GC) zone. In closer review of the Land Management Code (LMC) it was discovered that the project was not allowed to use the MPD process or criteria outlined in Chapter 6 of the Land Management Code because it was smaller than the ten lots or ten unit equivalents threshold for when MPDs are required.

Staff reviewed past Ordinances (Ord. Nos. 04-08; 06-22; 10-14; 11-12; 13-23) that were adopted by the City Council amending this section of the LMC since 2004. Prior to 2013 (Ordinance 13-23) MPDs were required for projects “larger than ten (10) Lots or lots.” Ordinance 13-23 changed the language from “units” to “Residential Unit Equivalents.” Allowing MPDs for smaller projects had not been previously allowed however Staff believes that there are benefits to using MPDs as an effective planning tool for any size project in the General Commercial and Light Industrial Zoning Districts.

The MPD criteria provide for more in-depth review of best planning practices; green building materials and techniques; and better overall design in terms of building articulation, materials, and style, etc. while providing for affordable housing, consideration of the natural setting and open space, walkability, connectivity, and mixed use development.

General Plan

These proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan. The LMC 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. The General Plan includes goals related to redevelopment and development of infill sites, best planning practices, green buildings, aesthetics of design, providing a range of housing options at varying price levels, and consideration of the natural setting. The General Plan provides guidance that the LMC shall be updated on a regular basis to stay current with State Law and best planning practices. The LMC implements the community goals and strategies as outlined in the General Plan.

Chapter 6 (Master Planned Development) of the Land Management Code, as a planning tool, is intended to further implement goals and objectives of the General Plan. The MPD criteria provide for 1) more in-depth review of best planning practices; green building materials and techniques; and 2) better overall design in terms of building articulation, materials, and style, etc. while providing for 3) affordable housing, consideration of the natural setting and open space, walkability, connectivity, and mixed use development. Currently the MPD process is the only planning tool, with the exception of annexation or other negotiated development agreements, available to provide limited flexibility in terms of height and setbacks, in exchange for provision of affordable housing, better architectural and site design, and other community amenities.

Proposed LMC Amendments

Applicability of Master Planned Developments in Chapter 6

Staff proposes amendments to Chapter 6 to allow the Master Planned Development process to be utilized for development proposals within the General Commercial (GC) and Light Industrial (GC) zoning districts, including when those proposals are smaller than the size thresholds for when MPDs are required, as stated in LMC Section 15-6-2 (Exhibit A). These amendments would allow applicants to apply for a Master Planned

Development for residential projects with fewer than ten lots or fewer than ten residential unit equivalents (20,000 square feet), as well as commercial, lodging, and hotel projects that don't meet the required development size thresholds. Staff is not proposing any changes to the historic Zoning District requirements related to MPDs.

Staff is also recommending that the threshold for requiring an MPD for Hotel and lodging Projects be reduced from "more than 15 residential unit equivalents" (30,000 sf) to "10 or more residential unit equivalents" (20,000 sf). The MPD process applies to all residential projects that create new lots or residential units, as well as MPDs that create new commercial/retail/office square footage, including redevelopment projects that create residential units or commercial/retail/office square footage.

Additional changes include moving the Affordable Housing MPDs from "allowed but not required" to "required" because as MPDs they are required to be reviewed per requirements in Chapter 6. Not all Affordable Housing projects are required to be an MPD, but if an applicant is utilizing the Affordable Housing MPD section of the code, then Chapter 6 applies and this change makes it clear which process is required.

The proposed amendments are redlined below:

15-6 -2. APPLICABILITY.

(A) Required. The Master Planned Development process shall be required in all ~~zones-Zoning Districts~~ except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

(1) Any Residential project with ten (10) or more Lots.

~~(1)(2)~~ Any Residential project ~~or~~ with ten (10) or more Residential Unit Equivalents (20,000 square feet).

~~(32)~~ Any H Hotel or and lodging projects- with ten (10) or more ~~than fifteen (15)~~ Residential Unit Equivalents (20,000 square feet).

~~(43)~~ Any H new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with ~~more than~~ 10,000 square feet or more of Gross Floor Area.

~~(54)~~ All projects utilizing Transfer of Development Rights Development Credits.

~~(65)~~ Affordable Housing MPDs consistent with Section 15-6-7 herein.

(B) Allowed but not required.

(1) The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts, for (a) Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or (b) Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or (c) Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.

~~(2)~~ The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties ~~and are~~ combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-~~01~~, HR-~~02~~, HRC~~0~~ and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.

(3) The Master Planned Development process is allowed, but is not required, when the Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(C) Not Allowed. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above ~~and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments~~, or as specifically required by the City Council as part of an Annexation or Development Agreement.

ANALYSIS

The purpose of the Master Planned Development (MPD) Chapter is stated in LMC Section 15-6-1 (copied below). This planning tool is an important element in the implementation of the goals of the General Plan in that it can provide "design flexibility" and allow for innovative approaches for properties with a variety of constraints and challenges. Those challenges can be related to infill development sites; properties with multiple zoning districts; environmental constraints such as slopes, existing vegetation, wetlands, entry corridors, floodplains, etc. and other types of difficult sites where the flexibility of moving the density around on the site according to a site suitability analysis will allow creative plans that will protect open space, view sheds, vegetation, historic resources, etc. The Master Planned Development is one of the rare tools in the Planning tool box that allows for a more comprehensive review of projects and has requirements for site suitability analysis in making planning decisions.

PURPOSE

The purpose of the MPD Chapter is described below from LMC Section 15-6-1:

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
- (K) encourage opportunities for economic diversification and economic development within the community.

In order for projects to be approved as a Master Planned Development there are a number of specific criteria that have to be addressed with the site planning and building design. The criteria include requirements about density, maximum building footprint, setbacks to property lines, open space, off street parking, building height, site planning, landscape and streetscape, sensitive lands compliance, affordable housing (mitigation of housing is a requirement of all MPDs), child care, mine hazards, and historic mine waste mitigation. Site planning includes clustering development, minimizing grading, sensitive location of roads and utilities, providing trails and pedestrian connectivity, adequate snow storage, trash and recycling areas, transportation amenities, etc.

Staff also identified minor administrative amendments redlined in Exhibit A. These include revising language to be consistent throughout the Chapter.

Discussion

Staff requests discussion related to the proposed amendments and poses these questions for consideration:

1. Staff is recommending that applications for Master Planned Developments be allowed (and also required for projects of a certain size) in the General Commercial and Light Industrial Zoning Districts. **Are there other Zoning Districts the Commission believes should be considered with these current amendments or studied for consideration at a future date?**
2. Staff is recommending that MPDs be allowed (or required for projects of a certain size) for all project types listed in Section 15-6-2 Applicability, namely Residential, Hotel and lodging, Commercial, Retail, Office, Public, Quasi-public, Industrial, Mixed-Use (added to the existing list) as well as projects utilizing Transfer of Development rights credits. **Are there uses that the Commission would rather see left off of this list, or added?**

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on May 21, 2015 and published in the Park Record on May 23, 2015 per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input has been received at the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council on the proposed Land Management Code as presented or as amended at the meeting; or
- The Planning Commission may forward a negative recommendation to City Council to deny the proposed amendments; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to take final action.

Significant Impacts

There are no significant financial or environmental impacts to the City that result from the proposed LMC amendments.

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council according to the findings of fact and conclusions of law in the Draft Ordinance.

Exhibits

Draft Ordinance

Exhibit A – Chapter 6- Master Planned Developments

Exhibit B – Historic Ordinances related to Chapter 6

Exhibit C – Zoning Map identifying the GC and LI Zoning Districts

Ordinance 15-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTION 15-6-2 REGARDING APPLICABILITY OF MASTER PLANNED DEVELOPMENTS

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 Council's goals; and

WHEREAS, Chapter 6 provides a description the purpose, applicability, review criteria, and other provisions and procedures related to Master Planned Development s that the City desires to revise. These revisions concern the applicability of Master Planned Developments in the General Commercial (GC) and Light Industrial (LI) Zoning Districts; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on June 10, 2015, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 25, 2015; 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 values and goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, ensure compatible development, preserve historic resources, protect environmentally sensitive lands, and 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 Six (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 A).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibit

Exhibit A – LMC Chapter Six- Master Planned Developments

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient

design, including innovative alternatives to reduce impacts of the automobile on the community.

(K) encourage opportunities for economic diversification and economic development within the community.

(Amended by Ord. Nos. 10-14; 13-23)

15-6 -2. APPLICABILITY.

(A) Required. The Master Planned Development process shall be required in all ~~zones-Zoning Districts~~ except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

(1) Any Residential project with ten (10) or more Lots.

~~(2) Any Residential project or~~ with ten (10) or more Residential Unit Equivalents ~~(20,000 square feet).~~

~~(3) Any~~ ~~Hotel or and~~ lodging projects with ten (10) or more ~~than~~ ~~fifteen (15)~~ Residential Unit Equivalents (20,000 square feet).

~~(4) Any~~ ~~new~~ Commercial, Retail, Office, Public, Quasi-public, ~~Mixed Use~~, or Industrial projects with ~~more than~~ 10,000 square feet or ~~more~~ of Gross Floor Area.

(5) All projects utilizing Transfer of Development Rights Development Credits.

(6) All Affordable Housing MPDs consistent with Section 15-6-7 herein.

(B) Allowed but not required.

(1) The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts for:

(a) Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or

(b) Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or

(c) new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.

(2) The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) ~~Zoning Districts zones~~ only when the HR-1 or HR-2 zoned Properties ~~and are~~ combined with adjacent HRC or

HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-01, HR-02, HRC0 and HCB Zoning Districts. See Section 15-6-5(F) Building Height.

(32) The Master Planned Development process is allowed, but is not required, when the Property is located in the HR-1 Zoning District zone and is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(C) Not Allowed. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above ~~and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments,~~ or as specifically required by the City Council as part of an Annexation or Development Agreement.

(Amended by Ord. Nos. 04-08; 06-22; 10-14; 11-12; 13-23)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be

looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. 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 which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density Transfer 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 Districts, may be located in the HR-2 Zoning Districts as allowed by Section 15-2.3-8.

(Amended by Ord. Nos. 06-22; 10-14)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**.

In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

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

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must

submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

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

(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session

before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with 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 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.

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 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 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 **Districts**, may be located in the HR-2

Zoning Districts 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/ Affordable Housing

guidelines and requirements;
or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 DISTRICTS.

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade parking in the HR-1 and HR-2 **Zoning Districts zones** shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.

(b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.

(c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning

Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) **Zoning Districts** zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area

plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, Public Art, and rehabilitation of Historic Structures.

(2) **TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

(E) **OFF-STREET PARKING.**

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD

submittal. The parking analysis shall contain, at a minimum, the following information:

- (a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- (b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
- (c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
- (d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
- (e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
- (f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

- (a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;
- (b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;
- (c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and
- (d) The project is located on a public transit route or is

within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT**. The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building Height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated as determined by the Site Specific analysis and approved by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and included Publicly Accessible Open Space;

(5) The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building Height due to a Site Specific analysis and determination, that additional Building Height shall only apply to the specific plans being

reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING**. An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

- (1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.
- (2) Projects shall be designed to minimize Grading and the need for large retaining Structures.
- (3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.
- (4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be

required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided

to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located

in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers.

The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET** **SCAPE**. A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5(M) LANDSCAPING.

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.

(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14; 11-05 11-12; 13-23)

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;

(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) The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

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

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

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

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

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

(M) 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) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(O) The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

(Amended by Ord. Nos. 06-22; 10-14; 13-23)

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

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental

and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

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

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

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

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

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

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

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

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and size of Structures built within a project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise

stipulated, one (1) Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included.

Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms and shafts
Laundry facilities and storage
Employee facilities
Common pools, saunas and hot tubs, and exercise areas not open to the public
Telephone Areas
Guest business centers
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways

(G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants,

employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses

(Amended by Ord. Nos. 06-22; 09-10; 10-14; 11-05)

Ordinance No. 04-08

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
Chapters 15-6, 15-4, 15-2.3-2(B), 15-2.7-6, 15.2.9-8, 15-2.10-8, 15-2.13-10**

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 of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to provide design flexibility for infill projects in the Historic District; to preserve the historic and resort nature of Park City; to facilitate economically viable developments that include common structured parking, mixed commercial and residential uses, rehabilitated historic structures and features; and to enable development of properties within multiple zoning districts;

WHEREAS, the City Council finds it is in the City's best interest to amend the Land Management Code to enhance the economic viability of Old Town and to facilitate expansion of businesses on Main Street into the HR-2 District, as necessary, to meet Fire and Building Codes and to provide adequate and safe emergency egress and ADA compliance;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort, and;

WHEREAS, the City Council finds it is in the City's best interest to protect Park City's residential neighborhoods from resort related traffic and parking impacts by amending the Land Management Code to supplement existing zoning regulations with specific review criteria for Vehicular Control Gates on private roads.

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

SECTION 1. AMENDMENT 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 A).

SECTION 2. AMENDMENT TO TITLE 15- Land Management Code, Chapter 4- Supplemental Regulations. The recitals above are incorporated herein as findings of fact. Chapter 4 of the Land Management Code of Park City is hereby amended as

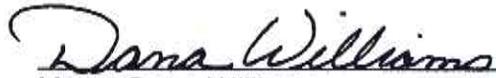
redlined and Chapters 15-2.7-6, 15.2.9-8, 15-2.10-8, 15-2.13-10 are hereby amended pursuant to Exhibit B (see Exhibit B).

SECTION 3. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2- Section 15-2.3-82. (B) Conditional Uses. The recitals above are incorporated herein as findings of fact. Chapter 2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of March 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

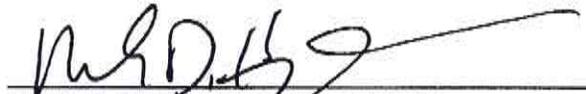
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS 1

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL) and ~~Historic Commercial Business (HCB)~~, Historic Residential - Medium Density (HRM) and ~~Historic Recreation Commercial (HRC)~~ for the following:

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

The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB) and Historic Recreation

Commercial (HRC) and Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

(A) The property is bisected by two or more zoning designations, and

(B) The property has significant historic structures that either have been restored or is proposed to be rehabilitated as part of the MPD; and

(C) The proposed Master Planned Development includes reduced surface parking via common underground parking.

MPDs are allowed in Historic Residential (HR-1) Zone only when:

(1) HR-1 zoned parcels are combined with adjacent HRC or HCB zone properties as part of an allowed MPD (see criteria above); or

(2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for Affordable Housing MPDs consistent with Section 15-6-7 herein.

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site

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

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Community Development Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Community Development Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-

Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix, of this Code.

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

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement

for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

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

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, 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.

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

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

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans,

landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developer=s agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be recorded within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.** Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the

Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.**

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

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the

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

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

(1) **EXCEPTIONS.** The Community Development Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,
AND TO ADDRESS TECHNICAL CORRECTIONS AND SUSTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES
CHAPTER 3- OFF-STREET PARKING,
CHAPTER 4- SUPPLEMENTAL REGULATIONS,
CHAPTER 6- MASTER PLANNED DEVELOPMENTS,
CHAPTER 7- SUBDIVISION GENERAL PROVISIONS AND
CHAPTER 8- ANNEXATION**

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

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

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to Conditional Use Permits, noticing, appeals and appeal authority, parking on paved surfaces, parking below grade within setbacks, walls and fences, size limitations for Guest Houses, telecommunications and antenna locations, increase occupants allowed in elderly group homes from 4 to 8, options for unit equivalent calculations, changes to subdivision ordinance regarding review and approval authority, and requirement for a zone to be assigned to annexed territory when annexed.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at its regularly scheduled meetings, on December 14, 2005 and March 1, 2006 and forwarded to City Council a positive recommendation on amendments to Chapters 1, 3, 4, 6, 7, and 8;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on April 27, 2006; and

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

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

SECTION 1. AMENDMENTS TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 1 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-

references from other provisions of the LMC to Chapter 1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 3 OF THE LAND MANAGEMENT CODE. Chapter 3 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 3 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Planning Director.

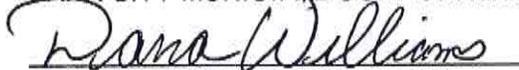
SECTION 4. AMENDMENTS TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross-references from other provisions in the LMC to Chapter 6 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross-references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8 is hereby amended as attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 shall be resolved by the Planning Director.

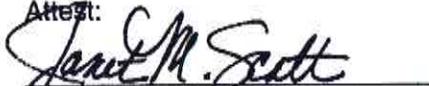
SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney





TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

**CHAPTER 6 - MASTER PLANNED
DEVELOPMENTS (MPD)**

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

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

(B) The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC) and

Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

- (1) The Property is bisected by two (2) or more zoning designations, and
- (2) The Property has significant Historic Structures that either have been restored or are proposed to be rehabilitated as part of the MPD; and
- (3) The proposed Master Planned Development includes reduced surface parking via common underground parking.

(C) MPDs are allowed in Historic Residential (HR-1) zone only when:

- (1) HR-1 zoned parcels are combined with adjacent HRC or HCB zone Properties as part of an allowed MPD, see criteria above; or
- (2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. No. 04-08)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is

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

15-6 -4. PROCESS.

(A) PRE-APPLICATION

CONFERENCE. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.

In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development,

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all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-20, Notice Matrix, of this Code.

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

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may

waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

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

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(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, 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.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with LMC Chapter 15-1-18.

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

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape

plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developer's agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

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

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Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) 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

compliance with the large scale MPD approval.

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

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

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (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. 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

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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/ Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT.

(1) The HR-1 District sets forth a Maximum Building Footprint for all Structures based on Lot Area. For

purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 District, the maximum Building Footprint shall be calculated based on the Subdivision Plan and Lots of record at the time of complete Master Planned Development Application submittal. The Area of a common underground Parking Structures shall not count against the maximum Building Footprint.

(2) The maximum Building Footprint calculation for Properties within the Historic District do not apply to common underground Parking Structures approved as part of a Master Planned Development.

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(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, REVISING SECTIONS 15-2.3, 15-6, REGARDING DEVELOPMENT
REGULATIONS FOR MASTER PLANNED DEVELOPMENTS IN THE HR-2 DISTRICT AND
CLARIFICATION OF SUPPORT COMMERCIAL AND MEETING SPACE
WITHIN MASTER PLANNED DEVELOPMENTS**

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 owner's of Park City;

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 an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, and to align the Code with the Council's goals;

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods;

WHEREAS, the City's goals include maintaining the resort community regarding economic development, and enhancing the economic viability of Park City's Main Street Business District; and

WHEREAS, Chapter 2.3, Historic Residential-2 Zoning District, provides a description of requirements, provisions and procedures specific to Subzone A of the HR-2 zoning district, specifically for Master Planned Developments on the east side of upper Park Avenue south of Heber Avenue and the City desires to clarify and revise these requirements, provisions and procedures as outlined in the staff report; and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures as they pertain to 1) development in the HR-2 and HCB Zoning Districts and 2) calculation of Support Commercial and Meeting Space within Master Planned Developments as outlined in the staff report; and

WHEREAS, these amendments are changes identified during the 2009 annual review of the Land Management Code that provide clarifications of processes and procedures, and interpretations of the Code for streamlined review and consistency of application between Sections.

WHEREAS, the Planning Department held a neighborhood information meeting on October 27, 2009 and the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on November 11 and December 16, 2009 and January 20th, February 24th, and March 24th, 2010 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on April 1 and April 15, 2010; 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 Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the Upper Park Avenue residential neighborhood, preserve historic sites and structures, preserve the historic character of neighborhoods in the Historic District, promote economic development within the Park City Historic Main Street business area, and 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 2- Section 15-2.3. The recitals above are incorporated herein as findings of fact. Chapter 15-2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

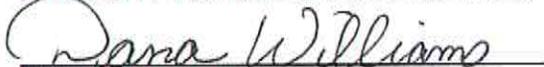
SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. SEVERABILITY OF ORDINANCE. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

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

PASSED AND ADOPTED this 15th day of April, 2010

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark Harrington, City Attorney
THOMAS A. DALEY, SR

PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 6

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site;

(G) efficiently and cost effectively extend and provide infrastructure;

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential uses using best practice methods and diligent code enforcement; and

(J) encourage mixed use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to

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reduce impacts of the automobile on the community.

