

PARK CITY MUNICIPAL CORPORATION

LAND MANAGEMENT CODE



PASSED AND ADOPTED DECEMBER 22, 1983
EFFECTIVE JANUARY 1, 1984

THIRD EDITION
REVISED AS OF FEBRUARY 28, 1985

PARK CITY MUNICIPAL CORPORATION
LAND MANAGEMENT CODE AMENDMENTS
(REFLECTED IN TEXT OF THIRD EDITION)

(Amendments to Land Management Code, Effective
January 1, 1984, Revised As of August 30, 1984
and February 28, 1985)

Ordinance No. 84-5

An Ordinance Amending the Land Management Code of January 1984 to Designate Open Space Requirements in Master Planned Developments, and to Provide for Greater Flexibility in Allowing Height Variations within Master Planned Developments

Adopted May 17, 1984. Effective May 24, 1984. Replaced in its entirety by Ordinance 84-5(2).

Ordinance No. 84-6

An Ordinance Regulating the Placement of Satellite Receiving Antennas Within Park City, Utah.

Adopted June 7, 1984. Effective June 14, 1984.

Ordinance No. 84-10

An Ordinance Amending the Land Management Code of Park City, Utah to Provide for Support Commercial Uses Within Master Planned Developments in the RDM Zone, and Better Define Support Commercial

Adopted July 12, 1984. Effective July 19, 1984.

Ordinance 84-5(1)

An Ordinance Amending Ordinance No. 84-5 to Amend the Land Management Code Provision Concerning Height Exceptions in Master Planned Developments to Require Final Approval of the Exception by the City Council.

Adopted August 23, 1984. Effective August 30, 1984.
Replaced in its entirety by Ordinance No. 85-5(2).

Ordinance 84-5(2)

An Ordinance Amending Section 10.9(e) of the Land Management Code to Provide for the Approval of Height Increases of Up to 25% of the Stated Zone Maximum by the Planning Commission, and to Require the City Council to Review Height Increases of More than 25% of the Stated Zone Maximum

Adopted November 15, 1984. Effective November 22, 1984.

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ORDINANCE

Ordinance No. _____

AN ORDINANCE ADOPTING THE LAND MANAGEMENT CODE OF 1983
TO PROVIDE FOR A COMPREHENSIVE ZONING PLAN OF PARK CITY
AND ADOPTING AN OFFICIAL ZONING MAP FOR PARK CITY, UTAH

Be it ordained by the City Council of Park City:

SECTION 1. GENERAL PROVISIONS/PROCEDURES

1.1 SHORT TITLE. This ordinance shall be known as the Park City Land Management Code, and is referred to herein as this Code or the Code.

1.2 STATEMENT OF PURPOSE. The Code is designed and enacted to implement the objectives of the Park City Comprehensive Plan and Development Guide, and to promote the general health and welfare of the present and future inhabitants of the City, and to protect property values of the City and the neighborhoods within the City, and to create an atmosphere attractive to visitors and residents. It is the intention of the City in adopting this Code to fully exercise all of the powers granted to the City by the provisions of the Utah Zoning Enabling Act, Section 10-9-1 et seq. Utah Code Annotated, 1953, as amended, and all other powers granted by statute or by common law for the regulation of land uses and improvements. The intention of the City is to assure the proper and sensitive development of land within Park City to protect and enhance the quality of life in general. The Code is intended to allow development in a manner that encourages the preservation of scenic values, historic structures, the unique urban scale of original Park City, and provides for well-planned commercial and residential centers, smooth traffic circulation, and efficient delivery of municipal services. The Code seeks to prevent development that adds to existing geologic hazards, erosion, flooding, or other conditions that create potential dangers to life and safety in the community or detract from the quality of life in the community.

1.3. CONFLICT. The provisions of this Code 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. This Code shall not supercede any private land use regulations in deeds or covenants which are more restrictive than this Code. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.

1.4. EFFECT ON PREVIOUS ORDINANCES AND MAPS. The existing zoning ordinances of Park City, including the official zoning maps adopted with those ordinances, are hereby amended in their entirety to conform to the provisions of this Code,

provided that this Code is a continuation of those existing ordinances, and not a new enactment, in so far as the substance of the old and new provisions are the same. This Code shall not be construed as affecting the term of office of any board or commission member appointed under the prior enactment. Structures built prior to the adoption of this ordinance, or for which building permits were issued and on which work commences as required under the permit shall, to the extent they do not conform to this ordinance, be considered as non-conforming uses, and shall not be affected hereby. Uses which were non-conforming under the old enactments shall not be affected by this Code, unless the Code is changed in a manner that makes the use conforming to the zone.

1.5. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP. It may become desirable from time to time to amend the provisions of this Code or the zoning map. All amendments shall be made in the following manner:

- (a) Procedural Amendments. Amendments to the procedural provisions of the Code may be made by the City Council from time to time following a public hearing. Hearings on matters that are procedural in nature and do not directly affect the nature of uses on any given parcel of land, or which do not change allowed uses from permitted to conditional uses, shall be advertised for one week, prior to the hearing, in a newspaper having general circulation in the City. The amendment may be adopted at the hearing or at any time following the hearing.
- (b) Substantive Amendments. Amendments to the Code which affect the uses to be made of land within the City by (1) allowing a use previously prohibited; (2) prohibiting a use previously allowed; (3) increasing or decreasing the density of the uses previously allowed; (4) changing a permitted use to a conditional use; (5) changing a conditional use to a permitted use, or (6) changing the zone of any property shall be made only after public hearings as required by this Code.
 - (1) Petition for Zone Change. A petition to change the zone of any land within Park City shall be filed first with the Community Development Department on a form prescribed for that purpose. The form shall contain a legal description of the land affected by the petition, and a statement of the petitioner's interest in the land included within the petition. The petition shall state the current zone of the property and the zone which the petitioners desire to have applied. In the event that the petitioners desire to have a new zone designation established, the petition shall so state, and give some indication of the uses and standards requested. A fee may be established for acting on a petition for a zone change.

- (2) Hearing before Planning Commission. The Planning Commission shall hold a public hearing on all petitions for zone changes received from citizens or property owners affected by the change. The Commission shall also hold a public hearing on amendments proposed by the Commission on its own motion. Notice of all zone change hearings before the Planning Commission shall be published once a week for two weeks prior to the hearing in a newspaper having general circulation in the City. The notice shall state generally the nature of the proposed amendment and land affected, and the time, place, and date of the hearing. More detailed information shall be available for public inspection at the office of the Community Development Department at the time the notice is published.
- (3) Action by Planning Commission. Following the hearing, the Planning Commission shall adopt formal recommendations to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. The Planning Commission shall act on the proposal at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or petitioner has requested the matter be tabled for further consideration, or the petition is withdrawn. If the Commission fails to act at its next regularly scheduled meeting, the proposal shall be forwarded to the City Council for consideration without recommendation.
- (4) Hearing Before City Council. The City Recorder shall publish a notice of the hearing in a newspaper having general circulation in the community once a week for three consecutive weeks prior to the date of the hearing, not including publication on the date of the hearing. Following the hearing, the Council shall approve, disapprove, or modify and approve the proposal before it. The hearing may be continued, if necessary, without republication of notice. The recommendations of the Planning Commission are advisory only, and the Council may overrule the recommendations of the Commission. Council action on amendments to the Code or to the zoning map require the affirmative vote of three or more City Council members. Council may act on the petition at the time of the hearing or at subsequent meetings.
- (5) 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 shall be taken by the Commission and the Council, and the Commission vote shall be taken first. Notice for any joint hearing

shall comply with the standards of Paragraph (4) preceding.

1.6. CREATION OF DISTRICTS AND ZONE MAP. In order to carry out the purposes of the Code, zone districts have been established as set forth in Chapter 7 of the Code. These zone districts are identified on the official zoning map, which is adopted as a part of this Code. In interpreting the 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. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.
- (b) Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.
- (c) Where the district lines are intended to follow natural land contours, such as the boundaries for the Estate District, the line shall be determined at the point at which the general slope of the land changes to 25% grade. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to topographic data submitted to the Community Development Director. Where land of less than 25% slope is surrounded by land of 25% or greater slope, the Planning Commission shall entertain an application to rezone the land of less than 25% slope to RD if the Community Development staff determines that the land is accessible by two means, one of which is a road of standard width that does not exceed 10% grade, and that the grading of the road or roads to reach the land in question will not create hydrologic, erosion, geologic, or similar hazards for land lying below the proposed road, and that all cuts and fills for the road can be safely stabilized. See Section 7.12.5.

1.7 PENALTIES. Any person, firm, partnership, or corporation, or the principals or agents thereof violating or causing the violation of this Code shall be guilty of a Class "B" misdemeanor and punished upon conviction by a fine of not more than \$299 or imprisonment for not more than six months at the county jail, or both. In addition, the City shall be entitled to bring an action to enjoin the continuation of the violation.

Private citizens of Park City or property owners shall also have a right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action shall give notice of the action to the City Recorder prior to filing the action.

1.8 LICENSING. All departments, officials and public employees of the City who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code, and shall issue licenses and permits only in conformance with the provisions of this Code. Licenses issued in violation of this Code shall take no effect, and are null and void.

1.9. ZONING MAP ADOPTED. The zoning map for Park City as presented to the City Council and executed by the Mayor is the official zoning map for Park City. Upon amendment to the zoning map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

1.10. PROCEDURE UNDER THE CODE. No building permit shall be issued for any building project unless the plans for the proposed structure have been submitted to and approved by the Community Development Department. Proposals submitted to the Community Development Department shall be reviewed according to either the Permitted Use Review process or the Conditional Use Review process, which includes Small Scale Master Planned Developments. Projects in the Historic District are subject to design review under the Historic District Guidelines. Subdivisions, long-range development master plans, and Large Scale Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review and final approval. No planning review shall occur until all applicable planning application fees have been paid, and no final approval shall be effective until all other fees assessed by ordinance, including applicable staff review and engineering fees have been paid. Upon issuance of final planning approval under either review process, the plans are forwarded to the Building Department for building permit issuance under the provisions of the Uniform Building Code, as adopted and amended by Park City.

1.11. PERMITTED USE REVIEW PROCESS. On any proposal to construct a building or other improvement to property which is defined by this Code as a permitted use in the zone in which the building is proposed, the Community Development Department shall review the submission to determine whether the proposal (a) is a permitted use within the zone for which it is proposed, (b) complies with the requirements of that zone for building height, setback, side and rear yards, and lot coverage; (c) that the applicable parking requirements have been satisfied; and (d) the plan conforms to the architectural design guidelines established for that zone. Upon finding that the proposal complies with the applicable zoning requirements, the plans shall be reviewed for Building Code compliance and permit issuance. If the submission

does not comply with the requirements of the zone, the Community Development Department shall so 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. The Community Development Department shall review both permitted and conditional use proposals in the Historic District for compliance with the architectural guidelines for the District.

- (a) Application for Permitted Uses. The application for a building permit for a permitted use shall contain the following information, in addition to information required by the Uniform Building Code:
- (1) Complete Construction Drawings for the Structure. If the structure is being built on the "fast track" method, the footing and foundation details, site plan, and elevations of all sides of the structure shall be submitted with the application, and all fees paid.
 - (2) A Site Plan Showing the Lot and the Location of the Proposed Structure on the Lot. The site plan must be drawn to scale. A certified survey may be required on projects with structures on or near the lot lines, or when the lot lines are difficult to determine from
 - existing plats and monuments. Topographic data may be required when the site is sloping or when the building height cannot be readily determined from the elevations without topographic data.
 - (3) A statement of the name and address of the owner or responsible agent, and a telephone number.
 - (4) The location of the proposed structure by street address or by reference to existing structures so that the location can be identified and assigned a street address.
 - (5) A legal description of the property and proof of ownership.
 - (6) Approval of permitted uses shall be noted by the issuance of a building permit in compliance with the provisions of the Uniform Building Code and Chapter 6 of this Code.

1.12. CONDITIONAL USE REVIEW PROCESS. Although each zone district is an attempt to segregate predominant land uses within identified residential, commercial, resort lodging, and similar districts, there will be proposals that are generally compatible in land use with other permitted uses in the zone, and if properly and carefully planned, these uses, which are different from the predominant use, or more intensive than

permitted uses in the same zone, may become compatible and appropriate for the zone in question. For example, the location and nature of the proposed use, the character of surrounding development, traffic capacities of adjacent and feeder streets, environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone. The conditional use procedure is intended to provide greater flexibility in land uses while at the same time, preserving neighborhood characters and assuring compatibility between the conditional uses, the uses on adjoining properties, and the City at large. Development of conditional uses will be subject to review by the Community Development Department, and may be allowed subject to conditions imposed for the purpose of preserving the character of the zone district, and mitigating potential adverse effects of the conditional use. Where conditions to the use cannot be devised to satisfactorily mitigate adverse effects of the conditional use, the application for a conditional use permit shall be denied. Any land use that is defined in this Code as a conditional use for the zone in which it is proposed shall be reviewed according to the following procedure:

- (a) Pre-Application Conference. A pre-application conference may be held with the Community Development Department to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, the Department and applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.
- (b) The Application. A conditional use application shall be filed on a form prepared by the Community Development Department, and shall be supported and accompanied by the following information (seven sets are required):

a map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, showing north arrow and scale;

a map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale;

the boundaries of the site, and any easements of record or known prescriptive easements;

topography with contours shown at intervals of not more than five feet;

vegetation type and location;

soil type and load carrying capacity information;

100 year flood plain and high ground water areas, known spring and seep areas and ditches or canals;

all existing roads, fences, irrigation ditches, and drainage facilities;

location of public utility facilities and easements;

site plan of the proposed conditional use showing building locations;

proposed road locations and other circulation features;

proposed finished grades;

proposed drainage, drainage works, retaining walls, and erosion control plans;

proposed location of all site improvements such as plazas, tennis courts, pools, and similar improvements;

proposed easements for new utility services or relocated utility services;

proposed landscaping;

designations of proposed ownership of areas shown on site plan as being part of a condominium unit, common area, dedicated open space;

proposed intersections with existing public streets;

general architectural concept drawings of proposed buildings;

lighting plans, if any;

signage plans, if any; and

other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested at the pre-application conference based on the nature of the project or the site.

- (c) Written Statement. A written statement shall be submitted containing the following information:

a preliminary title report showing the title to the property, and listing all encumbrances, covenants, easements, and other matters affecting title, and a legal description of the site;

copies of any covenants or easements which are referred to in the title report;

a development schedule indicating phased development, if any, and the estimated completion date for the project;

a mailing list of all property owners within 100 feet of the perimeter of the site and their current mailing addresses as shown from the most recently available county assessment rolls, provided that the name and address of the registered agent for a condominium project is sufficient in lieu of each owner;

a general description of the project, prospective tenants or types of tenants or occupants, whether condominium ownership, time share ownership, or nightly rental uses are proposed, and the proposed property management structure for timeshare or nightly rental;

and other information that might be helpful to the Department in reviewing the proposed use.

- (d) Notice/Posting. Upon receipt of the complete conditional use application and payment of all applicable fees, the Community Development Department shall cause notice to be given to the public in accordance with the provisions of Section 1.15 of the Code.
- (e) Public Comment. The posted, mailed, and published notice shall advise the public that a conditional use application has been filed on the site, and shall state that interested persons may review the application at the Community Development Department office during normal business hours. The notice shall provide a public comment period for not less than 15 days during which written comments may be submitted for staff consideration while reviewing the project. Comments filed after the close of the comment period may be considered or disregarded by the Department. All persons who have submitted written comments shall receive notice of the approval or denial of the application and the conditions imposed.
- (f) Department Action. Within 45 working days from the receipt of the application, the Community Development Department and other appropriate City departments or officials shall have reviewed the project and proposed a conditional use permit encompassing all conditions of development and approval. The permit shall incorporate the site plans and architectural plans for the project. If the developer accepts the conditions imposed, the conditional use application shall be placed on the consent agenda of the Planning Commission for final approval. After action by the

Commission has become final, building permits are to be issued as provided in the Building Code and this Code.

If the Community Development Department and the developer are not able to agree on conditions of approval, the Department may deny the application. The developer may appeal the denial to the Planning Commission for review of the staff action, or may withdraw the application. The appeal shall appear on the agenda for the next regularly scheduled meeting that has available time. Priority shall be given to appeals in preparation of the agendas.

If the Community Development Department has not acted on an application or has not indicated to the developer what aspects of the plan are not acceptable as proposed within 45 working days after submission, the application is deemed denied, and the developer has the right of appeal to the Planning Commission. The developer may, at any time in the review process, request a denial by the Department in order to take an appeal of the entire review process to the Commission.

- (g) Plat Approval. When a conditional use requires the recording of a condominium, planned unit development, or subdivision plat, the final plat shall be taken to Planning Commission for plat approval only. The scope of review for plat approval is limited as set forth below in Section 1.23(e). Plat approval may be granted at the same time as the conditional use approval.
- (h) Transferability. A conditional use permit is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
- (i) Expiration. Conditional use permits shall expire one year from the date of the Planning Commission approval of the conditional use, unless substantial construction activity has commenced on the project. Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). Permits may be issued in stages, but the issuance of a footing and foundation permit is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are paid for within six months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial construction work for purposes of extending a conditional use permit. Whether construction has commenced or not, the Planning Commission may grant an extension of the conditional use permits for up to one additional year when the applicant is able to

demonstrate a legitimate need to delay the start of construction, such as inclement weather, delays in financing, or similar factors.

- (j) Standards for Review. No conditional use permit shall be issued unless the Community Development Department finds that the application complies with all requirements of this Code; that the use will be compatible with surrounding structures in use, scale, mass and circulation; that the use is consistent with the Park City Comprehensive Plan; and that the effects of any differences in use or scale have been mitigated through careful planning. The Department shall review each of the following items when considering a conditional use permit:

size and location of the site;

traffic considerations including capacity of the existing streets in the area;

utility capacity;

emergency vehicle access;

location and amount of off-street parking;

internal circulation system;

fencing, screening, and landscaping to separate the use from adjoining uses;

building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;

usable open space;

signage and lighting;

physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;

noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site;

control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas;

expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;

- (k) Architectural Review. All conditional uses are subject to architectural review by the Community Development Department subject to a right of appeal to the Planning Commission for all zones, except those in the Historic District, where appeal is to the Historic District Commission. Within the Historic District zones, conditional uses and permitted uses shall be subject to the architectural guidelines promulgated by the Historic District Commission and adopted by the Council by resolution as a supplement to this Code. In other zones, conditional uses are subject to the General Architectural Guidelines adopted as a part of this Code in Chapter 9. Compliance with the architectural criteria is a condition of approval of all conditional use permits.

1.13. MASTER PLANNED DEVELOPMENT REVIEW PROCESS. Applications for developments to be built according to a master plan which provides for mixed uses, and/or density transfers and concentrations within the site, commonly referred to as planned unit development (without regard to the manner in which title to the project will be held) are divided into two review processes depending on the size and nature of the project. These review processes are described as follows:

- (a) Small Scale Master Planned Development Review. Those projects having 50 or fewer Unit Equivalents, and/or less than 15% of the total project floor area (exclusive of parking) devoted to non-residential uses, are reviewed as Small Scale Master Planned Developments. The review process is identical to the conditional use process. Also reviewed as Small Scale Master Planned Developments are individual building projects within a previously approved large scale master planned development, regardless of the number of unit equivalents or the residential/commercial mix in the development proposal.
- (b) Large Scale Master Planned Development Review. Those projects having more than 50 unit equivalents, and/or 15% or more of the total project floor area (exclusive of parking) devoted to non-residential uses shall be reviewed as Large Scale Master Planned Developments according to the procedure described in Chapter 10 of this code. The nature of the density transfers and zoning concessions within the project are set forth in Chapter 10 (see Section 1.14(c) for the application requirements). The substantive requirements for master planned developments are described in Chapter 10 of this Code.

1.14. REVIEW BY PLANNING COMMISSION. General planning and review of specific development projects by the Planning Commission shall be divided into the following functions: (a) City Comprehensive planning and zoning review, (b) subdivision approval, (c) Large Scale Master Planned Development approval (d) notification of conditional use applications, (e) review of decisions from the Community Development Department on appeal,

(f) plat approval, (g) review of trams and lifts outside the ROS and Estate Zones, and (h) termination of inactive application. The scope of review for each of these functions is as follows:

(a) City Comprehensive Planning. The Planning Commission shall have the primary responsibility to initiate long-range master planning for the City, including planning for adequate streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall review proposed annexation to the City and recommend action and zoning on land to be annexed. The Commission shall initiate or recommend zone changes and review the development standards within zones. The Commission shall hear all requests for zone changes. A member of the Community Development Department shall be designated to work with the Commission in this long-range planning function.

(b) Subdivision Approval. The Planning Commission shall review all applications for subdivisions under the provisions of the Park City Subdivision Control Ordinance.

(c) Large Scale Master Planned Developments. All proposals for Large Scale Master Planned Development approval shall be reviewed by the Planning Commission. An application must be filed with the Community Development Department on a form as described in Chapter 10. Large Scale Master Planned Development planning shall include those developments which propose more than 50 Unit Equivalents and/or 15% or more of the floor area (exclusive of parking) for non-residential use. In reviewing requests for Large Scale Master Planned Development approval, the Commission shall consider the overall planning for the proposed project, including:

Site planning for the project;

traffic circulation within the project and on the adjoining streets, both existing and proposed;

land uses within the proposed project area including the mixture of commercial and residential;

density of development;

identification of development parcels within the larger tract, and the order in which development is proposed or should be permitted to allow for the orderly and economic expansion of City services;

compatibility with surrounding land uses;

other pertinent planning and land use issues that are affected by the project, such as the effects on schools, fire protection, water and utility services,

drainage, and similar on and off site issues; geologic hazards;

compatibility with comprehensive plans adopted by the City;

utility capacity;

emergency vehicle access;

location and amount of off-street parking;

internal circulation system;

fencing, screening, and landscaping to separate the use from adjoining uses;

building mass, bulk, and orientation, and the location of buildings on the site;

usable open space;

signage and lighting;

physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing, and general architectural theme;

noise, vibration, odors, steam, smoke, or other mechanical factors that affect people and property off-site;

control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas;

expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;

- (1) Nature of Approval. Upon review and consideration of the proposal, the Planning Commission may approve, disapprove, or modify and approve the request for Large Scale Master Planned Development approval. The approval process shall establish the following items:

designation of land uses within the project area;

designation of identifiable development parcels within the total project area. These development parcels are not required to be divided or platted as subdivision lots, but may be designated on maps as a part of the approval with a final legal description of the parcels to be required at the time each is developed or sold,

leased, or otherwise transferred or separated from the whole tract.

designation of the land use or mixture of uses for each development parcel;

designation of density ranges in Unit Equivalents for each development parcel identified;

designation of the order of development to ensure economical expansion of City services;

designation of specific conditions to the development of any parcels which are by their nature more subject to development constraints than the typical parcel in the proposed development;

designation of density transfers from one parcel to another, if any;

whether or not there will be commercial uses on all or some of the development parcels identified, and if so, the specific parcels that will include commercial uses;

the general architectural theme and character of the overall development.

(2) Length of Approval. The Large Scale Master Planned Development approval granted by the Planning Commission shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Approval will lapse after two years of inaction, unless extended for up to two years by the Planning Commission. Zone changes occurring while the approval is in effect shall not affect the approval. Modifications to the proposal shall be brought before the Planning Commission for consideration and shall be incorporated into the master plan when the modification is granted. Modification shall act as an extension of the approval.

(3) Record of Approval. When Large Scale Master Development approval is granted, the approval shall be noted in a recordable document stating the legal description of the property involved, and at least the general nature of the approval. The notice shall direct interested persons to the Community Development Department to review the actual master plan. The purpose of the recording is to put prospective purchasers on notice that the land has been included within a master plan that has established density ranges and land uses that might be more or less restrictive as to individual parcels than the underlying zoning regulations might imply.

