

Ordinance No. 2023-49

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE TO SHIFT FINAL ACTION FOR PLATS FROM THE CITY COUNCIL TO THE PLANNING COMMISSION, TO REQUIRE PLANNING COMMISSION REVIEW FOR ALL STEEP SLOPE CONDITIONAL USE PERMITS, AND TO UPDATE PUBLIC NOTICE REQUIRMENTS TO ALIGN WITH SENATE BILL 43

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the City's resort-based economy, and to protect or promote moderate income housing;

WHEREAS, the Planning Commission prioritized review of Final Action for Land Management Code amendments and on June 21, 2023, conducted a work session and recommended shifting plat Final Action from the City Council to the Planning Commission and shifting administrative Steep Slope Conditional Use Permits from staff to the Planning Commission;

WHEREAS, the Utah Legislature enacted Senate Bill 43 changing public notice requirements for certain land use applications and the proposed amendments align with the changes to the Utah Code;

WHEREAS, on September 27, 2023 the Planning Commission forwarded a positive recommendation for City Council's consideration;

WHEREAS, on October 26, 2023 the City Council conducted a duly noticed public hearing;

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. Municipal Code of Park City Title 15 Land Management Code Sections 15-1-8 Review Procedure Under the Code 15-1-12 Public Notice, 15-1-21 Notice Matrix, 15-2.1-6 Development on Steep Slopes, 15-2.2-6 Development on Steep Slopes, 15-2.3-6 Development on Steep Slopes, 15-7-4 Authority, 15-7-10 Enforcement, 15-7.1-2 Procedure, 15-7.1-4 General Procedure, 15-7.1-6 Final Subdivision Plat, 15-7.1-7 Signatures and Recording of the Plat, 15-12-15 Review by Planning Commission, as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication. PASSED AND ADOPTED THIS 26th day of October 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

57775BCB46414F6...

Nann Worel, Mayor



Attest:

DocuSigned by:

Michelle Kellogg

E5F905BB533F431...

City Recorder

Approved as to form:

DocuSigned by:

Mark Harrington

B7478B7734C7490...

City Attorney's Office

1 **ATTACHMENT 1**

2 **15-1-8 Review Procedure Under The Code**

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

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

8 C. No Subdivision shall be valid without [preliminary] approval of the Planning
9 Commission [and final approval by the City Council] with all conditions of
10 approval completed.

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

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

17 F. Projects in the Historic Districts and Historic Sites outside the Historic Districts
18 are subject to design review under the Design Guidelines for Historic Districts
19 and Historic Sites.

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

23 H. Subdivisions and Plat Amendments are initially reviewed by staff and submitted
 24 to the Planning Commission [~~who makes a recommendation to the City Council~~]
 25 for Final Action.

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

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

RECOMMENDATION (y) FINAL ACTION (X) and APPEAL (z)						
	Planning	Historic Preservation Board	Board of Adjustment	Planning Commission	City Council	Appeal Panel
Allowed Use	X					
Historic District Design Review	X		z			
Administrative Permits	X			z		
Conditional Use				X		z
Conditional Use Admin.	X			z		
Determination of Significance		X	z			
MPD				X		z

Determination of Non-Conforming Use and Non-Complying Structures	X		Z			
Change of Non-Conforming Use			X			
Historic Preservation Board for Material Deconstruction		X	Z			
Plat Amendment				[y Recommendation to CC] X	[X]	Z
Variance		X				
Subdivision and Condominium Plats				[y Recommendation to CC] X	[X]	Z
Annexation and Zoning				y Recommendation to CC	X	
Zoning Appeal			X			
LMC Amendments				y Recommendation to CC	X	

32 **15-1-12 Notice**

33 All notice of public hearing, unless otherwise specified in this Code or State law, must
34 be provided in accordance with this Section and must state the general nature of the
35 proposed action; describe the land affected; and state the time, place, and date of the
36 hearing. Once opened, the hearing may be continued, if necessary, without
37 republication of notice until the hearing is closed. Notice shall be given according to
38 Section 15-1-21 Notice Matrix and as follows:

39 A. **POSTED NOTICES**. The Planning Department must post notice on the Property
40 affected by the Application and as further specified in Section 15-1-21 Notice
41 Matrix.

42 B. **PUBLISHED NOTICE**. Published notice shall be given by publication ~~[in a~~
43 ~~newspaper having general circulation in Park City]~~ on the City website and by
44 publication on the Utah Public Notice Website, as further specified in Section
45 15-1-21 Notice Matrix.

46 C. **MAILED NOTICE**. Pursuant to Section 15-1-21 Notice Matrix for required or
47 courtesy mailed notice to adjacent and surrounding Property Owners, and to
48 Affected Entities, the Applicant must provide the Planning Department with an
49 electronic list of each Property Owner of record of each Parcel located entirely
50 or partly within the distance designated by Application type in Section 15-1-21
51 from all Property Lines of the subject Property, and as further specified in
52 Section 15-1-21 Notice Matrix. The addresses for Property Owners must be as
53 shown on the most recently available Summit County tax assessment rolls. If
54 the Property that is the subject of the Application is a Condominium, the Owners

55 Association is sufficient in lieu of the address for each unit Owner. For courtesy
56 mailed notice that is not a legal requirement per Utah Code, for specific actions
57 and noted herein, and further specified in Section 15-1-21 Notice Matrix, any
58 defect in such courtesy mailed notice shall not affect or invalidate any hearing
59 or action by the City Council or any Board or Commission.

60 D. **APPLICANT NOTICE**. For each land Use Application, the Planning Department
61 must notify the Applicant of the date, time and place of each public hearing and
62 public meeting to consider the Application and of any Final Action on the
63 pending Application. A copy of each Staff report regarding the Applicant or the
64 pending Application shall be provided to the Applicant at least three (3) business
65 days before the public hearing or public meeting. If the requirements of this
66 Subsection are not met, an Applicant may waive the failure so that the Applicant
67 may stay on the agenda and be considered as if the requirements had been
68 met.