15-6-2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1), and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations, meet the following criteria:

- (1) ~~The Property, two (2) or more zoning designations,~~
- (2) ~~The Property has significant Historic Structures that either have been restored or are proposed to be restored as part of the MPD; and~~

~~(3) The proposed Master Planned Development includes reduced surface parking;~~

(C) MPDs are The Master Planned Development process is allowed in Historic Residential (HR-1) and (HR-2) zones only when:

- (1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties as part of an allowed MPD, see criteria above; or
- (2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. Nos. 04-08; 06-22)

15-6-3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. 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

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which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

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 1 of Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2-3-8.

(Amended by Ord. No. 06-22)

15-6 -4. PROCESS.

(A) PRE-APPLICATION CONFERENCE. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the

Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

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

Comment [kaw1]: No residential density transfer to HR-2 from HCB. Allows portion of commercial floor area to be transferred to subterranean space below residential structure in HR-2.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application

**AN ORDINANCE AMENDING
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO CREATE A PROCEDURE TO TRANSFER
DEVELOPMENT RIGHTS (TDR) FROM AN AREA LOCATED WITHIN A
DESIGNATED SENDING ZONE TO AN AREA WITHIN A DESIGNATED RECEIVING
ZONE BY ADDING CHAPTER 15-2.24 AND TO ADD ADDITIONAL
SPECIFICATIONS TO MASTER PLANNED DEVELOPMENTS WITHIN OVERLAY
RECEIVING ZONES BY AMENDING CHAPTER 15-6 AND TO ADD DEFINITIONS
REGARDING TRANSFER OF DEVELOPMENT RIGHTS BY AMENDING CHAPTER
15-15.**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote and protect the health, safety and welfare of the present and future residents, businesses, visitors, and property owner's of Park City;

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan and promote Council goals to protect and enhance the vitality of the City's resort-based economy, overall quality of life, historic character, and unique mountain town community; and

WHEREAS, the City reviews the Land Management Code and identifies amendments that address planning and zoning issues, and to align the Code with the Council's goals:

WHEREAS, Chapter 2.24 Transfer of Development Rights (DR) Overlay Zone Regulations, provides procedures, requirements, and specifications regarding the transfer of development rights from designated sending areas to designated receiving areas; and

WHEREAS, Chapter 6 Master Planned Developments, provides procedures, requirements and specifications regarding master planned developments and the City desires master planned development review for all projects utilizing development credits within receiving areas; and

WHEREAS, Chapter 15 - Definitions, provides definitions of terms used in the LMC and the City desires to add additional terms utilized in the process of transferring development rights; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on December 15, 2010 and February 9, 2011 and forwarded a positive recommendation to City Council during the February 9, 2011 meeting; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 10, 2011 and March 31, 2011; 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 Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health, safety, and welfare; to maintain and enhance quality of life for its residents and visitors; preserve and protect the environment, ensure preservation of the community's unique character, and enhance the vitality of Park City's resort economy.

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 2.24- 1- Transfer of Development Rights Overlay Zone. The recitals above are incorporated herein as findings of fact. Chapter 2.24 of the Land Management Code of Park City is hereby adopted and TDR zoning districts are hereby established on the amended official zoning map (see Exhibit A). The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 2.24 .

SECTION 2. 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 B). The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15- Definitions. 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 C). The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

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

PASSED AND ADOPTED this 31st day of March, 2011

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:





Mark Harrington, City Attorney

PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 6

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the

community.

(Amended by Ord. No. 10-14)

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any Residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial or industrial projects greater than 10,000 square feet Gross Floor Area.
- (4) All projects utilizing Transfer of Development Rights Development Credits.

(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.

(C) The Master Planned Development process is allowed in Historic Residential (HR-1) and (HR-2) zones only when:

(1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties; or

(2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. Nos. 04-08; 06-22; 10-14)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. 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 which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density transfer 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 Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

(Amended by Ord. Nos. 06-22; 10-14)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with

LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

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

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH,
REVISING SECTIONS 15-2.18 and 15-6
REGARDING REDUCED SITE REQUIREMENTS IN THE PROSPECTOR OVERLAY
AREA, APPLICABILITY OF MASTER PLANNED DEVELOPMENTS IN VARIOUS
ZONES, AND MASTER PLANNED DEVELOPMENT REQUIREMENTS FOR
LANDSCAPING, BUILDING HEIGHT, MINE HAZARDS AND MINE WASTE,
NOXIOUS WEEDS, AND BACK OF HOUSE USES.**

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 an annual or bi-annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, to correct any errors or inconsistencies, and to align the Code with the Council's goals; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, distinctive architecture, water conserving landscaping, compatible resort development, and protection of Park City's residential neighborhoods, commercial districts, and sensitive lands from incompatible development; and

WHEREAS, Chapter 2.18, the General Commercial zoning district (GC), provides a description of purposes, site requirements, provisions and procedures specific to this zoning district that the City desires to clarify and revise. These revisions clarify the affected lots within the Prospector Overlay area, as identified on the amended Prospector Square Subdivision plat, that are allowed reduced site requirements and that are required to meet a Maximum Floor Area Ratio of two (2); and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, including purpose statements, applicability, and enhanced review standards regarding Master Planned Developments, and the City desires to clarify, revise, and enhance these regulations and procedures; and

WHEREAS, these amendments are changes identified during the 2012 and 2013 review of the Land Management Code that provide clarification of processes, procedures, and interpretations of the Code for streamlined review, and consistency of application between Sections; and

WHEREAS, the Planning Commission held meetings on August 22nd, September 12th, September 26th, November 28th, and December 12, 2012, as well as on January 9th and May 8th, 2013, to discuss proposed LMC amendments.

WHEREAS, the Historic Preservation Board held a work session meeting on November 7th, 2012 to discuss the LMC amendments related to the Historic District; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on August 22nd, September 12th, September 26th, October 24th, November 28th and December 12th, 2012, and May 8th, 2013 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on July 11th, 2013; 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 Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council in order to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures and historic character of Park City, promote economic development within the Park City Historic Main Street business area and the General Commercial zoning district, and preserve the community's unique character.

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

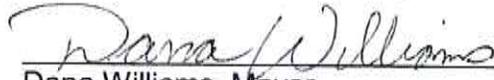
SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.18- General Commercial zoning district. The recitals above are incorporated herein as findings of fact. Chapter 2.18 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. 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 B).

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

PASSED AND ADOPTED this 11th day of July, 2013.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:



Sharon Bauman
City Recorder



Approved as to form:



Mark Harrington, City Attorney

EXHIBIT B

CHAPTER SIX- MASTER PLANNED DEVELOPMENTS

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
- (K) encourage opportunities for economic diversification and economic development within the community.

15-6 -2. APPLICABILITY.

- (A) **Required.** The Master Planned Development process shall be required in all zones **except** in the Historic Residential- Low Density (HRL), Historic Residential (HR-1), Historic

Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) and ~~Historic Residential—Medium Density (HRM)~~ for the following:

- (1) Any Residential project with larger than ten (10) or more Lots or with ten (10) or more Residential Unit Equivalents. ~~units.~~
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial, Retail, Office, Public, Quasi-public, or Industrial projects with more greater than 10,000 square feet of Gross Floor Area.
- (4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B) — The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) Allowed but not required.

- (1) The Master Planned Development process is allowed, but is not required, in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties parcels are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. See Section 15-6-5 (F) Building Height. ~~or~~
- (2) The Master Planned Development process is allowed, but is not required, when the The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for the proposed MPD is for an Affordable Housing MPDs consistent with Section 15-6-7 herein.

(C) Not allowed.

The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments, or as specifically required by the City Council as part of an Annexation or Development Agreement.

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.

...

15-6-5. (F) **BUILDING HEIGHT.**

The Building Hheight requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Hheight based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, ~~and~~ HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building Hheight in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;
- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated ~~to the extent possible as determined by the Site Specific analysis and approved~~ by the Planning Commission;
- (3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;
- (4) The additional Building Height ~~has resulteed~~ in more than the minimum Oopen Sspace required and ~~has resulteed~~ in the Oopen Sspace being more usable and includes Publicly Accessible Open Space;
- (5) The additional Building Hheight shall be designed in a manner ~~that so as~~ to provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building Hheight due to a Site Sspecific analysis and determination, that additional Building Hheight shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

...

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.**

A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5 (M) LANDSCAPING.

~~To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought-tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders.~~

All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance, a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

...

15-6-5. (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.

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;

- (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) The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- (E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- (F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- (G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- (H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- (I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- (J) The MPD, as conditioned, meets the 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) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- (L) The MPD has been noticed and public hearing held in accordance with this Code.
- (M) 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) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- (O) The MPD, as conditioned addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

15-6-8. (G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants,

employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information

Lost and found

First Aid

Mountain patrol

Administration

Maintenance and storage facilities

Emergency medical facilities

Public lockers

Public restrooms

Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas and Areas

Ski school/day care facilities

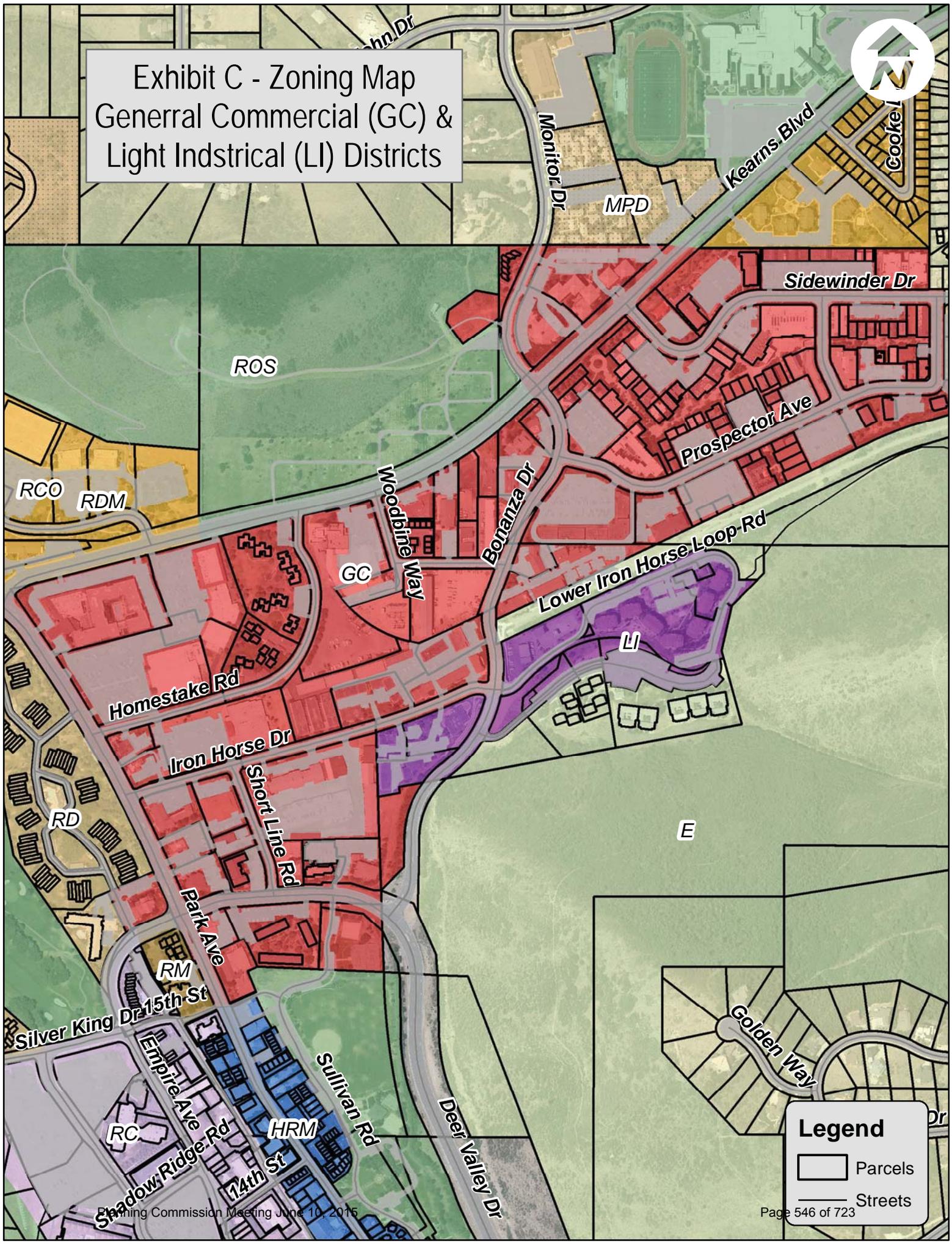
Instruction facilities

Ticket sales

Equipment/ski check

Circulation and hallways for these Resort Accessory Uses

Exhibit C - Zoning Map
 General Commercial (GC) &
 Light Industrial (LI) Districts



Planning Commission Staff Report



Application: PL-14-02595
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP
Date: June 10, 2015
Type of Item: Legislative – LMC Amendments

Summary Recommendation

Staff recommends that the Planning Commission review and discuss the following proposed amendments to the Land Management Code (LMC) as part of the annual LMC review and update:

- Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, and RC Chapter 2.16;
- Applicability of Steep Slope Conditional Use Permits in HRL, Chapter 2.1, HR-1 Chapter 2.2, and HR-2 Chapter 2.3;
- Combination of condominium units procedure in Chapters 7.1;
- Annexations procedure and review in Chapter 8;
- Non-conforming uses and non-complying structures in Chapter 9;
- Board of Adjustment standard of review and appeals in Chapters 1 and Chapter 10; and
- Definitions in Chapter 15 (carports, footprint, light industrial use, mixed use).

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council according to the findings of fact and conclusions of law in the Draft Ordinance. Staff recommends continuation of LMC Amendments to Chapter 2.4 Historic Medium Density (HRM) to the June 24, 2015 meeting.

Executive Summary

The Planning Staff conducted an annual review of the Land Management Code (LMC) and proposes these amendments to the Code for consideration by the Planning Commission and City Council. This annual review includes various administrative and substantive items to align the LMC with the State Code, to address issues and inconsistencies that have come up over the past year, and to address specific goals of the newly adopted Park City General Plan.

Description

Project Name: LMC Amendments 2015
Approximate Location: Historic Districts and Citywide
Proposal: Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Background

On February 25, 2015, the Planning Commission conducted a public hearing, discussed the proposed amendments to setbacks for hot tubs and patios (Exhibit H). After discussion the Commission requested staff return with further revisions.

General Plan

These proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan. The LMC 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. The LMC is intended to be updated on a regular basis to stay current with State Law and the General Plan.

Proposed LMC Amendments

1. Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, HRM Chapter 2.4, and RC Chapter 2.16

As discussed at the February 25, 2015 meeting, due to several factors there are numerous hot tubs in the HR-1, HRL, HR2, HRM and RC Zoning Districts that were installed prior to LMC changes requiring a five foot (5') rear and side setback or were installed more recently without proper permits. It is apparent that hot tubs are a typical element in a mountain town, both for permanent residents and visitors and the City desires to accommodate this element with reasonable constraints.

Staff has heard from many property owners that it can be very difficult to locate a hot tub in the rear yard of existing houses where the typical rear setback is ten feet (10'). A typical hot tub with the cabinet and cover will usually not fit within this area (e.g. a five (5') square hot tub would have to be located right up against the house wall and, once the trim/outer rim of the hot tub is taken into the calculation, it will slightly cross over into the five (5') rear yard setback exception leaving four feet (4'), or 3 feet (3') for the larger six (6') square hot tub. In the design phase for new houses this dimension is pointed out and the design can be changed to accommodate the five foot (5') setback.

Staff has met with individual property owners as well as contractors in an attempt to figure out a compromise. The LMC currently allows patios (and tables and chairs) to be located within one foot (1') of the rear lot line in "Old Town." Accessory structures, up to 18' in height are also allowed within one foot (1') with restrictions on lot coverage.

Staff is recommending and the direction from the Planning Commission at the February 25, 2015 meeting was that hot tubs be allowed within three feet (3') of the rear and side lot lines which will accommodate most typical sized hot tubs. Staff recommends that hot tubs be screened in the form of a fence, trellis, or substantial vegetation.

In order to address setback issues related to hot tubs and patios in the rear and side yards in the HRL, HR-1, HR-2, HRM, and RC Zoning Districts, and to ensure that the language is consistent in these zones. Staff recommends discussion regarding the following LMC Amendments:

- Amend the Side and Rear Yard Setback Exceptions to allow hot tubs to be located within three feet (3') of the rear yard (currently requires five feet (5')) and within three feet (3') of the side yard (currently requires five feet (5')) (see Exhibit B - Sections 15-2.1 (HRL), 15-2.2 (HR-1), 15-2.3 (HR2), 15-2.4 (HRM), and 15-2.16 (RC)) for proposed redlines to the LMC).

On February 25, 2015, the Planning Commission conducted a public hearing and discussed the proposed amendments to setback requirements for hot tubs (see Exhibit H). There was consensus among the Commission to amend the code allowing a three foot (3') setback on both the side and rear property lines for hot tubs and that additional screening was not necessary. Screening of mechanical equipment would continue to be required if the equipment is located within the setback area.

2. Applicability of Steep Slope Conditional Use Permits in HRL, Chapter 2.1, HR-1 Chapter 2.2, and HR-2 Chapter 2.3

Steep Slope Conditional Use Permits are required in the HRL, HR-1, and HR-2 zoning districts for development on slopes that measure 30% or greater. In reviewing applications for compliance with the Steep Slope CUP requirements, Staff finds that the language related to the applicability of these requirements could be clarified and amended. The current language is not clear whether additions trigger a Steep Slope CUP or when a driveway triggers a Steep Slope CUP.

Staff proposes these amendments to change the applicability of Steep Slope CUPs from the current requirement of when construction is greater than 1,000 square feet of building area to a requirement of when construction (new or an addition) is greater than 200 sf of building footprint. The amendments make it clear that a Steep Slope CUP is required when the driveway access or the building footprint is located on a slope of 30% or greater.

The existing language regarding "Allowed Use" is not necessary and is confusing to some applicants. There are no changes to the review criteria or regulations with these amendments (see Exhibit B- Sections 15-2.1 (HRL), 15-2.2 (HR-1), and 15-2.3 (HR2)). Staff proposing the following redlines (also to HRL and HR2 Zoning Districts):

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 ~~Historic District~~ Design Guidelines [for Park City's Historic Districts and Historic Sites and Chapter 5.](#)

~~(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.~~

~~(BA) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure, and/or Access, is located upon any existing Slope of thirty percent (30%) or greater.~~

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

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

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.

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: ...

3. Combination of condominium units procedure in Chapter 7

State Code was amended in 2014 to explicitly allow (with certain exceptions) a condominium unit owner after acquiring an adjoining unit that shares a common wall with the unit owner's unit: to remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or create an aperture to the adjoining unit or portion of a unit. In the past, State Code required an amendment to the Condominium Plat and consent of two-third of the unit owners.

In order to clarify the process required by our Code based on the changes, Staff recommends amending the plat amendment application and adding language to Chapter 7.1 of the LMC (See Exhibit C). The combination of adjacent units that share a common wall within a condominium plat will still require an amendment to the recorded condominium plat in order to reflect the joining of the two units, however based on State Code section 57-8-4.5 (Exhibit I), the requirement for proof consent by two-thirds of the units owners will not be required.

-Staff recommends adding the following language to LMC Chapter 7.1 Subdivision Procedures:

15-7.1-6. FINAL SUBDIVISION PLAT

...

(G) COMBINATION OF ADJOINING CONDOMINIUM UNITS WITH A CONDOMINIUM RECORD OF SURVEY PLAT

(1) Subject to the condominium declaration, a unit owner after acquiring an adjoining unit that shares a common wall with the unit owner's unit and after recording an amended condominium record of survey plat in accordance with this Title, a unit owner may:

(a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or

(b) create an aperture to the adjoining unit or portion of a unit.

(2) A unit owner may not take this action if such action would:

(a) impair the structural integrity or mechanical systems of the building or either unit;

(b) reduce the support of any portion of the common areas and facilities or another unit;

(c) constitute a violation of Utah Code Section 10-9a-608-, as amended, or violate any section of this code or 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.