- (4) Development on Planned Parcels. Development proposals for each development parcel within the Large Scale Development Master Plan approval are reviewed by the Community Development Department as Small Scale Master Planned Developments under the conditional use process, regardless of the size or nature of the development.
- (d) Ratification of Departmental Actions. The Planning Commission shall review all actions of the Community Development Department on the approval of conditional use applications, including approval of Small Scale Master Planned Development applications under that review process. Conditional use approvals shall be placed on the Planning Commission agenda under a section designated as the consent agenda, with such supporting material as the Department and the Commission Chairman determine is appropriate or necessary for the information of the Commission members. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of two-thirds of the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the developer requests the item to be tabled in order to prepare additional information to respond to the Commission's concerns. The following items may be placed on the consent agenda:
- (1) conditional use permits;
 - (2) Small Scale Master Planned Development approvals;
 - (3) plat approvals for either of the above, or plat approvals for condominiums or other projects, and subdivisions;
 - (4) requests for extensions of conditional use approvals, Small Scale Master Planned Development approvals, or Large Scale Master Planned Development approvals;
 - (5) other items of a perfunctory nature which the Chairman directs the Department to place on the consent agenda for action.
- (e) Review of Staff Actions. At any time, the developer may request that staff actions on his project be reviewed by the Planning Commission. The scope of review by the Planning

Commission shall be the same as the scope of review at the staff level on the matters at issue.

- (f) Plat Approval. The Commission shall review all plats to be recorded affecting land within the City limits or annexations to the City. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the staff or the Commission, have been satisfied. Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. No new conditions may be imposed at the plat approval stage. The City Engineer, City Attorney, City Recorder, Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.
- (g) Termination of inactive projects, as described in Section 1.17.
- (h) Review of Passenger Tramway Proposals. The Planning Commission shall hold hearings and perform the review of proposals for passenger tramways and liftways located in zones where they are conditional uses according to the standards of review set forth in Section 8.18. of this Code. Although these uses are conditional uses in these zones, the neighborhood impacts are such that specific review by the Planning Commission is required. Conditional use permits for passenger tramways and liftways shall be voted on by the Planning Commission, and shall not be ratified on the consent agenda. In the zones where passenger tramways or liftways are permitted uses, no Planning Commission action is required.

1.15. NOTICE. When the application being processed does not require a hearing, but does require notice to nearby property owners, the Community Development Department shall mail notice of the filing of the application and post the property in question. Notice to adjoining property owners shall be given in the following manner: The Community Development Department shall post notice on the property affected by the application stating that an application concerning the development of that property has been filed, and stating that more detailed information concerning the application is available from the Community Development Department. The applicant shall provide the Department with a list of the owners of record of all properties located entirely or partly within 100 feet from any boundary of the property subject to the application, and the department shall mail notice to the owners listed. The mailed notice shall state that the application has been filed, the nature of the application, and that more complete information is available at the department offices. The applicant shall reimburse the department for the actual costs of mailing, including duplication

costs. Notice by publication shall be given by publishing a notice that the application has been filed. The notice shall be published once.

- (a) Notice to Condominiums. If a condominium project is one of the adjoining properties, or within the 100 foot radius from the applicant's property, notice shall be given to the Management Committee, Board of Directors, or person designated to receive service of process on behalf of the condominium owner's association, rather than to all individual unit owners.
- (b) Defects in Notice. Notice shall be deemed adequate if notice was mailed to all property owners as listed on the last available tax assessment rolls, and shall not become defective because of unrecorded or subsequent transfers of title, or uncertainties concerning ownership not discernable from the tax assessment rolls.
- (c) Notice of Zone Changes. When a petition has been received for the change of the zoning on a particular tract, notice shall be posted on that tract of land. If the request is for an area consisting of four or more parcels in separate ownerships, notice shall be posted in at least three conspicuous places in the area affected by the petition. Notice of the hearings on the zone change shall be published as provided in Section 1.5 of the Code.

1.16. APPEALS AND CALL-UP PROCESS. Actions by the Department are appealed to the Planning Commission, or Historic District Commission on architectural review in the Historic District. Actions of the Planning Commission or Historic District Commission are appealed to the City Council. Any person who submitted written comment on a proposal before the Department or Planning Commission, the owner of any property within 100 feet of the boundary of the subject site (whether he or she submitted comments in writing or not), and the owner of the subject property shall have standing to appeal a decision of the Department or Commissions. Appeals from Departmental action shall be filed by letter addressed to the Community Development Director. Appeals from Commission actions shall be by letter or petition to the Mayor, delivered to the Recorder. The letter or petition shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject property, and the reasons for requesting review, including specific provisions of this code, if known, that are violated by the action taken.

- (a) Written Findings Required. The Planning Commission or Community Development Department (whichever has acted) shall prepare detailed written findings on any application that it denies. These findings shall state the reasons for denial and the provisions of this Code or other city ordinances or applicable state or federal laws or regulations that would

be violated by approval, and the proposed conditions of approval to be imposed and the reasons why those conditions were thought necessary.

- (b) Non-owner Petitions. Petitions for review of Planning Commission action by persons other than the owner or owners of the project are discretionary with the City Council. Upon receipt of the petition, the Council shall schedule the matter on the agenda for the next regular meeting of the Council for which proper notice may be given as required by the Utah Open Meeting Act. At that meeting, a vote shall be taken as to whether to hear the matter. If the vote is in the affirmative, a hearing date shall be set, which shall be no more than two weeks from the date of the decision to accept the appeal. If the vote is against hearing the matter, the Planning Commission or Planning Department decision shall stand as final. Petitions must be filed within five days of final project approval. Petitions are to be filed with the City Recorder.
- (c) Petitions by the Owner. The owner of any project has the right to appeal to the City Council from any final decision of the Planning Commission or Historic District Commission affecting that project. The appeal is a matter of right and is not discretionary with the Council. The petition for the appeal shall state the name, address, and telephone number of the owner and his agent, if any, the name of the project, and the grounds for the appeal. At its next regularly noticed meeting, the City Council shall set a date for the hearing, which shall be no more than three weeks from the date the notice of appeal is filed with the Recorder. Notice of the appeal shall be given to the City Recorder who shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council. Petitions are to be filed with the Recorder.
- (d) Action on Petitions. The City Council may affirm, reverse, or affirm in part and reverse in part any decision of the Planning Commission or Historic District Commission. The Commission may affirm, reverse or affirm in part and reverse in part any decision of the Department. The City Council may remand the matter to the appropriate commission with directions for specific areas of review or clarification. Hearings on petitions for review shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the hearing to accept information on other matters.
- (e) City Council Call-Up. Within ten days of final action on any project, the City Council, on its own motion, may call any final action taken by the Planning Commission or Historic District Commission or Community Development Department up for review by the Council. The call up shall

be considered at a regularly scheduled and duly noticed meeting of the Council, and 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 Community Development Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also notify the owner of the subject property. In calling a matter up, the Council may limit the scope of the call up hearing to certain issues, and need not take public input at the hearing. The City Council shall act on the matter within fourteen days of the call-up, or the prior action is deemed approved.

- (f) Appeal from the City Council. The owner of any project, or any person aggrieved by the approval of any project may appeal from any final action by the City Council affecting the project by filing a civil action in a court of competent jurisdiction. The decision of the Council shall stand, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order staying the effectiveness of that decision.
- (g) Finality of Action. If no appeal or call-up has been taken at the end of ten days from the date of final action by the Planning Commission, Community Development Department or Historic District Commission, the action is final.

1.17. TERMINATION OF PROJECTS. It is the policy of the city to require developers submitting projects to the planning process to move their projects to either approval or denial in a reasonably expeditious manner. The time required in the planning review process will vary with the size and complexity of each proposal, and the establishment of exact time requirements for review is impractical. It is the policy of the city to formally deny projects submitted to the process which remain inactive for long periods of time due to acts or omissions of the developer.

- (a) Termination of Applications. When the Community Development Director believes that a project that has been formally submitted is not making normal progress towards final approval, he shall take the project before the Planning Commission and request the Planning Commission to deny the project application and close the files with respect to that project. No project shall be taken to Planning Commission for denial on the basis of inaction without giving 60 days written notice to the developer and the responsible agent by certified mail. Such notice shall state the intent of the Community Development Director to have the project denied because of inaction and the time, place, and date when the matter will be taken before the Planning Commission.
- (b) Inaction Defined. A project shall be deemed inactive and subject to denial on the basis of inactivity if, through the act or omission of the developer and not the city;

1. more than three months has passed since the last meeting of the Department staff and the developer;
2. more than three months have passed since a request for additional information was made by the Department staff which request has not been complied with or the developer's reasons for non-compliance are not stated;
3. the developer is more than 60 days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;
4. the developer has stated his intent to abandon the project;
5. the project appears to have been abandoned; or
6. the application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

Delays occasioned entirely by internal delays of the City or any commission or board shall not be cause for termination.

(c) Reinstatement. A developer may appeal the Planning Commission's denial of a project for inactivity to the City Council in the same manner as any other appeal, or the action may be called up by the Council. The City Council may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, all interest in the application ends. If the developer desires to proceed with the project, he must start at the beginning of the process with a new submission and payment of new submission fees, and shall be subject to all ordinances then in effect.

1.18. APPEARANCES BEFORE PLANNING COMMISSION, HISTORIC DISTRICT COMMISSION, BOARD OF ADJUSTMENT, AND CITY COUNCIL ON APPEAL. All persons speaking before any city agency, department, commission, or board, or the City Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans, or if the owner is present. The Planning Commission or the Community Development Department may request other persons appearing to speak in an agency position with any project to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project.

1.19. PROCEDURE FOR HISTORIC DISTRICT COMMISSION. The review process for those projects within the Historic District shall be identical to the review for the City as a whole, except that actions of the Community Development Department are appealed to the Historic District Commission instead of the Planning Commission. Appeals from the Historic District Commission are directly to the City Council rather than through the Planning Commission. Zone changes within the Historic District shall also be reviewed by the Planning Commission to ensure overall compliance with the Planning Commission's comprehensive and City-wide planning.

1.20. VARIANCES. Any variances required shall be granted by the Board of Adjustments under the provisions of Chapter 5 of this Code prior to the issuance of any conditional use, master planned development, or other approval by the Planning Commission or Community Development Department. All action on an application shall be stayed upon learning that a variance is required until the applicant shall have obtained the variance or his request is denied by the Board of Adjustment. Appeals from final action of the Board of Adjustment shall be made to the District Court as provided by state law, and not to the City Council.

1.21. RELATION TO SUBDIVISION CONTROL ORDINANCE. The procedures set forth in this Code are intended to supercede inconsistent procedural provisions in the subdivision control ordinance. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under that ordinance are subject to the appeal processes set forth herein, and all applications for subdivision approval are subject to termination as set forth herein.

1.22. VESTING OF ZONING RIGHTS. Upon payment of the application fees and submission of a completed application to the Community Development Department, the applicant's rights under this ordinance shall vest as to matters related to zoning and land use, including without limitation, setback, building height, land use, density, and development credits. Subsequent changes shall not reduce the rights of the project owner after the complete application has been filed. The project owner may take advantage of changes in zoning that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and subject to the payment of additional planning review fees. Vesting terminates on the expiration or termination of approvals or permits.

Non-zoning related matters will not vest until the project has been given final approval and building permits are issued. Water connection availability, costs of water connection and water development fees, and applicable building codes will vest only upon payment of the building permit application fees

and submission of the materials necessary for the issuance of a building permit.

1.23. PLAT APPROVAL. On all projects requiring the recording of a plat or record of survey map under applicable state law, the plat shall conform to the following standards before approval will be granted by the City:

- (a) Owner's Execution. The plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, excluding mechanic liens and judgment liens. All owners' signatures must be acknowledged.
- (b) Contents of Plat. The plat must have signature blocks for the City Engineer, Recorder, Attorney, Planning Commission Chairman, and Mayor, and for the County Recorder's use. The survey data and accuracy of the plat must be certified by a licensed surveyor, and the plat must bear the surveyor's official stamp.
- (c) Submission. The submission for plat approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current title report showing the persons having an interest in the property, and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent among the plat, declarations or covenants and title report.
- (d) Recording. Upon granting of final approval by the City, the City Recorder shall release the fully executed plat and the declaration and covenants to the title company designated by the developer for recording. The City shall have no obligation to advance recording fees, but may deliver the plats to the County directly rather than through the developer's designated title company. No plat shall be recorded until the Recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval.
- (e) Effect of Approval. In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with local zoning ordinances. The City does not make any representation concerning the accuracy of the information presented in the plat drawn by the developer, nor the value of the project.

SECTION 2. DEFINITIONS

2.1 DEFINITIONS. For the purposes of this Code, certain words and phrases shall be defined as herein provided. When not inconsistent with the text, words used in the present tense include the singular; the word "shall" is mandatory and not directory, and the word "may" is permissive. Words used in this Code but not defined herein shall have the meaning as defined in any other code or ordinance adopted by the City, or in common usage.

Access. The provision of vehicular and/or pedestrian ingress and egress to structures or facilities.

Accessory Building. A building upon the same lot (or on a contiguous lot under the same ownership) as the principal building and which is (1) clearly incidental to, and customarily found in connection with such principal building or use and (2) is operated and maintained for the benefit of convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use.

Agriculture. The tilling of the soil, the raising of crops, horticulture, and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Apartment House. A multiple dwelling; see Dwelling, Multi-Unit.

Attached Building. Units connected on one or more side to an adjacent unit or units by a common party wall with separate exterior entrance for all unit(s). This shall apply to commercial as well as residential units.

Balcony. A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

Boarding House. A building other than a hotel, cafe, or restaurant with two or more bedrooms where for direct or indirect compensation lodging and/or kitchen facilities or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption, or blood.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Attached. (See Attached Building.)

Building, Detached. Any building or structure separated from another building on the same lot by at least six feet.

Building, Main. The principal building, or one of the principal buildings on a lot, or the building or one of the principal buildings housing a principal use upon a lot.

Building, Public. Structures constructed by or intended for use by the general public such as libraries, museums, the municipal buildings, etc.

Canopy. A roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

Child Nursery. An establishment intended for the care and/or instruction, whether for compensation or not, of three or more children other than members of the family residing on the premises, but not including a public or private school.

City. When referring to any act of review, or the exercise of any power under this Code, the term City shall refer to the agent or employee of Park City designated to perform such review or such acts by the Mayor, or for those powers within the authority of the City Manager by the City Manager. When referring to amendments to this Ordinance, the term City shall refer to the City Council.

City Staff. The employee of Park City charged with the duties of performing ministerial or administrative functions under this Code. When specific job titles are referred to in this Code, it is done for convenience in designating the person or department primarily responsible for that particular function. All City staff functions are under the direction of the City Manager, or the Mayor in the absence of the City Manager, and the use of a specific job title shall not be construed as vesting authority with that person or department as all staff actions are under the direction of the City Manager and the departmental structure established by the Manager for the effective operation of City affairs.

Common Open Space. Facilities and yard areas identified within projects for the use and enjoyment of the residents and maintained and operated by an organization of property holders.

Community Development Department. Community Development Department shall mean the division of the City staff and administration which has the primary responsibility over planning, building, engineering, zoning, and development related

services. This is the department with the primary responsibility for project review, under the direction of the City Manager.

Community Development Director. The Director of the Community Development Department, with overall administrative control of the planning, building, zoning, and engineering functions of the City, under the direction of the City Manager.

Conditional Use. A use requiring special consideration and review in the manner set forth in Section 1.12. of this Code.

Condominium. Any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act. This includes residential, non-residential, and any other space.

Convalescent Home. An institution other than a hospital wherein people may gradually recover from an illness (see Nursing Home).

Coverage. Lot area covered by a building.

Developer. The person, persons, corporation, firm or partnership responsible for the development of land and/or structure.

Development Credits. Points allocated to parcels of ground in certain districts based on the parcel's square footage. Development credits shall be used to determine volume of allowed uses. Development credits are non-transferable.

Dwelling. A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

Dwelling, Multi-Family. A building arranged or designed to be occupied by two families or more living independently of each other in separate but attached dwellings.

Dwelling, Single Family. A building arranged or designed to be occupied by only one family; a structure having only one dwelling unit.

Equivalent Population. A population estimate based upon the year-round average occupancy of all permanent and transient units.

Family. An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons who are not related, living in a dwelling unit as a single housekeeping unit.

Fence. A structure constructed for reasons of privacy, security, or aesthetics which is located in such a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight obscuring or light tight.

Final Approval. Final approval by the Planning Commission or Community Development Department, where Commission action is not required, of a plan, project, rezoning, activity, or other action shall be given after all the requirements set out in the Preliminary Approval have been met and after all concerns of the reviewing agency regarding such plan, project, rezoning, activity, or other action have been addressed and answered. Final approval does not refer to plat approval unless the plat is submitted simultaneously.

Flood Plain Area. An area adjoining a river, stream, or water course, or other body of standing water in which a potential flood hazard exists due to inundation or overflow of water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses. Any area designated as a flood plain by the Department of Housing and Urban Development of the United States Government.

Floor Area. The floor area is the area of a building that is enclosed by surrounding exterior walls, excluding vent shafts and courts. In portions of the building not within the exterior walls, such as covered balconies, the usable floor space under the horizontal projection of the roof of the structure or any floors above the open area shall be included within the calculation of floor area. For purposes of bulk calculation, spaces with a floor level at least eight feet below natural grade, measured at the center of each 50 foot interval of facade width, shall not be included in the floor area calculation. Covered porches which are open on two sides, may increase the allowable floor area by 5% without inclusion in the floor area calculation. Floor area is computed as provided in the Uniform Building Code, except as provided herein.

Frontage, Block. All property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line.

Garage, Private. A detached accessory building, or a portion of a main building, used for the storage of motor vehicles for the tenants or occupants of a specific building and not by the general public.

Garage, Public. A building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Geologic Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure, or shifting of the earth.

Grade, Natural. Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's undisturbed grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, or abrupt differences in the visual slope and elevation of the land; and not change the direction or flow of run-off water.

For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. This measurement shall occur at any point within the building plane where height occurs.

Guest House. An accessory building intended for the inhabitation by non-rent paying guests. Provides separate cooking and sleeping quarters and is maintained and owned by the primary residence.

Habitable Space (Room). Habitable space (room) is space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar areas are not considered habitable.

Hardsurfaced. Hardsurfaced shall mean covered with concrete or asphalt surface.

Height. The vertical distance from natural undisturbed grade to the highest point of a flat roof or to the deck line of mansard roof or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than 18" above the deckline or maximum zone height, whichever is lower. Roofs not fitting clearly any of the above three classifications shall be classified by the Planning Director in accordance with the roof it most clearly resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. See Section 8.17.

Historic District Commission. The appointed Commission for the Park City Historic District, hereinafter referred to as the HDC.

Home Occupation. See Section 8.12 for definition.

Hotel/Motel. A building containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels or hotel apartments. This does not include lock-outs or boarding houses.

Hotel Room. A unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

Hotel Suite. Two interconnected rooms in a hotel with a single corridor or exterior access and without a kitchen, intended for the temporary occupancy of guests.

Impact Analysis. A determination of the potential effect of a proposed residential, commercial, or industrial development upon the community and services it must provide.

Kitchen. A room or space within a room equipped with such electrical or gas hook-up which would enable the installation of a range, oven, or like appliance using 220/240 volts or natural gas (or similar fuels) for the preparation of food.

Liftway. The necessary right-of-way, both surface and air space, for the operation of any tram covered by this ordinance.

Liftway Setback. The minimum allowable distance between the side line of the liftway and any structure.

Lockout Room. An area of a dwelling not to exceed one room with separate exterior access and toilet facilities, but no kitchen. Such a room may be rented independently of the main dwelling but shall not be sold independently. Only two lockout rooms are permitted for each dwelling. For density purposes, the lockout is counted as an additional bedroom of the dwelling it is a part of, and not counted as an independent unit. Nightly rental of lockout rooms is a conditional use.

Lot. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into smaller units.

Lot, Corner. A platted lot bounded on two or more sides by an existing or platted public street or private street of more than 50 feet in length.

Lot Depth. The minimum distance measured from the front property line to the rear of same property boundary.

Lot Line, Front. The property line dividing a lot from the right-of-way of the street. On a corner lot, the owner shall have the option of designating which line is the front of the lot.

Lot Line, Rear. The property line opposite the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot Width. The minimum distance between the side property lines.

Master Planned Development. A development designed and reviewed under the Master Planned Development review processes described in Section 1.13. and Chapter 10 of this Code.

Nightly Rental. The rental of a room, apartment, or house or lockout room for a time period of less than 30 days.

Non-Conforming Use. The use of a building, structure, or land which does not conform to current use regulations for the district in which it is situated, but which was in conformity with prior regulations at the time of its establishment, or which was in existence prior to the establishment of use regulations for the district in which it is situated.

Nursery, Child. (See Child Nursery).

Nursery, Greenhouse. A place where young plants are raised for experimental purposes, for transplanting, or for sale.

Nursing Home. An institution described also as a "rest home", or "convalescent home", other than a hospital, in which persons are lodged and furnished with care rather than diagnoses or treatment.

Office. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

One Bedroom Apartment. A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom

for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

Parking, Public. A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be involved.

Parking Lot. An area other than a street used for the parking of more than four automobiles.

Parking Lot, Commercial. A lot used for the temporary parking of automobiles for compensation.

Parking Lot, Private. A lot used for the temporary parking of automobiles for compensation.

Parking Space. An area maintained for the parking or storage of an automobile or other vehicle, which is graded for proper drainage and is hard surfaced or porous paved.

Parking Structure. A fully enclosed structure designed and intended for parking or storage of more than four vehicles.

Passenger Tramway. Shall mean a mechanical device for the primary purpose of transporting passengers by means of chairs or enclosed compartments which are suspended from cables or travel along cables on or above the ground, including each of the devices described in Section 63-11-38 of the Utah Code Annotated, 1953, as amended, and also passenger carrying devices operating on rails.

Permitted Use. A use of land for which no conditional use permit is required.

Planning Commission. Planning Commission of the City of Park City, Utah.

Porous Paving. A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers which provide at least 50% surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

Property Line, Front. That part of a lot which abuts a public street or public right-of-way.

Public Use. A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and

other recreational facilities, administrative, service facilities, and public utilities.

Quasi-Public Use. A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

Recreation, Commercial. Recreation facilities operated as business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, equestrian center, skating rink, etc., and support facilities customarily associated with the development.

Recreation, Private. Recreation facilities operated on private property and not open to the public.

Recreation, Public. Recreation facilities operated by a public agency and open to the public with or without a fee.

Restaurant. A building in which food is prepared and served for consumption within the premises.

Restaurant, Drive-In. A building in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

Satellite Receiving Station. Means and includes any accessory structure, antenna, or equipment located outside of a primary structure, the purpose of which is to receive communication or other signals from orbiting satellites and other extraterrestrial sources. The satellite receiving station includes the antenna itself, often called a satellite dish, a low noise amplifier, both typically located outdoors, and other equipment typically located indoors, with the indoor and outdoor equipment connected with cables. Height of the receiving station shall be measured from the highest point of the apparatus to the ground underneath the apparatus, with the apparatus set in its operating position. It does not include conventional UHF or VHF television antennas.

Semi-Detached Building. Units connected on one side by a common or party wall with separate exterior entrance for each unit.

Site Development Standards. Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space, and any other special regulations deemed necessary to accomplish the goals and purposes of the underlying zoning district.

Street, Public. A thoroughfare which has been dedicated and accepted by the Council, which the City has acquired by prescriptive right or which the City owns, or accepted for dedication on an approved final plat, or a thoroughfare which has been dedicated or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, and boulevards. Any street or road shown on the streets master plan as a public street.

Structure. Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and which imposes an impervious material on or above the ground; definition includes "building". All structures must maintain the minimum set-backs for the district in which they are located, both above and below the ground.

Studio Apartment. A dwelling unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or kitchen for the exclusive use of that apartment, all having a combined floor area of not more than 1,000 square feet.

Support Commercial Facilities. Those commercial uses which are located on the site of a master planned development, and oriented toward the internal circulation of the development, for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the Master Planned Development. Examples of support commercial uses are barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops, or other hotel lobby type uses. No use occupying more than 2,000 gross square feet of floor area will be considered as support commercial.

Tandem Parking. Parking designs which necessitate parking one vehicle behind another. Such parking may not include more than two cars in depth, and may not require occupants of separate dwellings to park behind one another. Tandem parking is only permitted for single family and duplex dwellings within the Historic District.

Unit Equivalent. The relative density factor applied in the Code to different sizes and configurations of dwelling units and commercial spaces within a Master Planned Development.

Usable Open Space. Landscaped area, including required yards, that is free of buildings, structures, and other substantial improvements, and includes without limitation (a) outdoor swimming pools, swimming pool areas, hard surface

recreational areas, and other recreational areas that are unenclosed, and fences, canopies, bath houses, and accessory structures for recreation use, whether enclosed or unenclosed; (b) driveways that cross the required yard at approximately right angles and serve less than three parking spaces; (c) the ground surface above underground facilities, provided it otherwise qualifies as usable open space under the provisions of this section; and (d) pedestrian ways to plazas within a building that are directly oriented to the major pedestrian entrance to the building and are open to view and use by the public; and (e) decks, porches, patios, terraces, and steps under 30 inches high.