69 E. **EFFECT OF NOTICE**. Proof that notice was given pursuant to this Section is
70 prima facie evidence that notice was properly given. If notice given under
71 authority of this Section is not challenged as provided for under State law within
72 thirty (30) days after the date of the hearing or action for which the challenged
73 notice was given, the notice is considered adequate and proper.

74 F. **OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION**.

75 1. **REGISTRATION**. Owners associations desiring notice of requests for
76 Building Permits within their boundaries must file written registration

77 annually with the Park City Building Department and pay an annual fee
78 of fifty dollars (\$50.00). The registration must consist of a copy of the
79 Owners association's Utah State Business or corporate registration and
80 the names, addresses including post office box numbers, and telephone
81 numbers of at least three (3) authorized representatives of the Owners
82 association and a notarized statement certifying that these individuals
83 are the authorized representatives of said association.

84
85 Associations not registered with the City will not be included in the
86 published list of Owners associations and do not receive notice of
87 Building Permit requests prior to their issuance.

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

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

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

98 3. **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes
99 between an Applicant and an Owners association. Nothing herein shall

100 be interpreted to require Owners association consent prior to City Final
101 Action. This notice is courtesy notice only.

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

107 HISTORY

- 108 *Adopted by Ord. [00-25](#) on 3/30/2000*
- 109 *Amended by Ord. [02-57](#) on 12/19/2002*
- 110 *Amended by Ord. [06-22](#) on 4/27/2006*
- 111 *Amended by Ord. [09-10](#) on 3/5/2009*
- 112 *Amended by Ord. [11-05](#) on 1/27/2011*
- 113 *Amended by Ord. [12-37](#) on 12/20/2012*
- 114 *Amended by Ord. [2016-44](#) on 9/15/2016*
- 115 *Amended by Ord. [2020-34](#) on 7/9/2020*
- 116 *Amended by Ord. [2022-16](#) on 5/26/2022*

117

118 **15-1-21 Notice Matrix**

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)			
ACTION:	POSTED [(ON THE CITY WEBSITE OR IN	MAILING:	PUBLISHED [(IN A NEWSPAPER OF

	<p><u>AT LEAST THREE (3) PUBLIC PLACES] IN A PUBLIC LOCATION WITHIN THE CITY:</u></p>		<p><u>GENERAL CIRCULATION WITHIN] ON THE CITY WEBSITE AND ON THE UTAH PUBLIC NOTICE WEBSITE:</u></p>
<p>ZONING AND REZONING</p>	<p>[44] <u>10</u> days prior to the first hearing before Planning Commission and City Council <u>in the area to be zoned or rezoned</u>. Any subsequent hearings shall be posted at least 24 hours prior to hearing.</p>	<p>Required mailing [44] <u>10</u> days prior to the first hearing to each <u>resident in the area to be zoned or rezoned</u> Affected Entity and to each Property Owner whose property is at least partially within the area to be zoned or rezoned.</p>	<p>[44] <u>10</u> days prior to the first hearing before the Planning Commission and City Council. <u>Any subsequent hearings shall be so published at least 24 hours prior to hearing.</u></p>
<p>LMC AMENDMENTS</p>	<p>[44] <u>10</u> days prior to the first hearing before Planning Commission and City Council <u>in a place reasonably likely to be seen residents</u>. Any subsequent hearings shall be posted at least 24 hours prior to hearing.</p>	<p>Required mailing [44] <u>10</u> days prior to first hearing to each Affected Entity <u>and to each resident and Property Owner in the area directly affected by the amendments</u>.</p>	<p>[44] <u>10</u> days prior to the first hearing before the Planning Commission and City Council. <u>Any subsequent hearings shall be so published at least 24 hours prior to hearing.</u></p>
<p>GENERAL PLAN AMENDMENTS</p>	<p>[44] <u>10</u> days prior to the first hearing before Planning Commission and City Council <u>in a place reasonably likely</u></p>	<p>Required mailing [44] <u>10</u> days prior to first hearing to each Affected Entity.</p>	<p>[44] <u>10</u> days prior to the first hearing before the Planning Commission and City Council.</p>

	<u>to be seen by residents.</u> Any subsequent hearings shall be posted at least 24 hours prior to hearing.		
MASTER PLANNED DEVELOPMENTS (MPD)	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing, to Property Owners within 300 ft.	14 days prior to the first hearing.
APPEALS OF PLANNING DIRECTOR, HISTORIC PRESERVATION BOARD, OR PLANNING COMMISSION DECISIONS OR CITY COUNCIL CALL-UP AND RECONSIDERATION	14 days prior to the date set for the appeal, reconsideration, or call-up hearing (See Section 15-1-18).	Courtesy mailing 14 days prior to the appeal, reconsideration, or call-up hearing, to all parties who received mailed notice for the action being appealed (See Section 15-1-18).	14 days prior to the date set for the appeal, reconsideration, or call-up hearing (See Section 15-1-18).
CONDITIONAL USE PERMIT	14 days prior to the first hearing before the Planning Commission.	Courtesy mailing 14 days prior to the first hearing before the Planning Commission, to property Owners within 300 ft.	No published notice required.
ADMINISTRATIVE CONDITIONAL USE PERMIT	10 days prior to Final Action.	Courtesy mailing 10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
ADMINISTRATIVE PERMIT	10 days prior to Final Action.	Courtesy mailing 10 days prior to Final Action, to adjacent	No published notice required.