4. Annexations procedure and review in Chapter 8

Staff recommends changes to Chapter 8 regarding the procedure for annexation petition and annexation plats to align the LMC with State Code. The itemized procedural changes are reflected in attached redlines of Chapter 8 (see Exhibit D).

5. Non-conforming uses and non-complying structures in Chapter 9

Staff recommends two primary changes to the non-conforming use and non-complying structure sections of Chapter 9. The first change is the addition of qualifying language pertaining to the enforcement of certain non-conforming use and non-complying structure regulations and that the language is not intended to cause the termination of legal Non-conforming rental housing use and outlines physical changes that can be required to a Structure containing a legal Non-conforming rental housing use.

The second change deletes the word “a majority” and replaces it with “more than 50% of the Gross Floor Area” when referring to the amount of the building that can be voluntarily demolished in order to be able to restore the building back to the previous non-conforming use or non-complying condition. Additionally Staff proposes amendments to Section 15-9-8 regarding appeals of a Board of Adjustment decision under this Chapter to be consistent with other Sections of the LMC (See Exhibit E).

15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES. ...

(G) LEGAL NON-CONFORMING RENTAL HOUSING USE. Enforcement of this Ordinance is not intended to terminate a legal Non-Conforming rental housing Use. No physical changes shall be required to a Structure containing a legal Non-Conforming rental housing Use unless the change is for the following:

- (1) The reasonable installation of a smoke detector that is plugged in or battery operated.
- (2) A ground fault circuit interrupter protected outlet on existing wiring;
- (3) Street addressing;
- (4) An egress bedroom window if the existing bedroom window is smaller than that required by current state building code; unless such change would compromise the structural integrity of the building or could not be completed in accordance with current building codes, including Setbacks and window well requirements.
- (5) An electrical system or plumbing system, if the existing system is not functioning or is unsafe as determined by an independent, licensed electrical or plumbing professional.
- (6) Hand or Guard rails.
- (7) Occupancy separation doors as required by the IBC.
- (8) The abatement of a Structure.

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

...

(C) **DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE.**

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the Property Owner stating that the Structure is uninhabitable and that the Non-Complying Structure or the Building that houses a Non-Complying Structure shall not be restored unless it is restored to comply with the regulations of the Zoning District in which it is located.

If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the Non-Complying Structure, is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the ~~zone~~ Zoning District in which it is located.

If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.

6. Board of Adjustment standard of review and appeals in Chapters 1 and Chapter 10

Amendments to Chapters 1 and 10 include clarifying the powers and duties of the Board of Adjustment related to 1) appeals of final action by the Planning Staff on Historic District Design Review applications when the Historic Preservation Board (HPB) takes part in the review and 2) appeals of Final Action by the HPB on Determination of Significance applications. Staff's proposed LMC Amendments are redlined in Exhibits A and F attached.

7. Defined Terms in Chapter 15

The following terms are not defined in the current LMC: carports, light industrial use, and mixed use. Staff finds that providing definitions in the code for these terms would be helpful in consistently applying the code. Staff recommends amending Chapter 15-Defined Terms to include the following terms and that the Chapter be appropriately re-numbered.

Carport. A carport is a covered parking space attached to the house, or free standing, which is not completely enclosed by walls and does not include garage doors.

Light Industrial. Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, Light Industrial shall mean uses such as

the manufacture of electronic instruments, preparation of food and beverage products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light Industrial shall not include Uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries, or manufacturing related to the automobile industry.

Mixed Use Development. A development of one or more buildings that blends a combination of residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections. A Mixed Use development may also include a building, complex of buildings, or district of a town or city that is developed for mixed-use by a private developer, (quasi-) governmental agency, or a combination thereof.

In reviewing the definition for Building Footprint, Staff recommends that the regulatory language that follows the definition should be deleted from the definition in LMC Chapter 15 and should be relocated to the applicable LMC Sections (HRL, HR-1, HR-2, HRM, HRC, and HCB). The Building Footprint of Accessory Buildings that are listed on the Park City Historic Structure Inventory and that are not expanded, enlarged, or incorporated into the Main Building, is not included or calculated in the overall Building Footprint for the lot.

Building Footprint. The total Area of the foundation of the Structure, or the furthest exterior walls of the Structure projected to Natural Grade, not including exterior stairs, patios, and decks ~~and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.~~

Staff recommends the following language be included in the HRL, HR-1, HR-2 and RC Zoning Districts, under the Building Footprint Sections (See Exhibit B):

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on May 8, 2015 and published in the Park Record on May 9, 2015 per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Public input was provided at the February 25th Commission meeting (see Exhibit H).

Alternatives

- The Planning Commission may approve the proposed Land Management Code amendments in whole or in part as presented or amend them at the meeting; or
- The Planning Commission may deny the proposed amendments in whole or in part; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to take final action.

Significant Impacts

There are no significant financial or environmental impacts to the City that result from the proposed LMC amendments.

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council according to the findings of fact and conclusions of law in the Draft Ordinance. Staff recommends continuation of LMC Amendments to Chapter 2.4 Historic Medium Density (HRM) to the June 24, 2015 meeting.

Exhibits

Draft Ordinance

Exhibit A – Chapter 1- General Provisions and Procedures

Exhibit B – Chapter 2- 2.1 HRL, 2.2 HR-1, 2.3 HR-2, and 2.16 RC

Exhibit C – Chapter 7.1- Subdivision Procedures

Exhibit D – Chapter 8- Annexation

Exhibit E – Chapter 9- Non-conforming Uses and Non-complying Structures

Exhibit F – Chapter 10- Board of Adjustment

Exhibit G – Chapter 15- Defined Terms

Exhibit H– Minutes of February 25, 2015 Planning Commission meeting

Exhibit I – State Code Section 57-8-4.5

Ordinance 15-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1 GENERAL PROVISIONS AND PROCEDURES; CHAPTERS 2.1 HRL, 2.2 HR-1, 2.3 HR-2, 2.16 RC; CHAPTER 7.1 SUBDIVISION PROCEDURES; CHAPTER 8 ANNEXATION; CHAPTER 9 NON-CONFORMING USES AND NON-COMPLYING STRUCTURES; CHAPTER 10 BOARD OF ADJUSTMENT; 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 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 to the action and appeals table as well as the notice matrix; and

WHEREAS, Chapters 2.1 Historic Residential-Low Density District (HRL), 2.2 Historic Residential (HR-1), 2.3 Historic Residential 2 (HR2), and 2.16 Resort Commercial (RC) provide a description of requirements, provisions and procedures specific to these zoning district that the City desires to revise. These revisions concern setbacks for hot tubs and patios, applicability of the Steep Slope Conditional Use Permit process, and Conditional Use requirements and review in these Districts; and

WHEREAS, Chapter 7.1 provides a description of requirements, provisions and procedures specific to various subdivision procedures and classifications that the City desires to revise. These revisions concern the requirements, procedure, and notification related to the combination of existing platted condominium units in accordance with State statute; and

WHEREAS, Chapter 8 provides a description of requirements, provisions and procedures specific to annexation of property into the Park City Municipal Boundary that the City desires to revise in order to be consistent with State statute; and

WHEREAS, Chapter 9 provides a description of requirements, provisions and procedures specific to the regulation and status of existing Non-conforming Uses and Non-complying Structures that the City desires to revise. These revisions concern the ??; and

WHEREAS, Chapter 10 provides a description of the establishment of the Board of Adjustment, powers and duties, review authority, and other provisions and procedures relative to the Board of Adjustment that the City desires to revise to be consistent with State statute and other sections of the LMC. These revisions concern powers and duties related to appeals of Historic Preservation Board decisions, review of appeals, and judicial review of the BOA decision; and

WHEREAS, Chapter 15 provides a description of defined terms used in the Land Management Code that the City desires to revise. These revisions concern the definitions of agriculture, carports, footprint, light industrial use, outdoor use, and outdoor event; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on February 25th, May 27th, and June 10, 2015, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 25, 2015; 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, 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, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, ensure compatible development, preserve historic resources, protect environmentally sensitive lands, and 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 (Resort Commercial (RC)). The recitals above are incorporated herein as findings of fact. Chapter 2.24 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 7 (Subdivisions). The recitals above are incorporated herein as findings of fact. Chapter 7 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

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

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 9 (Non-conforming Uses and Non-complying Structure). The recitals above are incorporated herein as findings of fact. Chapter 9 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 10 (Board of Adjustment). The recitals above are incorporated herein as findings of fact. Chapter 9 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 10. 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 G).

SECTION 11. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits (Redlines of specific LMC Sections)

Exhibit A – LMC Chapter One- General Provisions and Procedures

Exhibit B – LMC Chapter Two Zoning Districts HRL, HR-1, HR2, RC

Exhibit C – LMC Chapter Seven- Subdivision Procedures

Exhibit D – LMC Chapter Eight- Annexation

Exhibit E – LMC Chapter Nine- Non-conforming Uses and Non-complying Structures

Exhibit F – LMC Chapter Ten- Board of Adjustment

Exhibit G – LMC Chapter Fifteen- Defined Terms

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

Chapter adopted by Ordinance No. 00-25

**CHAPTER 1 - GENERAL PROVISIONS
AND PROCEDURES.**

15-1 -1. SHORT TITLE.

This Title shall be known as the Park City Land Management Code (LMC).

**15-1 -2. STATEMENT OF
PURPOSE.**

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- (B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,
- (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,

(D) To protect the tax base and to secure economy in governmental expenditures,

(E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

(F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,

(G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,

(H) To protect and ensure access to sunlight for solar energy devices, and

(I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers

granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

(Amended by Ord. No. 06-22)

15-1 -3. CONFLICT.

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

15-1 -4. DEFINITIONS.

All capitalized proper nouns in the text of the LMC are defined terms. Defined terms are located in LMC Chapter 15-15.

15-1 -5. ZONING MAP ADOPTED.

The zoning map for Park City as adopted by the City Council and executed by the Mayor is the Official Zoning Map for Park City. Upon amendment to the Official Zoning Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

15-1 -6. ZONE DISTRICTS AND ZONE MAP.

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

(A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.

(B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

(C) There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District nor the number of landowners within the district may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.

(Amended by Ord. No. 06-22)

15-1 -7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.

All amendments to the LMC 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**. The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission 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. The notice must state 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 until the hearing is closed.

(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 hold a public hearing on all amendments to the LMC. Notice of the hearings shall be given by 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. Once opened the hearing may be continued, if necessary, without republication of notice 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 by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.

(F) **TEMPORARY OR EMERGENCY ZONING**. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an Ordinance establishing temporary zoning 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 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 approval.

(H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final 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-Historic District Design Review (HDDR)	X	z	z (when HPB takes part in the HDDR review)		
Administrative Permits	X			z	
Conditional Use			z (at request of the City Council for City Development applications)	X	z
Conditional Use Admin.	X			z	
Determination of Significance		X	z		
MPD			z (at request of the City Council for City Development applications)	X	z
Determination of Non-Conforming Use and Non-Complying Structures	X		z		
Change of Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance			X		
Subdivision and Condominium				y Recommendation	X

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<u>plats</u>				to CC	
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

*All Applications shall be filed with the Planning Department. Planning Department staff makes a recommendation to the appropriate decision making body (X).

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

15-1 -9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;

- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Design Guidelines for Historic Districts and Historic Sites, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and
- (7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, 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;
- (3) the Use is consistent with the Park City General Plan, as amended; and
- (4) 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.

(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 or 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 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 or 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 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 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. 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 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.

(C) **COURTESY NOTICE**. As a courtesy to adjacent Property Owners, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent 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. Courtesy notice is not a legal requirement, and any defect in courtesy 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 final action on the pending Application.

(E) **EFFECT OF NOTICE**. Proof that notice was given pursuant to subsections (A) and (B), 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.

(F) **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.

(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 financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until an adequate financial Guarantee is posted in accordance

with this section. It is also the policy of the City to require Developers to post a financial Guarantee to ensure compliance with a Historic Preservation Plan whenever a Building project affects a Historic Building, Structure, Site or Object, as defined by this Title.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial Guarantee given by the Developer is limited to a contract between the City and the Developer for the express purposes of providing for the protection of City facilities, eliminating conditions which could become public nuisances, and ensuring compliance with a Historic Preservation Plan. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects, which are the fault of the Developer.

(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.** All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site and Public Improvements shown on the Site plan. Where applicable, the approved plans shall also include a Historic Preservation Plan. For purposes of this Code, the term "Site Improvement" shall include all roads, sidewalks, curbs, gutters, drains, drainage

works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. The term “Public Improvement” is defined in Chapter 15 of this Title. The term “Historic Preservation Plan” means a plan approved by the Planning Director and Chief Building Official, or their designees that specifies the Historic character of a Historic Building Structure, Site or Object, and the methods and means a Developer will use to preserve that Historic character during the Building project. Deviations from the approved plans must be approved in advance by the Chief Building Official.

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

(1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings,

and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site or Public Improvement work remains unfinished; and

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

(3) The Developer posts an adequate Guarantee for the benefit of the City to insure completion of the Site or Public Improvements in full compliance with the approved plans within one (1) year from the date of plat approval, if required, or issuance of the Certificate of Occupancy, whichever occurs first.

(D) **AMOUNT OF GUARANTEE FOR SITE OR PUBLIC IMPROVEMENTS**. The amount of the Guarantee for Site or Public Improvements to be posted by the Developer, shall be equal to 125% of the amount reasonably estimated by the City Engineer, or his designee, as being necessary to complete remaining Site or Public Improvements as shown on the approved plans. In the event that the Developer disputes the City’s cost estimate, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed

price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF GUARANTEE.** The terms of any Guarantee arrangement offered to the City shall state a date by which the Developer agrees to have Site or Public Improvement work completed in accordance with the plans, and shall further provide that in the event that the Developer has not completed the required Site or Public Improvements work by that date, the City may at its option and on its schedule, draw on the Guarantee by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Guarantee.

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

(1) An irrevocable letter of credit issued by a bank authorized to do Business in the State of Utah or an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or

(2) A deposit of cash with a third party Escrow, or

(3) A deposit of cash with the City, or

(4) Some combination of the above as approved by the City or an approved equal.

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than ten percent (10%) of the lesser of the engineer's original estimated cost of completion or the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless

other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(Amended by Ord. No. 14-35)

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

(I) **PAYMENT OF INTEREST.** The City shall not be required to pay interest to

the Developer on any funds in escrow or on cash held by the City as a Guarantee.

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

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

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

(Amended by Ord. Nos. 02-07; 06-22; 09-09; 11-05)

15-1 -14. TERMINATION OF APPLICATIONS FOR INACTION.

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their Applications either to approval or to denial in a reasonably expeditious manner. The Planning Director may formally deny Applications, which remain inactive for a period of 180 days, or longer, due to acts or omissions of the Applicant.

(A) **TERMINATION OF APPLICATIONS.** When the Planning Director finds an Application to be inactive, the Planning Director may deny the Application and close the files with respect to that project. No Application shall be denied on the basis of Inaction without giving fourteen (14) days written notice to the Applicant. Such notice must state the intent of the Planning Director to have the Application denied because of Inaction and the right to contest said denial to the Planning Commission.

Delays occasioned by the City shall not constitute cause for terminating an Application.

(B) **REINSTATEMENT.** An Applicant may appeal the Planning Director's denial of an Application for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate said Application subject to payment of full or partial submission fees, 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 approval of a land Use Application if the Application conforms to the requirements of 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 requirements of applicable ordinances and all applicable fees have been paid.

(D) The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.

(B) A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

(Amended by Ord. No. 06-22)

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF**. Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E) unless the Historic Preservation Board participated in the Design Review of a City Development project, pursuant to 15-11-6, in which case any appeal of the decision shall be reviewed by the Board of Adjustment. The Board of Adjustment in such an appeal will have the same scope of authority and standard of review as the Historic Preservation Board would have in such an appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB)**. The City or any Person with standing adversely affected by any decision of the Historic Preservation Board regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision. Appeal of all other Final Action by the Historic Preservation Board may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION.** The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

(1) **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS.**

The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after

publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

- (a) Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
- (b) Follow complex oral and written arguments and identify key issues of local concern.
- (c) Master non-legal concepts required to analyze specific situations, render findings and determinations.
- (d) Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.

(2) **PROCESS.** Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the

“City Council” in this section 15-1-18 (G-I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.

(Amended by Ord. No. 10-15; 12-37; 14-37)

(D) **STANDING TO APPEAL.** The following has standing to appeal a Final Action:

- (1) Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
- (2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of 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 a decision of the land Use authority in its interpretation and application of the land Use ordinance.

Exception. For appeals to the Board of Adjustment, the Board shall review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority.

Exception. For appeals to the Board of Adjustment regarding Design Guidelines for Historic Districts and Historic Sites involving City Development projects, the Board shall review factual matters de novo and it shall determine the correctness of the Planning Director or Planning Staff decision in the interpretation and application of the Historic District Design Guidelines for Historic Districts and Historic Sites [and LMC Title 15, Chapter 11](#).

(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 Owner 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 Section 15-1 -12 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 or call-ups shall be given by:

- (1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City;
- (2) By mailing courtesy notice at least seven (7) days prior to the 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 seven (7) days prior to the 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; 14-37)

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.

(Created by Ord. No. 06-22)

15-1 -21. NOTICE MATRIX.

(See following pages)

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Conditional Use Permit	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	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 hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to 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 hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Designation of Sites to the Historic Sites Inventory	7 days prior to hearing before the Historic Preservation Board.	-----	Once 7 days prior to hearing before the Historic Preservation Board.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<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 the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>First Mailing: To 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 Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The 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>If appealed, then once 7 days before the date set for the appeal</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</p>	<p>-----</p>	<p>Mailed Notice: To Owner/Applicant and</p>	<p>-----</p>

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Applications		certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	
Lot Line Adjustments: Between 2 Lots without a plat amendment.	10 days prior to Final Action on the Property. Other posted legal notice not required.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	-----
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Vacating or Changing a Street	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.
Extension of approvals	Posted notice shall be the same as required for the original application.	Courtesy mailing shall be the same as required for the original application.	Published notice shall be the same as required for the original application.
<p>Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.</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)

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT .1

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.1-1. PURPOSE.

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) provide an Area of lower density Residential Use within the old portion of Park City,
- (C) preserve the character of Historic residential Development in Park City,
- (D) encourage the preservation of Historic Structures,
- (E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and

- (G) define Development parameters that are consistent with the General Plan policies for the Historic core.

(Amended by Ord. No. 09-14)

15-2.1-2. USES.

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family¹
- (5) Child Care, Family Group¹
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Nightly Rentals
- (2) Lockout Unit
- (3) Accessory Apartment²

¹See LMC Chapter 15-4-9 for Child Care Regulations

²See LMC Chapter 15-4-7,

- (4) Child Care Center¹
- (5) Essential Municipal and Public Utility Use, Facility, Service, and Structure²
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility⁶
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
- (12) Recreation Facility, Private
- (13) Fences greater than six feet (6') in height from Final Grade^{5,7}

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

Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

⁶ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷ See LMC Chapter 15-4-2, Fences and Walls

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

15-2.1-3. LOT AND SITE REQUIREMENTS.

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

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

(B) **BUILDING ENVELOPE (HRL DISTRICT).** The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(C).

(C) **BUILDING PAD (HRL DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear and Side Yard Areas.

- (1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) BUILDING FOOTPRINT (HRL DISTRICT). The maximum Building

Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.1. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet

[Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.](#)

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

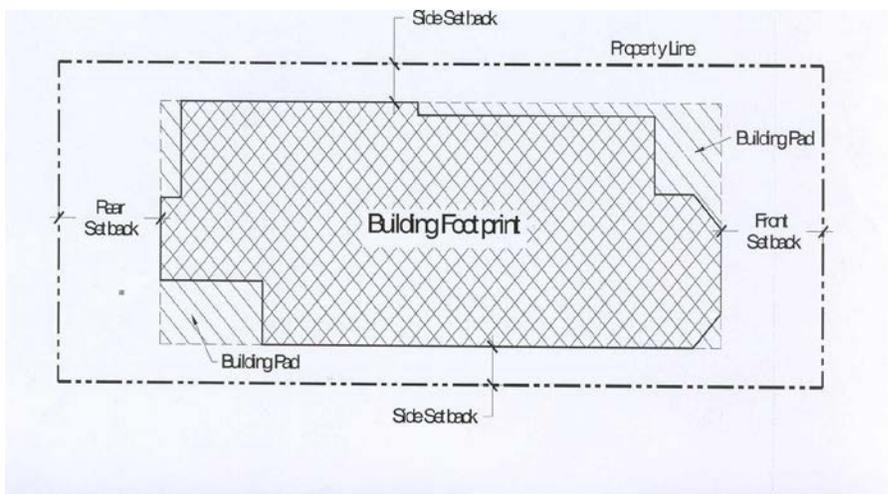
See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.1.