Usable open space excludes without limitation (a) public or private rights-of-way for streets or highways; (b) roofs; (c) open parking areas; (d) parking garages or structures.

Use, Intensity. The maximum number of residential units, or commercial, or industrial space within a specified land area designated for that purpose.

Yard. A required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise provided herein. Yard areas for below grade structures must be provided unless a variance is obtained.

Yard, Front. A required space between the front line of the main building and the front lot line or closer right-of-way line of an abutting street or right-of-way and extending across the full width of a lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the closest main building.

Yard, Rear. A required space between the rear line of the building and the rear lot line, or closer public street and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the main building.

Yard, Side. A required space between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

2.2. TIMESHARE DEFINITIONS. The following definitions apply to the use or occupancy of property in timeshare or time intervals:

Off-Premises Timeshare Contacting Activity. Activity occurring outside of a timeshare project that is engaged in by off-premises timeshare contacting personnel in an effort to induce persons willing to attend a timeshare sales presentation.

Off-premises timeshare contacting must be confined to a fully enclosed building and is subject to business license regulation.

Off-Premises Timeshare Sales Activity. Original timeshare sales and resales activity occurring outside of a timeshare project. Off-premises timeshare sales shall be confined to a fully enclosed building and is subject to business license regulation.

Off-Premises Timeshare Contacting Location. A location within the city, but outside of a timeshare project, at which off-premises timeshare contacting personnel attempt to induce persons to attend a timeshare sales presentation. Such location must be within a fully enclosed building.

Off-Premises Timeshare Sales Office. An office located within the city, but outside of a timeshare project, wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales or resales.

On-Site Timeshare Sales Activity. Timeshare sales activity occurring within a timeshare project in an enclosed building.

On-Site Timeshare Sales Office. An office located within a timeshare project within the city wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales.

Timeshare Conversion. The conversion into a timeshare project of any real property and the existing structure(s) attached thereto, which were not subject to a timeshare instrument prior to the date of such conversion, including, without limitation, the conversion into a timeshare project of (a) any existing motel, hotel, or apartment building, (b) any existing unit or units within an existing condominium project, or (c) any dwelling unit or units within an existing planned unit development.

In the event the developer of a condominium or similarly owned project reserves in the declaration of ownership establishing such condominium project the right to create timeshare intervals within (a) all or any portion of any additional land that may thereafter be added to the project, (b) any convertible land within the project, or (c) any convertible space within the project, then the subsequent creation of timeshare intervals within any portion of such additional land, convertible land, or convertible space shall not be deemed to be a timeshare conversion as defined in Chapter 1 of this Code, so long as (a) such right to create timeshare intervals is specifically reserved by the developer in accordance with the requirements of the Utah Condominium Ownership Act, Utah Code

Annotated, Section 57-8-1, et. seq., (b) the reservation of such right to create timeshare intervals is fully disclosed in writing to the city at the time the city's approval to develop the project is sought by the developer, and (c) such right to create timeshare intervals expires no later than seven years from the date the declaration establishing such project is recorded in the office of the County Recorder of Summit County, Utah.

Timeshare Estate. An ownership or leasehold estate in property devoted to a timeshare fee (including, without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership) created by a timeshare instrument and the documents by which it is granted.

Timeshare Instrument. Any instrument whereby the use, occupancy or possession of real property has been made subject to either a timeshare estate or timeshare use, and whereby such use, occupancy or possession circulates among (a) nine or more purchasers of the timeshare intervals in the event the timeshare project is located in any of the following districts: Commercial Business District (HCB), General Commercial District (GC), Recreation Commercial District (RC), or (b) three or more purchasers of the timeshare intervals in the event the timeshare project is located in any of the following districts: Historic Residential District (HR-1), Estate District (E), Residential Development District (RD), Residential Low Density District (R-1), or Residential Medium Density (RDM), according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years in duration.

Timeshare Interval. A timeshare estate or a timeshare use.

Timeshare Project. Any real property that is subject to a timeshare instrument, including a timeshare conversion.

Timeshare Sales Presentation. (1) An offer to sell or reserve a timeshare interval; (2) an offer to sell an option to purchase a timeshare interval; (3) the sale of a timeshare interval, or an option to purchase a timeshare interval; or (4) the reservation of a timeshare interval, whether the timeshare interval is located within or without the State of Utah, where such offer, sale or reservation is made within the city.

Timeshare Unit. That unit of real property and time where possession and use are allowed under a contract from seller to purchaser.

Timeshare Use. Any contractual right of exclusive occupancy created by a timeshare instrument which does not fall within the definition of a "timeshare estate" (including, without

limitation, a vacation license, club membership, general partnership interest, limited partnership interest, vacation bond or beneficial interest in a trust) and the documents by which it is transferred.

SECTION 3. PLANNING COMMISSION

3.1 PLANNING COMMISSION CREATED. There is hereby created a City Planning Commission to consist of eight members. Members shall be appointed by the Mayor with advice and consent of the Council.

3.2 TERMS AND ELIGIBILITY OF MEMBERS. Members of the Planning Commission shall serve terms of four years. The terms shall be staggered so that two members shall be appointed each year. Terms may expire on the second Monday in February but members on the Planning Commission shall continue to serve until their successors are appointed and qualify. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least 90 days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

3.3 ABSENCE DEEMED RESIGNATION. Any Planning Commission member who is absent from two consecutive regularly scheduled Commission meetings shall be deemed to have resigned from the Commission, unless those absences are excused by the Chairman of the Planning Commission.

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

3.5 POWERS. The Planning Commission shall have all necessary powers conferred on Planning Commissions pursuant to Chapter 9 of Title 10, Utah Code Annotated, 1953, as amended.

3.6 CHAIRMAN. The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one year, but may be re-elected for one succeeding consecutive term. A person may not serve more than two consecutive terms as Chairman of the Planning Commission. The Chairman shall have no vote, except in case of a tie vote by the members of the Commission, but may participate in discussions.

3.7 STAFF. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City. The Community Development Department shall assist the Commission with technical matters.

3.8. PURPOSES. The Planning Commission is intended to act as a non-political, long range planning body for the city. Review of specific projects shall be limited to those matters

specifically requiring their consideration, and to the monitoring and reviewing of the decisions of the Community Development Department. The Planning Commission shall review those matters designated in Section 1.14.

3.9. HEARINGS. The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues.

3.10. MINUTES. The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder.

3.11. DECISIONS. All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

3.12. QUORUM REQUIREMENT. The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chairman for computation purposes.

3.13. VOTING. Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he votes in order to break a tie vote of the other Commission members. Voting to remove an item of business from the consent agenda for ratification of departmental actions shall require an affirmative vote of two-thirds of the members present to pass. Other votes shall be a simple majority.

SECTION 4. HISTORIC DISTRICT COMMISSION, AND
PRESERVATION OF HISTORIC BUILDINGS AND SITES

4.1. COMMISSION CREATED. There is hereby created a Park City Historic District Commission. The Commission shall be composed of five members, one of whom shall be a member of the Planning Commission. The remaining four members shall serve terms of one year. The member appointed from the Planning Commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the Planning Commission.

4.2. ABSENCE DEEMED RESIGNATION. Any Historic District Commission member who is absent from two consecutive regularly scheduled Commission meetings shall be deemed to have resigned from the Commission, unless those absences are excused by the Chairman of the Historic District Commission. Members of the Historic District Commission are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

4.3. QUALIFICATIONS OF MEMBERS. The Commission should include members with the following qualifications, or representing the following interests:

- (a) A licensed architect or member of the American Society of Interior Design, with demonstrated experience in historic preservation.
- (b) A member recommended by or associated with one of the following groups: Park City Historical Society; Utah State Historical Society; or Utah Heritage Foundation.
- (c) A member living in the Historic District with demonstrated interest and knowledge of historic preservation.
- (d) A member from the Park City Planning Commission.
- (e) A member appointed at large from Park City with demonstrated interest and knowledge of historic preservation.
- (f) A member associated with Main Street business and commercial interests.

4.4. PURPOSES. The purposes of the Historic District Commission are:

- (a) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complimentary, contemporary design and construction through comprehensive design guidelines;

- (b) To protect and enhance the City's attraction to tourists and visitors;
- (c) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
- (d) To safeguard the heritage of the City by providing for the protection of landmarks representing significant elements of its history, and to promote interest in preservation;
- (e) To promote the private and public use of landmarks and the landmark districts for the education, prosperity, and general welfare of the people;
- (f) To make recommendations to the City Council on policies and ordinances that may encourage preservation.

4.5. PERMIT ISSUANCE, PROJECT APPROVAL:

- (a) The Community Development Department shall review, approve, or deny, all applications for building permits which permit seeks to build, locate, demolish, construct, remodel, alter or modify any facade on any structure or building or other visible element including but not limited to signs, lighting fixtures, and fences located with the Park City Historic District.
- (b) All building projects within the Historic Districts shall be reviewed by the Community Development Department for compliance with the guidelines promulgated by the Historic District Commission and adopted by the City Council by resolution or ordinance. Those proposals for conditional or permitted uses which, after review by the Department are found to be in compliance shall be approved by the Department without the necessity of Historic District Commission review or hearing. In those cases where the Department finds the proposal is not in compliance, or where it is unable to make a determination at all, the proposal is submitted for review by the Historic District Commission, which shall either approve, approve with conditions, or disapprove the proposal. The Historic District Commission shall state specific reasons for disapproval so the applicant has an opportunity to address those concerns. At any time in the review process, the applicant may request the Department to deny the application and take an appeal to the Historic District Commission. Actions of the Historic District Commission are subject to review by the City Council in the manner described in Chapter 1.
- (c) In reviewing applications for building permits, the Community Development Department (or Commission on appeal) shall approve each application if it is determined that the structure, construction, remodeling, modification,

alteration, or building complies with the Historic District Architectural Design Guidelines as adopted by the City Council by resolution or ordinance.

- (d) Application for demolition permits are reviewed by the Community Development Department except on those buildings which have been designated as "landmarks" or "significant" historic buildings by the Historic District Commission in which case, the permit is to be reviewed by the Historic District Commission.

4.6. POWERS. The Historic District Commission shall:

- (a) Recommend to the City Council for adoption standards to be used by the City or Commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any building or visible element within the Historic District.
- (b) Recommend to the City Council the purchase of interests in property for purposes of preserving the City's cultural resources.
- (c) Investigate and report to the City Council on the use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.
- (d) Advise the City Council on property owner incentives to preserve designated buildings in the district.
- (e) Recommend to the Planning Commission and the City Council, zoning boundary changes for the district to preserve the historical integrity of the area. Subdivision, conditional uses and planned unit development applications must continue to be acted upon by the Planning Commission.
- (f) Recommend to the Planning Commission and the City Council, changes to the Park City Land Management Code to reinforce the purpose of the Historic District.
- (g) Provide advice and guidance on request of the property owner or occupant on the restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, including landmarks, landmark sites, historic district, or neighboring property within public view.

4.7. ORGANIZATION.

- (a) Chairman. The Commission shall elect one of its members to serve as Chairman for a term of one year at its first meeting in March. The Chairman may be elected to service for one consecutive additional term, but not for more than two successive terms.

- (b) Quorum. No business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by a majority of the appointed members of the Commission, including the Chairman.
- (c) Voting. All actions of the Commission shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken, shall approve any action taken. The Chairman may vote at the meetings.

4.8. STAFF ASSISTANCE. The City shall, subject to the approval of the City Manager, provide the Historic District Commission with such assistance as is reasonably necessary to enable it to perform its functions and duties. The following organizations and agencies may be invited, along with any other groups deemed necessary by the Commission, to provide assistance concerning matters related to their fields of expertise:

- (a) Utah Heritage Foundation.
- (b) National Trust for Historic Preservation.
- (c) Utah State Division of History.
- (d) Park City Historical Society.

4.9. LIMITATIONS. The Historic District Commission has no authority to waive or increase any requirement of any ordinance of the City.

4.10. ARCHITECTURAL DESIGN STANDARDS. The Commission shall promulgate Architectural Guidelines for use in the Historic District Zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be the design standards applied by the City (and Commission on appeal) in reviewing specific building proposals or reviewing City staff actions on appeal. The standards shall address renovation of existing structures, additions to existing structures, and the construction of new structures. From time to time, the Commission may recommend changes in the design guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the Council.

The design guidelines shall apply in all zones within the Historic District, which are designated throughout this Code by the use of the word "Historic" in the zone district name, or the letter "H" in the abbreviation of that name.

4.11. PRESERVATION OF HISTORIC BUILDINGS AND SITES. It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of buildings and sites of historic significance in Park City. The

buildings and sites are among the City's most important cultural, educational, and economic assets, and in order that they shall not be lost through expansion or change within the City, and in order that the preservation of the remaining buildings and sites of historic interest should be encouraged for the use, observation, education, pleasure, and general welfare of the community. This section is intended to provide an incentive for identification and preservation of historic buildings or sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

4.12. REVIEW OF HISTORIC SITES, BUILDINGS, AND PRESERVATION POLICY. The Park City Historic District Commission is the official body to review matters concerning designation and preservation of historic buildings and sites within Park City, and may take appropriate action as may be necessary, as authorized by other sections of this Code to preserve historic buildings and sites. The Historic District Commission is authorized to function as a committee on historic buildings and sites and to establish an official list of all existing buildings and sites within the City which it considers to be of historic significance and to make this information available to all interested citizens.

4.13. LIST OF HISTORIC BUILDINGS AND SITES. A list of historic buildings and sites is to be established and maintained by the Historic District Commission to describe as concisely as possible each building or site, the date of its construction as nearly as can be determined, or if a site, the date during which its historic significance was established, the reason for including it on such list, and the name and address of the current owner as shown on the records of the Summit County Recorder. The Historic District Commission shall file such list and any subsequent amendments or any additions thereto with the City Recorder.

4.14. IDENTIFICATION OF HISTORIC BUILDINGS AND SITES. The Historic District Commission shall design an appropriate marker with the words "Historic Building" or "Historic Site", the date of construction or use and pertinent information as to why it is of historic significance, and invite each owner of such building or site to display thereon an official marker. If the owner agrees to display an official marker, he shall signify his acceptance by executing an agreement in a form approved by the City Attorney, which shall give the City the right to maintain the marker, feature the structure or site in photo collections of historic sites, and shall contain commitments to the preservation of the structure or site, with limitations on the extent and nature of exterior modifications. Upon receipt of such agreement, properly executed, the Commission shall cause to be erected and thereafter maintain an official marker on or adjacent to such building or site.

4.15. DEMOLITION OR ALTERATION OF HISTORIC BUILDINGS OR SITES. The owner of a historic building or site that agrees to the display of an official marker designating the building or site as being of historic significance, shall not move or remove the marker from the building or site, nor demolish the building, nor alter its exterior appearance, nor build upon or alter the appearance of the site, without first making application to the Historic District Commission for such action. Such application shall be made in writing by the owner of the building to the Commission on forms prescribed by the Historic District Commission.

- (a) In the event the Commission recommends denial of the application, and consultations with the owner, as specified in this Section, do not result in an agreement to retain the structure, it shall also recommend whether or not the building or site should be purchased, leased or otherwise acquired, by the City. Said recommendation shall be forwarded to the Council at its next regular meeting for determination.
- (b) Upon denial of the application to alter or demolish, the Historic District Commission shall notify the owner not to remove the official marker nor demolish or alter the exterior appearance of the building or site for a period of three months from the date the denial was issued.

4.16. NEGOTIATION WITH OWNER. During the three month waiting period as provided in Section 4.15., the City may negotiate with the owner for the purchase or lease of the property or some interest in the property such as a facade easement, or may commence action to acquire the property under its power of eminent domain if appropriate and financially possible. If the Council and owner fail to reach agreement upon the purchase or lease of the property within the three month waiting period and the City fails to commence court action under its powers of eminent domain prior to expiration of the three month waiting period, this section will be of no force or effect with regard to the property and the owner may sell, lease, remodel, demolish or otherwise alienate the property regardless of the matters herein provided.

4.17. VARIANCES IN USE AND OTHER REQUIREMENTS FOR PRESERVATION OF HISTORIC BUILDINGS. When reasonably necessary for the preservation of historic structures, the owner may request variances from provisions of this ordinance, including variances in uses to be made of the structure, in order to provide an economic means of restoring and preserving the structure. No such variance in use shall be granted except under the following procedure:

- (a) The application shall be presented to the Historic District Commission for its review. Following its review of the application, if the Commission finds that (1) the structure

is of substantial historic significance and importance to the community as an important or significant structure, (2) that the structure is in substantial danger of being demolished due to its deteriorated state, lack of economic worth if renovated to its original use or the uses now permitted in the zone in which the structure is located, and (3) the proposed use is consistent with a restoration that preserves the historical character and integrity of the structure; the Historic District Commission shall give its recommendation of conditions to be imposed on the proposed use, and its recommendation on variance to be granted, to the Board of Adjustment.

(b) Upon receiving the favorable recommendations of the Historic District Commission on the variances of use requirements for the preservation of the historic structure, the Board of Adjustment shall review the proposal. The Board of Adjustment shall have the authority to grant variances in the use made of the structure, provided the Board first finds:

1. The Historic District Commission has determined that the building is of substantial historic significance, and is likely to be demolished unless some adaptive use is found for the structure;
2. The proposed use is not detrimental to the health, safety, and welfare of the neighborhood and the community as a whole, nor injurious to the interests of the owners of adjoining property;
3. That the proposed use is generally consistent with similar uses in the zone, whether those uses are conditional or permitted uses, except for the intensity or extent of the proposed use; and
4. That the historic significance of the structure and the fact that the Historic District Commission recommends against demolition creates a hardship;

Any variances in use granted under this provision shall be specifically limited to those uses which the Board finds are appropriate to the structure and the zone. In no event shall the Board authorize retail or industrial uses in purely residential zones. This provision permitting the Board to grant use variances shall only apply within the Historic District, or the structures outside the District which are, by themselves, of historic significance. This provision shall not be construed to limit the powers of the Board of Adjustment, or to require review by the Historic District Commission for variances not related to a change in the use allowed in the zone.

4.18. NEW CONSTRUCTION. New construction and exterior remodeling within the Historic District zones shall conform to

architectural standards and regulations promulgated by the Historic District Commission and adopted by the City Council. These standards shall be applied by the staff and the Commission, subject to the review process set forth in Chapter 1 of this Code.

SECTION 5. BOARD OF ADJUSTMENT

5.1. ESTABLISHMENT OF BOARD. In order to carry out the provisions of Utah law relating to planning and zoning, there is hereby created a Board of Adjustment, which shall consist of five members, one member of which shall be a member of the Planning Commission, and a non-voting alternate to vote when a regular member is absent. The members of the Board of Adjustment shall be appointed by 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.

5.2. TERM OF OFFICE. Each member of the Board of Adjustment shall serve for a term of five years or until his successor is appointed 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. Any member may be removed for cause by the City Council upon written charges by the Council or public after public hearing, if such public hearing is requested by the Board member in question. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term. Any Board member who is absent from two consecutive regular meetings of the Board is deemed to have resigned, unless the absence is excused by the Board's Chairman.

5.3. ORGANIZATION.

(a) Chairman. The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary. Meetings of the Board shall be held at the call of the Chairman, or in his absence the Acting Chairman. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Recorder, which shall be the office of the Board and shall be of public record.

(b) Quorum. No business shall be conducted unless a least three members of the Board, not counting the alternate, are present.

(c) Voting. Action may be taken by a simple majority of those Board members present, including the vote of the Chairman.

5.4. MEETINGS. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Board shall meet at least monthly unless there are no matters to be heard.

The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the roll call of votes upon all questions and shall keep records of its examinations and other official actions, all of which shall be filed in the office of said Board and shall be public record.

5.5 HEARINGS BEFORE THE BOARD. The Board of Adjustments is created to hear two classification of cases as follows:

- (a) Variance Applications. Whenever any application or permit has been stayed or denied by the Planning Commission or City staff on the basis that approval of the requested permit or application would violate the provisions of this code relating to set back, building height, side yard, lot size, site requirements, parking requirements, or some similar provision of the Code that has the effect of depriving the applicant of the reasonable use of his property, when others similarly situated are entitled to make such use of their property, the Board may hear the matter, and grant a variance from the strict enforcement of this Code.
- (b) Modifications of Non-Conforming Uses. The Board shall have the power to rule on all requests for enlargements, modifications, or changes in the character of any non-conforming use, and to have hearings to determine whether the use in question is in fact a non-conforming use, as opposed to a violation of the ordinance or an allowable use within the zone. Non-conforming uses are addressed in Section 12 of this Code.

5.6 VARIANCE. Variances from the provisions of the Code may be granted by the Board whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property. Because of the historical development of Park City, which has resulted in a number of irregular lots, encroachments by public streets, and the access problems inherent in the area because of these misplaced streets and steep grades, the Board shall exercise broad discretion in acting on variances to assure the public and the owners of property on which variances are requested that substantial equity results from Board actions. Variances shall be granted when the strict application of this Code would:

- (a) Deprive the owner of the property in question of the rights and privileges available to others owning similar property within the same zone, and
- (b) The deprivation results from conditions on the property, including irregular lot size, lot shape, access, presence of

easements or rights-of-way across the property including non-platted but existing public streets, existence of an historic structure which the Historic District Commission recommends preserving, or similar factors and not from conditions created by the applicant, and

- (c) The granting of the variance would not be detrimental to the public health and safety or contrary to the comprehensive plan for the City.
- (d) Variances in use may be granted in the discretion of the Board under the conditions, and for the purposes stated in Section 4.17. for the preservation of historic structures.

5.7. APPLICATION FOR VARIANCE REVIEW. An application for variance review must be filed with the City, 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.

5.8 HEARING. The Board shall, upon receipt of the application for a variance, schedule a date for hearing on the matter. The hearing date shall be no less than fifteen (15) days, nor more than thirty (30) days from the date of application. Notice shall be given to adjoining land owners in the manner described in Section 1 of this Code, and in addition, notice of hearing shall be published at least once prior to the date of the hearing in a newspaper having general circulation in the city.

5.9 PERSONS ENTITLED TO APPEAR. At the hearing on any application for a variance, 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.

5.10. POWERS OF BOARD. The Board of Adjustment shall have the following powers:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a City official in the enforcement of this Code;
- (b) To hear and decide special exceptions to the terms of this Code upon which such board is required to pass under this Code, including variances for the preservation of historic structures;

- (c) To authorize upon appeal in specific cases such variance from the terms of the Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Code will result in unnecessary hardship, and so that the spirit of the Code shall be observed and substantial justice done, provided that before any variance may be authorized, however it must be shown that (a) the variance will not substantially affect the comprehensive plan of zoning in the City and that adherence to the strict letter of the Code will cause difficulties and hardship, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan; (b) special circumstances do not apply generally to other property in the same district; (c) because of said special circumstances, property covered by the application is deprived of the privileges possessed by other property in the same district, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
- (d) To hear and decide non-conforming use review applications in accordance with the provisions of Chapter 12.

5.11. DECISION. In exercising the above-mentioned powers 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 official or board from whom the appeal is taken.

5.12. VOTE NECESSARY FOR REVERSAL. The concurring vote of three members of the Board shall be necessary to revise any order, requirement, or determination of any such administrative official or board, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

5.13. LIBERAL CONSTRUCTION. Because of the unique historical factors in the platting of the older portions of Park City, and the fact that many times existing public streets encroach on platted lots, or that platted lots may be adjacent to platted but unopened street rights-of-way, the powers of the Board shall be liberally construed to grant the flexibility reasonably necessary to enable the owners of property within the affected parts of the City reasonable opportunities to develop that property to the same extent as others similarly situated within the zone, but without the unique site constraints affecting the applicant's site.

5.14. JUDICIAL REVIEW OF BOARD DECISION. The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in

the District Court in Summit County provided petition for such relief is presented to the court within thirty days after the filing of such decision with the City Recorder.

SECTION 6. ZONING ADMINISTRATION AND ENFORCEMENT

6.1. ADMINISTRATION AND ENFORCEMENT. The provisions of this Ordinance shall be administered by the Community Development Department under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Community Development Director shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land use related ordinances or regulations. The Community Development Director, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a development is in substantial compliance with this Code, or when strict compliance should be demanded or excused, or other enforcement actions taken. The failure of any person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action. Permits issued in violation of this Ordinance shall have no force or effect and persons knowingly or negligently building under improperly issued permits do so at their own risk.

6.2. ZONING AND BUILDING PERMITS. Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided for or as restricted in this ordinance and the Uniform Building Code, shall not be commenced except upon clearance by the City staff for compliance with this Code and issuance of a building permit by the Building Official.