		affected Property Owners.	
VARIANCE REQUESTS, NON-CONFORMING USE MODIFICATIONS AND APPEALS TO BOARD OF ADJUSTMENT	14 days prior to the first hearing before the Board of Adjustment.	Courtesy mailing 14 days prior to the first hearing before the Board of Adjustment, to owners within 300 ft.	14 days prior to the first hearing before the Board of Adjustment.
CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the first hearing before the CAD Hearing Board.	Courtesy mailing 14 days prior to the first hearing before the Historic Preservation Board, to Property Owners within 300 ft.	14 days prior to the first hearing before the Historic Preservation Board.
DETERMINATION OF SIGNIFICANCE	14 days prior to the first hearing before the Historic Preservation Board.	Courtesy mailing 14 days prior to the first hearing before the Historic Preservation Board to property owners within 100 feet.	14 days prior to the first hearing before the Historic Preservation Board.
HISTORIC PRESERVATION BOARD REVIEW FOR MATERIAL DECONSTRUCTION	14 days prior to the first hearing before the Historic Preservation Board.	Courtesy mailing 14 days prior to the first hearing before the Historic Preservation Board to property owners within 100 feet.	14 days prior to the first hearing before the Historic Preservation Board.
HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of	First Courtesy Mailing: To Property Owners within 100 feet once a Complete Application has been received, establishing a 14 day	If appealed, then once 14 days before the date set for the appeal.

	<p>the public hearing shall be indicated in the first posting. Other posted legal notice not required.</p> <p>Second Posting: For a 30 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated.</p> <p>Second Courtesy Mailing: To Property Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 30 day period after which the Planning Department's</p>	
--	--	--	--

		decision may be appealed.	
ANNEXATIONS	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
TERMINATION OF PROJECT APPLICATIONS	-----	Required mailing to Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	-----
LOT LINE ADJUSTMENTS: BETWEEN 2 LOTS WITHOUT A PLAT AMENDMENT	10 days prior to Final Action on the Property. Other posted legal notice not required.	Courtesy mailing to Property Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from all adjacent Owners.	No published notice required.
PRELIMINARY AND FINAL SUBDIVISION PLAT APPLICATIONS	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission [and City Council] .
CONDOMINIUM PLATS	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission [and City Council] .
CONDOMINIUM PLAT AMENDMENTS	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first	14 days prior to the first hearing before the

		hearing, to Property Owners within 300 ft.	Planning Commission [and City Council].
SUBDIVISION PLAT AMENDMENTS	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing, to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission [and City Council].
IMPLEMENTING AN AMENDMENT TO ADOPTED SPECIFICATIONS FOR PUBLIC IMPROVEMENTS THAT APPLY TO A SUBDIVISION OR DEVELOPMENT		The City shall give a thirty (30) day mailed notice and an opportunity to comment to anyone who has requested the notice in writing.	
VACATING OR CHANGING A PUBLIC STREET, RIGHT-OF-WAY, OR EASEMENT	[44] 10 days prior to each hearing before the City Council on or [near] adjacent to the Street, Right-of-Way, or easement <u>or</u> in a [manner] public location that is [calculated to alert the public] <u>reasonably likely to be seen by persons who are likely to be impacted.</u>	Required mailing to each Property Owner of record of each Parcel or Lot that is accessed by the Public Street, Right-of-Way or easement <u>and each Affected Entity</u> at least [44] 10 days prior to the hearing before the City Council.	[44] 10 days prior to the hearing before the City Council.
EXTENSION OF APPROVALS	Posted notice shall be the same as required for the original application.	Mailed notice shall be the same as required for the original application.	Published notice shall be the same as required for the original application.

- 1) For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.
- 2) All notices, unless otherwise specified in this Code or by State law, must state the general nature of the proposed action; describe the land affected; and state the time, place and date of the hearing. Once opened, the hearing may be continued, if necessary, without re-publication of notice until the hearing is closed.
- 3) A copy of each Staff report regarding the Applicant, or the pending Application, shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting.
- 4) If notice provided per this Section is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.
- 5) All days listed are the minimum number of days required.

Appendix A – Official Zoning Map (Refer to the Planning Department)

119

120 **15-2.1-6 Development On Steep Slopes**

121 Development on Steep Slopes must be environmentally sensitive to hillside Areas,
122 carefully planned to mitigate adverse effects on neighboring land and Improvements,
123 and consistent with the Design Guidelines for Historic Districts and Historic Sites
124 Chapter 15-13 and Architectural Review Chapter 15-5.

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

129 **A. Steep Slope Determination.**

130 1. A Steep Slope Conditional Use permit ~~[or Administrative Conditional Use~~
131 ~~Permit]~~ is required for construction of any Structure with a Building

132 Footprint in excess of two hundred square feet (200 sq. ft.) if said Building
133 Footprint is located on or projecting over an existing Slope of thirty percent
134 (30%) or greater.

135 2. A Steep Slope Conditional Use permit ~~[or Administrative Conditional Use~~
136 ~~Permit]~~ is required for construction of any addition to an existing Structure,
137 when the Building Footprint of the addition is in excess of two hundred
138 square feet (200 sq. ft.), if the Building Footprint of the addition is located
139 on or projecting over an existing Slope of thirty percent (30%) or greater.

140 3. A Steep Slope Conditional Use permit ~~[or Administrative Conditional Use~~
141 ~~Permit]~~ is required for any Access driveway located on or projecting over
142 an existing Slope of (30%) or greater.