Lot Depth <= ft. **	Lot Width, ft. up to:	Side Yards Min. Total		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75 ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

* for existing 25' wide lots, Use HR-1 standards.

** for lots > 75' in depth use Footprint formula and Table 15-2.1a for Front and Rear Setbacks.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

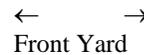
TABLE 15-2.1a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

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

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

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



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

(4) Roof overhangs, eaves, or

cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks and pathways.

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

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

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

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

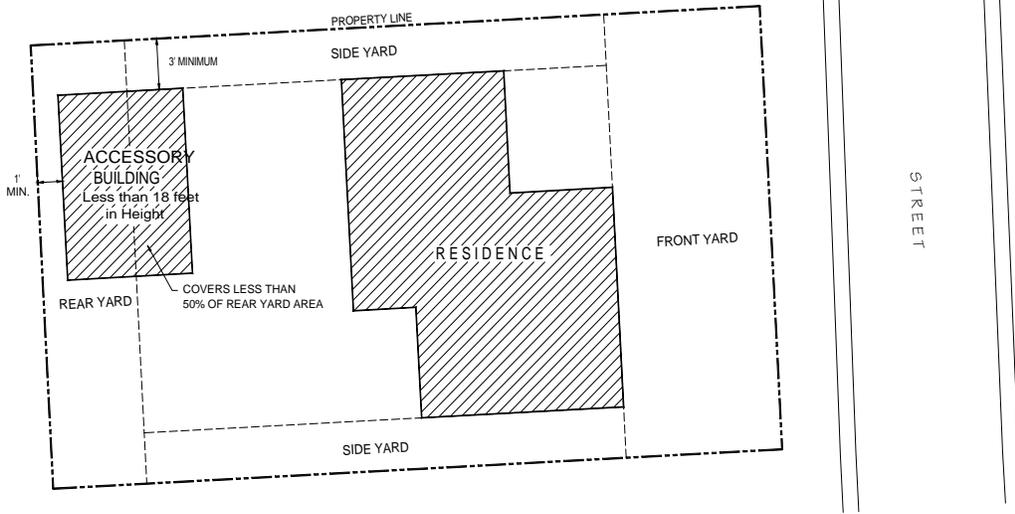
(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

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

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

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade

of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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

(8) Screened mechanical equipment, hot tubs, ~~or~~ and similar Structures located at least three feet (3') ~~five feet (5')~~ 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.⁸

(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.

⁸ Applies only to Lots with a Side Yard of five feet (5') or greater.

(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) 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) Screened mechanical equipment, hot tubs, ~~or and~~ similar Structures, located at ~~least minimum of three feet (3') five feet (5')~~ 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)

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and

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

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

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

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.

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(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 may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional 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 Historic District Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.

~~(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.~~

~~(B) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure, and/or Access, is located upon any existing Slope of thirty percent (30%) or greater.~~

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred (200 sq. ft) if said Building Footprint is located upon 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 addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an

existing Slope of thirty (30%) or greater.

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

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.

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.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller

components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Director and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Director and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.1-5. The Planning Director and/or Planning

Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

~~(C) — **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:~~

~~(1) — The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;~~

~~(2) — The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and~~

~~(3) — The conditions of approval or required Plat notes include a requirement for Planning, Engineering, and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.~~

~~The findings shall be in writing, filed with~~

~~the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, and the Owner is not vested for the maximum.~~

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

15-2.1-7. PARKING REGULATIONS.

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

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

(C) Common Parking Structures are allowed as a Conditional Use 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 common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, 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.

(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. 06-56; 09-10)

15-2.1-8. 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 Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-23)

15-2.1-9. VEGETATION PROTECTION.

The Property Owner must protect

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

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

(Amended by Ord. No. 06-56)

15-2.1-10. SIGNS.

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

15-2.1-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).

- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. 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.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.2 - HISTORIC RESIDENTIAL (HR-1) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.2 - HISTORIC RESIDENTIAL (HR-1) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.2-1. PURPOSE.

The purpose of the Historic Residential HR-1 District is to:

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

(Amended by Ord. No. 09-14)

15-2.2-2. USES.

Uses in the HR-1 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental¹
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family²
- (7) Child Care, Family Group²
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Duplex Dwelling

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit

²See LMC Chapter 15-4-9 for Child Care Regulations

- (2) Guest House on Lots one (1) acre or greater
- (3) Secondary Living Quarters
- (4) Accessory Apartment³
- (5) Group Care Facility
- (6) Child Care Center
- (7) Public and Quasi-Public Institution, church and school
- (8) Essential Municipal and Public Utility Use, Facility, Service, and Structure
- (9) Telecommunication Antenna⁴
- (10) Satellite Dish, greater than thirty-nine inches (39") diameter⁵
- (11) Bed and Breakfast Inn⁶
- (12) Boarding House, hostel⁶
- (13) Hotel, Minor, (fewer than sixteen (16) rooms)⁶
- (14) Residential Parking Area or Structure with five (5) or more spaces.
- (15) Temporary Improvement⁷
- (16) Passenger Tramway Station and Ski Base Facility⁸

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

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

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

⁶In Historic Structures only. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative or Administrative Conditional Use permit

⁸ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

- (17) Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸
- (18) Recreation Facility, Private
- (19) Fences greater than six feet (6') in height from Final Grade^{7,9}

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

(Amended by Ord. Nos. 06-56; 07-25; 09-10)

15-2.2-3 LOT AND SITE REQUIREMENTS.

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

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

⁹ See LMC Chapter 15-4-2, Fences and Walls

(B) **BUILDING ENVELOPE (HR-1 DISTRICT)**. The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3(C).

(C) **BUILDING PAD (HR-1 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

- (a) Porches or decks with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are

subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

[Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.](#)

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

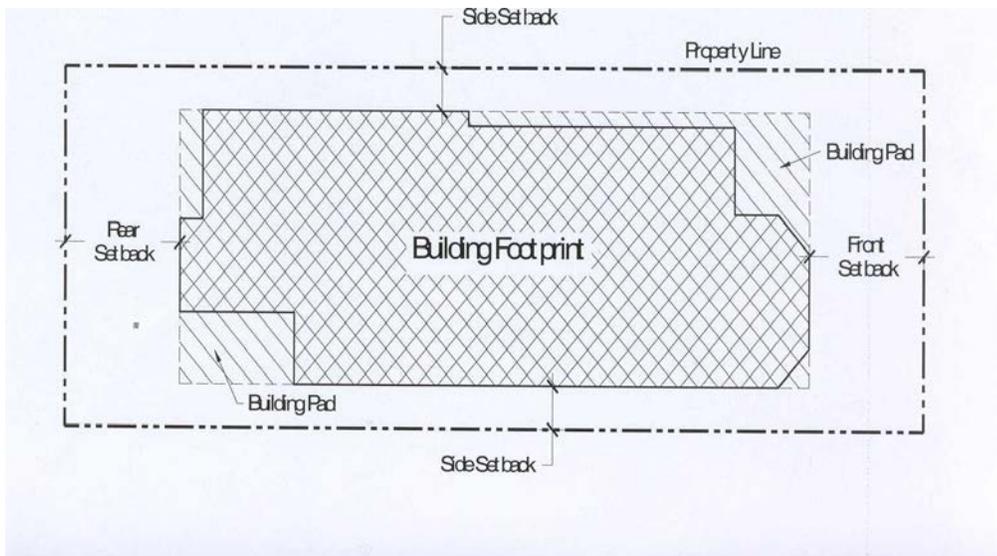
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.2. for a schedule equivalent of this formula.

TABLE 15-2.2.

Lot Depth, <= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

* for Lots > 75' in depth use footprint formula and Table 15-2.2a for front and rear Setbacks.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

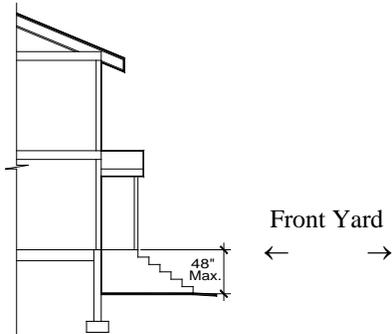
TABLE 15-2.2a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

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

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

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



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

(4) Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks and pathways.

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

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

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

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

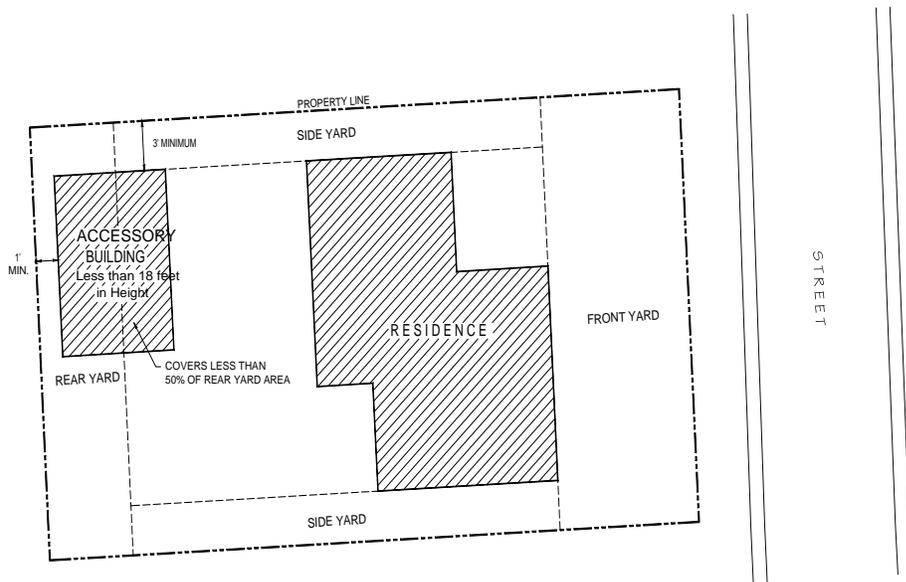
(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

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

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

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

Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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

(8) Screened mechanical equipment, hot tubs, ~~or and~~ similar Structures located at least three feet (3') ~~five feet (5')~~ 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 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').

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

(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) Screened mechanical equipment, hot tubs, or similar Structures located at ~~least minimum of three feet (3') five feet (5')~~ 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)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with 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 Setback and driveway location standards for additions to Historic Buildings:

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

(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 may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional 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 [Historic District Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.](#)

~~(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.~~

~~(B) **CONDITIONAL USE.**~~ **A**

~~Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure, and/or Access, is located upon any existing Slope of thirty percent (30%) or greater.~~

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred (200 sq. ft) if said Building Footprint is located upon 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 addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an

[existing Slope of thirty \(30%\) or greater.](#)

[\(3\) A Steep Slope Conditional Use permit is required for any Access driveway located upon an existing Slope of thirty \(30%\) or greater.](#)

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.

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.

(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.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller

components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. The Planning Department and/or Planning Commission may require a

reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and
- (3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size

and all other applicable regulations continue to apply, the Owner is not vested for the maximum.

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

15-2.2-7. PARKING REGULATIONS.

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

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

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

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

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

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

(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. 06-56; 09-10)

15-2.2-8. 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 Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-23)

15-2.2-9. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be

issued unless the following criteria are met:

- (A) The Use is in a Historic Structure, or an addition thereto.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).
- (I) Parking on-Site is required at a rate of one (1) space per rentable room.
- (J) The Use complies with Chapter 15-1-10, Conditional Use review process.

(Amended by Ord. No. 07-25)

15-2.2-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') 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 and Title 14.

(Amended by Ord. No. 06-56)

15-2.2-11. SIGNS.

Signs are allowed in the HR-1 District as provided in the Park City Sign Code (Title 12).

15-2.2-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.

- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. 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.

(Amended by Ord. No. 06-56)

TITLE 15 - LAND MANAGEMENT CODE**CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT**

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

- (1) Upper Main Street;
- (2) Upper Swede Alley; and
- (3) Grant Avenue,

(B) encourage and provide incentives for the preservation and renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,

(D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

(F) provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,

(G) ensure improved livability of residential areas around the historic commercial core,

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,

(I) encourage residential development that provides a range of housing opportunities consistent with the

community's housing, transportation, and historic preservation objectives,

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,

(K) minimize impacts of Commercial Uses on surrounding residential neighborhood.

15-2.3-2. USES.

Uses in the HR-2 District are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental²
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting³
- (6) Child Care, Family³
- (7) Child Care, Family Group³
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure with four (4) or fewer spaces
- (12) Recreation Facility, Private

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²Nightly Rental does not include the use of dwellings for Commercial Uses

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

(B) CONDITIONAL USES.

- (1) Duplex Dwelling
- (2) Secondary Living Quarters
- (3) Accessory Apartment⁴
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public or Quasi-Public Institution, church or School
- (7) Essential Municipal and Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁵
- (9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter⁶
- (10) Bed & Breakfast Inn⁷
- (11) Boarding House, Hostel⁷
- (12) Hotel, Minor, fewer than sixteen (16) rooms⁷
- (13) Office, General⁸
- (14) Office, Moderate Intensive⁸
- (15) Office and Clinic, Medical⁸
- (16) Retail and Service Commercial, Minor⁸

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

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

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

⁷In Historic Structures only

⁸In Historic Structures and within Sub-Zones A and B subject to compliance with all criteria and requirements of Section 15-2.3-8 for Sub-Zone A and Section 15-2.3-9 for Sub-Zone B.

- (17) Retail and Service Commercial, personal improvement⁸
- (18) Cafe or Deli⁸
- (19) Restaurant, General⁸
- (20) Restaurant, Outdoor Dining⁹
- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility¹⁰
- (25) Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- (26) Recreation Facility, Private
- (27) Fences greater than six feet (6') in height from Final Grade¹¹
- (28) Limited Commercial expansion necessary for compliance with Building/Fire Code egress and Accessibility requirements and support Uses associated with HCB Commercial Use¹²
- (29) Bar⁸
- (30) Special Events⁸

⁹Subject to an Administrative Conditional Use Permit, and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9.

¹⁰ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

¹¹ See LMC Chapter 15-4-2, Fences and Walls

¹² Subject to compliance with the criteria set forth in Section 15-2.3-8(B).

(Amended by Ord. Nos. 06-56; 09-10; 10-14; 12-37)

(C) **PROHIBITED USES.**

Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 04-08; 12-37)

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

The Planning Commission shall review any Conditional Use permit (CUP) Application in the HR-2 District according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

(A) Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4.

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

(C) Dedication of a Facade Preservation Easement for Historic Structures is required to assure preservation of Historic Structures and the Historic fabric of the surrounding neighborhood.

(D) New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

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

(G) Fencing and Screening between residential and Commercial Uses may be required along common Property Lines.

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

(Amended by Ord. No. 06-56; 10-14; 12-37)

15-2.3-4. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for

a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur with exceptions as allowed in Section 15-2.3-4.

(C) **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites; and
- (b) maintains the intent of this section to provide

horizontal and vertical
Building articulation.

(D) BUILDING FOOTPRINT (HR-2 DISTRICT).

- (1) The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3.
The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

- (2) See Section 15-6-5(B) for maximum allowed Building footprint for Master Planned Developments within the HR-2 District.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

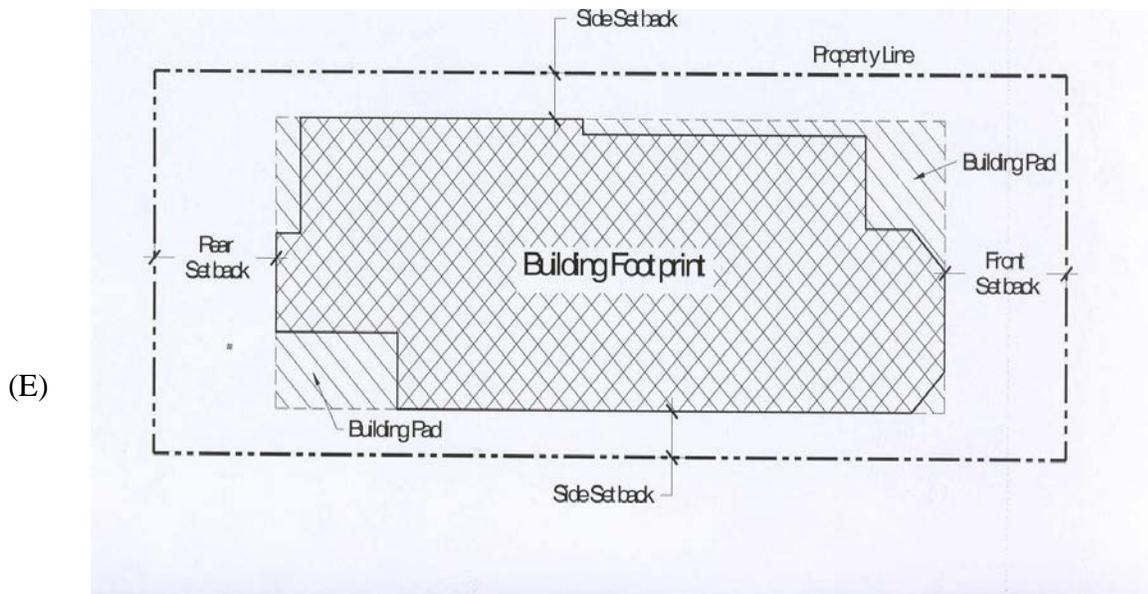
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.3. for a schedule equivalent of this formula.

TABLE 15-2.3.

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula

* for Lots > 75' in depth use footprint formula and Table 15-2.3a for Front and Rear Setbacks.



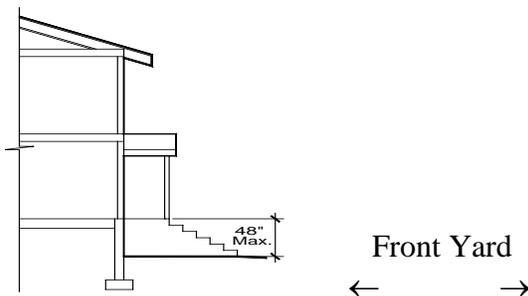
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

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

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

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



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

(4) Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks and pathways.

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

(7) Single car detached Garages approved as part of a Master Planned Development in Subzone A.

(G) **REAR YARD EXCEPTIONS.**

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

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

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

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

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

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

(6) 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 Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least three feet (3') ~~five feet (5')~~ 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, located at least one foot (1') from the Rear Lot Line.

(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').

(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 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

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

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) Screened mechanical equipment, hot tubs, or similar Structures located at ~~least minimum of three feet (3')~~ ~~five feet (5')~~ 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)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, 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 Setback and driveway location standards for additions to Historic Buildings, including detached single car Garages:

- (1) Upon approval of a Conditional Use permit,
- (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,
- (3) When the new Construction

complies with all other provisions of this Chapter, and

(4) When the new Construction complies with the Uniform Building and Fire Codes and snow shedding and snow storage issues are mitigated.

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.

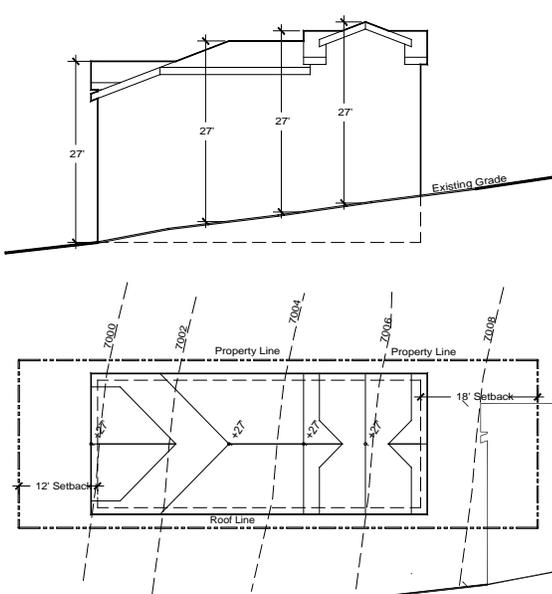
(B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure.