6.3. OCCUPANCY PERMIT. Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit of occupancy shall be issued by the Building Official to the effect that the use, building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit is needed whenever use or character of any building or land is to be changed.

6.4. INSPECTION. The City, through its designated officials, shall, upon presentation of evidence of his authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

6.5. SITE PLAN REQUIRED. A detailed site plan, drawn to scale, shall be filed with the City, as part of any application for a building permit for a permitted use. The site plan shall show where pertinent:

Scale and north arrow.

Lot lines and their dimensions.

Adjacent streets, roads, rights-of-way, and easements.

Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, fences, etc.).

Existing and proposed grading, drainage, and landscaping plans.

Location of proposed construction and improvements, including location of all landscape elements retaining walls, drainage works, and signs.

Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location.

Necessary explanatory notes.

Name, address, and telephone number of builder and owner.

Other information which may be requested by the City or in this Code.

6.6. TIME LIMIT. Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Zoning Administrator, the plan approval for a permitted use shall expire.

6.7. PENALTIES/ENFORCEMENT. The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the City, or by affected property owners in the manner set forth below:

(a) Criminal Citations. The Building Official and other designated City officials may, when there is probable cause to believe that construction has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(b) Civil Actions. The City, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative injunctions. The Building Official, Planning Department and other designated City officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

(c) Third Party Actions. Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

6.8. VIOLATIONS. Violations of this Code are Class "B" misdemeanors, and are punishable by a fine of not more than \$299, or by imprisonment for not more than six months in the County Jail, or both. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the owner of the property is presumed to have knowledge of the uses of that property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

SECTION 7. DISTRICTS AND REGULATIONS

7.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

7.1.1. PURPOSE. The purpose of the Historic Residential HR-1 District is to allow the preservation of the present land uses and the character of the historic residential areas of Park City, and to encourage the preservation of historic structures and the construction of new structures that preserve and contribute to the character of the district, and to encourage densities of development that will preserve the desirable residential environment, and also densities which are consistent with the inherent constraints on development within the narrow canyon areas and on areas that may have steep or substandard street systems.

7.1.2. PERMITTED USES. In the HR-1 district, no building or structure shall be erected which is arranged, designed, or intended to be used, or which is used for any purpose other than those purposes designated on the Use Table as being permitted uses (designated by the letter "A") or conditional uses (designated by the letter "C"). All other land uses are prohibited.

7.1.3. LOT SIZE AND COVERAGE REGULATIONS.

- (a) Lot Size. The minimum lot area shall be 1,875 square feet for a single family residence; 3,750 square feet for a duplex, and 5,625 square feet for a triplex. The minimum width of a lot shall be 25 feet, measured 15 feet back from the front lot line.
- (b) Side Yard. The minimum side yard for any structure of two units or more shall be 5 feet, except that a side yard shall not be required between structures designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed 50 feet. The minimum side yard for a single family structure shall be 3 feet. For side yards of less than 5 feet, the special side yard exceptions as provided in Section 8.14. shall not apply, except for projections of less than 4 inches as specified in Section 8.14.(a) and for allowance for a driveway as specified in Section 8.14.(h). On corner lots, any yard which faces on a street for both main and accessory buildings shall not be less than 10 feet. For structures on lots exceeding 25 feet in total width, the sum of the side yard set backs must total 10 feet.
- (c) Rear Yard. The minimum depth of the rear yard for all main buildings shall be 10 feet and for accessory buildings shall be one foot from the rear property line. On corner lots which rear upon the side yard of an adjacent lot, accessory

buildings shall be located no closer than 5 feet to the rear property line.

- (d) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be 10 feet. Open parking spaces may be permitted in the front yard area, but not within the minimum side yard area. "Open parking spaces" does not include carports.

7.1.4. FACADE VARIATIONS. In order to assure variety of facade alignments and preserve architectural variety within the HR-1 Zone, the following requirements for facade variation shall apply to both the front and rear facades of buildings in the zone:

- (a) Facade Width. The front and rear facade of any building shall not exceed 24 feet horizontally measured distance without breaking the vertical plane of the facade. Such breaks in the facade plane shall be a step back (or forward, but not into minimum lot set back areas) of at least 5 feet in depth, and at least 12 feet in horizontal width before the facade returns to the original plane. Such breaks in the facade plane shall occur as such intervals that no portion of the facade exceeds 24 feet of continuous horizontal measure without a break in the facade plane. The volume of these step back areas shall be credited to the open space volumes required by subsection (b) of this section.
- (b) Facade Variation. In addition to minimum front and rear yard set backs, buildings in the HR-1 Zone are required to provide a volume of open space within the maximum allowable building envelope on both the front and rear of the structure. The volume of this additional open space shall be measured and computed according to the appropriate following formula:

Single family structures: Maximum allowable building width, multiplied by 25, multiplied by 5 equals open space volume requirement.

Duplexes: Maximum allowable building width multiplied by 25 multiplied by 7.

Triplexes: Maximum allowable building width multiplied by 25 multiplied by 9.

The open space volume requirement can be satisfied with deck areas, porches, balconies, or similar unenclosed areas which are open on at least two sides, one of which must be the front or back facade of the structure. Step back areas under the provisions of subsection (a) are included as open space volume. Porches, decks, balconies, etc., counted as open space volume may be under roof, but not under enclosed

living areas, provided the area is open on at least two sides.

1. On interior lots, the required volume of open space shall be provided within the 12 feet immediately behind the front set back line, and in the 12 feet immediately in front of the rear set back line, so that the open volume areas appear on the front and rear facades of the building, rather than on the side yards.
2. On corner lots, the front facade variation open space volume may be provided on either of the street facing facades, or a combination of both, in addition to the rear facades. No additional open space volume is required by virtue of being a corner lot.
3. On lots with unusual configurations, or through lots having frontage on two streets, or where the location of the open space volume is not determinable from the foregoing provisions, the Community Development Department shall make the determination based on the relationship to other adjoining structures and orientation of the structure to the streets and adjoining structures.
4. Roofs, balconies, decks, cornices, architectural details, porches, and stairways may project into the open space volume. This volume of open space may be provided on one or more levels of the structure, or may be provided by using a greater set back than the minimum set back. No space above the maximum allowable building height may be counted as facade variation open space.
5. Open space volume for facade variation must be provided on both the front and rear facades of the structures, but is not required on side facades.
6. Dormers, bay windows, fireplace pop-outs and similar architectural details that do not exceed five feet in any horizontal or vertical dimension may extend into space counted as facade variation open space volume without being deducted from that volume.

7.1.5. SPECIAL PARKING REGULATIONS.

- (a) Tandem parking is permitted for single family and duplex dwellings in the Historic District.
- (b) To encourage the location of parking in the rear, common driveways may be permitted along shared side yard property lines where those drives provide access to parking in the rear of the main building. Restrictions on the deeds to

both properties must provide for the preservation of such a shared drive.

- (c) Common parking facilities may be permitted, upon approval of the Planning Department, where such a grouping may facilitate the development of individual buildings that more closely conform to the scale of historic structures in the district as defined in the design guidelines. Parking structures may be permitted, provided that the structure maintains all yard set backs above grade, but may occupy below grade side yard areas between participating developments.
- (d) In order to minimize the amount of hardsurfaced paving in front yards and to encourage the development of more grass and textured paving visible to the street, the following limits on the widths of paved areas for driveways and exposed parking that are visible from the street shall apply:
1. For a single family dwelling on a 25 foot wide lot, the total area of hard surface for drive and parking shall not exceed 12 feet in width. The balance of any parking area or drive area shall be made of porous paving material. Drives shared with adjoining properties shall not exceed 20 feet in total width, regardless of placement on the lots involved.
 2. For all other buildings, the total drive area shall not exceed 20 feet in width for hard surfaced drive and parking area, with additional parking and drive area provided with porous paving material. This hard surfaced width may be divided into separate drives, or in a single drive.
 3. Garage door openings on single family structures on 25 foot lots shall not exceed 10 feet in width. On single lots that are more than 25 feet, but less than 37.5 feet in frontage width, the garage door openings shall not exceed 16 feet in width. Duplex structures on 50 foot or wider lots may have one garage door opening (or combination of openings) totaling 18 feet in width for each unit of the duplex, or a total of 36 feet in width for the structure. Triplex structures, which are required to have a common underground parking area, shall have only one garage door opening, which shall not exceed 18 feet. Where garage door openings appear on a facade that does not face a street, so the garage is accessed from a common drive between adjoining properties, the Community Development Department may waive the maximum door width if necessary to make the common drive arrangement function.

7.1.6. BUILDING HEIGHT. Structures shall be erected to a height no greater than 28 feet, as defined in Section 8.17. No volume or area above this 28 foot height may be used for facade variation open space.

7.1.7. SPECIAL REQUIREMENTS FOR CONDITIONAL USES. The following impacts shall be considered in reviewing conditional uses:

- (a) Scale of the building in relation to historic structures in the district.
- (b) The need for increased yard areas and the resulting impact on the established set backs in the block.
- (c) The impact of noise or nearby residences.
- (d) The impact of traffic and on-street parking in the block.

7.1.8. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the City Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.2. HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

7.2.1. PURPOSE. To allow the use of land for retail, service, commercial, recreational, and institutional purposes with customary accessory uses to enhance and foster the continuation of the visual character, scale, and vitality of the original Park City central business district, and to encourage the preservation of historic structures within the district.

7.2.2. PERMITTED USES. In the Historic Commercial Business District, no building or structure shall be erected which is arranged, intended, or designed to be used for other than one or more of the uses designated on the Use Table as a permitted use (shown by the letter "A" or a conditional use (shown by the letter "C")).

7.2.3. PROHIBITED USES. Any use not designated on the Use Table as permitted or conditional is a prohibited use.

7.2.4. LOT SITE REGULATIONS. Subject to the Uniform Building Code and the following:

- (a) Sidewalk Provision. Buildings shall be located so as to provide an unobstructed sidewalk at least 9 feet wide, such width being measured from the front face of curb to the front of the building. However, the alignment of new building fronts with adjacent historic fronts is encouraged and therefore where a narrower sidewalk may result from the alignment of building fronts, an exception to the minimum sidewalk width may be granted by the Planning Department. In no case may facade alignment or column placement be such as to create an unobstructed sidewalk of less than 7 feet in width.
- (b) Canopies and Balconies. Canopies and balconies attached to a building may extend into public right-of-way over the sidewalks and pedestrian ways only. Supports for canopies may not exceed 18 inches square and are permitted only within 36 inches of the front face of the curb. Canopies are allowed only on the second floor level. Canopies and balconies shall provide clearance of not less than 10 feet from the sidewalk. A canopy or balcony may not be enclosed. With reasonable notice, the City may require that canopies be removed from City property without compensating the building owner. No canopy shall be erected, enlarged, or altered over the Main Street sidewalk without the advance approval by the City Council.
 1. Insurance Required. No canopy or balcony projecting over City property shall be erected, re-erected, located or relocated, or enlarged or modified structurally or changed in ownership, without first receiving approval of the City Council, and submitting a certificate of insurance or a continuous bond

protecting owner and City against all claims for personal injuries and/or property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the Certificate of Insurance as an Additional Insured. A 30 day written notice to Park City Municipal Corporation of cancellation or expiration must be included in the Insurance Certificate. The name of the owner of the canopy or balcony must be clearly identified on the application for a permit as an official corporation, partnership, or sole proprietorship with appropriate names of individuals involved.

7.2.5. USES TO BE WITHIN ENCLOSED BUILDING. All uses, except outdoor dining, shall be conducted within a completely enclosed building, except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic Commercial Business District. All storage shall be within a completely enclosed building.

7.2.6. FLOOR AREA RATIO. To encourage variety in building height, a floor area to ground area ratio shall be used to calculate maximum buildable area. The maximum floor area ratio (FAR) shall be 4.0 measured as: Floor area divided by total lot area equals 4.0. Note that this is the potential maximum, and is not to be considered the minimum buildable area. Buildings of lesser square footage are encouraged.

7.2.7. HEIGHT AND BULK PLANE. A maximum building envelope shall be defined by a plane that rises vertically at the front lot line to a height of 30 feet measured above the natural grade and then proceeds at a 45 degree angle toward the rear of the property until it intersects with a point 45 feet above the natural grade. No part of a building shall be erected to a height greater than 45 feet, measured from natural grade at the building site. Similarly, the rear portion of the bulk plane shall be defined by a plane that rises vertically at the rear lot line to a height of 30 feet measured above the average natural grade and then proceeds at a 45 degree angle toward the front of the property until it intersects with a point 45 feet above the natural grade of the building site. This provision shall not be construed to encourage solid roofing to follow the 45 degree set back plane.

7.2.8. LOADING AREAS. Each new structure shall include an off-street loading and trash storage area, with the exception of structures on the west side of Main Street.

7.2.9. MAIN STREET ACCESS. Vehicular access across Main Street sidewalks is prohibited in this zone.

7.2.10. OFF-STREET PARKING. Each new structure shall provide off-street parking spaces, as provided in Section 13, with these exceptions:

- (a) Structures designated as historic buildings by the Historic District Commission and renovations of those structures are exempt from off-street parking requirements.
- (b) In new construction with a floor level at least 8 feet below grade (measured as the Main Street sidewalk at the center of each 50 foot interval of the facade), and with the first two floors above grade, no off-street parking is required. Any floor area above the second above grade floor shall provide off street parking as provided in Section 13 according to the intended uses of the space. The space will be presumed to be commercial, unless from the building plans and specifications it is clear that residential or transient lodging purposes are intended. Parking is only required for that space above the second above grade floor, and not for the entire structure. Parking may be provided on site, provided however, that entrances and exits for vehicles shall not cross the Main Street sidewalks (except at existing public streets). Parking may be provided off site by paying a sum equal to the estimated construction cost of parking spaces in a public parking facility to the City. This fee shall be established by the Developer Fee Schedule Ordinance, and adjusted annually to reflect the approximate actual construction costs of the structure. This exception from the off-street parking requirement only applies to those structures or properties which paid the assessment to the Main Street Parking Special Improvement District in full prior to January 1, 1984. All other properties must provide parking in full compliance with Chapter 13. It is the obligation of the property owner to establish that payment was made. All other property within the HCB zone must provide parking for all space in compliance with the provisions of Chapter 13 of this Code.
- (c) The Community Development Department may recommend to the Board of Adjustment that new additions to historic structures be exempt from a portion of all parking requirements where the preservation of the historic structure has been guaranteed through covenant or easement donation to a responsible public or private non-profit agency engaged in promoting historic preservation.
- (d) Fully enclosed parking spaces and associated maneuvering space required to satisfy ordinance requirements for the structure in which the spaces are located shall not count as floor area in this zone.

7.2.11. MECHANICAL SERVICE. No mechanical equipment shall be installed on the roofs of buildings without being screened in a manner that the equipment is hidden from view from nearby properties looking down on the structures. Screening and equipment shall not exceed the maximum height limitation for the zone, except as allowed by this code for architectural details such as chimneys, steeples, and cornices. All structures in the

HCB zone must provide a means of storing refuse generated by the structure's occupants and such refuse service area shall be on-site and accessible from either Main Street, for structures on the west side of Main, or from either Main Street or Swede Alley for structures on the east side of Main Street. Other areas of the HCB zone shall provide service access from the rear of the structure where alleys and service yards exist. Refuse service areas shall be fully enclosed and properly ventilated so that accumulated trash does not become a nuisance due to odor or unsanitary conditions.

7.2.12. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

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7.3. HISTORIC TRANSITIONAL OVERLAY ZONE (HTO) DISTRICT.

7.3.1. PURPOSE. It is the intent of this overlay zone to encourage lower building heights and a variety of building heights along Main Street by permitting land with the HR-1 Zone to be developed as part of HCB projects in such a way that the commercial development is below the grade of adjacent residential streets. The overlay contemplates commercial facilities with primary entrances, commercial and support activities oriented toward Main Street or Swede Alley, and residential uses or landscaped open space oriented toward adjacent residential streets.

7.3.2. LOT AND SITE IMPROVEMENTS.

- (a) Relationship to Underlying Zone Districts. Those portions of the project located within the HCB District must comply with the provisions of all ordinances for that district. Those portions of the project located in the HR-1 District must comply with the provisions of all ordinances for that district, except as modified by this section. Under this ordinance, commercial development within HR-1 Zone is permitted, subject to the provisions of this Section, so long as it is below the HR-1 residential street grade. In addition, the Community Development Department may permit above street grade, commercial uses to extend into the residential district provided that the land area calculated toward density in the residential district is reduced by the 150% of square footage of the above street grade commercial land coverage in the HR-1 District. Such development must maintain a set back of at least 50 feet from residential streets. The height of such commercial uses shall be coordinated with the site planning and building design of the HR-1 parcels in such manner that the impact of the commercial structures is minimized, however, in no case may the height exceed 28 feet above natural grade.
- (b) Height. Structures containing uses permitted in the HCB Zone but not in the HR-1 Zone shall not extend above the elevation of the adjacent residential street, except as provided in Section 7.3.2.(a). The height of structures containing residential uses shall be measured from natural grade.
- (c) Lot Size. Only lot area within the HCB District may be used to calculate the maximum size of commercial structures. The permitted floor area ratio shall be 4.0, measured as: Gross floor area divided by the total HCB lot area. The Community Development Department may permit the floor area ratio to be increased to 4.5 if the project demonstrates exceptional compatibility with existing buildings through sensitive massing of building elements.

The number of residential units permitted on the HR-1 portion of the site is subject to the provisions of the HR-1 District. Residential units in the HR-1 District are permitted in addition to the subterranean commercial development.

- (d) Set Backs. All structures must conform to the setbacks of the districts in which they are located, except that set backs shall be required for subterranean commercial development only around the periphery of the property in the HR-1 District.

7.3.4. SPECIAL REQUIREMENTS.

- (a) Access. All entrances for the commercial facility shall be located in the HCB District. Commercial exits to the HR-1 District shall be designed in such a manner as to prohibit non-emergency use. The orientation of the project shall be such as not to encourage traffic generation on residential streets, except for residential structures located in the HR-1 District. The primary access to parking structures for commercial use shall not be from the residential district.

- (b) Architectural Design. Architectural design shall conform to the architectural design guidelines for the district in which the structure is located. Commercial portions of the project within the HR-1 Zone must be designed in such a manner that their presence is minimized through elimination of windows, addition of sound proofing, and addition of special landscaping. Grading and landscaping or small scale residential uses are encouraged atop commercial structures in the HR-1 District. No loading docks, service yards, detached mechanical equipment, or trash compounds, will be permitted within the HR-1 District. No commercial signage, displays, or visible indications of commercial activity will be permitted within or oriented specifically toward the HR-1 District. Appeals of staff decisions on architectural matters is to the Historic District Commission.

- (c) Preservation of Existing Structures. On sites which include structures classified as contributing to the character of the Historic District, the Planning staff may require preservation and/or restoration of the existing structures as a condition precedent to permitting commercial activity in HR-1 District. Adjoining historic structures, if owned or controlled by the developer, may be considered a part of the site for review purposes.

7.3.5. MECHANICAL SERVICE. No free standing mechanical equipment is permitted in the HR-1 zone. Mechanical equipment attached to or on the roofs of buildings must be screened with a visual barrier so that it is not open to view from nearby properties looking down on the roofs of buildings in the zone. Screening may not exceed the allowable height for the zone,

unless incorporated into an architectural element that is permitted to exceed the maximum allowable height by this code. Mechanical equipment in the HR-1 zone shall also be acoustically screened to minimize noise infiltration to adjoining properties. All developments within the HTO zone shall provide refuse storage and collection facilities on-site, and accessible through the HCB zone and not from the HR-1 property. Refuse collection and storage areas shall be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

7.3.6. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a supplement to this Ordinance. Appeals of Departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard, and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.4. RESIDENTIAL DEVELOPMENT DISTRICT (RD)

7.4.1. PURPOSE. To allow residential uses in areas of developable land within Park City that will be compatible with the City's development objectives and growth capabilities; to encourage the clustering of residential units in order to preserve natural open space, and minimize the cost of municipal services; to allow commercial and recreational activities that are in harmony with residential neighborhoods.

7.4.2. USES. Uses shall be limited to those uses shown on the land use table as either permitted or conditional uses in this zone. All other uses are prohibited.

7.4.3. LOT AND SITE REGULATIONS.

(a) Lot Size. Lots in approved standard subdivisions shall have 12,500 square feet average per single-unit dwelling (lots below the average must be specifically approved by the Planning Commission) and 8,500 square feet per unit for each two-unit dwelling structure. Allowed non-residential uses shall provide a lot area of not less than 22,000 square feet. No lot shall be less than 70 feet wide at the front yard setback line.

(b) Side Yards. Side yards of 12 feet will be provided for all structures, but side yards between connected structures may be waived by the construction of two semi-detached units with a party wall on the lot line.

(c) Front Yard. The minimum depth of the front yard for all buildings shall be 25 feet. In subdivisions allowing single family structures, the Planning Commission may designate specific single family lots on which the front yard set back is 10 feet for the main building and 5 feet for the garage (and habitable space above the garage). This exception to the front yard set back minimum shall be granted by the Planning Commission when it is appropriate or reasonably necessary to solve access problems to lots with relatively steep grades, to preserve vegetation, or eliminate or minimize cut and fill areas. Lots to which this exception applies, shall be so designated on the subdivision plat at the time the plat is approved by the Planning Commission.

(d) Rear Yard. There shall be a 15 foot rear yard for main buildings and ten foot rear yard for accessory buildings provided.

7.4.4. HEIGHT REGULATIONS. No building shall be erected to a height greater than 28 feet, measured from natural grade at the building site. On lots specifically designated by the Planning Commission and recorded on the subdivision plat, no building shall be erected to a height greater than 12 feet above natural grade for uphill lots within the area between the

five-foot setback allowed for garages and the 25-foot setback. On lots with a downhill orientation, no building shall be erected to a height greater than 12 feet above grade measured at the top back of curb within the area between the five-foot setback allowed under special consideration and the regular 25-foot setback.

7.4.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.5. RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY (RDM)

7.5.1. PURPOSE. To allow continuation of medium density residential and transient housing in the newer residential areas of Park City; to encourage the clustering of residential units in order to preserve natural open space and minimize the cost of construction and municipal services; to allow commercial and recreational activities that are in harmony with residential neighborhoods.

7.5.2. USES. Uses shall be limited to those uses specifically identified in the land use tables as either permitted or conditional uses in this zone district. All other uses are prohibited.

7.5.3. LOT AND SITE REGULATIONS.

(a) Lot Size. Minimum lots size for single-unit dwellings is 9,000 square feet and minimum lot width at the front setback line is 62.5 feet. Minimum lot areas required for multi-unit dwellings are indicated below, minimum lot size for all other uses shall be 14,000 square feet.

Dwellings, Multi-Unit

<u>Number of Units</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Width at the Front Setback Line</u>
Two	14,000	75.0
Three	17,500	87.5
Four	20,000	100.0

(b) For non-residential uses, the minimum lot size shall be 14,000 square feet with 1,000 square feet of land required for each 1,000 square feet of floor area, for a floor area ratio of 1:1.

(c) Side Yard.

1. The minimum side yard for any dwelling or other building shall be 10 feet, except that a side yard between connected structures shall not be required where structures are designed with a common wall on a lot line. The longest dimension of a building joined at the property line shall not exceed 100 feet.
2. The minimum side yard for a private garage or other accessory building located at least six feet from the rear of the main building shall be five feet.
3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than 15 feet.

- (d) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings except garages shall be 20 feet. Garages shall be placed no closer than 15 feet to the front lot line.
- (e) Rear Yard. The minimum depth of the rear yard for all main buildings shall be ten feet, and for the accessory buildings five feet except on corner lots which rear upon the side yard of another lot, in which case the setback shall be ten feet.

7.5.4. BUILDING HEIGHT. Buildings shall be erected to a height no greater than 28 feet, measured from natural grade at the building site.

7.5.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.6. RESIDENTIAL (R-1) DISTRICT

7.6.1. PURPOSE. To allow continuation of the land uses and architectural scale and styles of the original Park City residential area and to encourage densities that will preserve the desirable residential environment and that will allow safe and convenient traffic circulation.

7.6.2. USES. Uses within the zone are limited to those shown on the land use table as permitted or conditional uses for the zone. All other uses are prohibited.

7.6.3. LOT AND SITE REGULATIONS.

(a) Lot Size. The minimum lot area for a single-unit dwelling shall be 2,812 square feet. Two-unit dwelling shall have a lot size of 3,750 square feet. Three-unit dwelling shall have a lot size of 5,625 square feet. The minimum width of a lot shall be 37.50 feet, 15 feet back from front lot line.