143 B. ~~Permits Required.~~

144 1. ~~On Lots with 3,750 square feet or less, an Administrative Conditional Use~~
145 ~~Permit shall be processed by the Planning Department.~~

146 2. ~~On Lots greater than 3,750 square feet, a Conditional Use Permit is~~
147 ~~required. The Planning Department shall review all Steep Slope~~
148 ~~Conditional Use permit Applications and forward a recommendation to the~~
149 ~~Planning Commission.]~~

150 C. Conditional Use Permit Criteria.

151 The Planning Commission may review Steep Slope Conditional Use permit
152 Applications as Consent Calendar items. Steep Slope Conditional Use permit
153 Applications shall be subject to the following criteria:

- 154 1. **LOCATION OF DEVELOPMENT.** Development is located and designed
155 to reduce visual and environmental impacts of the Structure.
- 156 2. **VISUAL ANALYSIS.** The Applicant must provide the Planning
157 Department with a visual analysis of the project from key Vantage Points:
- 158 a. To determine potential impacts of the proposed Access, and
159 Building mass and design; and
- 160 b. To identify the potential for Screening, Slope stabilization, erosion
161 mitigation, vegetation protection, and other design opportunities.
- 162 3. **ACCESS.** Access points and driveways must be designed to minimize
163 Grading of the natural topography and to reduce overall Building scale.
164 Shared Driveways and Parking Areas, and side Access to garages are
165 strongly encouraged, where feasible.
- 166 4. **TERRACING.** The project may include terraced retaining Structures if
167 necessary to regain Natural Grade.
- 168 5. **BUILDING LOCATION.** Buildings, Access, and infrastructure must be
169 located to minimize cut and fill that would alter the perceived natural
170 topography of the Site. The Site design and Building Footprint must
171 coordinate with adjacent Properties to maximize opportunities for open
172 Areas and preservation of natural vegetation, to minimize driveway and
173 Parking Areas, and to provide variation of the Front Yard.
- 174 6. **BUILDING FORM AND SCALE.** Where Building masses orient against
175 the Lot's existing contours, the Structures must be stepped with the Grade
176 and broken into a series of individual smaller components that are

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

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

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

193 9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL
194 District is twenty-seven feet (27') and is restricted as stated above in
195 Section 15-2.1-5. The ~~[Planning Director and/or]~~ Planning Commission
196 may require a reduction in Building Height for all, or portions, of a
197 proposed Structure to minimize its visual mass and/or to mitigate
198 differences in scale between a proposed Structure and the Historic
199 character of the neighborhood's existing residential Structures.

200 HISTORY

201 *Adopted by Ord. [00-15](#) on 3/2/2000*

202 *Amended by Ord. [06-56](#) on 7/27/2006*

203 *Amended by Ord. [09-10](#) on 3/5/2009*

204 *Amended by Ord. [09-14](#) on 4/9/2009*

205 *Amended by Ord. [15-35](#) on 10/12/2015*

206 *Amended by Ord. [2016-44](#) on 9/15/2016*

207 *Amended by Ord. [2019-07](#) on 1/29/2019*

208 *Amended by Ord. [2020-42](#) on 9/17/2020*

209 **15-2.2-6 Development On Steep Slopes**

210 Development on Steep Slopes must be environmentally sensitive to hillside Areas,
211 carefully planned to mitigate adverse effects on neighboring land and Improvements,
212 and consistent with the Design Guidelines for Historic Districts and Historic Sites
213 Chapter 15-13 and Architectural Review Chapter 15-5.

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

218 A. **Steep Slope Determination.**

- 219 1. A Steep Slope Conditional Use permit ~~[or Administrative Conditional Use~~
220 ~~Permit]~~ is required for construction of any Structure with a Building
221 Footprint in excess of two hundred square feet (200 sq. ft.) if said Building

222 Footprint is located on or projecting over an existing Slope of thirty percent
223 (30%) or greater.

224 2. A Steep Slope Conditional Use permit [~~or Administrative Conditional Use~~
225 ~~Permit~~] is required for construction of any addition to an existing Structure,
226 when the Building Footprint of the addition is in excess of two hundred
227 square feet (200 sq. ft.), if the Building Footprint of the addition is located
228 on or projecting over an existing Slope of thirty percent (30%) or greater.

229 3. A Steep Slope Conditional Use permit [~~or Administrative Conditional Use~~
230 ~~Permit~~] is required for any Access driveway located on or projecting over
231 an existing Slope of (30%) or greater.

232 ~~B. Permits Required.~~

233 ~~1. On Lots with 3,750 square feet or less, an Administrative Conditional Use~~
234 ~~Permit shall be processed by the Planning Department.~~

235 ~~2. On Lots greater than 3,750 square feet, a Conditional Use Permit is~~
236 ~~required. The Planning Department shall review all Steep Slope~~
237 ~~Conditional Use permit Applications and forward a recommendation to the~~
238 ~~Planning Commission.]~~

239 C. Conditional Use Permit Criteria.

240 The Planning Commission may review Steep Slope Conditional Use permit
241 Applications as Consent Calendar items. Steep Slope Conditional Use permit
242 Applications shall be subject to the following criteria:

243 1. **LOCATION OF DEVELOPMENT.** Development is located and designed
244 to reduce visual and environmental impacts of the Structure.

- 245 2. **VISUAL ANALYSIS.** The Applicant must provide the Planning
246 Department with a visual analysis of the project from key Vantage Points:
- 247 a. To determine potential impacts of the proposed Access, and
248 Building mass and design; and
- 249 b. To identify the potential for Screening, Slope stabilization, erosion
250 mitigation, vegetation protection, and other design opportunities.
- 251 3. **ACCESS.** Access points and driveways must be designed to minimize
252 Grading of the natural topography and to reduce overall Building scale.
253 Shared Driveways and Parking Areas, and side Access to garages are
254 strongly encouraged, where feasible.
- 255 4. **TERRACING.** The project may include terraced retaining Structures if
256 necessary to regain Natural Grade.
- 257 5. **BUILDING LOCATION.** Buildings, Access, and infrastructure must be
258 located to minimize cut and fill that would alter the perceived natural
259 topography of the Site. The Site design and Building Footprint must
260 coordinate with adjacent Properties to maximize opportunities for open
261 Areas and preservation of natural vegetation, to minimize driveway and
262 Parking Areas, and to provide variation of the Front Yard.
- 263 6. **BUILDING FORM AND SCALE.** Where Building masses orient against
264 the Lot's existing contours, the Structures must be stepped with the Grade
265 and broken into a series of individual smaller components that are
266 Compatible with the District. Low profile Buildings that orient with existing
267 contours are strongly encouraged. The garage must be subordinate in

268 design to the main Building. In order to decrease the perceived bulk of the
269 Main Building, the ~~[Planning Director and/or]~~ Planning Commission may
270 require a garage separate from the main Structure or no garage.