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 may allow additional height on a downhill Lot to accommodate a single-car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional 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)

15-2.1-6. 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 [Historic District Design Guidelines for Park City's Historic Districts](#)

and Historic Sites and Chapter 5.

(A) ~~ALLOWED USE. An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.~~

(BA) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure, and/or Access, is located upon any existing Slope of thirty percent (30%) or greater.

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred (200 sq. ft) if said Building Footprint is located upon 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 addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an existing Slope of thirty (30%) or greater.

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

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.

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.

(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.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may

require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-2 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.3-6. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between the proposed Structure and the historic character of the neighborhood's existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and
- (3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply. The Owner is not vested for the maximum.

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

15-2.3-8. SPECIAL REQUIREMENTS FOR MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS IN SUB-ZONE A.

(A) **SUB-ZONE A.** Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.

(B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

- (1) All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures

facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot.

- (2) All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements.
- (3) All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6.
- (4) Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1).
- (5) A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.

(6) The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.

(7) All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.

(8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics.

(9) No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are

allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts.

(10) The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development.

(11) Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation.

(12) Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development.

(13) The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood.

(14) 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 Zone, may be located in the HR-2 Zone as allowed by this Section.

(15) Maximum allowed Building

Footprint for the HR-2 Lot is subject to Section 15-6-5(B).

(Amended by Ord. No. 10-14)

15-2.3-9. SPECIAL REQUIREMENTS FOR SUB-ZONE B

(A) Sub Zone B consists of Lots in the HR-2 District that are located in the following Areas:

(1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and

(2) West of Main Street within Block 13 and fronting on Main Street.

(B) The following special requirements apply only to those Commercial Uses as listed in Section 15-2.3-2 for Sub Zone B:

(1) These Commercial Uses are allowed as a Conditional Use permit review requirements in Section 15-1-10.

(2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the Property and its environment. New additions shall be subordinate to the existing Structure.

(3) Adaptive reuse of residential

Historic Structures for commercial Uses may impose only minimal changes to the defining Architectural Detail.

(4) New Construction must be residential in character and comply with the Design Guidelines for Park City's Historic Districts and Historic Sites for residential construction and all Lot and Site requirements of Section 15-2.3-4.

(5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.

(6) The Historic Structure shall be restored or rehabilitated according to the requirements of LMC Chapter 4 as a condition precedent to approval of the Conditional Use permit.

(7) Any adjoining Historic Structures, under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit.

(8) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use permit.

15-2.3-10. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the

Historic District.

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

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

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

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

(G) See Section 15-3 Off Street Parking

for additional parking requirements.

(H) Parking Areas with five (5) or more spaces within Subzone A shall be accessed from a Street other than Park Avenue if the Parking Area also serves HCB Uses, and such Parking Areas shall be below the Grade of Park Avenue and beneath residential structures facing and fronting on Park Avenue.

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

15-2.3-11. 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 Historic Preservation Board as outlined in 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-10; 09-23; 10-14)

15-2.3-12. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) The Use is in a Historic Structure or addition thereto.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).
- (I) Parking on-Site is required at a rate of one (1) space per rentable room. 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. Refuse collection and storage Areas must be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

(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 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 15-2.3-14(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission. These Commercial outdoor Uses are not allowed within Subzone A

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

(a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli Use.

(b) The proposed seating Area is located on private Property or leased public Property and does not

diminish parking or landscaping.

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

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

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

(f) No music or noise in excess of the City Noise Ordinance, Title 6.

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

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

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

(a) The Use is located within Sub-Zone B only.

(b) The Use is on private Property or leased public Property and does not

diminish parking or landscaping.

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

(d) The Use is Compatible with the neighborhood.

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

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

(g) Design of the service station is Compatible with adjacent Buildings and Streetscape.

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

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

(3) **COMMERCIAL OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.** Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes for Commercial purposes is subject to the following criteria:

- (a) Located within the Sub-Zone B only.
- (b) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
- (c) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
- (d) No more than a total of three (3) pieces of equipment may be displayed.
- (e) Outdoor display is allowed only during Business hours.
- (f) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Located in Sub-Zone B only. Outdoor events and music

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

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent Residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical, signs, etc needs.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

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

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

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

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

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

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

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

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

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in

diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

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

(Amended by Ord. Nos. 05-49; 06-56; 10-14)

15-2.3-15. VEGETATION PROTECTION.

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health

and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 5.

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

15-2.3-16. SIGNS.

Signs are allowed in the HR-2 District as provided in the Park City Sign Code, Title 12.

15-2.3-17. RELATED PROVISIONS.

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

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

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.16 - RECREATION COMMERCIAL (RC) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.16 - RECREATION COMMERCIAL (RC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

- (A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) limit new Development on visible hillsides and sensitive view Areas,
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and to adjacent Areas,

(G) minimize architectural impacts of the automobile,

(H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,

(I) promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and

(J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC 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

¹Nightly Rental of Lockout Units requires a Conditional Use permit

- (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) Child Care Center⁴
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces
- (20) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility

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

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License. Requires an Administrative Permit.

- (3) Public and Quasi-Public Institution, Church, and School
- (4) Essential Municipal and Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna⁶
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (7) Raising, grazing of horses
- (8) Cemetery
- (9) Hotel, Major
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office
- (12) Private Residence Club Project and Conversion⁹
- (13) Office, General⁸
- (14) Office, Moderate⁸
- (15) Office and Clinic, Medical⁸
- (16) Financial Institution without drive-up window⁸
- (17) Minor Retail and Service Commercial⁸
- (18) Retail and Service Commercial, personal improvement⁸

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

- (19) Transportation Service⁸
- (20) Neighborhood Market, without gasoline sales⁸
- (21) Café or Deli⁸
- (22) Restaurant, General⁸
- (23) Restaurant, Outdoor Dining^{8, 9}
- (24) Bar⁸
- (25) Hospital, Limited Care Facility⁸
- (26) Parking Area or Structure with five (5) or more spaces
- (27) Temporary Improvement⁹
- (28) Passenger Tramway Station and Ski Base Facility¹⁰
- (29) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹⁰
- (30) Outdoor Events and Uses⁹
- (31) Recreation Facility, Public and Private⁸
- (32) Recreation Facility, Commercial⁸
- (33) Entertainment Facility, Indoor⁸
- (34) Commercial Stables, Riding Academy⁸
- (35) Master Planned Developments
- (36) Heliport⁸
- (37) Special Events⁹
- (38) Amenities Club

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

⁹Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

¹⁰ As part of an approved Ski Area Master Plan

(Amended by Ord. Nos. 02-38; 04-39; 06-76; 09-10;11-05)

15-2.16-3. 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) **SINGLE FAMILY AND DUPLEX DWELLINGS.** For Single Family and Duplex Dwellings see Section 15-2.16-5.

(B) **DEVELOPMENT FLOOR AREA RATIO.** For all Development, except Single Family and Duplex Dwellings, the maximum Floor Area Ratio is one (1.0), not including underground Parking Structures.

(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). See Section 15-2.16-5 for Front Yard requirements for Single Family and Duplex Dwellings.

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

- (1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are

prohibited within twenty-five feet (25') of the intersection at back of curb.

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

(3) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

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

(5) Sidewalks, patios, and pathways.

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

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD.** The minimum Rear Yard is ten feet (10'). See Section 15-2.16-5

for Rear Yard requirements for Single Family and Duplex Dwellings.

(F) **REAR YARD EXCEPTIONS.**

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

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

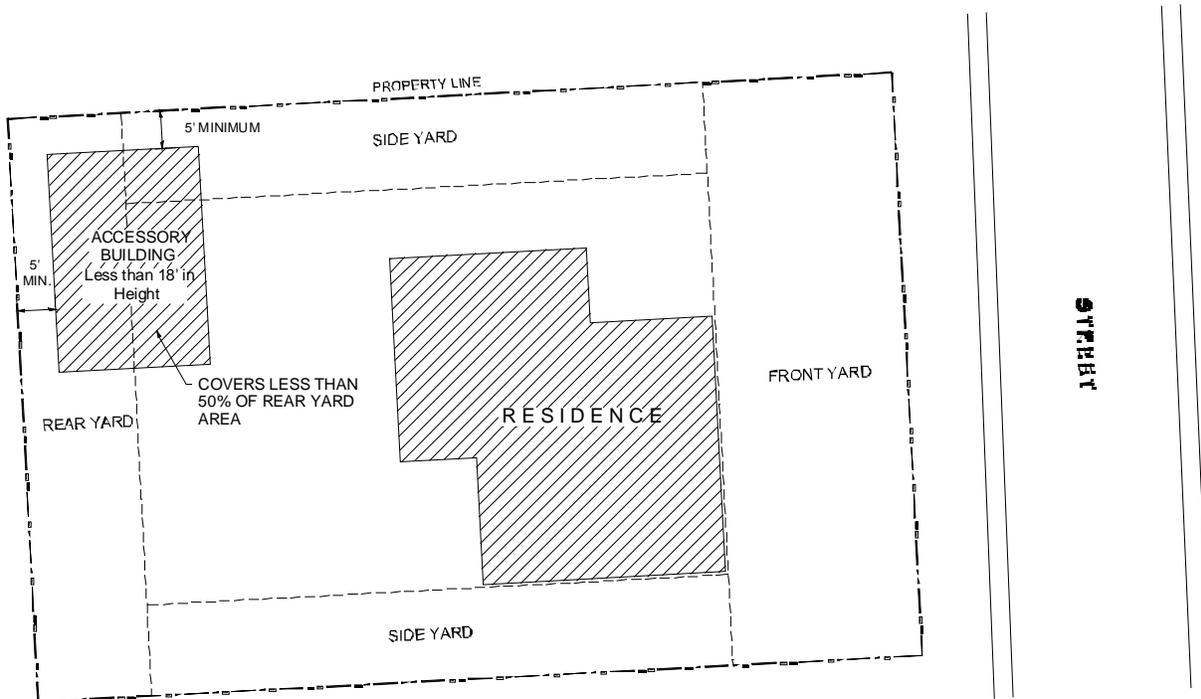
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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

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

(5) 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.

(6) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



(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 **three feet (3')** ~~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) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least **one foot (1')** ~~five feet (5')~~ from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10'). See Section 15-2.16-5 for Side Yard requirements for Single Family and Duplex Dwellings.

(2) 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 a one foot (1') Setback to the Side Lot Line.~~

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. 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) 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 ~~provided it is located~~ located at least a minimum of three feet (3') five feet (5') from the Side Lot Line.

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

issues to the satisfaction of the Chief Building Official.

(J) **OPEN SPACE.** On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to Open Space if the Lot is not developed as Master Planned Development. If the Lot is developed as a Master Planned Development then the Open Space requirements of Section 15-6-5.(D) shall apply.

(Amended by Ord. Nos. 06-76; 09-10; 12-37)

15-2.16-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height. See Section 15-2.16-5 Building Height for Single Family Dwellings and Duplexes.

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

- (1) Gable, hip, 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.

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

(7) 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. 02-38; 06-76; 07-25)

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and

depth as required, and Frontage on a 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.

The following minimum Lot and Site requirements apply to Single Family and Duplex Dwellings in the RC District:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'); measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE - RC DISTRICT.** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by Section 2-16-5(C).

(C) **BUILDING PAD - RC DISTRICT.** The Building Pad is the Lot Area minus required Front, Rear and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

(a) Porches or decks, with or without roofs;

- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Sites; and
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT – RC DISTRICT.** The maximum Building Footprint of any Single Family or Duplex Structure located on a Lot, or

combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.16.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

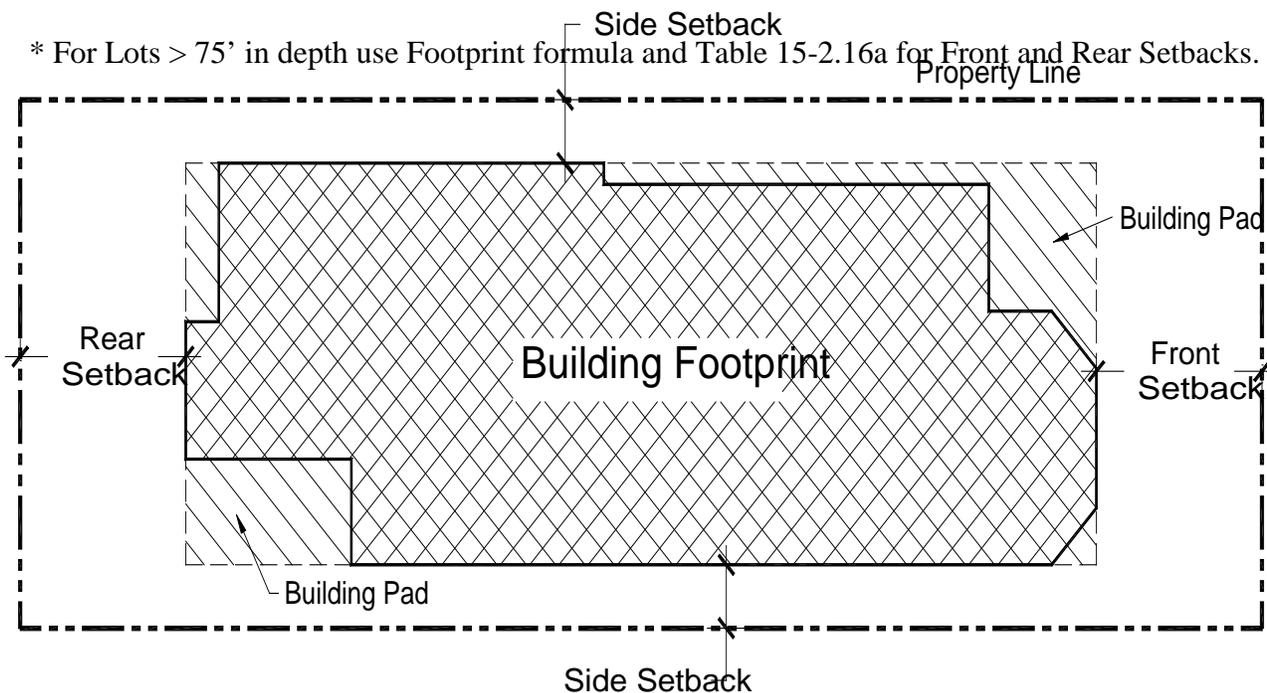
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.16- below for a schedule equivalent of this formula.

TABLE 15-2.16

Lot Depth, <=/= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

* For Lots > 75' in depth use Footprint formula and Table 15-2.16a for Front and Rear Setbacks.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

Table 15-2.16a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

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

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

curb.

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

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

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

(5) Sidewalks, patios, and pathways.

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

(G) **REAR YARD EXCEPTIONS.**

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

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

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

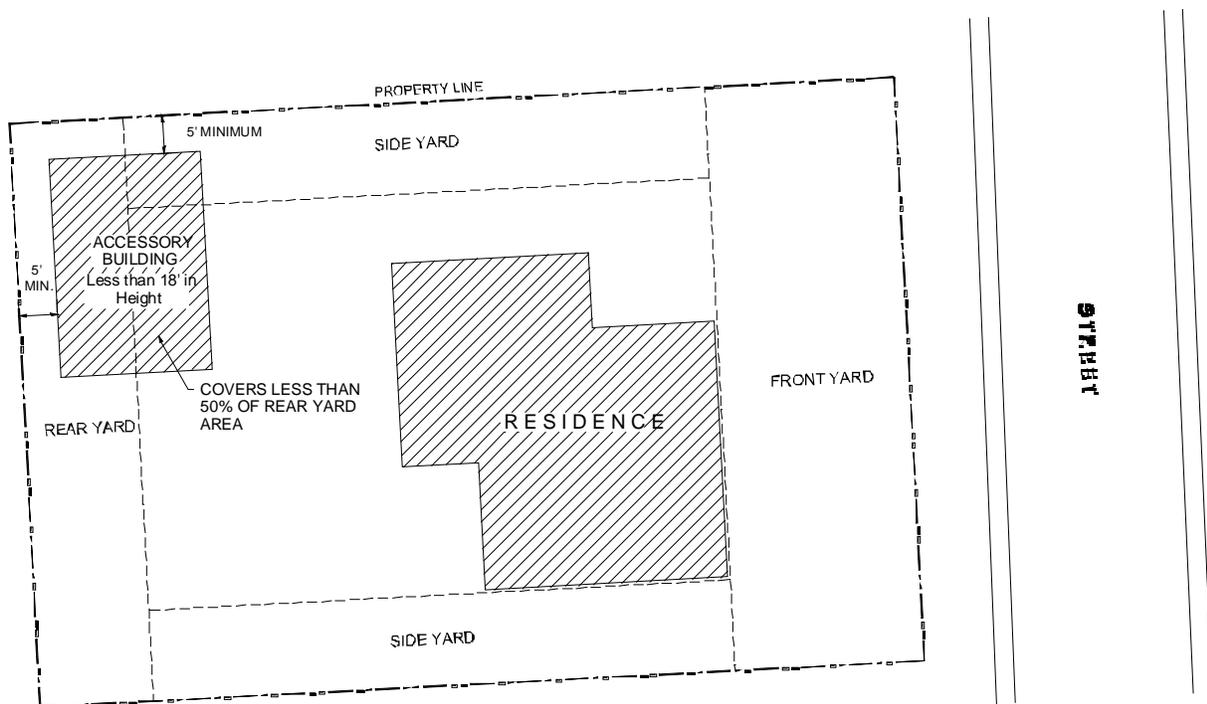
(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

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

(5) Window sills, belt courses,

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

(6) 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 Rear Yard Setback of one foot (1'). Such Structures may not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



(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 **three feet (3')** ~~five feet (5')~~ 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, located at least one foot (1') from the Rear Lot Line.

(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').

(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, trim, cornices, exterior siding, 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, or similar Structures not more than thirty inches (30") in height from Final Grade.

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

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

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of ~~three feet (3')~~ ~~five feet (5')~~ 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) **BUILDING HEIGHT.** No Single

Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. 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:

- (1) 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.
- (2) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finished Grade on all sides of the Structure. 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.
- (3) 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.

- (a) 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 inches (24") above the highest top plate mentioned above.

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

- (1) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (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 the American Disability Acts 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 may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

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

15-2.16-6. EXISTING HISTORIC STRUCTURES.

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

Historic Buildings upon:

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

(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. 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.

(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 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 Administrative Permit and are subject to the following criteria:

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

landscaping.

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

(c) The Use is Compatible with the neighborhood.

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

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

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance.

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

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

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

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

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

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

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

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

(4) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use Review. An

Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City's Noise Ordinance.

(c) Impacts on adjacent Residential Uses.

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

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise requires an Administrative Permit and is subject to the following criteria:

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

(b) The merchandise is displayed on private Property directly in front of or

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

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

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

(e) The Use does not violate the Summit County Health Code, the Fire Code,

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

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

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

15-2.16-10. 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)

15-2.16-11. 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.

15-2.16-12. 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)

15-2.16-13. SIGNS.

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

15-2.16-14. 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.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 7.1 - SUBDIVISION PROCEDURES..... 1

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.1 - SUBDIVISION PROCEDURES

Chapter adopted by Ordinance No. 01-17

CHAPTER 7.1 - SUBDIVISION PROCEDURES.

15-7.1-1. JURISDICTION.

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and to Lot Line Adjustments, as defined herein, located within the corporate limits of Park City.

Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

15-7.1-2. PROCEDURE.

No land shall be subdivided within the corporate limits of Park City until:

(A) The Owner, Applicant and/or Developer or his\her Agent submit an

Application for Subdivision to the Planning Commission through the Park City Planning Department;

(B) The Planning Commission holds a public hearing and makes a final recommendation to the City Council; and

(C) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Planning Director under proper authority; and

(D) The approved Subdivision Plat is filed with the County Recorder.

(Amended by Ord. No. 06-22)

15-7.1-3. CLASSIFICATION OF SUBDIVISIONS.

(A) **SUBDIVISION**. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

(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.

(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 twenty (20) Lots or Condominiums shall

include a phasing plan, which specifies the timing of public improvements and residential construction.

(1) **PHASING PLAN REQUIREMENTS.** A phasing plan shall include:

(a) The number of units or Parcels to be developed in each phase and the timing of each phase.