(b) Side Yard.

1. The minimum side yard for any structure or accessory buildings or uses shall be five feet except that a side yard between connected structures shall not be required where structures are designed with a common wall on a lot line. (The longest dimension of buildings thus joined shall not exceed 50 feet.)

2. The minimum side yard for accessory buildings or uses or other structures located at least six feet behind the rear of the main building shall be one foot, except when openings are proposed on an exterior wall adjacent to the property line, at which time the minimum shall be three feet.

3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than ten feet.

(c) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings and uses, except garages and open parking, shall be 15 feet. Garages shall be placed no closer than ten feet from the front property line. Open parking spaces may be permitted within the required front yard area, but not within five feet of side property lines.

(d) Rear Yard. The minimum depth of the rear yard for all main structures shall be ten feet; and for accessory structures or uses one foot. On corner lots which rear upon the side yard of another lot, accessory buildings shall be located no closer than five feet to such rear yard.

7.6.4. SPECIAL REQUIREMENTS FOR CONDITIONAL USES.
Conditional uses shall maintain the following yard areas:

- (a) Side Yard. The minimum side yard for any structure permitted as a conditional use shall be ten feet.
- (b) Front Yard. The minimum front yard for any structure permitted as a conditional use shall be 20 feet. In cases of structures permitted as conditional uses, which front on more than one street, all yards of structures fronting on any streets shall be considered front yards for the purposes of determining required setbacks.
- (c) Nightly Rentals. Nightly rentals may be permitted, provided there is adequate parking to meet the needs of this more intense use.

7.6.5. BUILDING HEIGHT. Structures shall be erected to a height no greater than 28 feet from natural grade.

7.6.6. ARCHITECTURAL DESIGN. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.7. RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT

7.7.1. PURPOSE. To allow continuation of medium density residential and transient housing in original residential areas of Park City outside the Historic District.

7.7.2. USES. Uses shall be limited to those uses specifically identified in the land use tables as either permitted or conditional uses in this zone district. All other uses are prohibited.

7.7.3. LOT AND SITE REQUIREMENTS.

(a) Lot Size. Minimum lot sizes shall be as follows:

Single family	2,812 square feet
Two-unit dwelling	3,750 square feet
Three-unit dwelling	4,687 square feet
Four-unit dwelling	5,625 square feet

Developments proposing greater than four dwelling units may be permitted with lot area at least equal to the area required for the corresponding combinations of units required in Section 7.7.3.(a).

(b) Open Space. Projects proposing three or more dwelling units must provide open space equal to at least 60% of the total site. Parking may not be permitted within the required open space. The open space must be landscaped except for the required driveways.

(c) Lot Width. The minimum width of a lot shall be 37.50 feet, 15 feet back from the front lot line.

(d) Front Yard. The minimum depth of the front yard for all single or two unit dwellings, accessory buildings and uses except garages shall be 15 feet. Garages for single family and duplexes shall be placed no closer than 10 feet to the front property line.

(e) Side Yard. The minimum side yard for any single family or duplex or accessory building or use shall be five feet except that a side yard between connected structures shall not be required where structures are designed with a common wall on a lot line. The longest dimension of a building joined at the property line shall not exceed 100 feet.

1. The minimum side yard for a private garage or other accessory building located at least six feet behind the rear of the main building shall be one foot.

2. On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than ten feet.

- (f) Rear Yard. The minimum depth of the rear yard for all main buildings shall be ten feet, and for the accessory buildings one foot except on corner lots which rear upon the side yard of another lot. Accessory buildings shall be located no closer than five feet to such side yard.

7.7.4. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

- (a) Side Yard. The minimum side yard for any multi-unit dwelling shall be ten feet.
- (b) Front Yard. The minimum front yard for any multi-unit dwelling shall be 20 feet. In cases where multi-unit dwellings front on more than one street, all yards of buildings fronting on any streets shall be considered front yards for the purposes of determining required setbacks.
- (c) Rear Yard. The minimum depth of the rear yard for all buildings shall be ten feet.

7.7.5. BUILDING HEIGHT. Buildings shall be a height no greater than 28 feet, measured from natural grade at the building site.

7.7.6. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.8. GENERAL COMMERCIAL DISTRICT (GC)

7.8.1. PURPOSE. To allow those trades and services uses that may not necessarily be compatible in scale or use with the historic central business district to locate in an area that is convenient to major traffic access, the resort area, and emerging population centers. All uses are required to orient away from major traffic thoroughfares in order to avoid strip commercial development and traffic congestion. Environmentally compatible light manufacturing and light industrial uses are allowed.

7.8.2. USES. Uses within the zone are limited to those uses shown on the land use tables as either permitted or conditional uses for the zone. All other uses are prohibited.

7.8.3. LOT AND SITE REGULATIONS.

(a) Side Yard. There shall be a minimum of a ten foot side yard and on corner lots the side yard which faces a street shall not be less than 20 feet.

(b) Front Yard. The minimum front yard shall be 20 feet.

(c) Rear Yard. There shall be a ten foot rear yard.

7.8.4. BUILDING HEIGHT. Buildings shall be erected to a height no greater than 35 feet measured from natural grade at the building site.

7.8.5. USES TO BE WITHIN ENCLOSED BUILDING. All uses except outdoor dining shall be conducted wholly within a completely enclosed building except that the Planning Commission may permit outdoor uses which it determines are in the best interest of the General Commercial (GC) District.

7.8.6. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.9. RECREATION COMMERCIAL (RC) DISTRICT

7.9.1. PURPOSE. To allow for the development of hotel and convention accommodations in close proximity to the major recreation facilities. This district allows a relatively high density of transient housing with appropriate supporting commercial and service activities.

7.9.2. USES. Uses within the zone are limited to those shown on the land use tables as permitted or conditional uses for the zone. All other uses are prohibited.

7.9.3. LOT AND SITE REQUIREMENTS.

(a) Development credits will be allocated on the basis of one credit per 1,000 square feet of lot area. To determine the number of units or square footage of commercial space permitted, multiply the number of development credits for the parcel by the credit multiplier for desired uses.

(b) Development Credit Table.

<u>Type of Use</u>	<u>Credit Multiplier</u>
Hotel or studio unit	2
One bedroom unit or hotel suite	1
Two bedroom unit	0.66
Three bedroom unit	0.50
Four bedroom unit	0.40
Commercial or office unit (one unit equals 1,000 square feet or any portion thereof);	1

(c) For purpose of density calculation, every habitable room in addition to the primary living room in one bedroom and larger units, except kitchens designed only for the preparation and consumption of food and bathrooms, shall be counted as a bedroom. To calculate the Unit Multiplier for units larger than four bedrooms, divide two by the number of habitable rooms, except kitchens designed only for the preparation and consumption of food and bathrooms.

(d) Side Yard. A ten foot side yard shall be provided for all uses.

(e) Front Yard. All uses shall provide a 20 foot front yard for main and accessory buildings.

(f) Rear Yard. A ten foot rear yard shall be provided for all uses.

(g) Open Space. On any lot of greater than 25,000 square feet in area, at least 60% of the lot shall be devoted to usable open space.

7.9.4. BUILDING HEIGHT. Buildings shall be erected to a height no greater than 35 feet, measured from natural grade at the building site.

7.9.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.10 LIGHT INDUSTRIAL ZONE (LI)

7.10.1. PURPOSE. The light industrial district is provided to allow light industrial or manufacturing uses which will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems. Because of the nature of the uses permitted and the potential impacts caused by their operating characteristics and appearance, all uses in the light industrial district will be subject to the conditional use procedure.

7.10.2. USES. Uses within the zone are limited to those uses shown on the land use table as either permitted or conditional for the zone. All other uses are prohibited.

7.10.3. COMMUNITY REQUIREMENTS. Applicants in the light industrial district shall provide evidence of compliance with the following:

- (a) Consideration for each industrial use will be based on the criteria that it will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside the building walls except as may be normal for a residential or commercial use.
- (b) Any open yards used for storage or parking shall be screened effectively by a landscaped berm or structural means as determined by the Community Development Department.
- (c) The Community Development Department shall review the buffer between a structure housing an industrial use and the zone line of a residential district to determine the most effective way to screen the industrial use.
- (d) Utilities shall be placed underground.

7.10.4. LOT AND SITE REQUIREMENTS.

- (a) Loading and Unloading. The loading and unloading of goods shall take place entirely upon the site. Loading areas shall be screened from general public view.
- (b) Open Space. At least 15% of the total site area shall be developed as landscaped open space and shall not be utilized for streets, roads, or parking areas.
- (c) Lot Size. The minimum lot or site area shall be 10,000 square feet and each site shall have a minimum width of 50 feet.
- (d) Side Yards. There shall be a minimum 10 foot side yard.
- (e) Front Yard. The minimum front yard shall be 20 feet.

(f) Rear Yard. There shall be a 10 foot rear yard.

7.10.5. BUILDING HEIGHT. Buildings shall be erected to a height no greater than 35 feet measured from natural grade at the building site.

7.10.6. ARCHITECTURAL DESIGN. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.11. RECREATION AND OPEN SPACE (ROS) DISTRICT

7.11.1. PURPOSE. The purpose of the Recreation and Open Space District is to establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, roads and parking lots, while permitting recreational pursuits and preserving recreational developed and undeveloped open space land. Parks, golf courses and certain types of public or private recreational facilities are suitable uses of this district, provided that such uses remain open space in character.

7.11.2. USES. Uses shall be limited to those uses shown on the land use table as either permitted or conditional in the zone.

7.11.3. LOT AND SITE REGULATIONS. All buildings or other structures shall be at least 25 feet from the boundary line of the district or public right-of-way.

7.11.4. BUILDING HEIGHT. No building shall be erected to a height of more than 28 feet measured from the natural grade to the building height.

7.11.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.12. ESTATE (E) DISTRICT

7.12.1. PURPOSE. The Estate Zone is intended to preserve the natural environment and resources of Park City, to protect the health and welfare of the residents of the community, to mitigate geologic and flood hazards, and to preserve open space uses.

7.12.2. USES. Those uses designated on the Land Use Tables as permitted or conditional uses are allowed within the Estate Zone. All other uses are prohibited.

7.12.3. LOT AND SIZE REGULATIONS.

(a) Lot Size. The minimum lot for residential uses shall be three acres. The minimum lot width shall be 100 feet.

(b) Set Backs. All structures shall be located more than 30 feet from the lot boundary line, except within master planned developments.

(c) Height. No structure shall be erected to a height of more than 28 feet measured from the natural grade at the building site.

7.12.4. CONDITIONAL USE REVIEW. All conditional uses in the Estate Zone shall be subject to an additional review for hillside stabilization and flood control. The developer shall submit the following materials with a conditional use application in the estate zone:

(a) A map of the site showing the contours in intervals of no more than 5 feet in elevation;

(b) A map showing access routes, both existing and proposed, showing the grade of public and private rights-of-way, widths, curve data, and similar information for evaluation of emergency vehicle access;

(c) Soils analysis, showing that there are no serious geologic, hydrologic, or mining hazards, and that development on the site will not create or exacerbate such hazards. The soils report shall be from a qualified engineer.

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

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

7.12.5. CONSIDERATION OF ZONE CHANGE TO RD. Land within the Estate Zone which is under a 25% grade, and which may be accessed by two means, one of which is a road of standard width, which does not exceed 10% in grade, are eligible for development under the provisions of the RD Zone, provided that the process for changing from the Estate to the RD Zone shall be the same as for any other zone change, with notice of hearings as provided in Chapter 1 of this code. While the slope and access factors, if satisfied, create a presumption that the land could be properly developed under the RD Zone, the Planning Commission and City Council may consider other factors in reviewing the request for a zone change, including geologic hazards, ability to provide water from the City water system at a reasonable cost, traffic in adjoining neighborhoods, and ability to effectively provide emergency services, either by the City or other special purpose districts.

7.12.6. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.13. HISTORIC RESIDENTIAL DEVELOPMENT LOW-DENSITY

7.13.1. PURPOSE. The purpose of the Historic Residential Low-Density Zone District (HRL) is to provide an area of newer residential housing that is limited in density and land use to single-family structures, and which reduces the density of development in an area that is accessible only by substandard streets in terms of grade, width, or single access, so that these streets are not further impacted by high density development beyond the reasonable carrying capacity. The district also serves to provide an area of lower density residential use within the old portion of Park City.

7.13.2. USES. Those uses designated on the land use tables as permitted or conditional uses are allowed in this zone. All other uses are prohibited.

7.13.3. LOT REGULATIONS. The minimum lot regulations within the HRL Zone shall be as follows:

- (a) The minimum lot size shall be 3,750 square feet in land area, not including land encumbered by prescriptive rights-of-way or platted rights-of-way.
- (b) The minimum frontage of lots shall be 37.5 feet in width measured at a point 15 feet back from the front lot line.
- (c) The minimum side yard shall be 5 feet.
- (d) The minimum rear yard shall be 10 feet for main buildings, and one foot for accessory buildings, provided however, that accessory buildings less than 3 feet from the rear lot line must comply with applicable building and fire code provisions for buildings so located.
- (e) The minimum front yard setback shall be 15 feet from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot. Open parking is permitted within the setback area, but not within 5 feet of the side lot lines. The minimum setback for garages and other accessory buildings shall be 10 feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.
- (f) Buildings shall not exceed a maximum height of 28 feet, except as provided in the supplemental regulations.

7.13.4. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a

supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

7.14. SCHEDULE OF REQUIREMENTS - LAND USE TABLES

7.14.1. To facilitate public understanding of this ordinance and for better administration and convenience of use thereof, the following schedule of "permitted uses" and conditional use for the various zoning districts is hereby adopted and declared to be a part of this ordinance, and may be amended in the same manner as any other part of this ordinance.

7.14.2. USES. In each zoning district any use category not expressly permitted shall be deemed excluded. If a question arises as to whether a specific use does or does not come within the following expressed use categories any person may apply to the Planning Commission for a determination as to whether a specific use is expressly permitted. In using the following tables, the letter "A" indicates permitted use, the letter "C" indicates a conditional use, and an "asterick" indicates a use which is prohibited in the zone shown.

REFERENCE NOTES:

Permitted uses are designated by the letter "A".
Conditional uses are designated by the letter "C".
Prohibited uses are designated by an asterick "*".

¹These uses are allowed within the zone only as a part of a master planned development, and not as an isolated land use.

²These uses are permitted only with special underground parking requirements. All parking must be completely enclosed and so located on the site that at least 50% of the parking structure mass is below natural grade. The underground parking structure may serve one or more developments so long as ownership of the parking structure is tied to the ownership of the dwellings through easements or condominium ownership.

³When the use requires eight or fewer development credits, it will be treated as a permitted use instead of a conditional use, and is not subject to conditional use review.

⁴See the supplemental regulations for specific review standards.

⁵These commercial uses are allowed in the zone only as a secondary or support use to a primarily residential development. Commercial uses are intended as a convenience for the people occupying the adjacent or adjoining residential development, and not as a general commercial area to serve people coming to the commercial spaces from off site.

⁶Drive-in restaurants require special conditional use review to consider traffic impacts on surrounding streets. The applicant must demonstrate that at periods of peak operation of the drive-in window, restaurant patrons will not be backed up to the adjoining public streets or obstruct driveways to adjoining properties.

LAND USE TABLES

USE DESCRIPTION	E	RD	RDM	R-1	HR-1	RM	GC	HCB	RC	LI	ROS	HRL
Single family detached dwelling	A	A	A	A	A	A	A	*	A	*	*	A
Two dwelling structure, duplex	C ¹	C	A	A	A	A	A	*	A	*	*	*
Three dwelling structure, triplex	C ¹	C ¹	C	A ²	A ²	A	*	*	*	*	*	*
Four dwelling structure, fourplex	C ¹	C ¹	C	*	*	A	A	A	A	*	*	*
Multi-dwelling structure more than four, but not more than eight	C ¹	C ¹	C ¹	*	*	A	A	A	C ³	*	*	*
Multi-dwelling structure, more than eight dwellings	C ¹	C ¹	C ¹	*	*	C	A	A	C ³	*	*	*
Nightly rental of dwellings	C ¹	C	C	C	C	A	A	A	A	*	*	C
Accessory buildings and uses	A	A	A	A	A	A	A	A	A	C	C	A
Guest house (on lots of one acre or larger only)	C	C	C	C	C	C	*	*	*	*	*	*
Lock-out rooms	A	A	A	A	A	A	A	A	A	*	*	C
Home occupations	A	A	A	A	A	A	A	A	A	A	*	A

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LAND USE TABLES (Continued)

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USE DESCRIPTION	E	RD	RDM	R-1	HR-1	RM	GC	HCB	RC	LI	ROS	HRL
Public and quasi-public institutions, churches, schools, private schools with curriculum similar to public schools	C	C	C	C	C	C	C	C	C	C	C	*
Group care facilities, including halfway houses, rehabilitation centers, group foster care, senior citizen group homes, day care centers, and child nurseries	C	C	C	C	C	C	C	C	C	C	*	*
Activities for conservation of soil, water, and wildlife	A	A	A	A	A	A	A	A	A	A	A	A
Agriculture, crop production, orchards, flower production, forest land, but not retail sales	A	A	A	A	A	A	A	A	A	A	A	A
Raising, grazing horses (limit of two horses/acre, 75 feet from nearest neighboring dwelling)	A	C	C	*	*	*	*	*	*	C	A	*
Raising, grazing of sheep or goats	C	*	*	*	*	*	*	*	*	*	C	*
Cemetery	C	C	C	*	*	*	*	*	*	*	C	*
Essential municipal and public utility uses, facilities, services and buildings (provided business offices, repair storage, production facilities not included)	C	C	C	C	C	C	C	C	C	C	C	C

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USE DESCRIPTION	E	RD	RDM	R-1	HR-1	RM	GC	HCB	RC	LI	ROS	HRL
Professional offices, medical and dental clinics	*	*	C	*	*	*	A	A	C ⁴	C	*	*
Business office	*	*	*	*	*	*	A	A	A	*	*	*
Temporary building for construction project management and temporary sales, in conjunction with active building permit for development project	C	C	C	C	C	C	C	C	C	C	C	C
Commercial parking lot or garage	*	*	*	*	*	*	A	A	A	C	*	*
Passenger tramway stations and base facilities (see Supplemental Regulations)	C	*	*	*	*	*	C	C	C	*	A	*
Liftway, no loading or unloading (see Supplemental Regulations)	A	*	*	C	C	*	C	C	C	*	A	C
Retail commercial establishments limited to the following and similar uses: antique store, art gallery, art supply store, bakery, book store, camera store, clothing store, candy store, tobacco and cigarette store, florist, food store, gift shop, liquor store, pharmacy, sporting goods store, and variety	*	*	*	*	*	*	A	A	C ⁵	*	*	*
Retail commercial establishments limited to the following and similar												

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LAND USE TABLES (Continued)

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USE DESCRIPTION	E	RD	RDM	R-1	HR-1	RM	GC	HCB	FC	LI	ROS	HRL
uses: department store, furniture store, hardware store, job printing shop, and office supply store	*	*	*	*	*	*	A	A	*	C	*	*
Retail commercial establishments limited to the following and similar uses: automobile sales, plant nursery stock production and sales; and service commercial establishments limited to the following and similar uses: auto rental customer outlet, business office, financial institutions, handicraft production, personal services, including barber and beauty shops, dry cleaning pick-up station, laundromat, studio for instruction in the arts, travel agency	*	*	*	*	*	*	A	A	C ⁵	C	*	*
Service commercial establishments limited to the following and similar uses: catering service, mortuary, tailoring and shoe repair, radio or television broadcast facility	*	*	*	*	*	*	A	A	C ⁵	C	*	*
Service commercial establishments limited to the following and similar uses: animal hospitals, automobile repairing and washing, bulk dry cleaning and laundry, transportation services, trucking services, printing shops, product assembly, auto rental, or storage lot, wholesale business	*	*	*	*	*	*	A	*	C ⁵	C	*	*
Gasoline service station	*	*	*	*	*	*	C	*	*	C	*	*

USE DESCRIPTION	E	RD	RDM	R-1	HR-1	RM	GC	HCB	RC	LJ	ROS	HRL
Restaurant	*	*	*	*	*	*	A	A	C ⁵	C	*	*
Restaurant, outdoor dining	*	*	*	*	*	*	C	C	C ⁵	C	*	*
Restaurant, drive-in, or drive-up window	*	*	*	*	*	*	C ⁶	*	*	C	*	*
Bar, tavern, private liquor club, fraternal organization	*	*	*	*	*	*	C	C	C ⁵	*	*	*
Hospital, emergency medical care facility	*	*	*	*	*	*	A	A	C ⁵	C	*	*
Indoor entertainment such as bowling alleys, skating rinks, movie theatre, performing arts center	*	*	*	*	*	*	A	A	C ⁵	C	*	*
Golf courses, outdoor entertainment, and recreation facilities	C	C	C	*	*	*	C	*	C	*	A	*
Timeshare projects	*	*	*	*	*	*	C	C	C	*	*	*
Timeshare conversions	*	*	*	*	*	*	C	C	C	*	*	*
Timeshare sales office, off-site within an enclosed building	*	*	*	*	*	*	C	C	C	*	*	*
Recreation facilities owned by a home owner or property owners												

LAND USE TABLES (Continued)

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USE DESCRIPTION	E	RD	RDM	R-1	HR-1	RM	GC	HCB	RC	LI	ROS	HRI.
association for private use by members, including tennis court, and swimming pool	A	A	A	A	A	A	A	A	A	A	A	A
Commercial recreation facility, racquet club, athletic club, or gymnasium, not including stables	C	C	C	*	*	*	C	C	C ⁵	C	C	*
Commercial stables, riding academy	C	C	C	*	*	*	*	*	*	C	C	*
Mines and mine exploration, ore loading, but not processing	C	*	*	*	*	*	*	*	*	*	C	*
Ore shipping and loading facilities, truck and rail heads	*	*	*	*	*	*	*	*	*	*	*	*
Mine milling and ore processing	*	*	*	*	*	*	*	*	*	*	C	*
Hotel, motel, inn, boarding house with 16 or more rooms	C ¹	C ¹	C ¹	*	*	*	A	A	A	*	*	*
Hotel, motel, inn, boarding house with fewer than 16 rooms	C ¹	C ¹	C ¹	*	*	C ¹	A	A	A	*	*	*
Master planned development including service and limited retail commercial support services	C	C	C	*	*	*	C	C	C	*	*	*
Master planned development with full commercial uses, heavy retail, and												

USE DESCRIPTION	E	RD	RDM	R-1	HR-1	RM	LMC	GC	CC	HCB	RC	LL	ROS	HRL
services designed for general public use rather than support services	*	*	*	*	*	*		C	C	C	*	*	*	
Master planned development with residential and transient lodging uses only	C	C	C	C	C	C		C	C	C	*	*	*	
Master planned developments with moderate income housing density bonus	C	C	C	*	*	C		C	*	C	*	*	*	
Mobile homes, trailer parks	*	*	*	*	*	*		*	*	*	*	*	*	*
Commercial campgrounds	*	*	*	*	*	*		*	*	*	C	*	*	
Publicly owned campgrounds	C	*	*	*	*	*		*	*	*	*	C	*	
Commonly owned garage for four or more cars, above grade or below, and not connected to dwellings or commercial structure	C	*	C	C	C	C		C	C	*	*	*	C	

SECTION 8. SUPPLEMENTARY REGULATIONS

8.1 PURPOSE. The regulations set forth in this section qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

8.2 SUBSTANDARD LOTS. Nothing in this Code shall be construed as preventing the division of approved and platted duplex lots into separate ownership under the terms of either a condominium ownership structure, a planned unit development ownership structure, or a party-wall agreement. No new lots may be platted or created by deed which do not comply with the minimum lot size requirements established for that zone.

8.3 REDUCED SITE REQUIREMENTS. Any lot under separate ownership of record prior to April 4, 1968, which has dimensions which would prevent building because of the front yard, rear yard, and side yard set back required by the zone in which the lot is located, and any lot which has been approved by the City Council prior to the effective date of this Code which would prevent building because of the front yard, rear yard, and side yard set backs required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the Uniform Building Code for development on construction on or near lot lines must be met.