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

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

282 9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL
283 District is twenty-seven feet (27') and is restricted as stated above in
284 Section 15-2.1-5. The ~~[Planning Director and/or]~~ Planning Commission
285 may require a reduction in Building Height for all, or portions, of a
286 proposed Structure to minimize its visual mass and/or to mitigate
287 differences in scale between a proposed Structure and the Historic
288 character of the neighborhood's existing residential Structures.

289 HISTORY

290 *Adopted by Ord. [00-15](#) on 3/2/2000*

291 Amended by Ord. [06-56](#) on 7/27/2006

292 Amended by Ord. [09-10](#) on 3/5/2009

293 Amended by Ord. [09-14](#) on 4/9/2009

294 Amended by Ord. [15-35](#) on 10/12/2015

295 Amended by Ord. [2016-44](#) on 9/15/2016

296 Amended by Ord. [2019-07](#) on 1/29/2019

297 Amended by Ord. [2020-42](#) on 9/17/2020

298 **15-2.3-6 Development On Steep Slopes**

299 Development on Steep Slopes must be environmentally sensitive to hillside Areas,
300 carefully planned to mitigate adverse effects on neighboring land and Improvements,
301 and consistent with the Design Guidelines for Historic Districts and Historic Sites
302 Chapter 15-13 and Architectural Review Chapter 15-5.

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

307 A. **Steep Slope Determination.**

- 308 1. A Steep Slope Conditional Use permit [~~or Administrative Conditional Use~~
309 ~~Permit~~] is required for construction of any Structure with a Building
310 Footprint in excess of two hundred square feet (200 sq. ft.) if said Building
311 Footprint is located on or projecting over an existing Slope of thirty percent
312 (30%) or greater.

- 313 2. A Steep Slope Conditional Use permit ~~[or Administrative Conditional Use~~
314 ~~Permit]~~ is required for construction of any addition to an existing Structure,
315 when the Building Footprint of the addition is in excess of two hundred
316 square feet (200 sq. ft.), if the Building Footprint of the addition is located
317 on or projecting over an existing Slope of thirty percent (30%) or greater.
- 318 3. A Steep Slope Conditional Use permit ~~[or Administrative Conditional Use~~
319 ~~Permit]~~ is required for any Access driveway located on or projecting over
320 an existing Slope of (30%) or greater.

321 ~~B. Permits Required.~~

- 322 ~~1. On Lots with 3,750 square feet or less, an Administrative Conditional Use~~
323 ~~Permit shall be processed by the Planning Department.~~
- 324 ~~2. On Lots greater than 3,750 square feet, a Conditional Use Permit is~~
325 ~~required. The Planning Department shall review all Steep Slope~~
326 ~~Conditional Use permit Applications and forward a recommendation to the~~
327 ~~Planning Commission.]~~

328 C. Conditional Use Permit Criteria.

329 The Planning Commission may review Steep Slope Conditional Use permit
330 Applications as Consent Calendar items. Steep Slope Conditional Use permit
331 Applications shall be subject to the following criteria:

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

- 336 a. To determine potential impacts of the proposed Access, and
337 Building mass and design; and
- 338 b. To identify the potential for Screening, Slope stabilization, erosion
339 mitigation, vegetation protection, and other design opportunities.
- 340 3. **ACCESS.** Access points and driveways must be designed to minimize
341 Grading of the natural topography and to reduce overall Building scale.
342 Shared Driveways and Parking Areas, and side Access to garages are
343 strongly encouraged, where feasible.
- 344 4. **TERRACING.** The project may include terraced retaining Structures if
345 necessary to regain Natural Grade.
- 346 5. **BUILDING LOCATION.** Buildings, Access, and infrastructure must be
347 located to minimize cut and fill that would alter the perceived natural
348 topography of the Site. The Site design and Building Footprint must
349 coordinate with adjacent Properties to maximize opportunities for open
350 Areas and preservation of natural vegetation, to minimize driveway and
351 Parking Areas, and to provide variation of the Front Yard.
- 352 6. **BUILDING FORM AND SCALE.** Where Building masses orient against
353 the Lot's existing contours, the Structures must be stepped with the Grade
354 and broken into a series of individual smaller components that are
355 Compatible with the District. Low profile Buildings that orient with existing
356 contours are strongly encouraged. The garage must be subordinate in
357 design to the main Building. In order to decrease the perceived bulk of the

358 Main Building, the ~~[Planning Director and/or]~~ Planning Commission may
359 require a garage separate from the main Structure or no garage.

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

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

371 9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL
372 District is twenty-seven feet (27') and is restricted as stated above in
373 Section 15-2.1-5. The ~~[Planning Director and/or]~~ Planning Commission
374 may require a reduction in Building Height for all, or portions, of a
375 proposed Structure to minimize its visual mass and/or to mitigate
376 differences in scale between a proposed Structure and the Historic
377 character of the neighborhood's existing residential Structures.

