

Ordinance 2019-30

**AN ORDINANCE AMENDING TITLES 11, 14 AND 15 OF THE MUNICIPAL CODE OF PARK CITY, UTAH, SPECIFICALLY AMENDING SECTIONS 11-15-3 ACCEPTABLE COVER, 14-2-7 PARK STRIPS, 15-3-3 GENERAL PARKING AREA AND DRIVEWAY STANDARDS, 15-5-1 POLICY AND PURPOSE, 15-5-5 ARCHITECTURAL DESIGN GUIDELINES, AND 15-15-1 DEFINITIONS**

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

WHEREAS, the Municipal Code Title 11 reserves the City's authority to regulate landscaping and maintenance of soil cover within Park City; and

WHEREAS, the Municipal Code Title 14 implements standards of trees and landscaping within Park City; and

WHEREAS, the Land Management Code is codified as Title 15 of the Municipal Code and implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Municipal Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; and to preserve and protect the community's visual and environmental character; and

WHEREAS, the proposed Municipal Code amendments enhance the landscape standards for water conservation and to maintain the aesthetic experience of Park City; and

WHEREAS, these proposed Municipal Code amendments were reviewed for consistency with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Municipal Code are necessary to update existing zoning regulations to better conserve natural resources within Park City;

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on April 24, 2019 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at the regularly scheduled meeting on May 30, 2019.

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

SECTION 1. APPROVAL OF AMENDMENTS TO THE MUNICIPAL CODE OF PARK CITY- TITLE 11 – Section 11-15-3; TITLE 14 – Section 14-2-7; and TITLE 15 – Sections 15-3-3, 15-5-1, 15-5-5, and 15-15-1. The recitals above are incorporated herein as findings of fact. The applicable Sections of Title 11, Title 14, and Title 15 of the Municipal Code of Park City are hereby amended as redlined in Attachment A.

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

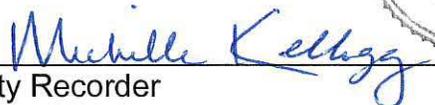
PASSED AND ADOPTED this 30<sup>th</sup> day of May, 2019

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, Mayor

Attest:

  
Michelle Kellogg  
City Recorder

Approved as to form:

  
Mark Harrington, City Attorney

## Attachment A

### **11-15-3 Acceptable Cover**

- A. All areas within the Soils Ordinance Boundary where real property is covered with six inches (6") or more of "approved topsoil" defined in Section 11-15-2 (B) must be vegetated with grass or other suitable vegetation to prevent erosion of the 6" topsoil layer as determined by the Building Department.
- B. Owners ~~who that~~ practice **Water Wise Landscaping "xeriscape"** as defined in the Land Management Code 15-15 are allowed to employ a weed barrier fabric if the property is covered with six inches (6") of rock or bark and maintained to prevent soil break through.
- C. As used in this Chapter, "soil break through" is defined as soil migrating through the fabric and cover in a manner that exposes the public and shall be deemed in violation of this Chapter.
- D. As used in this Chapter, **Water Wise Landscaping – as defined in the Land Management Code 15-15 – within the Soils Ordinance Boundary remains subject to the regulations within this Chapter. "xeriscape" is defined as a landscaping practice that uses plants that grow successfully in arid climates and a landscaping design intended to conserve City water resources.**

### **14-2-7 Park Strips**

No portion of any park strip shall be paved or surfaced except sidewalks and driveways. **No portion of any park strip or Right-of-Way may contain Gravel. Any rock used must be at least four inches (4") in diameter.** A park strip is defined as the portion between the front or side lot line and the actual or designated curb line.

### **15-3-3 General Parking Area And Driveway Standards**

Off-Street parking shall meet the following standards:

#### A. **GRADING AND DRAINAGE.**

1. Parking Areas must be Graded for proper drainage with surface water diverted to a specified Area approved by the City Engineer, to keep the Parking Area free of accumulated water and ice.
2. Adequate control curbs must be installed to control drainage and direct vehicle movement.

3. Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.
  4. Driveways must not exceed a fourteen percent (14%) Slope.
  5. Drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements.
- B. **SURFACING**. Parking Areas and driveways must be Hard-Surfaced, **impervious**, maintained in good condition, and clear of obstructions at all times. See Required Setback Exceptions in Chapter 2 for further drive and parking requirements in specific Zoning Districts.

### **15-5-1 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 and Landscape materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is 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 Compatible architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the

provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

It is also the intent of this section to encourage and implement water conservation practices for landscaping, **as it is in the public's best interest to conserve water resources and promote Water Wise Landscaping**. Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. The use of ~~wWater wWise Landscaping~~ **Xeriscaping** will protect the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought. **Xeriscaping Water Wise Landscaping** is a concept of landscaping with plants that use little or no supplemental irrigation and are typically native to the region. The concept also requires water conserving irrigation practices, such as drip irrigation, **Hydrozoning**, and effective mulching with plant based mulches.

#### **15-5-5(N) Landscaping**

**LANDSCAPING**. A complete landscape plan must be prepared for the limits of disturbance area for all ~~Building Permit applications and Historic District Design Review projects for all exterior work that impacts existing vegetation within the limits of disturbance~~ **Development activity**. The landscape plan shall utilize the concept of **Xeriscaping Water Wise Landscaping** for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped, **and** the percentage of the landscaping that is irrigated, **the type of irrigation to be used, and Hydrozones**. The plan shall identify all existing Significant Vegetation. **The plan shall also identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate plants, trees, and shrubs. Any proposed boulders or rocks greater than two inches (2") in diameter and Gravel must be identified.**

Materials proposed for driveways, parking areas, patios, decks, and other hard-scaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. **Refer to the Municipal Code of Park City Title 14-1-5 for a City approved Plant List. A diverse selection of plantings is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety and to prevent the spread of disease between the same species. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow for drainage.**

Areas of mulch shall be identified on the plan. Approved mulches include natural organic plant based or recycled materials. ~~Stone-based mulch is not permitted.~~ Gravel is only allowed in the following applications: as an approved walkway, patio, drainage plan, and/or defensible space. The Planning Director or his/her designee may determine if proposed defensible space areas are not required to include plantings. Any Gravel or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of Park City's Design Guidelines for Historic District and Historic Sites. Gravel is not an allowed surface for parking, ground cover on berms or finished grade with a ratio greater than 3:1, within platted or zoned open space, or as a material in parking strips or City rights-of-way.

To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. ~~The Forestry Manager or Planning Director may grant exceptions to this if upon their review it is found that equivalent replacement is impossible or would be detrimental to the site's existing and/or proposed vegetation.~~ Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched.

~~A detailed irrigation plan shall be drawn at the same scale as the landscape plan including, but not limited to: a layout of the heads, lines, valves, controller, backflow preventer, and a corresponding legend and key. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.~~

Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one	25%

(1) acre	
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

**15-15-1 Definitions**

**GRAVEL.** Round rock or crushed stone less than two inches (2”) in diameter.

**HYDROZONING.** Landscaping technique in which plants, trees, and shrubs with similar water needs are planted in the same area.

**PERVIOUS SURFACE.** A surface that presents an opportunity for water to infiltrate or percolate into the ground.

**WATER WISE LANDSCAPE/LANDSCAPING ~~XERISCAPE~~.** A landscaping method developed especially for arid and semiarid climates, utilizing water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation) that reduces the need for supplemental irrigation. “Xeriscape” is a form of Water Wise Landscaping. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off. A Water Wise Landscape is a mix of plantings, boulders, and other landscaping materials with at least fifty percent (50%) of the landscaped area containing plants, trees, and shrubs. The use of mulch coverings, organic or stone-based, without fifty percent (50%) plantings does not constitute a Water Wise Landscape.