(b) The timing of construction of public improvements and Subdivision amenities to serve each phase.

(c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT.** If the Subdivision is in an Area covered by an approved Master Planned Development, which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

(3) **REVISIONS.** An Applicant may request a revision of the phasing plan, which may be necessary due to such conditions as changing market

conditions, inclement weather or other factors.

(C) **COORDINATION OF MULTIPLE APPLICATIONS.** It is the intent of these regulations that Subdivision review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall be submitted in a form to satisfy both the requirements of the Subdivision regulations and Master Planned Development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15-7.1-5. PRELIMINARY SUBDIVISION PLAT.

(A) **PREAPPLICATION REQUIREMENTS.** Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their

jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

(B) **APPLICATION PROCEDURE AND REQUIREMENTS.** Prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the land or his representative shall file an Application for approval of a Preliminary Plat. The Application shall:

(1) Be made on a form available at the office of the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a

contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(C) **REVIEW OF PRELIMINARY PLAT.** The Planning Department staff shall schedule the Preliminary Plat for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all reports submitted by the officials and agencies concerning the Preliminary Plat and shall prepare a staff report for proposed action to the Planning Commission for the next available regular meetings.

Once an Application is received, the Staff will work diligently to review the Application as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(D) **PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT.**

The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration requirements of Land Management Code, any Master Plan, site plan, or Sensitive Land Analysis approved or pending approval on the subject Property. Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary plat.

(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat Application. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL.** After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and

exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. The other copy shall be maintained in the Planning files.

(G) **PUBLIC IMPROVEMENTS.** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.** The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the Final plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval of a Preliminary Plat by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Preliminary Plat approvals and may consider the request 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 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. Notice shall be provided consistent with the requirements for Preliminary Plat in Section 15-1-12.

The Commission may hold a public hearing on the time extension for a Preliminary Plat approval. Such hearings shall be noticed in

accordance with the requirements of Section 15-1-12 of the Land Management Code.

(I) **ZONING REGULATIONS.** Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or Use, provided the final approval is obtained within the one (1) year period.

15-7.1-6. FINAL SUBDIVISION PLAT.

(A) **APPLICATION PROCEDURE AND REQUIREMENTS.** Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an Application for approval of a final Subdivision Plat. The Application shall:

(1) Be made on forms available at the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein,

with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(3) Include the entire Subdivision, or section thereof, which derives access from an existing state, county or local government highway.

(B) REVIEW OF FINAL SUBDIVISION PLAT.

The Planning Department staff schedule the Final Plat Application for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their

report to the Staff. The Staff will consider all the reports submitted by the officials and agencies concerning the Final Subdivision Plat and shall submit a report for proposed action to the Planning Commission.

Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(C) PLANNING COMMISSION AND CITY COUNCIL REVIEW OF FINAL SUBDIVISION PLAT.

The Planning Commission shall review the Final Subdivision Plat and the report of the Staff, taking into consideration requirements of the Land Management Code, the General Plan, and any Master Plan, site plan, or Sensitive Lands Analysis approved or pending on the Property. Particular attention will be given to the arrangement, location and width of Streets and their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and Geologic Hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat was required), and requirements of the Official Zoning Map and Streets Master Plan, as adopted by the Planning Commission and City Council.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.

- (1) The Planning Commission shall give notice pursuant to Section 15-1-12 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation to the City Council.
- (2) After considering the final Subdivision Plat and proposed ordinance, the Planning Commission shall recommend to the City Council approval or disapproval of the Subdivision Application and set forth in detail any conditions to which the approval is subject, or the reasons for disapproval.
- (3) The City Council may adopt or reject the ordinance either as proposed by the Planning Commission or by making any revision it considers appropriate.
- (4) In the final ordinance the City Council shall stipulate the period of time when the Final Plat shall be recorded and when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time

stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

- (5) **Extension of Approval.** Applicants may request time extensions of the City Council approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The City Council may grant an extension to the expiration date 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 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. Notice shall be provided consistent with the requirements for a Final Plat in Section 15-1-12.
- (D) **SUBMISSION AND REVIEW.** Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the ordinance have been met.
- (E) **VESTED RIGHTS.** Vesting for purposes of zoning occurs upon the filing of

a complete Application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final Plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

(F) **LOT LINE ADJUSTMENTS.** The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

(1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:

(a) no new developable Lot or unit results from the Lot Line Adjustment;

(b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public

Right-of-Way, consent to the Lot Line Adjustment;

(c) the Lot Line Adjustment does not result in remnant land;

(d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;

(e) the Lot Line Adjustment does not result in violation of applicable zoning requirements;

(f) neither of the original Lots were previously adjusted under this section;

(g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

(h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

(i) Extension of Approval. Applicants may request time extensions of the Lot Line Adjustment approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Lot Line Adjustments and may grant a one year extension.

Extension requests may be granted 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 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. Notice shall be provided consistent with the requirements for Lot Line Adjustments in Section 15-1-12.

(2) If, based upon non-compliance with Subsection (1), the Planning Director denies the Lot Line Adjustment, the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to

appeal the decision to the Planning Commission, and of the right to file a formal plat amendment Application

(G) COMBINATION OF ADJOINING CONDOMINIUM UNITS WITH A CONDOMINIUM RECORD OF SURVEY PLAT

(1) Subject to the condominium declaration, a unit owner after acquiring an adjoining unit that shares a common wall with the unit owner's unit and after recording an amended condominium record of survey plat in accordance with this Title, a unit owner may:

- (a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or
- (b) create an aperture to the adjoining unit or portion of a unit.

(2) A unit owner may not take this action if such action would:

- (a) impair the structural integrity or mechanical systems of the building or either unit;
- (b) reduce the support of any portion of the common areas and facilities or another unit;
- (c) constitute a violation of Utah Code Section 10-9a-608, as amended or 17-27a-608, as applicable, or violate any section of this code or 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)

15-7.1-7. 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.

(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 legal documents as shall be required to be recorded by the City Attorney.

(C) **SECTIONALIZING MAJOR SUBDIVISION PLATS.** Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council

may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.

(Amended by Ord. No. 06-22)

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 8 - ANNEXATION 1

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 8 - ANNEXATION

Chapter adopted by Ordinance No. 03-01

CHAPTER 8 - ANNEXATION.

15-8-1. PURPOSE.

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and Development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer Areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State law.

In meeting the goals of Park City's annexation policy plan, contained herein, the Planning Department and City Council shall strive to avoid gaps between or overlaps with the expansion Area of other municipalities; consider the population growth projections for Park City and adjoining Areas for the next twenty (20) years; consider current and projected costs

of infrastructure, urban services, and necessary public facilities; facilitate full Development of Areas within Park City; expand infrastructure, services, and facilities into the Area being considered for inclusion in the expansion Area when practical and feasible; consider, in conjunction with Park City's General Plan, the need over the next twenty (20) years for additional land suitable for residential, commercial, and industrial Development; consider the reasons for including agricultural lands, forests, recreation Areas, and wildlife management Areas in Park City; and be guided by the following principals.

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

- (A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries or school districts adjacent to school districts whose boundaries follow City boundaries, and along the boundaries of other taxing entities;

(B) To eliminate islands and peninsulas of territory that are not receiving municipal type services;

(C) To facilitate the consolidation of overlapping functions of local government;

(D) To promote the efficient delivery of services; and

(E) To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable. This Chapter shall be considered Park City's annexation policy plan and declaration.

This Chapter hereby incorporates by reference all standards required and suggested by Sections 10-2-401 et. Seq. of the Utah Code, Annotated, 1953, as amended.

(Amended by Ord. No. 06-22)

15-8-2. GENERAL REQUIREMENTS.

The following specific requirements are hereby established for annexation to Park City:

(A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

(B) Annexation of Property to the City must be consistent with the intent and purpose of this Chapter and the Park City General Plan.

(C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

(D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

(E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

(F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed Areas:

(1) Police protection;

(2) Snow removal on Public Streets, subject to standard City snow removal policies;

(3) Street maintenance on existing Streets, provided that such

Streets have been constructed or reconstructed to City Street standards or are acceptable to the City Engineer and City Council;

(4) Planning, zoning, and Code enforcement;

(5) Availability of municipal sponsored parks and recreational activities and cultural events and facilities;

(6) Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows.

(G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the Applicant(s). The City shall determine timing and capacity of extending water and sewer to the proposed annexation Area.

(H) Before considering requests for annexation, the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will

create negative impacts on the City and considering whether the City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, usable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, Affordable Housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Area shall also be considered.

(I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexations may occur as a means of retaining those lands in a natural state.

(J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area as defined by Exhibit A.

(K) In general, the City does not favor annexation of territory, which should be located within another municipality nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.

(L) Annexations that expand the resort and/or tourist economy, provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and/or community facilities are preferred.

15-8-3. PROPERTY OWNER INITIATION OF ANNEXATION.

When initiated by a Property Owner, the process for annexation shall be as follows:

(A) The Property Owner or Owners shall submit to the City a petition for annexation. The petition shall meet the criteria and shall be in the form as established by the City and in compliance with State law as set forth in Sections 10-2-401, 402, and 403 of the Utah Code, Annotated, 1953, as amended.

(1) The petition shall contain signatures of Property Owners representing a majority of the private land Area and at least one third (1/3) of the value of all private real Property within the Area proposed for annexation.

(2) If the Area is within an Agriculture protection Area created under state law Title 17, Chapter 41, Agriculture Protection Area, then the petition must cover one hundred percent (100%) of the private land Area within the Area proposed for annexation.

(3) If the Property is owned by a public entity other than the federal government, the petition shall be

signed by the Owner of all of the publicly owned Property within the Area proposed for annexation.

(4) Said petition shall designate up to five (5) of the petitioners as sponsors, one (1) who shall be designated as the contact sponsor. The mailing address of each sponsor shall be included in the petition.

(B) Attached to and as part of the petition shall be an accurate certified survey plat of the Property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the Property to be annexed.

(C) There shall also be attached to the annexation petition a statement as to the anticipated timetable for Development, if applicable, of the Property being annexed.

(D) If the proposed Property is intended for Development, the petition for annexation shall include Complete Applications for a Master Planned Development (MPD) and a preliminary Subdivision plat. The petition shall state the requested zoning designation(s), and shall show the proposed Zoning District lines on the plans. Impact mitigation considerations in the annexation agreement will be based on the Density permitted under the requested or applied zone requirements.

(E) Except in the case of POS or ROS zoning, zoning requests are subject to review

and consideration of the Planning Commission for a recommendation, with final approval by the City Council concurrent with public hearings on the proposed annexation.

(F) There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or historically utilized on the Property to be annexed, and a statement from the water Owner(s) as to the estimated value of the water or the price at which he or she is willing to sell the said water to the City.

(G) The annexation petition shall not propose annexation of any land Area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.

(H) The annexation petition shall not propose annexation of any land Area being considered for incorporation under Utah State law.

(I) On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of the county in which the Property is located and to the chair of the Planning Commission which has review authority or jurisdiction over the said Property.

(J) There shall be attached to the petition a comprehensive review and analysis of surrounding Property. See Section 15-8-5(E).

15-8-4. PROCEDURE FOR PETITION AND ANNEXATION PLATS.

The procedure for processing annexation petitions and plats shall be as follows:

(A) A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder in accordance with Section 10-2-403(2)(C) of the Utah Code, Annotated, 1953, as amended, together with any other information required by the City staff to enable the staff to prepare an annexation impact report.

(B) Prior to City Council action on the petition, the petition and plat shall be reviewed by the Planning Director, who shall determine the feasibility of expanding the annexation boundaries and who shall prepare a written recommendation for consideration by the City Council.

(C) If the City Council accepts the annexation petition, the petition shall be delivered to the City Recorder for certification pursuant to Section 10-2-405 of the Utah Code, Annotated, 1953, as amended.

(D) If the annexation petition is certified by the City Recorder, the City Council shall provide for public notice ~~and shall set a hearing~~ as set forth in Section 10-2-406 of the Utah Code, Annotated, 1953, as amended.

(E) The Planning Commission, upon referral from the Planning Director, shall hold a public hearing and make a

recommendation on the annexation proposal, including the recommended zoning, to the City Council. After receipt of the Planning Commission's recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code, Annotated, 1953, as amended, the City Council shall hold a public hearing on all proposed annexations. After closure of the public hearing, the City Council may either grant ~~or~~ deny the annexation petition; provided, however, that protests to an annexation petition shall be dealt with as set forth in Section 10-2-407 of the Utah Code, annotated, 1953, as amended. Denial of or granting the petition under protest is subject to Section 10-2-408 of the Utah Code, Annotated, 1953, as amended. If City Council grants the annexation petition, it shall assign a zone to the annexed territory at the time the territory is annexed.

(G) Once the City Council enacts an ordinance annexing an unincorporated Area or adjusting a boundary all applicable zoning and Land Management Code sections shall apply to the annexed Property.

(H) Within thirty (30) days after enacting an ordinance annexing an unincorporated Area or adjusting a boundary, the City shall:

- ~~(1) — Record with the County Recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with the annexation plat or map prepared by a licensed surveyor and approved by the City, showing the new boundaries of the affected Area.~~

~~(2) — Filefile with the Lieutenant Governor of the State of Utah the amended Articles of Incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117 notice of annexation, as required by Section 10-2-425 of the Utah Code, Annotated, 1953, as amended.~~

~~(3) — Comply with the notice requirements of Section 10-1-116 of the Utah Code, Annotated, 1953, as amended.~~

(1) Upon receipt of the Certificate of Annexation from the Lieutenant Governor, the City shall record with the County Recorder:

(1) The original notice of annexation filed with the Lieutenant Governor;

(2) The Certificate of Annexation issued by the Lieutenant Governor;

(3) The original approved plat or map prepared by a licensed surveyor and approved by the City; and

(4) A certified copy of the ordinance approving the annexation.

(Amended by Ord. No. 06-22)

15-8-5. ANNEXATION PETITION REVIEW – AFTER CITY COUNCIL ACCEPTANCE OF PETITION.

(A) **STAFF REVIEW TEAM**. After approval of the annexation petition by the City Council, general annexation procedure shall comply with Utah State law; provided, however, that the City Council shall not take Final Action on any petition until the same has been reviewed by the Park City Planning Commission and by the staff review team. For purposes of annexation petition review, the staff review team shall be composed of at least the following, or their designees:

Planning Director, City Engineer, Director of Public Works, Fire Marshall, Police Chief, representatives from applicable utility providers, and Park City School District Superintendent.

(B) **ANNEXATION EVALUATION AND STAFF REPORT**. The staff review team will review each annexation and zoning request. The Planning Department will prepare a staff report with considerations and a staff recommendation to present to the Planning Commission. The staff report shall include an evaluation of the proposed annexation and shall include at least the following information:

- (1) The ability to meet the general annexation requirements as stated in Section 15-8-2 herein.
- (2) An accurate map of the proposed annexation Area showing the boundaries and Property ownership within the Area, the topography of the Area and major natural features, e.g., drainage, channels, Streams, wooded Areas,

Areas of high water table, Very Steep Slopes, sensitive Ridge Line Areas, Wildfire/Wildland Interface Zones, and other environmentally Sensitive Lands.

- (3) Current and potential population of the Area and the current residential Densities.
- (4) Land Uses presently existing and those proposed.
- (5) Character and Development of adjacent Properties and neighborhoods.
- (6) Present zoning and proposed zoning.
- (7) A statement as to how the proposed Area, and/or its potential land Use will contribute to the achievement of the goals and policies of the Park City General Plan.
- (8) Assessed valuation of the current Properties.
- (9) Potential demand for various municipal services and the need for land Use regulation in the Area, e.g. consideration of the distance from existing utility lines, special requirements for Sensitive Lands review and fire protection in Wildfire/Wildland Interface Zones, location within hazardous soils Areas, and feasibility of snow removal from Public Streets.

(10) The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service Areas.

(11) A specific timetable for extending services to the Area and how these services will be financed.

(12) Potential revenue versus service costs.

(13) An estimate of the tax consequences to residents of the Area to be annexed.

(14) Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.

(15) Location and description of any Historic or cultural resources.

(C) CONDITIONS OF ANNEXATION APPROVAL AND ANNEXATION AGREEMENT. The City has established the following conditions, which must be met prior to completion of the annexation, unless the City Council finds that the circumstances of an annexation are such that a condition or conditions do not apply. These conditions shall be applied consistently for each Property; however, unusual or unique circumstances may emerge from time to time where special

conditions may be applied. The conditions of annexation approval shall be formalized as part of ~~the a~~ written annexation agreement prepared by the Planning Director, or designee.

The annexation agreement shall be reviewed by the Planning Commission and approved by City Council contemporaneously with the certified annexation petition. If approved the annexation agreement shall be signed by the petitioners and City Council and recorded with the Summit County Recorder.

~~The annexation agreement shall include, but is not limited to the following conditions:~~

(1) Transfer of usable water rights as established by City policy sufficient to serve the proposed Development.

(2) Additional improvements as necessary, which may be required in order to improve the water system.

(3) Dedication of necessary Streets, trails, utilities, and Rights-of-Way consistent with the Subdivision standards of this Code.

(4) Phasing of the project to insure adequacy of public facilities may be required.

(5) Payment of park land acquisition fees, dedication of open space or conservation Areas, and payment of Development impact fees.

(6) Provision of Affordable Housing in accordance with the Affordable Housing Resolution 17-99, as in effect at the time of petition.

(7) Submittal of Site plans and architectural plans for review.

(8) Flood plain management or preservation of environmentally Sensitive Lands including compliance with the Sensitive Lands Overlay section of the Code.

(9) Analysis and survey of any Historic and cultural resources located on the Property.

(10) Analysis of the fiscal impacts of the Development as determined necessary by the City. The fiscal Impact Analysis format, including the revenue and cost assumptions, shall be approved by the City. If necessary, the City shall hire qualified experts to perform the fiscal Impact Analysis.

(11) Fees paid in lieu of satisfying certain conditions, as approved by Council action.

(12) Comprehensive review of surrounding Property as described below in Section 15-8-5(E).

(13) Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the project.

(14) Annexations located within the Quinn ' s Junction Area Study (QJAS) shall be found to be consistent with the findings and conclusions of the QJAS. Any annexation petition filed prior to the final approval of the QJAS by the City will be stayed pending Final Action on the study.

(D) **AMENDMENTS TO THE ANNEXATION AGREEMENT.**

Subsequent substantive amendments to the annexation agreement are subject to review and approval by the Planning Commission and City Council with adequate public notice and recordation with the Summit County Recorder.

(E) **COMPREHENSIVE REVIEW AND ANALYSIS OF SURROUNDING PROPERTY.**

A comprehensive land Use review and analysis of Property surrounding the proposed annexation must be completed and submitted with the annexation petition. This analysis of surrounding Property shall be in sufficient detail for the City to determine the long term community impacts of the proposed annexation on these Properties. This analysis must include, but is not limited to, all Property within one and one-half (1 1/2) miles of the boundaries of the proposed annexation. The Planning Director may modify the study Area up to one-half (1/2) mile more or less to achieve a suitable and logical study Area.

The review and analysis of surrounding Property shall be performed by a qualified land Use planner with assistance from other professionals, such as traffic engineers, civil

engineers, wildlife biologists, hydrologists, and soils scientists. The City reserves the option of selecting the qualified professionals to perform this analysis with the cost to be paid by the Applicant. The review and analysis shall include, but is not limited to a study of the following:

- (1) Slope, wetlands, vegetation, wildlife habitat, view corridors, existing Historic and cultural resources, and significant geological features.
- (2) Existing and proposed road systems.
- (3) Existing and proposed utilities and major utility extension plans.
- (4) Location of proposed open space, recreational Areas, and trail systems.
- (5) Existing and proposed land Uses including type and Density of residential Areas.
- (6) Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc.

(Amended by Ord. Nos. 06-22; 06-86)

15-8-6. MUNICIPAL INITIATION OF ANNEXATION.

It shall be the policy of the City to annex Areas meeting all of the following criteria

with or without receipt of a petition from the Property Owners:

- (A) The annexation is an island within or a peninsula contiguous to the City;
- (B) The majority of each island or peninsula consists of residential or commercial Development;
- (C) The Area proposed for annexation requires the delivery of municipal-type services; and
- (D) The City has provided most or all of the municipal-type services to the Area for more than one (1) year.
- (E) Annexation of the Area is supported by the goals of the Park City General Plan, including open space, land Use, Affordable Housing, recreation, growth management, and economic Development.