378 HISTORY

379 *Adopted by Ord. [00-15](#) on 3/2/2000*

380 *Amended by Ord. [06-56](#) on 7/27/2006*

- 381 *Amended by Ord. [09-10](#) on 3/5/2009*
- 382 *Amended by Ord. [09-14](#) on 4/9/2009*
- 383 *Amended by Ord. [15-35](#) on 10/12/2015*
- 384 *Amended by Ord. [2016-44](#) on 9/15/2016*
- 385 *Amended by Ord. [2019-07](#) on 1/29/2019*
- 386 *Amended by Ord. [2020-42](#) on 9/17/2020*

387

388 **15-7-4 Authority**

- 389 A. By authority of ordinance of the City Council of Park City, hereinafter referred to
- 390 as "City Council", adopted pursuant to the powers and jurisdictions vested
- 391 through Title 10, Chapters 3 and 9a, and Title 17, Chapter 27a of the Utah Code,
- 392 as amended, and other applicable laws, statutes, ordinances, and regulations of
- 393 the State of Utah, the City Council hereby ~~[exercise]~~ delegates the power and
- 394 authority to review, approve, and disapprove plats for subdividing land within the
- 395 corporate limits of Park City which show Lots, blocks, or Sites with or without new
- 396 Streets or highways to the Planning Commission.
- 397 B. By the same authority, the ~~[City Council]~~ Planning Commission does hereby
- 398 exercise the power and authority to pass and approve Development in
- 399 Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded
- 400 in the office of the County Recorder if such are entirely or partially undeveloped.
- 401 C. The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered
- 402 to be void if:

- 403 1. the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been
404 recorded with the County Recorder's office without a prior approval by the
405 ~~[City Council]~~ Planning Commission, or in the case of a Lot Line
406 Adjustment, its designated responsible official, or
407 2. the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been
408 approved by the ~~[City Council]~~ Planning Commission where the approval
409 has been granted more than three (3) years prior to granting a Building
410 permit, on the partially or entirely undeveloped land and the zoning
411 regulations, either bulk or Use, for the district in which the Subdivision is
412 located, have been changed subsequent to the original final plat,
413 Subdivision, Re-subdivision, or Lot Line Adjustment approval.

414 D. A Transfer of land pursuant to a void plat is voidable.

415 HISTORY

416 *Adopted by Ord. [01-17](#) on 5/17/2001*

417 *Amended by Ord. [06-22](#) on 4/27/2006*

418 *Amended by Ord. [2022-16](#) on 5/26/2022*

419 **15-7-7 Vacation, Alteration Or Amendment Of Plats**

420 The City Council or Planning Commission may, on its own motion, or pursuant to a
421 petition, consider and resolve at a public hearing any proposed vacation, alteration or
422 amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained
423 in a Subdivision plat, as provided in Section 10-9a-608 through 10-9a-611 of the Utah
424 Code as amended. If the amended plat is approved and recorded, the recorded plat
425 shall vacate, supersede, and replace any contrary provision in a previously recorded

426 plat on the same land. The recorded vacating ordinance shall replace a previously
427 recorded plat described in the vacating ordinance.

428 HISTORY

429 *Adopted by Ord. [01-17](#) on 5/17/2001*

430 *Amended by Ord. [06-22](#) on 4/27/2006*

431 *Amended by Ord. [2016-44](#) on 9/15/2016*

432 *Amended by Ord. [2022-16](#) on 5/26/2022*

433 **15-7-10 Enforcement**

434 It shall be the duty of the Planning Director to enforce these regulations and to bring to
435 the attention of the City Attorney any violations or lack of compliance herewith.

436 1. No Owner, or Agent of the Owner, of any Parcel of land located in a proposed
437 Subdivision, shall Transfer or sell any such Parcel before a plat of such
438 Subdivision has been approved by the Planning Commission [~~and City Council~~]
439 in accordance with the provisions of these regulations, and filed with the County
440 Recorder.

441 2. The Subdivision of any Lot or any Parcel of land, by the Use of metes and
442 bounds description for the purpose of sale, Transfer, or lease with the intent of
443 evading these regulations, shall not be permitted. However, the City may
444 approve metes and bounds descriptions for purposes of Lot Line Adjustments,
445 resolving conflicting boundary descriptions, and the recombination of historically
446 platted Properties located within either the Park City/Millsite or Snyder's Addition

447 surveys. All such described Subdivisions shall be subject to all of the
448 requirements contained in these regulations.
449 3. No Building Permit shall be issued for the construction of any Building or
450 Structure located on a Lot or plat subdivided or sold in violation of the provisions
451 of these regulations.

452 HISTORY

453 *Adopted by Ord. [01-17](#) on 5/17/2001*

454 *Amended by Ord. [06-22](#) on 4/27/2006*

455 **15-7.1-2 Procedure**

456 No land shall be subdivided within the corporate limits of Park City until:

- 457 1. The Owner, Applicant and/or Developer or ~~his/her~~ their Agent submit an
458 Application for Subdivision to the Planning Commission through the Park City
459 Planning Department;
- 460 2. The Planning Commission holds a public hearing and ~~[makes a final~~
461 ~~recommendation to the City Council]~~ approves the application; and
- 462 3. ~~[Approval of the Subdivision is obtained by the Planning Commission and City~~
463 ~~Council, or approval by the Planning Director under proper authority; and]~~
- 464 4. The approved ~~[Subdivision]~~ Plat is filed with the County Recorder.

465 HISTORY

466 *Adopted by Ord. [01-17](#) on 5/17/2001*

467 *Amended by Ord. [06-22](#) on 4/27/2006*

468 **15-7.1-4 General Procedure**

469 A. **OFFICIAL SUBMISSION DATES**. At its discretion, the Planning Commission
470 may waive one or more of the steps in the approval process by allowing the
471 Applicant and Developer to combine the requirements of both preliminary and
472 final Subdivision Plats into a single submittal. For the purpose of these
473 regulations, for both major and minor Subdivisions, the date of the regular
474 meetings of the Planning Commission at which the public hearings on final
475 approval of the Subdivision Plat, including any adjourned date thereof, is closed,
476 shall constitute the official submittal date of the plat at which the statutory period
477 required for formal approval or disapproval of the plat shall commence to run.

478 B. **PHASING PLAN REQUIRED**. All residential Subdivisions with more than twenty
479 (20) Lots or Condominiums shall include a phasing plan, which specifies the
480 timing of public improvements and residential construction.