(a) Notwithstanding 8.3 above, in the HR-1 zone for single unit dwellings, the side yards shall be no less than three feet and if reduced pursuant to this section, then no side yard exceptions as provided in Section 8.14 shall be permitted; and in the RD zone for single unit dwellings (namely in Thaynes Canyon Subdivision I and II, Prospector Village), the front yard for main buildings shall not be less than 20 feet, and the front yard for garages shall not be less than ten feet, and the side yard shall be not less than five feet except on corner lots. On corner lots, the side yards abutting the street shall not be less than ten feet, and the rear yard may be reduced to ten feet. In the Prospector Square Commercial Subdivision, Lots 2 to 38 in the GC zone, front, side, and rear yards may be reduced to zero feet except for commercial lots which front on state highways.

(b) This section is not intended to conflict with Subsection 8.9 nor shall it be interpreted as taking precedence over the requirements of Subsection 8.9.

8.4. LOT STANDARDS. Except as may otherwise be provided in this Code, no building permit shall be issued for a lot unless such lot shall have area, width, and depth as required by the regulations for the zone in which the lot is located, and the lot has frontage on a street shown as a City street on the streets master plan, or on private easements connecting the lot to a street shown on the streets master plan.

8.5. SALE OR LEASE OF REQUIRED SPACE. No space needed to meet the width, yard area, coverage, parking, or other requirements of this Code for lot or building may be sold or leased away from such lot or building.

8.6. SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS. No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be created from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

8.7. FENCES, WALLS, AND/OR HEDGES. Fences, walls, and hedges higher than six feet may be erected or allowed within the buildable area, provided that any physical structure over six feet in height shall receive conditional use approval and a building permit. Fences, walls, and hedges shall not exceed four feet in height within any required front yard or side street side yard and shall not exceed six feet within any required rear yard or interior side yard. Where a fence, wall, or hedge occurs along a property line separating two lots and there is a difference in the grade of the properties, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

8.8. FRONTAGE PROTECTION, LIMITED ACCESS TO HIGHWAYS. The frontage along both sides of Park Avenue from 15th Street north to the north City limits, both sides of Kearns Boulevard from Park Avenue east to the east City limits, and Deer Valley Drive from Park Avenue to Heber Avenue (the U-224 Belt Route) are subject to special review for protection of the highway frontage. These areas are shown as a supplement to the zoning district map. Any building proposal within a distance of 100 feet back from the nearest right-of-way line of these highways is subject to review by the Community Development Department. The highway frontage review shall be limited to the following factors:

- (a) Minimizing access points and driveways to the highways. To the extent possible, access shall be from existing City streets that join with the highways rather than direct highway access. Common driveways between adjoining projects shall be used when possible, and driveways that are required in order to provide access shall be placed where they create the least interference with through traffic on the highways.
- (b) The Department shall review proposals for pedestrian and bicycling pathways through the frontage property, proposals for open space, buffered areas, and preservation of view corridors.
- (c) Regardless of the zone setbacks in Chapter 7, no structure shall be erected within 30 feet of the nearest highway right-of-way line in order to preserve view corridors, buffer areas, and allow for possible future improvements of

the highway themselves. The Board of Adjustment may grant variances of this setback.

- (d) All construction in the setback area between 30 feet and 100 feet from the nearest right-of-way line is a conditional use, and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone.

8.9. CLEAR VIEW OF INTERSECTING STREETS. In all zones, no obstruction to view in excess of two feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at property line and a line connecting them at points 25 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit automobile drivers an unobstructed view. This shall not require changes in the natural grade on the site.

8.10. PUBLIC UTILITY STRUCTURES. Public utility structures may be permitted on less than the required size lots in any district as approved by the Community Development Department. These facilities are conditional uses.

8.11. ZERO SIDE YARD REQUIREMENTS. In subdivisions or master planned developments where the arrangement and placement of buildings are fixed and designation of the same is indicated on both the preliminary and final plats, the Planning Commission may, after review, approve the subdivision or planned unit development waiving one of the required side yards. In the Prospector Square Commercial Subdivision, Lots 2 through 38 in the GC Zone, the front, side, and rear yard set backs may be reduced to zero set back, except those lots fronting on a state highway, if any, or if the set back is necessary to comply with Section 8.9. of this Code. This reduction in the Prospector Square Commercial Subdivision is predicated on the preservation of the common areas, pedestrian malls, and common parking lots. If those common areas do not exist for the use and benefit of a lot on which development is proposed, the normal GC Zone requirements shall apply.

8.12. HOME OCCUPATION. A home occupation is a lawful use conducted and carried on entirely within a dwelling by persons residing in the dwelling or by those persons at sites away from the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation shall not include the sale of goods or merchandise except those which are produced on the premises and shall not involve the use of any yard space or activity outside of the buildings not normally associated with residential use. The use of mechanical equipment shall be limited to small tools whose use shall not generate noise, smoke, or odors perceptible beyond the premises of the dwelling. Home occupation will not allow a resident, professional or otherwise, to use the dwelling for his general

practice when that practice is normally associated with some other zoning district. Home occupation will, however, allow the use of the dwelling by a physician, dentist, lawyer, clergyman, engineer or the like for consultation or emergency treatment. Consultation shall include the use of a dwelling to receive mail and maintain a telephone or automatic answering device related to the home occupation, but shall not allow frequent or constant visitation to the residence by clients to transact business. Home occupation shall include the care of fewer than three children other than members of the family residing in the dwelling. In all cases, there shall be no advertising of said home occupation by window displays or signs, and no one outside of the immediate family may be employed. In the event covenants applicable to the property preclude this use, the covenants shall control.

8.13. CONDOMINIUM CONVERSION. Existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Community Development Department, City Attorney, and plat approval from the City. Required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the building code as a condition precedent to plat approval. (Timeshare conversion is addressed in Section 8.20.)

8.14. SIDE YARD EXCEPTIONS. The area of a required side yard shall be open and unobstructed except for the following and similar uses:

- (a) The ordinary projections of window sills, belt courses, cornices, and other ornamental features to the extent of not more than four inches.
- (b) The projection of an eave not more than two feet.
- (c) The projection of a step not over two feet.
- (d) Awnings projecting over doorways and windows not more than three feet.
- (e) A bay window or chimney not over ten feet long projecting not more than two feet, provided such extension maintains the minimum side yard allowable for the smallest side yard in that district.
- (f) A light or window well not over two feet in width.
- (g) Walls or fences not more than six feet in height.
- (h) A driveway leading to a properly located garage or parking area; however, a side yard cannot be used for a parking area except as hereinafter provided, nor for storage, nor can it

be hardsurfaced in such a way as to make possible the parking of automobiles or other vehicles unless it is a driveway that leads to a garage or a properly located parking area in the rear yard.

- (i) A detached garage may be located in a side yard provided said garage meets the requirements specified for the district in which it is located, and the requirements of the Building and Fire Codes for buildings in close proximity to the lot lines.
- (j) Hot tubs, decks or similar uses at ground level shall be allowed in a side yard provided they are located at least ten feet from a dwelling on an adjoining lot or five feet from property line.

8.15. REAR YARD EXCEPTIONS. The area of a required rear yard shall be open and unobstructed except for the following which are permitted:

- (a) A bay window or chimney not over ten feet long projecting not more than two feet.
- (b) Window wells extending not more than four feet.
- (c) The projection of an eave or cornice not more than two feet.
- (d) Private swimming pools, tennis courts, and similar uses shall be allowed in a rear yard provided they are located at least 30 feet from any dwelling on an adjoining lot and at least ten feet from any property line.
- (e) Garages and other accessory buildings as hereinafter provided. Such structures shall not cover over 50% of the rear yard area.
- (f) Hardsurfaced parking areas subject to the same location requirements of a garage.
- (g) Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet from any property line and also that they conform to all requirements established by the Civil Defense Agency for approved shelters.
- (h) Air conditioners.
- (i) Fences not over six feet in height.
- (j) Hot tubs or similar uses shall be allowed in a rear yard provided they are located at least ten feet from a dwelling on an adjoining lot or five feet from property line.

8.16. FRONT YARD EXCEPTIONS. The area of a required front yard shall be open and unobstructed except for the following which are permitted:

- (a) A fence or wall not more than four feet in height; no fence more than three feet in height shall be allowed within 30 feet of the intersection on any corner lot.
- (b) Uncovered steps leading to the main building; provided, however, that they are not more than four feet in height and do not cause any danger or hazard to traffic by obstructing the view of the street or intersection. Any portion of any steps, covered or uncovered, that are more than four feet above grade must maintain the required setback line.
- (c) Eaves or cornices projecting not more than two feet.
- (d) A driveway leading to a properly located garage or parking area; provided, however, no portion of a front yard as required in this Code except for those approved driveways, shall be hardsurfaced or graveled so as to encourage or make possible the parking of automobiles, nor shall the City allow any curb cuts or approve any driveways except for entrance and exit driveways leading to properly located parking areas. Hardsurfaced parking may be permitted in the front yard of HR-1 and R-1 properties subject to compliance with the zone district requirements. Such parking shall not be permitted in the required side yard extended forward to the front property line.
- (e) Circular driveways shall be permitted in required front yard areas of single-family dwellings leading to and from a properly located garage or carport on the property subject to the following conditions:
 - 1. Such drives shall be hardsurfaced.
 - 2. Such drives shall not be over 12 feet in width.
 - 3. There shall be an area in landscaping at least 15 feet in depth from the front property line to the inside radius of the drive.
 - 4. Driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the area to be used for permanent parking of any vehicle.
 - 5. Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private property.

8.17. HEIGHT PROVISIONS. The total height of the building shall be measured as the vertical distance from the

natural grade, as defined in this Code, to the highest point of a flat roof or the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and the ridge of a hip or gable roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than 18 inches above the maximum height limitation in the zone. Roofs not fitting clearly any of the above three classifications shall be classified by the Community Development Director in accordance with the roof it most clearly resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

- (a) The ridge of a gable, hip, gambrel, or similarly pitched roof may extend up to five feet above the specified maximum height limit for the zone.
- (b) Antennas, chimneys, flues, vents, or similar structures may extend up to five feet above the specified maximum height limit for the zone.
- (c) Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit.
- (d) Church spires, bell towers, and like architectural features, as well as flag poles, may extend over the specified maximum height limit by up to 50% of the height limit, but shall not contain any habitable spaces above the maximum zone height stated.

8.18. SPECIAL REVIEW PROCESS FOR PASSENGER TRAMWAYS IN HR-1, HRL, AND HCB ZONES.

- (a) Conditional Use. The location and use of the liftway is a conditional use in the HR-1, HRL, and HCB Zones. The location of base and terminal facilities for the passenger tramway shall be a conditional use in the HCB zone. (See land use table for passenger tramways in other zones).
- (b) Conditional Use Review. Conditional use permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:
 - 1. Ownership of Liftway. The applicant owns or controls the liftway necessary to construct and operate the passenger tramway. For the purpose of this section, ownership or control is established if the applicant can demonstrate that he has title to the property being crossed by the liftway, or an easement over that property, or options to acquire the property or an easement or a leasehold interest in the property (or an option to acquire a leasehold) of at least 15 years

duration. Ownership or control of portions of the liftway which cross over public streets may be demonstrated by a written permit or license to cross the street, signed by the governmental entity which has jurisdiction over the street crossed. Any combination of ownership and leasehold interests that gives the applicant possession and control over the entire course of the liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the applicant standing to apply for the conditional use.

2. Width. The liftway shall extend a distance of at least ten feet outwards from the vertical plane established by the outermost surface of the passenger tramway (which generally is the outside edge of the chair or passenger compartment) on each side of the tramway's course excluding base and terminal structures. Width is computed in this manner, rather than measuring from the center line of the passenger tramway or the cable in order to provide a minimum clearance of ten feet on each side of the liftway regardless of the configuration of the passenger-carrying elements.
3. Base or Terminal Facilities. The passenger tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL Zones. Mid-loading and unloading points are allowed in the HR-1 and HRL Zones.
4. Crossing of Public Roads. The applicant must show that all components of the passenger tramway and any components of the liftway, such as safety netting provide a minimum clearance of 18 feet over major roads and 14 feet over residential streets. In addition, the applicant must show compliance or the ability to comply with any safety or height restrictions which might be imposed by any governmental agency having jurisdiction over public roads crossed by the liftway.
5. Utility Clearance. The applicant must show all portions of the passenger tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet over any wires or utility lines which it crosses, and that the applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.
6. Parking and Traffic Plans. The applicant must present a parking, traffic, and transportation plan pertaining to the passenger tramway for the review and approval of the Planning Commission. The plan must address at least the following considerations: auto, bus, and

pedestrian traffic which could be generated by the tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the tramway and how that parking would be provided. The traffic and parking plan may be included in the neighborhood impact analysis.

The parking requirements and impacts of a tramway will vary within the zones depending upon the location and the ability of the applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The applicant is expected to show workable means of dealing with the traffic generated by the tramway construction and operation, including such regulations as resident parking permits, off site traffic controls and facilities, or similar means for controlling traffic and minimizing off site impacts on adjoining properties.

7. Liftway Setback. The minimum setback between the liftway and any existing dwelling shall be eight feet, in addition to the width of the liftway itself. This setback may be waived with the written consent of the owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.
8. State Regulation. Any tramway constructed under a conditional use permit will be subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The applicant is expected to involve the State in the planning process to the extent necessary to inform the Commission of state requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.
9. Public Purpose Served. The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the tramway on adjoining properties.

- (c) Status of Land Within Liftway. Owners of lots or other land which is burdened by the easement for the liftway are entitled to count the land within the liftway for calculation of open space for improvement of that property. Normal setback and side yard requirements apply from the lot line or property boundary. Structures may be constructed within the liftway, subject to the terms of the easement agreement between the lot owner and the owner of the liftway.
- (d) Structures Within Liftway. The owner of a lot or other property which is subject to the liftway easement may build within the confines of the easement, provided however that all construction within the easement is a conditional use which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.
- (e) Preservation of Historic Structures. It is the policy of the City to protect and preserve historic structures within the City whenever it is economically reasonable to do so. The proponent of the tramway project must provide a study which catalogues any structures within the liftway easement and identifying their historic value, and indicating whether the structure will be removed to accommodate the tram. The proponent must also show what alternatives have been considered for the protection and preservation of those structures, such as making improvements of structural or fire safety systems or relocation of the structures.

8.19. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

- (a) Policy. In order to protect buyers of condominiums, planned unit development projects, and other property in the City from purchasing property on which the site improvement work is incomplete and may not be completed, and to protect the public at large from dangerous and undesirable conditions that result from unfinished site improvements, such as erosion, flooding, and blowing dust; it is the policy of the City that no plat will be approved (when a plat is required) and that no certificate of occupancy will be issued (when plats are not required) on any building project within the City limits unless and until the site improvement work is completed, or the developer of the property has provided adequate security to assure timely completion of the improvements, when weather permits.
- (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 improvements shown on the site plan. For purposes of this Code, the term "site improvements" 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. Deviations from the approved plans must be approved in advance by the Community Development Department.
- (c) Security 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 improvements are completed, or the developer has provided adequate security to guarantee completion of the site improvements. When the site 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 improvement work remains unfinished; and,
 2. The Building Official determines that occupancy of the buildings, or portions thereof, prior to completion of

required site improvements is safe and that access for emergency vehicles is adequate with the site improvements unfinished; and,

3. The developer posts adequate security for the benefit of the City to insure completion of the site improvements in full compliance with the approved plans within one year from the date of plat approval (if required) or issuance of the certificate of occupancy, whichever occurs first.
- (d) Amount of Security. The amount of the security to be posted by the developer shall be determined by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Department, 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 at 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 Security. The terms of any security arrangement offered to the City shall state a date certain by which the developer agrees to have site improvement work completed in accordance with the plans, and further provide that in the event that the developer has not completed required site improvement work by that date, the City may at its option and on its schedule, draw on the funds escrowed, or credit established, or such other security device 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 escrow or other security arrangements.
- (f) Form of Security. Security arrangements offered in lieu of simultaneous completion of buildings and site improvements shall be in an amount fixed under the terms of Section 8.19.(d), and shall be in one or more of the following forms:

1. An irrevocable letter of credit from a bank authorized to do business in the State of Utah, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and guaranteeing the availability of funds for one year, or,
 2. A deposit of cash with a third party escrow, or,
 3. An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 8.19.(d), above, and will disburse those funds only with the written consent of the City, and only for the completion of site improvements. As site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.
 4. Some combination of the above approved by the City.
- (g) Retainage. The amount in excess of the actual construction costs, but in no event more than 25% of the actual construction cost, shall be held for a period of one year following final inspection and approval of the site improvement work by the City. The retainage amount may be provided in any of the ways described in Section 8.19(f). If the developer fails to provide new security instruments within 30 days from the expiration of the security instruments provided for the initial construction under Section 8.19(f), the City shall make a demand or draw on that security to the extent of the required retainage amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the developer. Retainage will be used to replace or repair any site improvements which fail or appear to be defective during the one year retainage period. The corrective work may be done by the City or the developer. At the completion of that work, the retainage, or so much of it as remains, shall be released. Retainage 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 being contested by the developer.
- (h) Modification of Plans. A developer may, at its option, request modifications to plans covering site improvement work by submitting revised plans to the Community Development Department for review and action. Until the revised plans have received approval by the Department, the developer shall be required to offer security for the performance of the site improvement work as shown on the last set of plans to have received Department approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other security 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 improvements, additional security must be provided by the developer to cover the increased costs.

- (i) Payment of Interest. Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer upon release and not to the City, and the City shall not be required to pay interest to the developer on any funds escrowed for this purpose.
- (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 security required for single-family homes shall be the reasonably estimated cost to complete construction of any retainage and drainage works 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 improvements applicable to each phase of a phased project or development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.

8.20. TIMESHARE CONVERSION, CONDITIONAL USE REQUESTS.

- (a) Timeshare Conversion. Developers of timeshare conversions shall file with the Community Development Department the following information as part of a conditional use permit application:
1. The proposed duration of timeshare intervals, which shall not be less than seven days.
 2. Identification of the timeshare interval as a timeshare estate or timeshare use.
 3. Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.
 4. A copy of the proposed timeshare instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the timeshare project and/or timeshare units.
 5. The name, address and phone number of the managing agent of the project having authority to act on behalf of the developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Community Development Department and the Park City Business Licensing Division.
 6. The name, address and phone number of the central contact person for the developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Community Development Department and the Park City Business Licensing Division.
 7. A list of all owners of the property being converted, or if the property has previously been divided into separately owned units, dwelling units or lots, a list of all owners of such units, dwelling units or lots.

This list shall be prepared by a title company or licensed abstractor.

8. A plan showing in reasonable detail the means by which the timeshare conversion will comply with the Park City parking requirements for timeshare projects, including the purchase of any necessary additional property.
 9. Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water use resulting from the change in use.
 10. For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than 65% of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than 90 days prior to the date of the application for a conditional use permit.
 11. Any other information that the developer or Community Development Department deems reasonably necessary to the consideration of the project.
- (b) Conditions for Conversion Approval. In determining whether, and under what conditions, to issue a conditional use permit for timeshare conversions, the City shall review the following conditions and considerations and approve the project if:
1. Timeshare conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to time share uses being exempt from sales tax. The cumulative effect of the subject project and other timeshare projects may be considered.
 2. Timeshare conversion will have no serious adverse effect on traffic circulation and parking.
 3. The applicant's ability to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare conversion.
 4. Whether an office of the managing agent or agency is located locally or within the timeshare conversion and the impact that may cause.
 5. Timeshare conversion will have no serious adverse effect on meeting space, convention business and

nightly rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

6. Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of application.
 7. Compliance with the Park City Uniform Building Code and other Park City Building Department regulations in force at the time of application.
 8. Any other factors that the applicant or Planning Commission deems reasonably necessary to the consideration of the timeshare conversion.
 9. For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than 65% of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than 90 days prior to the date of the application for a conditional use permit.
 10. The structure proposed for conversion is in substantial compliance with the building codes and fire codes adopted by Park City.
- (c) Denial or Approval. The City may approve or deny the request for timeshare conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Community Development Department (subject to ratification by the Planning Commission) or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.
- (d) Off-Premises Timeshare Contacting Locations Permitted Subject to a Conditional Use Permit. In determining whether, and under what conditions to issue a conditional use permit for an off-premises timeshare contacting location, the Community Development Department may consider:
1. The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the area.
 2. The proximity of the off-premises contacting location to other off-premises contacting locations servicing the same timeshare project.

3. Whether the off-premises contacting can be confined to a completely enclosed building.
 4. Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of application, and compliance with the business licensing provisions of Park City.
 5. Any other factors that the applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed premises of another person with the consent of that person. No conditional use permit is required under these circumstances.
- (d) Timeshare Conversions. Existing projects, properties or units, including, without limitation, those presently owned and operated as condominiums, planned unit developments, hotels and motels, shall not be converted to timeshare projects as defined in Chapter 2 without first obtaining a conditional use permit as required by this Chapter. A conditional use permit must be obtained for the conversion of each separate project or property being converted.

8.21. TIMESHARE PROJECTS.

- (a) Information to be Filed with Timeshare Project Applications. The developer of any timeshare project other than a timeshare conversion shall file with the Planning Department the following information as part of a building permit application:
1. The proposed duration of timeshare intervals, which shall not be less than seven days.
 2. Identification of the timeshare interval as a timeshare estate or timeshare use.
 3. Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.
 4. A copy of the proposed timeshare instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations;

and Management or Agency Agreement for the maintenance of the timeshare project and/or units.

5. The name, address, and phone number of the managing agent of the project having authority to act on behalf of the developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Community Development Department and the Park City Business Licensing Division.
 6. The name, address and phone number of the central contact person for the developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Community Development Department and the Park City Business Licensing Division.
 7. Whether the developer plans to offer resale assistance and/or exchange program affiliation to timeshare interval purchasers.
 8. A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare project.
 9. Any other information that the developer or Community Development Department deems reasonably necessary to the consideration of the project.
- (b) Denial of New Timeshare Projects. The creation of new timeshare projects is a conditional use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in Section 8.20., except that the consent of the unit owners is required only in the case of a conversion of an existing structure. Unless the applicant has established that there is no seriously adverse effect on City services, or City finances through the loss of sales tax revenue, or adverse affect on the use of convention and meeting space, the project's conditional use permit will be denied.
- (c) Existing Projects - Effect of Timeshare Amendments to Ordinances. Any timeshare project established by a timeshare instrument wherein timeshare intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing timeshare project shall, to the extent that the timeshare instrument concerning such existing timeshare project is inconsistent with this and other ordinances relating to timeshare projects, be governed and controlled

by the ordinances of the City as they existed prior to the adoption of the timeshare regulation ordinance and by the terms of such existing timeshare project's timeshare instrument to the extent that the terms of such timeshare instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing timeshare project or the creation of any additional timeshare intervals therein must fully comply with these amendments.

8.22. SALE OF TIMESHARE UNITS.

- (a) Presale of Timeshare Intervals. Prior to the time that: (1) a building permit has been obtained for a timeshare project other than a timeshare conversion or (2) a conditional use permit has been obtained for a timeshare conversion, a timeshare developer may offer reservations to purchase timeshare intervals subject to the following requirements:
- (1) A reservation to purchase a timeshare interval shall be binding upon the timeshare developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that (1) a building permit has been obtained for the timeshare project if the project of which the timeshare interval is a part is a timeshare project other than a timeshare conversion, or (2) a conditional use permit has been obtained for the timeshare project if the project of which the timeshare interval is part is a timeshare conversion.
 - (2) The form of reservation agreement used by the timeshare developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the timeshare interval, and execution of such final contract of purchase may not take place prior to the date that (a) a building permit has been obtained for the timeshare project if the project is a timeshare project other than a timeshare conversion, or (b) a conditional use permit has been obtained for a timeshare project if the project is a timeshare conversion.
 - (3) Any presale activity by a timeshare developer, its agents, employees or subcontractors must meet all requirements governing the offering or sale of timeshare intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.
- (b) Violations of Requirements. Any timeshare developer who violates the requirements of this section in the reservation of timeshare intervals shall be guilty of a Class B

receiving station from the adjoining public street. Screening is only required where the receiving station is clearly visible from a public street, park or public golf course, including views across vacant lots that may in the future be improved, so as to obstruct the view. Screening must provide year-round coverage, such as evergreens or dense brush.

- (2) Satellite receiving stations installed on the ground must maintain all normal building setbacks and side yards applicable to the zone in which the station is located.
- (3) Ground based receiving stations must not be located within the front yard areas in any zone, and regardless of front yard setback, the station must be located behind the main building on the site.
- (4) Roof or wall mounted satellite receiving stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any public street, and maintain normal setbacks. Roof or wall mounted receiving stations are not permitted in the Historic District.