Such annexations shall be processed as provided under Section 10-2-418 of Utah Code, Annotated, 1953, as amended, including all noticing and public hearing requirements. This review shall be in addition to the review required in Section 15-8-5 herein.

If written protest to such annexation is timely filed and complies with Section 10-2-418 Subsection (3) of the Utah Code, Annotated, 1953, as amended, the City may not adopt an ordinance annexing the Area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.

**15-8-7. EXPANSION AREA
BOUNDARY MAP.**

(A) The Expansion Area Boundary Map
is included as Exhibit A below:

TITLE 15 - LAND MANAGEMENT CODE

**CHAPTER 9 - NON-CONFORMING USES AND NON-~~CONFORMING~~
COMPLYING STRUCTURES**

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING
STRUCTURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.

15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

15-9-2. DETERMINATION OF NON-CONFORMING ~~OR NON-COMPLYING~~ STATUS.

(A) **BURDEN ON OWNER TO ESTABLISH LEGALITY.** The Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.

(B) **DETERMINATION OF STATUS.** The Planning Director shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Planning Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.

(Amended by Ord. No. 06-35)

15-9-3. AUTHORITY TO CONTINUE.

(A) **CONTINUATION OF NON-CONFORMING USE.** A lawful Non-Conforming Use may continue subject to the standards and limitations of this Chapter.

(B) **CONTINUATION OF NON-COMPLYING STRUCTURE.** A Non-Complying Structure that was lawfully constructed with a permit prior to a contrary change in this Code, ~~may, may~~ be used and maintained, subject to the standards and limitations of this Chapter.

15-9-4. ABANDONMENT OR LOSS OF NON-CONFORMING USE.

(A) **ABANDONMENT OF NON-CONFORMING USE.** A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary Structure associated with the Non-Conforming Use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the Non-Conforming Use; or the primary Structure associated with the Non-Conforming Use remains vacant for a period of one (1) year.

Any party claiming that a Non-Conforming Use has been abandoned shall have the burden of establishing the abandonment.

Any subsequent Use of the Building, Structure, or land must conform ~~with~~to the regulations for the Zoning District in which it is located.

(B) **REBUTTABLE PRESUMPTION OF ABANDONMENT.** The presumption of abandonment may be rebutted upon a showing that during such period:

(1) any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the Use; or

(2) the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the Use and the Owner has been maintaining the Building, Structure, or land in accordance with the Uniform Building Code; or

(3) the Owner can demonstrate no abandonment of the Use.

The Property Owner shall have the burden of establishing that any claimed abandonment has not in fact occurred.

(Amended by Ord. No. 06-35)

15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

(A) **ENLARGEMENT.** A Non-Conforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site that it did not occupy on the date on which the Use became non-conforming. A Non-Conforming Use may be extended through the same Building

or Structure provided no structural alteration of the Building or Structure is proposed or made for the purpose of the extension and the parking demand is not increased.

(B) **EXTERIOR OR INTERIOR REMODELING OR IMPROVEMENTS TO BUILDING OR STRUCTURE.**

Exterior or interior remodeling or improvements to a Structure containing a Non-Conforming Use shall be allowed provided there is no expansion of the area of the Non-Conforming Use.

(C) **RELOCATION OF BUILDING OR STRUCTURE.**

A Building or Structure containing a Non-Conforming Use may not be moved unless the Use shall thereafter conform to the regulations of the Zoning District into which the Building or Structure is moved.

(D) **CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OR A CONFORMING USE.**

Except as provided in Section 15-9-5(E) below, no Non-Conforming Use may be changed to another Non-Conforming Use. Whenever any Non-Conforming Use is changed to a conforming Use, such Use shall not later be changed to any Non-Conforming Use.

(E) **HISTORICALLY SIGNIFICANT BUILDINGS EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.**

Subject to the criteria below, a Non-Conforming Use located on a Lot or Parcel containing a Building or

Structure included on the Park City Historic Sites Inventory, may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming Use, which satisfies the criteria provided in Section 15-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

(1) **APPLICATION.**

Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

(2) **NOTIFICATION OF ABUTTING PROPERTY OWNERS.**

Notice shall be provided pursuant to the Notice Matrix in Chapter 1. See Section 15-1-19.

(3) **BOARD OF ADJUSTMENT HEARING.**

Within thirty (30) working days of the Planning Department's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of Adjustment's

decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-Conforming Use if the Application complies with the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to Use;

(c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the

neighborhood will not be adversely impacted by the increased parking demand.

(F) **DAMAGE OR DESTRUCTION OF BUILDING OR STRUCTURE WITH NON-CONFORMING USE.** If a Building or Structure that contains a Non-Conforming Use is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the Property Owner that the Structure is uninhabitable and that the Non-Conforming Use will be lost if the Structure is not repaired or restored within six (6) months; or the Property Owner has voluntarily demolished ~~a majority more than 50% of the Gross Floor Area of the Structure of the Building~~ that houses the Non-Conforming Use; or if a Building or Structure that contains a Non-Conforming Use is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming Use within a complying Structure.

If a Building or Structure that contains a Non-Conforming Use is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Non-Conforming Use may be resumed and the Building or Structure may be restored to the condition prior to the destruction, provided such work is started within six months of such calamity, is completed within eighteen (18) months of work commencement, and the

intensity of Use is neither increased nor changed.

(G) LEGAL NON-CONFORMING RENTAL HOUSING USE. Enforcement of this Ordinance is not intended to terminate a legal Non-Conforming rental housing Use. No physical changes shall be required to a Structure containing a legal Non-Conforming rental housing Use unless the change is for the following:

- (1) The reasonable installation of a smoke detector that is plugged in or battery operated.
- (2) A ground fault circuit interrupter protected outlet on existing wiring;
- (3) Street addressing;
- (4) An egress bedroom window if the existing bedroom window is smaller than that required by current state building code; unless such change would compromise the structural integrity of the building or could not be completed in accordance with current building codes, including Setbacks and window well requirements.
- (5) An electrical system or plumbing system, if the existing system is not functioning or is unsafe as determined by an independent, licensed electrical or plumbing professional.
- (6) Hand or Guard rails.
- (7) Occupancy separation doors as required by the IBC.
- (8) The abatement of a Structure.

(Amended by Ord. No. 06-35; 12-37)

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

(A) REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

(B) MOVING. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter ~~comply with conform to~~ the regulations of the zone in which it will be located.

(C) DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE.

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the Property Owner stating that the Structure is uninhabitable and that the Non-Complying Structure or the Building that houses a Non-Complying Structure shall not be restored unless it is restored to comply with the

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regulations of the Zoning District in which it is located.

If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the Non-Complying Structure, is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the Zoning District zone in which it is located.

If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.

(Amended by Ord. No. 06-35)

15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be

unsafe and orders its restoration to a safe condition.

15-9-8. APPEALS.

The City or any Person with standing adversely affected by a decision of the Board of Adjustment under this Chapter may petition the District Court in Summit County for a review of the decision. Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to City Council, and shall be made according to the requirements of the Utah State Code. Any Person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the City Recorder as prescribed by state statute.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 10 - BOARD OF ADJUSTMENT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 10 - BOARD OF ADJUSTMENT

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

15-10-2. TERM OF OFFICE.

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that

the term of one member shall expire each year on June 1. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(Amended by Ord. No. 09-10)

15-10-3. POWERS AND DUTIES.

(A) The Board of Adjustment shall hear and decide:

- (1) Appeals from zoning decisions applying Title 15, Land Management Code;
- (2) Variances from the terms of the Land Management Code.
- (3) Appeals and call-ups of Final Action by the Planning Commission at the request of the City Council for City Development applications.
- (4) Appeals of Final Action by the Planning Staff on Historic District Design Review applications when the Historic Preservation Board takes part in the review and Final Action

(5) Appeals of Final Action by the Historic Preservation Board on Determination of Significance applications.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming Uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

(Amended by Ord. Nos. 06-35, 10-11; 12-37)

15-10-4. GROUNDS FOR REMOVAL.

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

(Amended by Ord. No. 06-35)

15-10-5. ORGANIZATION.

(A) **CHAIR.** The Board of Adjustment shall elect one of its members to serve as Chair for a term of two (2) years at its first

meeting following the date of expiration of terms in June. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely at that meeting.

(B) **QUORUM.** No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

(Amended by Ord. No. 09-10)

15-10-6. MEETINGS.

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.

(A) **WITNESSES.** The Chair of the Board of Adjustment or in his absence, the Chair Pro Tem, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES.** Written minutes shall be kept of all Board meetings. Such minutes shall include:

(1) The date, time and place of the meeting.

(2) The names of members present and absent.

(3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

(4) The names of all citizens who appeared and the substance in brief of their testimony.

(5) Any other information that any member requests be entered in the minutes.

The minutes are public records and shall be available within a reasonable time after the meeting.

(Amended by Ord. No. 09-10)

15-10-7. APPEALS.

Also see Section 15-1-18. The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement, decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as

ought to be made, and to that end shall have all the powers of the administrative official, board, or commission from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council, unless specifically requested by the City Council for City Development. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code.

Appeals shall be considered by the Board of Adjustment on the record made before the Historic Preservation Board or Planning Commission. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority.

Exception. For appeals to the Board of Adjustment regarding Design Guidelines for Historic Districts and Historic Sites involving City Development projects, the Board of Adjustment shall review factual matters de novo and it shall determine the correctness of the Planning Director or Planning Staff decision in the interpretation and application of the Guidelines and LMC Title 15 Chapter 11.

Exception. For appeals to the Board of Adjustment regarding Determination of Significance (DOS) applications, the Board of Adjustment shall review factual matters de novo and it shall determine the correctness of the Historic Preservation Board decision in the interpretation and application of LMC Section 15-11-10.

Appeals shall be heard by the Board of Adjustment within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(Amended by Ord. Nos. 06-35; 09-10; 10-11)

15-10-8. VARIANCE.

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance

requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

~~(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary~~

~~permit within one (1) year of issuance of the variance, or the variance shall be null and void.~~

~~(HG)~~ The Board of Adjustment and any other body may not grant a Use variance.

~~(H)~~ In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

(Amended by Ord. No. 06-35; 12-37)

15-10-9. PERSONS ENTITLED TO APPEAR.

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the Application.

15-10-10. DECISION.

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

15-10-11. VOTE NECESSARY.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

15-10-12. JUDICIAL REVIEW OF BOARD DECISION.

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment decision was arbitrary, capricious, or illegal.

(Amended by Ord. No. 09-10)

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 15 - DEFINED TERMS

15-15-1. DEFINITIONS.....1
 15-15-2 LIST OF DEFINED TERMS.....38

Building Footprint. The total Area of the foundation of the Structure, or the furthest exterior walls of the Structure projected to Natural Grade, not including exterior stairs, patios, and decks and Accessory Buildings listed on the Park City Historic Structure Inventory that are not expanded, enlarged or incorporated into the Main Building.

Carport. A carport is a covered parking space attached to the house, or free standing, which is not completely enclosed by walls and does not include garage doors.

Light Industrial. Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, Light Industrial shall mean uses such as the manufacture of electronic instruments, preparation of food and beverage products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light Industrial shall not include Uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries, or manufacturing related to the automobile industry.

Mixed Use Development. A development of one or more buildings that blends a combination of residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections. A Mixed Use development may also include a building, complex of buildings, or district of a town or city that is developed for mixed-use by a private developer, (quasi-) governmental agency, or a combination thereof.

would be through a small neighborhood and he wanted to make sure they would be sensitive to the neighbors. Mr. Beck stated that they were working through construction impacts. He noted that in this case there are two canyons. Some work will occur on the County side and other work will occur on the City side. Mr. Beck remarked that there is a need for equipment and materials, as well a labor, and that generates construction traffic. There is also a need for a staging area. Some of the lift work will be done through helicopters and that creates the need for aerial. He identified areas they were looking at for staging areas in the lower parking lots. They have also looked at Swede Alley and King Road, and they were looking at labor pooling out of the existing parking lots. They have an agreement with Armstrong and Utah Open Space Lands regarding the use of the road. Mr. Beck agreed that the work need to be done quickly and they were working around trying to stage the project, recognizing that other construction would be occurring at the same time. There is a heightened concern by everyone related to construction and construction traffic. Mr. Beck stated that they were in the preliminary stages but they would provide a full construction mitigation plan to the Building Department. He could update the Commissioners on where they are in the process at the March 25th meeting.

Planner Astorga stated that the Planning Commission had provided sufficient direction to come back on March 25th. He noted that Tim Beck has been very responsive and easy to work with. Planner Astorga pointed out that the Staff had identified the four issues for discussion. As noted in the Staff report, they had no concerns with any other issues. He encouraged the Commissioners to contact him if they had other comments or concerns prior to the March 25th meeting.

Commissioner Strachan returned to the meeting.

3. Land Management Code Amendments – Chapter 2.1 (HRL), Chapter 2.2 (HR-1) Chapter 2.3 (HR.2) Chapter 2.4 (HRM), and Chapter 2.16 (RC) – Regarding side and Rear Setbacks for patios and hot tubs (Application PL-14-02595)

Planner Kirsten Whetstone stated that these items were the beginning of the 2015 updates to the LMC, starting with administrative items and issues that have been raised by citizens. The proposed amendments have been reviewed for consistency with the recently adopted General Plan.

Planner Whetstone stated that the last item on the agenda related to Chapter 9 of the LMC would be continued pending additional items that the State Legislature has changed regarding non-conforming uses and non-complying structures.

Planner Whetstone stated that the amendments regarding setbacks for hot tubs and patios in the HRL, HR1, HR2, HRM, also include the RC zone because that zone has the same

setbacks and setbacks exception for the Old Town lots. She clarified that it would not apply to multi-family or the resort part of the RC zone.

Planner Whetstone stated that currently patios are allowed to go to one foot in the rear and they are allowed in the side setback, which is normally a 3' setback for a standard 25' wide lot. If the lot is wider by more than a lot and a half, the side setbacks are increased to 5'. Patios, steps and other elements are allowed at grade. Planner Whetstone explained that currently hot tubs require a 5' setback in the rear. When the rear setback is 10' the hot tub is allowed an exception five feet into the setback with at least five feet to the property line, as well as five feet to the side. Planner Whetstone noted that the language as written was confusing and some of the changes were clean-up language for consistency.

Planner Whetstone pointed out that numerous older hot tubs that were installed are within the distance between the property line and five feet. As people are starting to replace their hot tubs with more energy efficient hot tubs, various property owners have tried to remedy these situations with either a variance request or an opinion on whether it is considered a legal non-complying structure. Planner Whetstone noted that an accessory structure as much as 18' tall is allowed within one foot of the rear property line as long as it does not cover more than 50% of the rear yard. A patio is also allowed within one foot of the property line.

Planner Whetstone reviewed the redlined LMC changes shown on Exhibit A in the Staff report. In the HRL zone the Staff proposes to changed the rear yard exception to "screened hot tubs or similar structures located at least 3' from the rear yard." The hot tub would have to be screened with a fence, wall or thick vegetation that would provide screening in the winter. For side yard exceptions, the screened hot tub would be located at least 3'.

Commissioner Campbell asked if currently the hot tub is allowed to go right to the property line on the side yard. Planner Whetstone replied that currently the setback is 5'. Commissioner Phillips stated that under the scenario of a one level with a deck, the hot tub could not sit on the edge of the deck. It would have to be two feet in. Under the current LMC the deck to go to 3' but the hot tub has to be at 5'. Commissioner Band pointed out that under the current Code the deck could go to 1'.

Chair Worel asked if hot tubs were different than pools, because pools are required to be fully enclosed with a fence. Assistant City Attorney McLean believed fencing for pools was a Building Department requirement. Director Eddington understood that the Building Department generally does not treat hot tubs as pools and hot tubs are not required to have a fence. He noted that the Staff was recommending screening for hot tubs if the Planning Commission finds that 3' is an appropriate setback. Director Eddington did not

believe there was much difference between 3' and 5' in terms of setback. The noise from the hot tub motor is not mitigated by the extra two feet. He was unsure why the setback was set at 5' initially, but it would be difficult to install a hot tub with a 10' rear setback. Director Eddington stated that if 5' was established by design, it has worked fairly well, but a lot of hot tubs were installed prior to the 5' setback Code requirement. The question is whether 3' with screening is a better mitigation procedure to allow for better movement and functionality in the back yard and provide screening between neighbors. He clarified that nothing would mitigate the sounds from equipment and people enjoying their hot tub.

Commissioner Band asked if the purpose of the screening was for noise or visual. Planner Whetstone replied that it was primarily for visual. She had researched hot tubs and found that the newer hot tubs come in cabinets and have covers.

Commissioner Joyce questioned why the Staff recommended 3' and not one-foot. Director Eddington stated that it was an issue of being able to walk around the hot tub and maintaining it. With a one-foot setback there was the potential of stepping over on the neighbor's property. Director Eddington remarked that 3' is also the minimum side yard setback for a structure and they kept the rear-yard consistent with that.

Commissioner Thimm asked if anyone had applied for variances. Planner Whetstone replied that one owner had applied for a variance, but their situation was a little different. She noted that the Staff had received another application, but when the owner was told about the proposed amendments they decided to wait.

Commissioner Campbell thought the definition of a screen was vague. Commissioner Phillips agreed. He asked if the screen needed to be higher than the hot tub. Director Eddington stated that if the Planning Commission agreed on the 3' setback the Staff could come back with a specific definition for the screening. Commissioner Campbell remarked that most people like to sit in their hot tub and enjoy the view. He was concerned that the screening requirement would force people to eliminate their view.

Commissioner Band asked if the intent was to visually screen the hot tub from the neighbors. Planner Whetstone answered yes. Director Eddington suggested that screening could be 4' to 6' so it would not affect the view. He pointed out that it would only be required along the property line where the hot tub sits so they would still have the views in the other directions.

Planner Whetstone stated that the Staff would be bringing back Chapter 15, the definitions chapter, for a number of revisions. They were also beginning the implementation of the General Plan, as well as other sections where they need to come back with additional

definitions. Planner Whetstone remarked that the amendments proposed this evening could be continued until they all come back sometime in March.

Chair Worel opened the public hearing.

Mary Wintzer, 320 McHenry Street stated that if the hot tub amendments are continued it would give the Planning Commission time to contemplate her comments. Ms. Wintzer stated that she has lived in Old Town for 43 years and she understood that several of the Commissioners have or had the Old Town living experience. Ms. Wintzer remarked that the Planning Commission and the City Council are the HOA for Old Town. Already in Old Town house are upon houses with the topography of Old Town. To move the hot tubs even closer to the property line would affect the quality of life for many people, not just the person who owns the hot tub. Ms. Wintzer did not believe it was a God given right that everyone should have a hot tub. Another issue is that the more dense and crowded Old Town becomes, the more it forces full-time residents in the neighborhoods to move out of Old Town. She suspected that the majority of people who want hot tubs are second homeowners. Ms. Wintzer asked the Commissioners to reflect on the fact that it is not as simple as moving the hot tub because it would create a ricochet of events and those without hot tubs could not enjoy their yard because someone is two-feet closer to their property. Ms. Wintzer pointed out that two feet is a significant distance when you have a small yard. She asked the Planning Commission to consider that the consequences are far greater than simply two feet.

Ruth Meintsma, 305 Woodside asked if they had considered hot tubs on a steep slope. With screening it could be quite an imposing structure on to a downhill house.

Planner Whetstone stated that the Staff had discussed it. Director Eddington noted that the issue is that most people have graded their rear yards to be either a patio or other space, so it would generally be on fairly flat land. However, he agreed with Ms. Meintsma that if the backyard of your property is on the downhill side, the house above could appear imposing. Director Eddington stated that the issue currently occurs with the 5' setback if someone chooses to put a fence along their back yard. He noted that most yards end up having a fence anyway for privacy.

In response to Ms. Wintzer, Director Eddington wanted it clear that the Staff was not necessarily proposing this amendment. They think it is a good idea in general given the space challenges, but if the 5' setback eliminates some hot tubs it may have been done by design. Director Eddington stated that the Staff is concerned about the fact that mostly secondary homes want hot tubs and whether that negatively affects the primary homes. That was the reason for recommending significant screening if the Planning Commission decided to reduce the rear setback from 5' to 3'.