- 481 1. **PHASING PLAN REQUIREMENTS**. A phasing plan shall include:
- 482 a. The number of units or Parcels to be developed in each phase and
483 the timing of each phase.
 - 484 b. The timing of construction of public improvements and Subdivision
485 amenities to serve each phase.
 - 486 c. The relationship between the public improvements in the current
487 Subdivision and contiguous land previously subdivided and yet to
488 be subdivided.

489 2. **MASTER PLANNED DEVELOPMENT**. If the Subdivision is in an Area
490 covered by an approved Master Planned Development, which has a

491 phasing plan, the phasing plan for the Subdivision shall be consistent with
492 the phasing plan for the Master Planned Development.

493 3. **REVISIONS.** An Applicant may request a revision of the phasing plan,
494 which may be necessary due to such conditions as changing market
495 conditions, inclement weather or other factors.

496 C. **COORDINATION OF MULTIPLE APPLICATIONS.** It is the intent of these
497 regulations that Subdivision review be carried out simultaneously with the review
498 of Master Planned Developments. Required Applications shall be submitted in a
499 form to satisfy both the requirements of the Subdivision regulations and Master
500 Planned Development provisions of the Land Management Code. Any project
501 falling within the Sensitive Lands Area Overlay Zone may be subject to additional
502 requirements and regulations as outlined in the Sensitive Area Overlay Zone
503 Regulations.

504 HISTORY

505 *Adopted by Ord. [01-17](#) on 5/17/2001*

506 **15-7.1-6 Final Subdivision Plat**

507 A. **APPLICATION PROCEDURE AND REQUIREMENTS.** Following approval of the
508 Preliminary Plat, if necessary, the Applicant~~[, if he wishes to proceed with the~~
509 ~~Subdivision,]~~ shall file with the Planning Department an Application for approval
510 of a final Subdivision Plat. The Application shall:

511 1. Be made on forms available at the Planning Department and determined
512 complete. A complete Application shall include all elements of the

513 Subdivision and shall produce all information required by the Subdivision
514 Application.

515 2. Include all contiguous holdings of the Owner, unless specifically waived by
516 the Planning Department and Planning Commission, including land in the
517 "same ownership," as defined herein, with an indication of the portion
518 which is proposed to be subdivided, accompanied by an affidavit of
519 ownership, which shall include the dates the respective holdings of land
520 were acquired, together with the book and page of each conveyance to
521 the present Owner as recorded in the County Recorder's office. The
522 affidavit shall advise as to the legal Owner of the Property, the contract
523 Owner of the Property, the date a contract of sale was executed, and, if
524 any corporations are involved, a copy of the resolution legally empowering
525 the Applicant to make the Application.

526 3. Include the entire Subdivision, or section thereof, which derives access
527 from an existing state, county or local government highway.

528 B. **REVIEW OF FINAL SUBDIVISION PLAT.** The Planning Department staff shall
529 schedule the Final Plat Application for review by the Development Review
530 Committee, including officials or agencies of the local government, adjoining
531 counties or municipalities, school and special districts, and other official bodies
532 as it deems necessary or as mandated by law, including any review required by
533 metropolitan, regional, or state bodies under applicable state or federal law.

534

535 The Planning Department shall request that all officials and agencies, to whom a

536 request for review has been made, submit their report to the Staff. The Staff will
537 consider all the reports submitted by the officials and agencies concerning the
538 Final Subdivision Plat and shall submit a report for proposed action to the
539 Planning Commission.

540
541 Once an Application is received, the Staff will work diligently to review the
542 Application, as quickly as time and workload allows. The scale or complexity of a
543 project or Staff workload may necessitate a longer processing period. In such
544 cases the Staff will notify the Applicant when an Application is filed as to the
545 projected time frame.

546 C. **PLANNING COMMISSION ~~[AND CITY COUNCIL]~~ REVIEW OF FINAL**

547 **SUBDIVISION PLAT.** The Planning Commission shall review the Final
548 Subdivision Plat and the report of the Staff, taking into consideration
549 requirements of the Land Management Code, the General Plan, and any Master
550 Plan, site plan, or Sensitive Lands Analysis approved or pending on the Property.
551 Particular attention will be given to the arrangement, location and width of Streets
552 and their relation to sewerage disposal, drainage, erosion, topography and
553 natural features of the Property, location of Physical Mine Hazards and Geologic
554 Hazards, Lot sizes and arrangement, the further Development of adjoining lands
555 as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat
556 was required), and requirements of the Official Zoning Map and Streets Master
557 Plan, as adopted by the Planning Commission and City Council.

558

559 The Planning Commission shall make a finding as to Good Cause prior to
560 ~~[making a positive recommendation to City Council]~~ taking Final Action.

561 1. The Planning Commission shall give notice pursuant to Section 15-1-12
562 ~~[of this Code]~~ and hold a public hearing on the proposed final Subdivision
563 Plat before ~~[making its final recommendation to the City Council]~~ taking
564 Final Action.

565 2. After considering the final Subdivision Plat and proposed ordinance, the
566 Planning Commission shall ~~[recommend to the City Council approval or~~
567 ~~disapproval]~~ take Final Action [of the Subdivision Application] and set forth
568 in detail any conditions to which the approval is subject, or the reasons for
569 disapproval.

570 3. ~~[The City Council may adopt or reject the ordinance either as proposed by~~
571 ~~the Planning Commission or by making any revision it considers~~
572 ~~appropriate.]~~

573 4. In the ~~[final ordinance]~~ Final Action the ~~[City Council]~~ Planning
574 Commission shall stipulate the period of time when the Final Plat shall be
575 recorded and when the performance Guarantee shall be filed or the
576 required improvements installed, whichever is applicable. Provided,
577 however, that no plats will be approved or released for recording until
578 necessary Guarantees have been established in accordance with the
579 Land Management Code. In no event shall the period of time stipulated by
580 the ~~[City Council]~~ Planning Commission for completion of required
581 improvements exceed two (2) years from the date of Final Action.