(e) Subdivision and Condominium Covenants. Many subdivision and condominium covenants may address the location of satellite receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants which might be more restrictive than this ordinance. Applicants for permits for the installation of satellite receiving stations are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Owner's Association or Management Committee, the applicant shall provide a letter from the Owner's Association or Management Committee indicating that consent to the location of the satellite receiving station within the common area has been granted as a part of the permit application filed with the City.

(f) Cables to Be Buried. Cables connecting the receiving station with the house or building to which the antenna is appurtenant shall be buried rather than installed overhead.

(g) Penalty. Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine of not more than Two Hundred and Ninety-Nine Dollars (\$299). If the violator is a licensed contractor or vendor of satellite receiving stations, the business license of that contractor or vendor shall forfeit upon the second conviction within any one

misdemeanor and upon conviction thereof may be punished by imprisonment in the county jail for a term of six months, or by fine of not more than \$299 or both such fine and imprisonment. Each sale or other violation shall be a separate offense. In addition to criminal penalties for violations of the provision of this Code relating to sales of timeshare intervals, the City Council may, upon hearing at which the timeshare developer is permitted to state his position, rescind the conditional use approval, and vacate the platting of timeshare intervals or timeshare estates as to those units which are not sold as of the date of decision.

8.23. REGULATION OF THE PLACEMENT OF SATELLITE RECEIVING ANTENNAS.

(a) Definition. "Satellite Receiving Station" shall mean and include any accessory structure, antenna, or equipment located outside of a primary structure, the purpose of which is to receive communication or other signals from orbiting satellites and other extraterrestrial sources. The satellite receiving station includes the antenna itself, often called a satellite dish, a low noise amplifier, both typically located outdoors, and other equipment typically located indoors, with the indoor and outdoor equipment connected with cables. Height of the receiving station shall be measured from the highest point of the apparatus to the ground underneath the apparatus, with the apparatus set in its operating position. It does not include conventional UHF or VHF television antennas.

(b) Permit Required. It shall be unlawful to install any satellite receiving station without first having obtained a building permit from the City. The installation of satellite receiving stations, unless otherwise provided in this ordinance, shall be deemed a permitted use, rather than a conditional use.

(c) Permit Fee. The Building Department shall charge a fee of Twenty-Five Dollars (\$25) for the review and inspection of a satellite receiving station installation.

(d) Installation Standards. The following standards apply to the installation of a satellite receiving station:

- (1) Each satellite receiving station mounted on the ground shall be screened by planting masses of plant materials, shrubbery or trees, which at maturity, would be of at least the height of the satellite receiving station, and which also fill the area between the trim or browse line of trees and the ground below. When initially installed, vegetative screening shall consist of at least three (3) ten (10) feet tall shrubs or trees; or six (6), five (5) feet tall shrubs or trees; measured from ground level when planted. Plant massing shall be placed to obscure the view of the satellite

year, provided however, that a new license may be issued upon payment of the applicable license fee.

SECTION 9. ARCHITECTURAL REVIEW

9.1. POLICY AND PURPOSE. As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and property owners of Park City. It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those building materials which, by their nature, are foreign to this area, and this climate, and therefore tend to detract from the appearance of the community. Park City's older neighborhoods are a National Register Historic District, which is a point of considerable importance to the tourism industry. New development, while distinct from the Historic District, should not detract from it. Park City is densely developed due to the shortage of level, buildable land. The effects of one development are felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a unified architectural theme.

9.2. HISTORIC DISTRICT. All uses within the Historic District, both permitted and conditional, are subject to design review by the Community Development Department for compliance with the Architectural Guidelines adopted by the City Council in a resolution of June 16, 1983. Those guidelines are incorporated into this Code by this reference, but may be revised from time to time by resolution of the Council. Design review is initially performed by the Community Development Department, with a right of appeal to the Historic District Commission. Review by the Historic District Commission is limited to matters of design compliance, with all functional review (of conditional uses) performed by the City staff. Decisions regarding design review may be reviewed by the City Council in the manner described in Chapter 1 for appeals from the Historic District Commission.

9.3. CONDITIONAL USE REVIEW. Conditional uses outside the Historic District zones are subject to design review by the Community Development Department, with a right of appeal to the Planning Commission. The standards of review are set forth in this Code, but additional design review standards may be adopted by resolution of the Council, provided that resolution is consistent with the provisions of this Code.

9.4. PERMITTED USE REVIEW. Permitted uses in all zones outside the Historic District are subject to design review by the Community Development Department, with a right of appeal to the Planning Commission. The standards of review are set forth in this Code, but additional design review standards may be adopted by resolution of the Council, provided that the resolution is consistent with the provisions of this Code.

- (a) Single family houses are not subject to design review by the City, except as they are within the Historic District, but may be

subject to extensive design regulation covenants within the subdivision covenants, conditions and restrictions. The City does not attempt to enforce those private covenants, but strongly advises property owners to investigate those covenants prior to incurring the expense of designing a house.

9.5. ARCHITECTURAL DESIGN GUIDELINES. The following architectural design guidelines apply to all conditional and permitted uses, with the exception of single family houses, in all zones outside the Historic District:

(a) Prohibited Architectural Styles and Motifs. The following architectural styles and motifs are prohibited in Park City:

A-frame structures;

Geodesic dome structures;

Mediterranean motifs;

Tudor or mock tudor (half timbering)

"Swiss" chalets;

Highly ornate victorian;

Rustic frontier;

Colonial;

Other historical or period design motifs that have a strong connection or association with other regions, or which have no historical connection with Park City.

New structures designed to imitate historic structures built in Park City or elsewhere, unless the project complies with the Historic District Design Guidelines.

(b) Prohibited Siding Materials. The following materials have proved to be unsuitable for use in Park City due to the extremes of climate, or because their appearance is such that the values of adjoining or abutting properties are adversely affected:

Thick shake shingles;

Ceramic tile;

Slump block, weeping mortar;

Plastic or vinyl siding;

Used brick;

Simulated stone or brick, cultured stone or brick, synthetic stone products, pre-cast stone or concrete imbedded with stone fragments;

Lava rock, clinkers;

Asphalt or hardboard siding;

Exposed concrete block, although block treated with stucco, sand coats, or other durable texturing materials; may be left exposed;

Plywood siding;

Aluminum siding;

- (c) Design Ornamentation. Architectural design in Park City has historically been simple. Highly ornate buildings are inconsistent with the architectural patterns of the community, and due to the close proximity of one development to another, inconsistent ornamentation may become unsightly and detract from property values. To add architectural interest to buildings, special ornamental siding materials may be used, provided that no more than 25% of any facade of the building may be covered with ornamental siding. Examples of ornamental siding, provided for information purposes only and not as a limitation, are as follows:

Fish scale cut shingles;

Half timbered stucco;

Match-sticked wood or other inlays;

- (d) Number of Exterior Wall Materials. Different exterior siding materials add interest to a building, and to the community as a whole, however, the use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining properties. Exterior walls of any building may be sided with up to three different materials per building, but no more than three materials may appear on any one wall, including ornamental siding. Trim shall not be counted as a siding material, but ornamentation is counted as a siding material. If trim covers more than 10% of a side of the building, it shall be counted as a siding material on that side.

- (e) Roofing Materials. Because of the steep grade changes within Park City, and the fact that residents and visitors are frequently in a position to look down on the City from the adjoining mountains, the appearance of roofs in Park city is of more significance than in other communities. The following roofing materials are prohibited, either because of their appearance, or because they are not likely to perform satisfactorily in the harsh climate of Park City:

Untreated aluminum or metal (except that copper may be used);
Reflective materials;

Brightly colored roofing materials such as bright red, blue, yellow, or similar colors that are highly visible;

Except on historic renovations or reconstructions with adequate documentation, roof ornamentation such as scroll work, finials, and bead-and-dowel work are prohibited.

- (f) Roof Shapes. The following roof shapes are prohibited in Park City because they either do not perform well in the harsh climate, or tend to detract from the values of adjoining property:

Mansard or fake mansard roofs;

Gambrel roofs;

Curvalinier roofs;

Domed roofs;

Geodesic domes;

Conical roofs;

A-frame or modified A-frame roofs;

Mechanical equipment on roofs must be hidden with a visual barrier so it is not readily visible from nearby properties.

- (g) Skylights and Solar Panels. Skylights and solar panels must be designed to fit flush with the roof surface, or up to a maximum of two feet above the roof's surface. No reflective materials may be used unless thoroughly shielded to prevent reflection into adjoining or nearby properties.

- (h) Window Treatments. Windows other than rectangular windows may be used as accents and trim, but arched, rounded, or bay windows as the primary window treatment are prohibited. Untreated aluminum or metal window frames are prohibited. Small paned colonial style windows are not allowed.

9.6. PERMITTED DESIGN FEATURES. Any design, or any material that is not expressly prohibited by this Chapter, or a resolution adopted to supplement it, or by the Historic District Guidelines are permitted.

9.7. FACADE LENGTH AND VARIATIONS.

- (a) Structures greater than 60 feet, but less than 120 in length must exhibit a prominent shift in the facade of the structure

so that no greater than 75% of the length of the building facade appears unbroken. Each shift shall be in the form of either a ten foot change in building facade alignment or a 10 foot change in roof line height, or a combined change in facade and roof line totaling 10 feet.

- (b) Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the structure at each 120 foot interval (or less if the developer desires) reflecting a change in function or scale. The shift shall be in the form of either a 15 foot change in building facade alignment or a 15 foot change in roof line. A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location in the building plane, a 15 foot total change will be considered as full compliance.
- (c) The special facade and volume requirement of the Historic District are found in Chapter 7 and in the Historic District Guidelines.

SECTION 10. MASTER PLANNED DEVELOPMENTS

10.1 PURPOSE. The Master Planned Development (MPD) concept of development is allowed in Park City in order to encourage the establishment of common open space, achieve economy in the provision and maintenance of public facilities, allow design flexibility in development, and to preserve the natural and scenic features of open areas. To this end, the clustering of structures, whether single or multiple, may be undertaken; structures may be joined by party walls or be separated by minimal but adequate side yards, and conditional uses may be integrated into the development. Densities within clusters may exceed those allowed for standard housing development when appropriate open space and buffer areas are provided elsewhere on the site.

10.2. SCOPE. Application for Master Planned Development may be made for land located in any zoning district. Unless expressly provided in this Chapter, there shall be no density increase or height increase in the number of dwelling units which can be constructed under the applicable basic zone regulations however, there may be density transfer between zoning districts provided the proposed Master Planned Development cluster is found to be compatible in terms of building types and character with the surrounding area and would not alter the essential character of the district.

10.3. LAND USE INTENSITY ALLOWANCE. The density and type of development permitted on a given site will be finally determined as a result of impact and site plan analysis, the following table for absolute maximum densities in Master Planned Developments is provided:

<u>GROSS DENSITY ALLOWED</u> (Total Site)	
<u>Zone</u>	<u>Maximum Allowable Density</u>
Residential Development (RD)	Density up to 5 unit equivalents per acre
Residential Development, Medium Density (RDM)	Density up to 8 unit equivalents per acre
All other zones	Density established by Chapter 7

10.4. PROCESSING. An application for approval of a Master Planned Development may be filed by the owners of the property for which the approval is requested and shall be made on a form provided by the City and must include written consent by the owners of all property to be included in the Master Planned Development. The procedure for review is described in Chapter 1.

10.5. PRE-APPLICATION CONFERENCE. A pre-application conference may be held with the Community Development Department in order for the applicant: (1) to become acquainted with the Master Planned Development procedures and related City requirements; (2) to obtain from the department a written list of what the formal application should include; and (3) to obtain from the department copies of guidelines to the interpretation of provisions of this section.

10.6. THE APPLICATION. The Master Planned Development application must be submitted with a completed application form on a form supplied by the City. The application shall be supported by the following (seven sets required):

(a) Map of Existing Site. A map of the existing site shall show the following information for the site prior to demolition of any existing improvement or alterations to natural vegetation and terrain:

Vicinity map (not less than 1"= 100');

Scale and north arrow;

Site boundaries and dimensions;

Topography with contours at no greater than five foot intervals;

Vegetation, location, and type;

Soil quality;

100 year flood plain and high water areas;

Existing structures and their current uses;

Existing roads and other improvements;

Location of public utilities and utility easement; and

Other data as may be required.

(b) The Site Plan. The site plan portion of the application shall consist of a plan showing the major details of the proposed Master Planned Development prepared at a scale of not less than 1" = 100' (or 1" = 50' for sites of less than one acre). The plan shall contain sufficient detail to evaluate the land planning, building design, and other features of the Master Planned Development proposed. The site plan shall contain, insofar as applicable, the following minimum information:

Scale and north arrow;

Proposed name of the development;

Identity of a subdivision Master Development Plan of which the site may be a part;

Topography with finished contours at no greater than five foot intervals;

The location and size of all existing and proposed buildings, structures, and improvements;

Natural and proposed vegetation and landscaping, streets, walkways, and easements to be reserved for public use;

Location and general dimension of all impervious paved areas such as streets, walks, parking lots, tennis courts, plazas, etc.;

Proposed open spaces with an indication as to use and ultimate ownership, if applicable;

Proposed drainage system;

Proposed utility distribution;

Proposed traffic circulation with anticipated average daily traffic volumes, and access to the existing street system;

Perspective sketches showing general architectural concepts of all new or remodeled buildings;

Maximum height of all buildings, dimensions, and square footage of all lots or parcels proposed with project;

A general landscape plan at time of initial submission to be followed by a detailed landscaping plan, once the site plan has been approved, showing the spacing, sizes, and specific types of landscaping material;

Lighting plan.

- (c) Written Statement. The written statement to be submitted with the Master Planned Development application must contain the following information (only two sets required):

A statement of the present and future ownership and tenancy and a legal description of the land included in the Master Planned Development application, including identification of all mortgages, easements, covenants or restrictions on land use, liens, and judgments which may affect the site;

A development schedule indicating the approximate date when construction of the Master Planned Development, or stages of the development, can be expected to begin and be completed.

Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the Master Planned Development and any of its common areas;

A mailing list of the owners of abutting properties and properties located within 100 feet of the property lines of the land included in the Master Planned Development as required by Chapter 1 of this Code.

An explanation of the objectives to be achieved by the Master Planned Development, including building descriptions, variations in building setbacks, parking, height or other requirements that are being sought; sketches of elevations, or other information as may be required to described objectives.

10.7. PROPERTY POSTED, NOTICE MAILED. Upon receipt of a fully completed application form and the submission of the accompanying information, and upon the payment of the fee for review as prescribed by ordinance, the Planning Department shall cause notice to be given as described in Section 1.15.

10.8. FINAL PLAN REQUIREMENTS. The final plan shall be presented in permanent mylar final sheets; all drawings showing proposed site development shall have a scale of no less than 1" = 100' (1" = 50' for sites less than one acre), with one sheet showing the entire project, its vicinity within the City, and a key to the detailed drawings. The final plan shall include all information required by the Master Planned Development application, plus the following:

- (a) Accurate dimensions for all lines, angles, and curves used to describe streets and other public right-of-ways sufficient to satisfy final plat requirements of the Park City Land Subdivision Ordinance.
- (b) Detailed sizes and dimensions for the utility and drainage systems with specific locations of fire hydrants.
- (c) Detailed dimensions and treatment of all common open space, including lighting.
- (d) Architectural drawings of proposed new or remodeled structures with floor plans and elevations at a scale no less than one-eighth inch to a foot. Drawings shall indicate all exterior materials and colors.

10.9. GENERAL CRITERIA FOR REVIEW. A Master Planned Development shall implement the purposes of this ordinance and of this section, and in addition, shall meet the following standards and requirements:

- (a) Uses Permitted. The uses in a Master Planned Development must be uses are shown on the land use table in Chapter 7 as permitted or conditional uses in the zoning district in which the Master Planned Development is located. In addition the approving agency may permit limited commercial uses (as shown on the Land Use Table) not generally associated with the residential zone if, in the opinion of the approving agency, such uses are primarily for the service and convenience of the residents of the development and the immediate neighborhood. Such uses, if any, shall not change or destroy the predominantly residential character of the Master Planned Development. The amount of area and type of such uses, if any, to be allowed in a residential Master Planned Development shall be established by the approving agency on the basis of these criteria:
1. Relationship to the Purpose and Policies of the Comprehensive Plan. The Master Planned Development must be consistent with the purposes and policies of the Comprehensive Plan as set forth therein.
 2. Relationship to Surroundings. The Master Planned Development's relationship to its surroundings shall be considered in order to avoid adverse impacts caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy.
- (b) Maximum Density Requirements. The requirements of Section 7 (Use Tables) regarding maximum densities shall apply to all Master Planned Development except that the approving agency may increase the number of permitted units to the maximum bonus levels found in this chapter if it finds that the site plan contains areas allocated for usable open space in a common park area as authorized in this section, or that an increase in density is warranted by the design and amenities incorporated in the Master Planned Development site plan, and the needs of the residents for usable open space can be met.
- (c) Off-Street Parking. The number of off-street parking spaces in each Master Planned Development may not be less than the requirements stated in Section 13 (Off Street Parking) except that the reviewing agency may increase or decrease the required number of off-street parking spaces in consideration of the following factors:
1. Probable number of cars owned or required by occupants of dwellings in the Master Planned Development;

2. Parking needs of any non-dwelling uses, including the traffic attracted to commercial uses from off-site;
 3. Varying time periods of use, whenever joint use of common parking areas is proposed.
 4. Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the approving agency shall obtain assurance that the nature of the occupancy will not change. No parking reductions shall be granted for developments requiring eight or fewer parking spaces. Parking requirements are stated in Chapter 13.
- (d) Variations in Setbacks. The setback requirements of Section 7 shall apply to Master Planned Developments except that the reviewing agency may reduce setbacks in consideration of site planning issues addressed in this chapter. Variations in setbacks, if requested, shall be addressed in the written statement and shall be specifically called out on the Master Planned Development site plan, or shall be handled through a Master Planned Development control document to be submitted as part of the written statement. Minimum setbacks along the boundaries of the site must be observed.
- (e) Variations in Height Requirements. The height requirements of Section 7 shall apply to Master Planned Developments, except that after review by the Planning Commission, the Commission may approve, disapprove, or approve with modifications a request for an increase in the allowable height of some or all of the buildings in the development by up to 25% of the maximum building height established for that zone in Chapter 7 of this Code (not including those adjustments permissible under Section 8.17) after due consideration of the following site specific review standards, in addition to the other standards established for Master Planned Developments by this Chapter. If the requested height increase is greater than 25% of the stated zone maximum, the request shall be reviewed by Planning Commission, then submitted to the City Council with recommendations from the Commission, with final approval, disapproval, or approval with modifications of the request to be made by the City Council, based on the same review criteria. The Council may act on the height increase request at any time during the review process following Planning Commission's review of the height request, and may act on the height request prior to final Commission approval of the overall master plan.
1. The geographical position of the building and possible visual effects on existing structures on or off-site;

2. Potential problems on neighboring sites caused by shadows, loss of solar access, loss of air circulation, closing of views, or ridgeline intrusion;
3. The influence on the general vicinity including contact with existing buildings and structures, streets, traffic congestion and circulation, and adjacent open space;
4. Appropriateness of the uses within the building in the neighborhood;
5. Landscaping and buffered areas of other physical separations that may be proposed to buffer the site from adjacent uses;
6. The size of the side yard areas between buildings and adjacent streets and alleys and their relationship to pedestrian traffic and open space;
7. The provision of more than the required 60% open space within the project;
8. Reduction of the height of other buildings or portions of a building to a point that is lower than the underlying zone maximum;
9. In no case will any increase in height be permitted when the effect of the height increase is to increase the allowable square footage or building volume (above grade) over that which is, or would be, possible under normal zone standards for the zone in which the site is located. When determining the possible building square footage and/or volume possible under the underlying zone regulations, the Community Development Department shall consider the unit configuration proposed (i.e., the mix of hotel rooms, apartments, and commercial space) and the reasonable circulation space needed to serve that configuration, exiting requirements, light and air requirements and other requirements of the Uniform Building Code which would affect the location and placement of building volume, and not merely calculate volume based on the zone's setback and yard requirements.
10. The amount of any increased height is not specified for each zone district as the minimum allowable height that is compatible with good planning practices and good design is a site specific review item. The burden of establishing the needs and benefits of a height increase is on the developer, and in the absence of a satisfactory showing that the additional height will result in a superior plan and project, the zone height shall be applied.

11. Height variations shall not be permitted in the HR-1, RM, R-1, and HRL zones.

(f) Nightly Rentals, Timesharing, and Condominiumization to be Declared. If nightly rentals are desired in a Master Planned Development, this must be declared at the time of application. If timesharing, as defined by ordinance or nightly rental use, is desired in a Master Planned Development that has already been approved by the City, a conditional use permit must be obtained and the project instruments must either be drafted initially or amended by the required majority (in no event less than 65%) to explicitly and prominently authorize timesharing within the project. If the Master Planned Development is to be turned into a condominium, as defined in the Code, it must be declared at the time of application, or the condominium conversion fees and review will apply to the subsequent change.

(g) Site Planning. The approving agency must be satisfied that the site plan for the Master Planned Development has met each of the following criteria or can demonstrate that one or more of them is not applicable, and that a practical solution consistent with the public interest has been achieved for each of these elements:

1. The relationship of these areas to other areas, structures, and uses within the Master Planned Development.
2. The degree to which these areas contribute to the quality, livability, and aesthetics of the Master Planned Development.
3. Common park areas are encouraged and may be counted as part of the required open space within a Master Planned Development provided they are to be used and are suitable for scenic, landscaping, or recreational purposes and they are on land which is accessible and available to persons for whose use the common park area is intended, and ownership is vested in a way that preserves the open space.
4. Common open spaces in a Master Planned Development site shall be preserved and maintained as provided for in an irrevocable dedication declaration, or restrictive covenants approved by the reviewing agency and filed and recorded in the office of the County Recorder, or other mechanisms acceptable to the approving agency. The irrevocable dedication, covenant, and declaration shall take place as mutually agreed upon by the approving agency and the applicant, provided, however, no building permit shall be issued for the Master

Planned Development until the dedications, covenants, and declarations have been filed and recorded. The areas designated in the covenants as common open space shall be maintained, repaired, preserved, and retained as open spaces by the owners in common of the property and/or the developer.

5. Circulation in terms of an internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise, and exhaust control. Private internal streets may be permitted if they can be used by police and fire department vehicles for emergency purposes. Width, and cul-de-sac design must accommodate fire fighting apparatus. Bicycle traffic shall be considered and provided for and, where appropriate, connection of the bike and pedestrian system to other city systems shall be addressed. Proper circulation in parking areas in terms of safety, convenience, separation, and screening shall also be considered.
 6. Utilities shall be addressed in terms of adequacy, availability, and locations of services.
 7. Variety shall be addressed in terms of housing type, densities, facilities, and open space.
 8. Privacy shall be addressed in terms of the needs of individuals, families and neighbors, and adjoining land owners.
 9. Pedestrian traffic shall be addressed in terms of safety, separation, convenience, access to points of destination, and attractiveness.
 10. Building type shall be addressed in terms of appropriateness to density, site relationship, and bulk.
 11. Building design shall be addressed in terms of orientation, spacing, materials, color and texture, storage, signs and lighting, and compliance with the architectural criteria contained in the Land Management Code appendices.
 12. Landscaping of the total site shall be addressed in terms of purpose of planting such as screening or ornamentation; hard surface materials used, if any; maintenance, water needs, suitability; and effect on the neighborhood.
- (h) Building and Lot Requirements. Buildings may be attached, semi-detached, or individual units. The uses within

buildings may be mixed. The separation between detached buildings shall be a minimum of ten feet.

1. Structures greater than 60 feet but less than 120 feet in length should exhibit a prominent shift in the facade of the structure so that no greater than 75% of the length of the building facade appears unbroken. Each shift shall be in the form of either a ten foot change in building facade alignment or a ten foot change in roof line height, or a combined change in facade and roof line totaling ten feet.
2. Structure shall not exceed 120 feet in length without complying with the following guidelines:

A prominent shift in the mass of the structure shall occur at each 120 foot interval (or less) reflecting a change in function or scale. The shift shall be in the form of either a 15 foot change in building facade alignment or a 15 foot change in roof line.

A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location in the building plane, a 15 foot total change will be considered as compliance with this section.

3. At least 60% of the area of any site, subject to a Master Planned Development review shall remain as open space, not counting roads.
- (i) Support Commercial Facilities. Within any Master Planned Development in those zones which permit mixed uses within Master Planned Developments, no more than 10% of the total gross floor area may be devoted to support commercial facilities as defined by this Code. All support commercial facilities shall be oriented to the internal pedestrian circulation system of the Master Planned Development. Signage on support commercial facilities must be visible only from within the development, and shall not orient to the adjacent public streets or off-site circulation areas.