Commissioner Joyce stated that his concern was consistency. There is magic about a hot tub. If from a visual standpoint if he could build a shed in his backyard three feet from the property line, it would block views. Considering the “people” aspect of the issue, he was unsure why hot tubs would be regulated but not patio furniture. People spending time on their patio can generate noise disturbance as much as anyone else. Commissioner Joyce found it odd to have a hot tub regulation given that there are already structural regulations. He understood why pools were treated differently because of the safety factor.

Commissioner Phillips stated that he lives on an uphill lot and he has a hot tub. His hot tub is on a second level and he looks into another neighbor’s yard that has a hot tub. His neighbor behind him throws parties on their deck. He understood the issues Ms. Wintzer had addressed. Commissioner Phillips stated that if the setback is reduced to 3’ the owner could have a 7’ hot tub, which can fit a lot of people. He commented on the number of nights he hears people on vacation having a good time in the hot tub, but it is part of living in Old Town. However, if there are twice as many people in a larger hot tub, he might be bothered by the noise because he has children. Commissioner Phillips stated that hot tubs continually get bigger and that was something they needed to consider. He would be in favor of limiting the setback to 4’. He did not support screening. Commissioner Phillips agreed with the 3’ setback on the side yard.

Commission Campbell agreed with no screening. He was opposed to requiring people to put up a screen.

The Staff and Commissioners discussed situations where a hot tub could be considered legal non-complying. Director Eddington stated that if a hot tub was installed prior to the Code being in effect, it would be legal non-complying.

Commissioner Phillips disclosed that he did not realize that the setback was five feet from the side yard; therefore, his hot tub is non-complying and does not meet the setbacks. Director Eddington stated that many existing hot tubs are non-complying.

Commissioner Joyce could not understand why this was an exception. If they talk about structures and setbacks being 3 feet from the back and three feet from the side, he could not understand why a hot tub could be four feet and a shed only three feet. He asked for an explanation of why those two things are different. Director Eddington was unsure why they were different. He suggested that some people might view hot tubs as an attractive since they are designed to create use and sound. Those impacts are harder to mitigate as opposed to a shed. Commissioner Joyce stated that if hot tubs are such a nuisance they should be outlawed. He would understand that argument even though he would disagree with it. However, he did not believe the problems would be mitigated by having a 4-foot

exception instead of the standard 3-feet. It would not be any quieter or noticeably different. Commissioner Joyce favored making life simpler for all the constituents. He thought they should eliminate the exception for hot tubs and treat it like a structure.

Commissioner Thimm stated that when he read it he thought it was intended to be different, otherwise it would be consistent. Commissioner Thimm commented on enforcements. He stated that reading the language without the change, it says screened mechanical equipment, hot tubs, and similar structures located at least five feet from the rear lot line. Commissioner Thimm stated that when they enforce the current Code, he asked if they were enforcing a screened hot tub. Planner Whetstone answered yes. Commissioner Thimm clarified that the issue regarding screening in the 3' versus 5' discussion was not really an issue as written. Planner Whetstone noted that the items listed were exceptions to the setback. She explained that putting the hot tub in the back more than ten feet and it is not in the ten foot setback, then it does not fall into the exception and it does not need to be screened. Director Eddington stated that very few houses have not built to the ten foot rear setback line. Planner Whetstone clarified that screening would only be required if someone took the exception of five feet from the property line. Commissioner Thimm thought the screening definition should be clear to avoid arguments at the Planning Department counter. Director Eddington concurred.

Chair Worel thought they could all agree there was lack of clarity and further discussion would not resolve the confusion. Director Eddington asked for direction from the Planning Commission so the Staff could draft appropriate language for the next meeting.

Commissioner Strachan stated that with all of the socially important issues they discussed in the General Plan he was surprised that this was the first LMC amendment to come before them. He did not have an opinion one way or the other on whether it should be 5 feet, 3 feet or 4 feet or screened.

Commissioner Band stated that she has lived in Old Town and she respects the comments made by Ms. Wintzer because it is small and neighbors can be loud. However, she agreed with Commissioner Joyce that all accessory structures on a lot should be treated the same. Commissioner Band was not in favor of screening because she did not think it would accomplish its purpose.

Commissioner Phillips favored the 3' and 3' setbacks. He could not see a need for screening.

Commissioner Campbell was comfortable with 3' and 3' setbacks. He thought they should keep it simple and not require screening.

Commissioner Joyce thought the setbacks should be 3' and 3', including for hot tubs, and no screening.

Commissioner Thimm was comfortable with 3' and 3' and no screen, but he did not want to lose the screened element for mechanical equipment. Commissioner Thimm noted that the discussion was about hot tubs, but in reading the language he asked if mechanical equipment could be brought closer to the property line. Planner Whetstone noted that mechanical equipment is typically an air conditioner and that is usually up against the house.

Commissioner Strachan believed these were issues that would be flushed out at the counter and they may see additional revisions because of it. He suggested that the Staff come back at the next meeting with new language without the screening, and the Commissioners could vote to approve specific language.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the setback regulations for hot tubs in the HRL, HR1, HR2, HRM and RC Zoning Districts to March 25, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. Chapters 2 (in all applicable zoning districts) and 15 (Definitions) to clarify Essential Municipal and Public Utility Uses

Planner Whetstone requested that the Planning Commission continue Chapters 2 and 15 in an effort to keep all the amendments together for the March 25th meeting.

Planner Whetstone referred to page 189 of the Staff report. She noted that every zoning district had the same language as either an allowed use or a conditional use. She read, "Essential Municipal Public Utility Use, Facility, Service and Structure." The request was to add the word "and" after "Municipal" to read as "Essential Municipal and Public Utility Use." The intent was to make the distinction between municipal uses and other utilities such as power and non-municipal utilities.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on Essential Municipal and Public Use Facilities, Services and Structures in all Zoning Districts to March 25, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

5. Chapter 2.24 – Regarding Transfer of Development Rights (TDR)

Planner Whetstone handed out public input from Thomas Hurd. She also handed out a map that identifies the SOT1, SOT2 and SOT3, which are the sending zones that are different than the sending zones for all of the historic districts. She also provided copies of the redlines.

Planner Whetstone stated that the current language talks about all vacant lots within the Park City historic districts. It then says, "except those lots in the SOT1, SOT2, SOT3, which are the sending overlay, and Sending TH, which is sending Treasure Hill, and all sites listed on the Inventory shall be eligible as sending sites and shall be an overlay zoning district referred to as a TDR Sending Historic." Planner Whetstone noted that it never says that the vacant lots in the SOT1, SOT2, etc., are eligible, but it later talks about how to get the credits. She stated that the first blue line was her attempt to clarify and reiterate that all lots included in the SOT1, 2 and 3 and in the Sending Treasure Hill are eligible as sending sites as further specified in Section 15-2.24.

Commissioner Joyce thought the TDR looked like something that was invented to make the Treasure Hill deal work. If he was asked whether it made more sense to move density out of Old Town over to the base of Deer Valley, he would have to say no because Old Town is where people shop and eat and there are real transit solutions. Commissioner Joyce stated that if they were going to have a TDR discussion, it should be one that really makes sense.

Planner Whetstone stated that the primary reason for these sending zones, at least in the in SOT1, SOT2 and SOT3, is the fact that the lots are very steep, they have sensitive lands, narrow streets and they are not ideal for development. Commissioner Joyce understood that reasoning; however, if they discussion is about making sure they use those and eliminate the HR1, it would be an interesting planning discussion about where TDR sources should be coming from. Planner Whetstone explained that they also have property owners in one of those sending zones that have an interest in using the TDR. She noted that the TDR has only been used once. The General Plan identifies in some of the strategies that they relook at receiving and sending zones. There is an urgency to do some cleanup language, but the Staff intends to come back with the map that shows all of the existing sending and receiving zones, and to have that planning discussion.

Director Eddington stated that the idea of the SOT1, 2 and 3 was to denote areas that were challenged by the road infrastructure, steep slopes, etc., and to offer an opportunity to transfer those development rights. The Planning Commission at that time discussed that these areas could have negative impacts but they did not want to take away the individual property owner's right to develop their property or to make money on it via the sending zone. The HR1 Historic District was included because there was a discussion with regard

to compatibility and that people were building houses to the full footprint and to the full heights, which they are allowed to do pursuant to the LMC as long as they meet compatibility and the Historic District Designs Guidelines. At that time there were some historic houses that were recommended to stay as they were and/or add very small additions. In order to encourage that, the owner had the right to transfer the square footage that they did not build out to, which gave them an economic incentive for not building to the full height and footprint. That approach was desired by most everyone in Old Town. Director Eddington stated that they knew it would not be used extensively, but in the places where it was used it was deemed a good planning tactic.

Director Eddington stated that in regards to the issue this evening, they were clarifying language and discussing the issue of Old Town lots in the SOT zone. He noted that double Old Town lots only get one credit if they transfer. The question is whether they should give them two credits to be more equitable and fair. Director Eddington reiterated that the purpose of tonight's discussion was to clarify language and consider the equity issue.

Chair Worel opened the public hearing.

Bill Coleman referred to the map and SOT1 and noted that there were two or three lots that were not included. He thought it appeared arbitrary and odd not to include those lots in one of those zones. Mr. Coleman stated that he raised that question on behalf of Kathy Doobie and her family from Indiana. They are old miners and wanted to make sure they were in the deal. On a second issue, Mr. Coleman stated that he has been working with Harry and Sidney Reid on their property and he suggested some changes in their wordsmithing. He clarified that he is not a proponent of TDRs. He does not believe they work or that they City has proven that they work. Mr. Coleman read from the first page, item H, "Providing a mechanism whereby the development rights may be allowed to transfer." Although it may be a wonderful idea, he submitted five ways that it might work better. Mr. Coleman referred to Section 3B and read, "The determination letter is not a binding document and does not grant a vested right." He asked at what point is it vested. He did not believe the language was clear. He understood what they were trying to do but it does not tie together with Section 9 on the next page which says that no matter what happens, maintenance and all responsibility for the property after the TDR is erased from it is still the owners. Mr. Coleman pointed out that there was no mechanism to unload the full responsibility of the property and the liability. He read from Section 5, Transfer of development rights, "... by reissuing the development credits in the transferee's name and reporting the development credit certificate...." He thought there should be a way to sell the development rights with or without City approval. Once a deal is made, he questioned how the property could become vested to the new owner. The language says, "at the time of approval", but it does not stop someone from selling a TDR without City guidance. It is

the fundamental problem with TDRs because no one on the buying side of these TDRs wants to buy their land twice. This is why TDRs are not working. Mr. Coleman referred to Section 8 and stated that his biggest concern is that all the rights must be sold. It is not possible to only sell some rights. At some point the ownership has to be considered. He believed the presumption is one owner, but that is not true in all cases. Mr. Coleman appreciated the one lot/one density limit. However, he did not believe that solved all the questions. When they try to find a market for TDRs, he did not believe it exists and he challenged the City to show him how it would. He believed they were close by making it make more sense on the steeper lots, but his client, the Reid's had a plan attached to their property that they would not be able to do easily based on all the rules incorporated into the Code. Mr. Coleman thought they were getting closer, but there was no place where the City does anything to accelerate a sale to happen. Leaving it to the private section is a cop-out and does not make for a good banking possibility or a good currency exchange. Mr. Coleman recommended making other modifications at the same time they were wordsmithing.

Sydney Reid, stated that she was part owner with two other partners of the property Mr. Coleman was talking about. They would appreciate the change in the multiple because it gives more value to the property they have owned for a long time. Ms. Reid noted that the development they had planned was not going through, and the person who had the passion and ability to make a development work on the property is no longer here. Ms. Reid remarked that open space is a great option and would benefit bikers, hikers, and neighbors in the area. She struggles trying to understand how this would work because if they transfer the development rights on that property, they would still have the responsibility of maintenance and abatement of the property. Ms. Reid echoed all the comments made by Bill Coleman.

Chair Worel closed the public hearing.

Commissioners Campbell and Phillips had no further comments.

Commissioner Band liked the idea in theory; however she thought very good questions were raised with valid concerns. Director Eddington explained that when the City first looked at TDRs in 2011 there was a discussion regarding multipliers, bonuses, etc. The issue is that some land is more valuable than other land, which can make the transfer difficult. The Staff initially recommended density bonuses to help accommodate the difference. Director Eddington stated that at the time the City Council recommended removing the multipliers and simplifying the TDR process. He noted that it was a dull tool at this point. However, there was also a discussion about whether the City wanted a role in being a public bank with a website identifying those selling and those interested in buying. The City Council decided at that time not to be involved. Director Eddington stated that it is

a very difficult endeavor without some of those components. He believed that equaling the bonuses or making it more equitable lot for lot helps a little, but it does put the onus on the private property owner. Director Eddington stated that he has seen TDRs work effectively, not only in Washington but also in New York. He has also seen them work in rural districts and other areas. However, it is complex and it does require a bank or a central place where people can understand who is buying and selling. Director Eddington remarked that at the time both the City Council and the Planning Commission were concerned about facilitating development. If it is viewed as facilitating development they may not want to do it. If viewed as controlling, shaping and guiding it may have more appeal. Director Eddington clarified that what they have now is a very simplified version of TDRs.

Commissioner Band reiterated that she liked the idea of allowing someone who has a difficult lot to develop to be able to sell their development rights to someone else who could use it in a place where development is more appropriate. However, she questioned whether cleaning up the language was an effort to clean up something that would never be used anyway.

Based on public comment, Director Eddington believed that fixing the problems would be a step in the right direction. He asked if the Planning Commission wanted the Staff to come back with a more holistic approach to TDRs and address some of the bigger questions.

Commissioner Strachan thought the tool would only work if it is looked at holistically and if they can draft an ordinance that they believe can work. If they know the current one will not work and they tweak it and send it to City Council, it accomplishes nothing. Commissioner Strachan noted that he and Chair Worel were on the Planning Commission during the last TDR discussion. However, things have changed since then and he thought the discussion should be re-opened, and some of the things that were initially rejected should be put back on the table. He stated that a bank was one item that was rejected after a long debate. He thought the bank was important to make it work, but there were also good arguments as to why that was not true. Commissioner Strachan stated that if they intend to do TDRs it needs to be done right and they need to draft a good ordinance before they send it to the City Council.

Commissioner Thimm agreed completely with Commissioner Strachan. He thought the benefits were worth the effort to make it work. He was not interested in spending time on something that was not going to work.

Commissioner Joyce agreed, but with a different conclusion. He did not have an understanding of what would make the TDRs work effectively. Trying to create a market where they were none and where buyers and sellers do not match up well, it would still not be used. Commissioner Joyce stated that if they were really talking about building a

service and being the “bank”, it would involve money, time and a commitment from the City that to this point the City Council was not interested in pursuing. He did not want the Planning Commission to spend a significant amount of time creating something that goes against what the City Council has already said. Commissioner Joyce thought it was important to know whether the City Council would be willing to accept it if they drafted something good. Another question is whether they could be convinced that the market is there if the infrastructure was in place. Without being quite confident that it would work, he did not think they should spend much time on it.

Commissioner Strachan stated that the questions and issues raised by Commissioner Joyce were raised before and the Staff has documented those discussions. He thought the only question that should be decided at this point is whether or not the City Council would look at this. Whether or not the market is there has been analyzed by the Staff. He suggested that Commissioner Joyce look at that information and decide for himself whether or not he thinks it is feasible. Commissioner Strachan believed that whether the City Council looks at it is driven by whether or not the Planning Commission thinks they should look at it. If the Planning Commission determines that it is an important tool to give to a developer, the City Council would listen to what they say and not just reject it.

Commissioner Band agreed that things may have changed since the initial discussions. In deciding whether they should look at it again, they need to consider that something may not make sense now but it may be valuable in the future.

Chair Worel pointed out that TDRs are part of the General Plan which makes her think that the City Council is interested. Director Eddington stated that the perspective on development is different now than it was during the recession. A TDR ordinance offers opportunities to buyers and sellers. He believed they would need multipliers and bonuses, and that could be challenging for people to understand. They may have to give a little more to remove density from an area where they do not want density. There was no agreement on that at both the Planning Commission and the City Council level at that time and it was a difficult challenge. If it is presented more holistically and with more Planning Commissioners in agreement it might be the right thing to do.

Commissioner Strachan stated that in addition to a mandate of the General Plan, it also gets them away from the regulatory mire and puts them into more of a planning position. Commissioner Strachan thought the Planning Commission should relook at this starting from scratch. He pointed out that the discussions are complicated and take a lot of time and they should be prepared for long meetings.

Commissioner Joyce was concerned that the TDR matter is enormous and more prone to failure than other planning issues. He like the idea of having more of a planning role, but

he was not convinced that TDRs should be in the top three of their priorities. Commissioner Joyce suggested that the Commissioners review the General Plan and together compile a list of priority items. Planner Whetstone noted that the Planners have been compiling a list and have provided Director Eddington with information about certain strategies. Director Eddington offered to provide what the planners have listed as their highest and most important strategies to see if the Commissioners have anything to add. Commissioner Strachan thought it would be a valid exercise. The Commissioners agreed.

Commissioner Strachan recommended that the Planning Commission table the discussion and continue it to a date uncertain. Commissioner Joyce thought the Staff has brought forth two obvious items this evening. One was the SOT zones that were not explicitly mentioned. The second was the issue of getting double credit for a double lot. He was not opposed to agreeing with both of those concepts independent of the bigger picture of TDRs. The Commissioners concurred.

Commissioner Strachan commented on the language about the SOT lots being more specific. He suggested that they delete the parenthetical that says, “except for the lots included in SOT 1, SOT2, SOT3”, and keep the new version language. Commissioner Campbell asked if they could fix the three orphan lots in SOT1 this evening. Planner Whetstone preferred to first do some research to find out why those lots were left out. Director Eddington believed they were part of the Alice Claim parcel, which was holistically looked at as its own parcel to be transferred in total or not. He was unsure why the parcels were left out. Planner Whetstone suggested a recommendation to the City Council for those to be a separate SOT sending zone. Director Eddington agreed that they would have to be separate. Commissioner Strachan thought they should be included in the broader discussion of whether or not to tweak the TDR ordinance more than the two changes in front of them.

MOTION: Commissioner Joyce moved to CONTINUE the public hearing for Chapter 2.24 regarding Transfer of Density Rights to March 11, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

6. Chapter 9 – Non-conforming Uses and Non-complying Structures Regulations

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE Chapter 9 – Non-conforming uses and non-complying structure regulations to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Commissioners Worel and Strachan stated that they would be out of town on March 11th.

Assistant City Attorney McLean noted that Chair Worel's term as chairperson expires in March. The Commissioners should be prepared to elect a new Planning Commission chair at the next meeting. Since Commissioner Worel has served two years as the Chair she could not be re-elected.

The Park City Planning Commission Meeting adjourned at 10:00 p.m.

Approved by Planning Commission: _____

Index	Utah Code
Title 57	Real Estate
Chapter 8	Condominium Ownership Act
Section 4.5	Removing or altering partition or creating aperture between adjoining units. (Effective 7/1/2014)

Effective 7/1/2014

57-8-4.5. Removing or altering partition or creating aperture between adjoining units.

- (1) Subject to the declaration, a unit owner may, after acquiring an adjoining unit that shares a common wall with the unit owner's unit:
 - (a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or
 - (b) create an aperture to the adjoining unit or portion of a unit.
- (2) A unit owner may not take an action under Subsection (1) if the action would:
 - (a) impair the structural integrity or mechanical systems of the building or either unit;
 - (b) reduce the support of any portion of the common areas and facilities or another unit; or
 - (c) constitute a violation of Section 10-9a-608 or 17-27a-608, as applicable, a local government land use ordinance, or a building code.
- (3) The management committee may require a unit owner to submit, at the unit owner's expense, a registered professional engineer's or registered architect's opinion stating that a proposed change to the unit owner's unit will not:
 - (a) impair the structural integrity or mechanical systems of the building or either unit;
 - (b) reduce the support or integrity of common areas and facilities; or
 - (c) compromise structural components.
- (4) The management committee may require a unit owner to pay all of the legal and other expenses of the association of unit owners related to a proposed alteration to the unit or building under this section.
- (5) An action under Subsection (1) does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.