10.10. APPROVALS. Approvals of Master Planned Developments shall be granted in the following manner:

- (a) Master Plan Approval. The approval for a Master Planned Development shall be given in a form that states the density allocated to the property as a number of units. The configuration and mix of the units can be adjusted by the developer according to the table provided below. Approval shall be given by the Community Development Department on small scale Master Planned Developments (as defined in Chapter 1.13., subject to ratification by the Planning

Commission), and by the Planning Commission on large scale Master Planned Developments, as defined in Chapter 1.13.).

- (b) Project Site Plan. Project site plan approval of the site plan for the project or development shall be granted by the Community Development Department for all development within Master Planned Developments as long as the density is within the range of unit equivalents established in the master plan approval, subject to ratification by the Planning Commission. Commission action will still be required for final plat approval, subdivision approval, and any other approvals or reviews required by Chapter 1.
- (c) Form of Approval. Once a density range and preliminary plan have been approved by the reviewing agency, a master plan shall be signed by the reviewing agency and the developer. In the case of a large scale Master Planned Development, in which density transfers from one portion of the site to another may have occurred, the approval shall take the form of a recordable instrument which states the legal description of the land affected by the approval, and is sufficient to put subsequent purchasers of all or parts of the tract on notice that the density allowed on that property may be different from what basic zoning would suggest as a result of the Master Plan Approval.
- (d) Construction. Construction within two years is required to preserve a large scale Master Plan Approval within the time limits by Chapter 1.13. Construction on a small scale Master Planned Development must commence within one year, or the approval will expire. Extensions may be granted as provided in Chapter 1.
- (e) Transferability. Approved Master Plans are transferrable with the title to the property to which the approval pertains, but not portion of the density allocation within any approval may be transferred off site.

10.11. REVIEWING AGENCY. As used in this Chapter, the term "reviewing agency" shall refer to the Planning Commission on the master plan approval of Large Scale Master Planned Developments, and to the Community Development Department on the preliminary and approval of Small Scale Master Planned Developments, and also to the staff when referring to final site plan approvals within Large Scale Master Plan Approvals following density determinations by the Planning Commission.

10.12. UNIT EQUIVALENT. Density of development is a factor of both the use and the size of the structures built within a Master Planned Development. In order to maximize the flexibility in the development of property, the following table of unit equivalents is provided:

<u>Configuration</u>	<u>Unit Equivalent</u>
Hotel room, not exceeding 500 square feet, including bathroom areas, but not corridors outside of room	.25
Hotel suite, not exceeding 650 square feet, including bathroom areas, but not corridors outside of room	.33
One bedroom or studio apartment, not exceeding 1,000 square feet	.50
Apartment of any number of rooms, not exceeding 1,500 square feet	.75
Apartment of any number of rooms, not exceeding 2,000 square feet	1.00
Apartment of any number of rooms, not exceeding 2,500 square feet	1.33
Apartment of any number of rooms, in excess of 2,500 square feet	1.50
Single family house	1.00
Commercial spaces (approved as part of Master Plan Approval), for each 1,000 square feet of gross floor area, exclusive of common corridors, or for each part of a 1,000 square foot interval	1.00

Hotel uses must be declared at the time of site plan approval, and are subject to review for neighborhood compatibility. The election to use unit equivalents in the form of hotel rooms may not be allowed in all areas because of neighborhood conflicts or more intensive traffic generated. Within a hotel, up to 5% of the total floor area may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.

Circulation spaces including lobbies outside of units, including lobby areas, do not count as floor area of the unit, or as commercial unit equivalents.

Computation of floor areas and square footage shall be as provided in the Uniform Building Code adopted by Park City.

Where the unit configuration fits one of the above designations, but the square footage exceeds the footage stated for the configuration, the square footage shall control, and the unit equivalent for that size unit shall apply.

10.13. UNIT EQUIVALENCE ELECTION. The developer shall have the right to make his election of how to apply the unit equivalency on his site at any time in the review process, provided, however, that commercial uses and hotel uses of specific development parcels may be designated or prohibited on the Large Scale Master Plan Approval when the Planning Commission finds that there are neighborhood, traffic, or similar considerations for limiting or clustering these uses. The election of the final unit configuration must be made at the time the application for final site plan is submitted, and the election of unit mixes is part of the conditional use process that the final site plan is reviewed under.

10.14. EFFECT ON EXISTING MASTER PLANS. Existing master plans, which have received final approval prior to the date of this Code, may take advantage of the unit equivalency formula as final site plans are submitted on the development parcels identified in those plans, provided however, that limitations on commercial uses will not be removed by this ordinance unless the master plan is amended.

10.15. PARKING. Parking within a Master Planned Development shall be required as provided in Chapter 13, unless the reviewing agency finds that a reduction in parking is justified as provided by this Code. Parking is based on the unit configuration as set forth in Chapter 13, and not on the basis of unit equivalents.

10.16. MASTER PLANNED DEVELOPMENTS IN THE RC ZONE. In the RC Zone, Master Planned Developments are based on a gross density of one unit equivalent for each 2,000 square feet of land area on the site.

SECTION 11. MASTER PLANNED MODERATE INCOME HOUSING DEVELOPMENT

11.1. PURPOSE. The purpose of the master planned moderate income 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 low and moderate income housing alternatives within Park City. A Moderate Income Rental or Sales Program (MIRSP) will be administered by the Housing Authority of Park City, to maintain the supply of low and moderate income housing stock and to insure that dwelling units once committed for low and moderate income persons shall be maintained in the low and moderate housing stock of Park City for a period of at least 15 years. Housing projects erected on qualifying property are allowed 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.

11.2. QUALIFYING PROPERTY, DEFINED. "Qualifying property" is defined as a parcel of land located within one of the following zoning districts: Residential Development (RD); Residential Development-Medium Density (RDM); or in those portions of the Estate District (E) where a minimum of 50% of the land area of a specific parcel qualifies for rezoning to the Residential Development (RD) District regulations because of its grade. A qualifying property shall be the subject of a binding agreement with the Park City Housing Authority restricting the use of rental and sales parcels to the provisions of the MIRSP.

11.3. RENTAL OR SALES PROGRAM. If a developer seeks to exercise the increased density allowance incentive by providing low or moderate income rental or sales housing in a project, the developer must agree to participate in the moderate income rental or sales program. The MIRSP sets the guidelines under which the units can be sold or rented.

11.4. RESPONSIBILITIES OF THE PARK CITY HOUSING AUTHORITY. The responsibilities of the Park City Housing Authority shall include: the determination of rental rates and sales prices of units participating in the MIRSP; and making recommendations to the reviewing agency as to the appropriateness of a proposed project with regard to density based on the MIRSP project agreed to by the developer, investigation and recommendation on the type of dwelling and the need for rental or owned housing.

11.5. 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.

11.6. DENSITY BONUS. The reviewing agency may increase the allowable density for qualifying property up to 20 dwelling units per acre. The unit equivalent formula may be applied, provided that hotel rooms, hotel suites, lockout, and other arrangements for transient lodging purposes are not permissible in taking advantage of the moderate income density bonus. The net density within such a parcel should be planned to preserve usable open space. The reviewing agency at its discretion, may grant an additional density incentive of up to five units per acre based on its determination of the recreational usability of the open space of the development.

11.7. SETBACKS, BUILDING HEIGHT, AND PARKING. Variation in setbacks, building height and parking from the requirements of Section 7 and Section 13 (Off-Street Parking) shall be permitted, provided such variations are reviewed and approved in accordance with the master planned development review process in Section 10.11.

11.8. SITE. A minimum of 50% of the parcel shall be retained or developed as open space. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational buildings, etc.; open space may not be utilized for streets, roads, or parking areas.

11.9. 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.

11.10. ARCHITECTURAL REVIEW. The Master Planned Moderate Income Housing Development is a conditional use, and as such, is subject to architectural review by the Planning staff for compliance with the design guidelines adopted for that zone in a resolution adopted by the City Council. Appeals of architectural design decisions are to the Planning Commission as set forth in Chapter 1.

SECTION 12. NON-CONFORMING USES

12.1. PURPOSE. This section describes the status of the uses of land or structures which were lawful before the Land Management Code was passed or amended but which are now or became prohibited, restricted, or substandard. While permitting non-conforming uses, structures and improvements thereto to continue, this section is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the Code. The purpose of the non-conforming review is to look at the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects. 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.

12.2. OCCUPANCY.

- (a) Continuation. The occupancy of a building or a parcel of land by a non-conforming use existing at the time of passage of the Land Management Code may be continued.
- (b) Occupation Within a Year. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became non-conforming. Occupation shall mean a full resumption of the use with the intent that it continue indefinitely.
- (c) Use of Land. The non-conforming use of land existing at the effective date of this Code or amendments affecting that use may be continued, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property except in accordance with the provisions of this section and provided that if such non-conforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land must be in conformity with the provisions of this Code.
- (d) Abandonment of Use. Any non-conforming use in existence or created by the adoption of this Code is deemed abandoned by the owner of that use unless the non-conforming use and the rights established as a non-conforming use, are exercised for at least twelve weeks during every calendar year. It shall be the obligation of the owner of such a use to provide evidence that the right to maintain the non-conforming use was so exercised by providing affidavits

or other evidence of the exercise of the use upon request of the Community Development Department.

- (e) Change or Expansion of Non-Conforming Use. Pursuant to the procedures provided in 12.4, a non-conforming use may be:
1. Increased in size or expanded within a building or upon the same lot;
 2. Changed to another non-conforming use, provided that a change in use (not a change in tenancy) requires the parking to be brought up to the standards of Chapter 13.

12.3. ADDITIONS AND ENLARGEMENT

- (a) A single non-conforming principal building upon a lot, or any accessory buildings which have less than 50% of their building area situated in the required yards, may be structurally altered, repaired, or enlarged; provided however, that any addition conforms to the setback requirements of the district in which it is located, and in the case of principal buildings, all current development requirements and conditions of this Code and other City codes are complied with.
- (b) Minor additions, alterations, or repairs to improve the appearance, safety, or efficiency of the building and which do not constitute an expansion of the use within a non-conforming building, may be permitted; provided however, that non-conforming buildings that do not qualify under either this or Paragraph 12.3.(a) may be enlarged or extended only pursuant to the procedures provided in Section 12.4.
- (c) A building on a non-conforming lot may be structurally altered, repaired, or enlarged to improve appearance, safety and/or efficiency, in accordance with the required setbacks of the district in which it is located, when the addition or alteration does not constitute an expansion of the principal use; otherwise, any modification must comply with the procedures set forth in Section 12.4.
- (d) Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe under the City's Building Code or other codes may be strengthened or restored to a safe condition and the use may continue.
- (e) A non-conforming building or a building containing a non-conforming use which has been damaged by fire, flood, wind, or other calamity or Act of God may be restored to its original condition, provided such work is started within six months of such calamity and completed within 18 months of

the time the restoration is commenced, and the intensity of use is not increased or changed.

12.4. PROCESSING. An application for approval for changes, additions or expansions to non-conforming uses may be filed by a person having an interest in the property for which the non-conforming use is requested and shall be made on a form provided by the City.

(a) Criteria for Review. Approval of request for changes, additions, or expansions under this section shall be granted only when it can be shown that the following criteria, insofar as applicable, are met.

1. 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; i.e., objectionable conditions, visual or noise pollution, vehicular traffic, or on-street parking.
2. All changes, additions, or expansions shall comply with all current development requirements and conditions of this section and other applicable City codes, except as to use.
3. Additions to buildings will provide for storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage.
4. The building as it exists, and/or the land or use involved cannot reasonably be utilized under the provisions of this code, or cannot reasonably be made to conform with this code.

(b) Pre-Application. Prior to the filing of an application for a modification to a non-conforming use under Sections 12.2.(e). and 12.3., a pre-application conference shall be held with the Community Development Department where the applicant will be advised of the information required for review and the procedures to be followed.

(c) Application. Upon filing of the application, the Community Development Department shall post the property indicating that a modification of a non-conforming building or use has been filed and that more detailed information may be obtained from the City. When modification or extension of a building only is involved, the Community Development Department shall notify by mail the owners of abutting properties. When any change, extension, or expansion of any non-conforming use is involved, all owners of properties located within 100 feet of the property lines of the land for which such application has been filed shall be notified that they may review the application during the Department's regular office hours,

provided however, if a condominium is located within 100 feet of the property, notification of the condominium management committee shall suffice for that owner. The aforementioned notice by mailing is to reasonably ensure that surrounding property owners are aware of a proposed non-conforming use being considered, but any minor omission or defect in the mailing shall in no way impair the validity of the proceedings. If any omission or defect in the mailing is brought to the attention of the Board of Adjustment, at or prior to the public hearing, the Board shall consider the defect or omission prior to proceeding on the application. If the Board finds that the omission or defect impairs, or has impaired a surrounding property owner's ability to participate in the public hearing, then the Board of Adjustment shall continue the public hearing on the proposed non-conforming use for at least ten days. Any omission or defect in the aforementioned notice which is not serious enough to have impaired a surrounding property owner's ability to participate in the public hearing by the Board of Adjustment shall in no way impair the validity of the proceedings for the proposed non-conforming use.

- (d) Notification of Abutting Property Owners. The applicant shall include with his application a list of owners of abutting properties and properties located within 100 feet of his property, along with the current mailing addresses of all such owners; provided however, if a condominium is located within 100 feet of subject property, the addresses for the condominium management committee shall suffice.
- (e) Board of Adjustment Hearing. Within 30 working days of receipt of a complete application by the Community Development Department, 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.

12.5. APPEALS. Appeal from the Board of Adjustment is to the district court and not the City Council. Any person applying to the district court for review of any decision made under the terms of this section shall apply for review within 30 days after the date the decision is filed with the City Recorder as prescribed by state statute.

SECTION 13. OFF-STREET PARKING

13.1. REQUIREMENT. Except as may be provided elsewhere in this Code, there shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for independent ingress and egress by standard size automobiles. If any land, structure, or use is changed from one use to another which requires more off-street parking spaces, there shall be provided such additional off-street parking for the new use as is required by this section. Required parking must be provided on the same lot as the main building.

13.2. PARKING LOT CHARACTERISTICS. Each parcel of land developed for off-street parking in response to the requirements of this section shall provide the following characteristics:

- (a) Surfacing. Each lot shall be hard surfaced and be maintained in good condition and kept clear and in an unobstructed and usable condition at all times. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
- (b) Grading. Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice. Adequate control curbs shall be installed to control drainage and direct vehicle movement. Parking lot drainage shall be controlled on site and channeled to storm drain or gutter as approved by the City.
- (c) Lighting. Lots shall be illuminated with standards arranged so as to reflect light away from any adjoining residential buildings.
- (d) Size of Spaces. Each parking space shall measure at least ten feet wide by 20 feet long, except that in fully enclosed parking structures, spaces may be permitted nine feet wide by 20 feet long. Single garages shall have interior dimensions of at least 11 feet wide by 20 feet long.
- (e) Design of Parking Areas for Use by More than Four Automobiles. The design of parking areas for use by five or more standard size automobiles shall provide adequate ingress and egress. The design of parking facilities shall not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways in conducting parking and unparking operations. The spaces shall be independently accessible so that the access of any required space may not be obstructed by any other required space. All parking lots shall maintain the required front yard and side yard setback

as would be required for a structure on the property. Wherever a parking lot or driveway to a parking lot abuts a residential use, a substantial light-tight fence constructed of natural materials not less than four or more than six feet high shall be constructed and maintained along the property line up to the building setback line. An earth berm may be substituted for the fence where adequate area exists. Driveways must not exceed 30 feet in width where they cross a sidewalk; adjacent driveways must be separated by an island of at least 12 feet in width; and driveways must be at least ten feet from the property line of any intersecting street.

- (f) Street Access. Off-street parking areas shall have unobstructed access to a street or alley.
- (g) Tandem Spaces. Parking designs which necessitate parking one vehicle behind another are only permitted for single family and duplex dwellings within the Historic District.

13.3. SPECIFIC REQUIREMENT FOR EACH LAND USE.

- (a) Required off-street parking shall be provided for each land use as listed in this section. Multi-family structure uses are shown on the Multi-Family Parking Requirement Table. When applying the table, the parking requirements stated for each use, or combination of uses applies to each dwelling unit within the structure within the zone as shown. In some zones, the parking requirement may vary depending on the size of the project and its proximity to major destinations within the City, where experience has shown a greater or lesser demand for parking. Other specific uses, and the parking requirement that applies are shown below:

Single family dwelling:	Two spaces
Duplex:	Two spaces per unit (4)
Triplex:	Two spaces per unit (6)
Multi-Family structures larger than triplex structures:	See table
Dormitory:	One space per 200 square feet of area devoted to accommodations

- (b) Any time the required parking for a residential use is greater than six parking spaces, the parking must be provided in an enclosed structure with internal vehicle circulation. Special requirements for parking structures in the HR-1 and HTO Zones are described in Chapter 7.

(c) Non-Residential Requirements. In projects which are non-residential in nature, or for non-residential space associated with primarily residential structures, the following parking requirements shall apply to the non-residential space:

<p>Golf course, tennis court and similar recreation areas:</p>	<p>Determined by specific review by Community Development Department based on hourly capacity and the location of the facility with respect to the anticipated users' living accommodations.</p>
<p>Hotel, motel, lodge, boarding house and similar uses:</p>	<p>In addition to the parking required under the Multi-Family Parking Requirement Table, one space per 200 square feet of restaurant, banquet, assembly, meeting or similar space, subject to specific review by the Community Development Department for reduction based on site specific mitigating factors.</p>
<p>Intensive retail, commercial shops selling directly to public:</p>	<p>Three spaces for each 1,000 square feet of shop space.</p>
<p>Less intensive retail or commercial such as furniture, appliance, lumber and hardware stores:</p>	<p>One space for each 1,000 square feet of commercial space</p>
<p>Offices, personal services, medical and dental clinics:</p>	<p>One space for each 500 square feet of space plus one space per employee per shift, or one space per 200 feet of net usable office space, whichever is greater.</p>
<p>Restaurants, bars, dining rooms:</p>	<p>One space for every 100 square feet, including kitchen areas.</p>
<p>Churches, auditoriums, assembly halls:</p>	<p>One space for every five seats.</p>
<p>Industrial and wholesale establishments:</p>	<p>One space for every two employees in the largest shift plus one space for each vehicle used in conducting the business</p>

Hospitals, schools, civic buildings:

Determined by the Community Development Department on a site specific review, based on numbers of employees, numbers of patrons, and or visitors that can be reasonably anticipated.

Shopping centers or complexes of multi-tenant retail spaces:

At least 3.5 parking spaces per 1,000 square feet of rentable floor area, excluding corridors.

- (d) Parking in Master Planned Developments. In Master Planned Developments, the initial parking requirement is determined by referring to the requirements for the use and the underlying zone as stated in this section. This initial parking requirement may be adjusted or reduced within the project based upon a demonstration that parking uses may overlap, commercial spaces within the project will serve those residing within the project rather than the general public, or other factors that support the conclusion that the occupants of the project are likely to require and have fewer cars within the project than would normally be the case.

MULTI-FAMILY PARKING REQUIREMENT TABLE

LMC, 3rd Edition - Revised as of February 28, 1985

	Hotel	Studio	One	Two	Apt.	Apt.	Apt. in
	Room/Suite	Apt.	Bedroom	Bedroom			
	Not To Exceed						
	650	1,000	1,000	1,500	2,000	2,500	Excess of
	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.	2,500
							Sq. Ft.
HR-1	1	1	2	2	2	3	3
HRL	1	1	2	2	2	3	3
R-1	1	1	2	2	2	3	3
Estate	1	1	2	2	2	3	3
RD	1	1	2	2	2	3	3
RDM	1	1	2	2	2	3	3
GC	1	1	2	2	2	3	3
HCB	.66	1	2	2	2	3	3
RC ¹	1	1	2	2	2	3	3
RC ²	1	1	1	1.5	2	2	2
RC ³	.66	.66	.66	1	1.5	2	2
RM ⁴	1	1	2	2	2	3	3
RM ⁵	1	1	1	1.5	1.5	2	2
RM ⁶	.66	.66	.66	1	1	2	2
LI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ROS	N/A	N/A	N/A	N/A	N/A	N/A	N/A

¹Projects having 1 through 17 development credits.

²Projects having more than 17 development credits and less than 24.

³Projects having 24 or more development credits.

⁴Projects located South of 12th Street, or those project North of 12th Street having fewer than 5 units.

⁵Projects North of 12th Street having more than 4 but fewer than 16 units.

⁶Projects North of 12th Street having more than 16 units.

13.4. CALCULATION OF SPACES. When calculating the number of parking spaces required for a given project, and a dwelling unit or commercial space could be classified as more than one kind of use, the classification resulting in the higher number of parking spaces shall be applied, so that, for example, a two bedroom apartment of 800 square feet would be required to provide two parking spaces, while a studio apartment of the same size would be required to provide only one parking space in most zones. A two dwelling unit structure consisting of a large unit of 2,000 square feet, and a small studio unit of 800 square feet is treated as a duplex, and must provide four parking spaces, rather than as independent apartments which would provide two and one space respectively. Whenever the calculation results in a fractional number, the number of spaces required shall be rounded up to the next whole number.

13.5. PARKING IN MASTER PLANNED DEVELOPMENTS. Parking in Master Planned Developments shall be provided according to the table and formulas provided above. Commercial spaces within the Master Planned Development shall provide parking as required by this chapter. The Planning Commission may, in the approval of the Master Plan, upon good showing that these formulas result in a surplus of parking, reduce the overall parking requirement. Evidence that the parking demand from various uses within the development can be satisfied by overlapping use shall be required. Developments requiring eight or fewer parking spaces shall not be granted any reduction in parking required.

13.6. PARKING REQUIREMENT VARIANCE. If the developer believes the requirements listed above to be unreasonable, he may seek a variance by meeting with the Board of Adjustment. The Board will consider the request and all of its ramifications, granting a variance only if they have determined that by doing so the public will be protected and better served.

13.7. OFF-STREET LOADING SPACE. On the same premises with every building or structure which is erected or increased in capacity which is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, there shall be provided and maintained adequate space for standing, loading, or unloading services off the street. All such loading areas or berths shall be so located that no vehicle loading or unloading merchandise or other material shall be parked in any required front yard or in any street or alley or other public way. When any required or permitted loading dock or area is constructed adjoining a residentially zoned district, said loading dock or area shall be screened from the adjoining property by completely landscaping the required side yard area and the construction of a substantial light-tight fence or wall constructed of natural materials not over six feet or under four feet in height on the common boundary line. This regulation shall not apply to structures within the Historic Commercial Business (HCB) District located to the south of Heber Avenue.

SECTION 14. REPEALER; SAVINGS CLAUSE;
CONTINUATION OF PRIOR ORDINANCES

14.1. The Land Management Code of August 1981 enacted by the City of Park City is hereby amended and recodified in its entirety to read as herein provided.

14.2. The amendment of all zoning ordinances heretofore enacted by the City of Park City shall not:

- (a) Affect suits pending or rights of the City existing immediately prior to the effective date of this ordinance.
- (b) Impair, void, or affect any grant or conveyance made or right acquired or cause of action now existing.

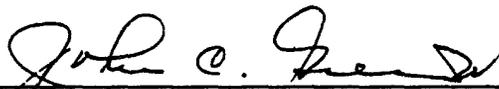
14.3. The provisions of this ordinance insofar as they are the same or substantially the same as any prior ordinances shall be construed as a continuation of the prior ordinance.

14.4. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Code shall be declared unlawful by any court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

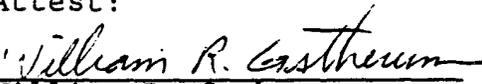
14.5. EFFECTIVE DATE. This Ordinance shall become effective January 1, 1984.

PASSED AND ADOPTED this 22nd day of December, 1984.

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.

Attest:


William R. Gatherum
City Recorder

**LEGAL NOTICE
PUBLIC HEARING**

Public notice is hereby given that a public hearing will be continued before City Council on September 22, 1983, at 5 p.m. at the Marsac Building for the purpose of hearing further public comment on:

The adoption of the 1983 Land Management Code, including procedural and substantive revisions. The initial public hearing was held on September 8, 1983, but due to further revisions the hearing has been continued. Copies of the code will be available for public inspection at the Marsac Building and the Library. Copies may be purchased at the Marsac Building for \$7.00 each.

William Gatherum
City Recorder

Published in the Park Record on September 15 and 22, 1983.