582 5. Extension of Approval. Applicants may request time extensions of the
583 Planning Commission ~~[City Council]~~ approval by submitting a request in
584 writing to the Planning Department prior to expiration of the approval. The
585 ~~[City Council]~~ Planning Director may grant an extension to the expiration
586 date when the Applicant is able to demonstrate no change in circumstance
587 that would result in an unmitigated impact or that would result in a finding
588 of non-compliance with the Park City General Plan or the Land
589 Management Code in effect at the time of the extension request. Change
590 in circumstance includes physical changes to the Property or
591 surroundings. Notice shall be provided consistent with the requirements
592 for a Final Plat in Section 15-1-12.

593 D. **SUBMISSION AND REVIEW**. Subsequent to the ~~[resolution]~~ approval of the
594 Planning Commission, one

595 1. paper copy of the construction plans, and one copy of the original
596 Subdivision Plat on paper shall be submitted to the Planning Department
597 for final review. No final approval shall be endorsed on the plat until the
598 staff's review has indicated that all requirements of the ~~[ordinance]~~
599 approval have been met.

600 E. **VESTED RIGHTS**. Vesting for purposes of zoning occurs upon the filing of a
601 complete Application provided, however, that no vested rights shall accrue to any
602 plat by reason of preliminary or final approval until the actual signing of the plat
603 by the ~~[Chairman of the]~~ Planning Commission Chair and the Mayor of Park City.
604 All requirements, conditions, or regulations adopted by the Planning Commission

605 ~~[and City Council]~~ applicable to the Subdivision or to all Subdivisions generally
606 shall be deemed a condition for any Subdivision prior to the time of the signing of
607 the Final Plat by the ~~[Chairman of the]~~ Planning Commission Chair and Mayor.
608 Where the Planning Commission ~~[or Council]~~ has required the installation of
609 improvements prior to signing of the Final Plat, the Planning Commission ~~[or~~
610 Council] shall not unreasonably modify the conditions set forth in the final
611 approval.

612 F. **LOT LINE ADJUSTMENTS**. The Planning Director may approve a Lot Line
613 Adjustment between two (2) Lots without a plat amendment, within the corporate
614 limits of Park City, if:

- 615 1. the Owners of both Lots demonstrate, to the satisfaction of the Planning
616 Director that:
 - 617 a. no new developable Lot or unit results from the Lot Line
618 Adjustment;
 - 619 b. all Owners of Property contiguous to the adjusted Lot(s) or to Lots
620 owned by the Applicant(s) which are contiguous to the adjusted
621 Lot(s), including those separated by a public Right-of-Way, consent
622 to the Lot Line Adjustment;
 - 623 c. the Lot Line Adjustment does not result in remnant land;
 - 624 d. the Lot Line Adjustment, and resulting Lots comply with LMC
625 Section 15-7.3 and are compatible with existing lot sizes in the
626 immediate neighborhood;

- 627 e. the Lot Line Adjustment does not result in violation of applicable
628 zoning requirements;
- 629 f. neither of the original Lots were previously adjusted under this
630 section;
- 631 g. written notice was mailed to all Owners of Property within three
632 hundred feet (300') and neither any Person nor the public will be
633 materially harmed by the adjustment; and
- 634 h. the City Engineer and Planning Director authorizes the execution
635 and recording of an appropriate deed and Plat, to reflect that the
636 City has approved the Lot Line Adjustment.
- 637 i. Extension of Approval. Applicants may request time extensions of
638 the Lot Line Adjustment approval by submitting a request in writing
639 to the Planning Department prior to expiration of the approval. The
640 Planning Director shall review all requests for time extensions of
641 Lot Line Adjustments and may grant a one year extension.
- 642
- 643 Extension requests may be granted when the Applicant is able to
644 demonstrate no change in circumstance that would result in an
645 unmitigated impact or that would result in a finding of non-
646 compliance with the Park City General Plan or the Land
647 Management Code in effect at the time of the extension request.
648 Change in circumstance includes physical changes to the Property

649 or surroundings. Notice shall be provided consistent with the
650 requirements for Lot Line Adjustments in Section 15-1-12.

651 2. If, based upon non-compliance with Subsection (1), the Planning Director
652 denies the Lot Line Adjustment, the Director shall inform the Applicant(s)
653 in writing of the reasons for denial, of the right to appeal the decision to
654 the Planning Commission, and of the right to file a formal plat amendment
655 Application.

656 **G. COMBINATION OF ADJOINING CONDOMINIUM UNITS WITH A**
657 **CONDOMINIUM PLAT.**

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

- 662 a. remove or alter a partition between the unit owner's unit and the
663 acquired unit, even if the partition is entirely or partly common
664 areas and facilities; or
- 665 b. create an aperture to the adjoining unit or portion of a unit.

666 2. A unit owner may not take this action if such action would:

- 667 a. impair the structural integrity or mechanical systems of the building
668 or either unit;
- 669 b. reduce the support of any portion of the common areas and
670 facilities or another unit;

- 671 c. constitute a violation of Utah Code Section 10-9a-608, as
672 amended, or violate any section of this code of the IBC.
- 673 3. Approval of a condominium plat amendment to combine units does not
674 change an assessment or voting right attributable to the unit owner's unit
675 or the acquired unit, unless the declaration provides otherwise.

676 HISTORY

- 677 *Adopted by Ord. [01-17](#) on 5/17/2001*
- 678 *Amended by Ord. [06-22](#) on 4/27/2006*
- 679 *Amended by Ord. [11-05](#) on 1/27/2011*
- 680 *Amended by Ord. [15-35](#) on 10/12/2015*
- 681 *Amended by Ord. [2018-24](#) on 5/31/2018*

682 **15-7.1-7 Signatures And Recording Of The Plat**

683 A. **SIGNING OF PLAT.**

- 684 1. When a Guarantee is required, the ~~[Chairman of the]~~ Planning
685 Commission Chair and Mayor shall endorse approval on the plat after the
686 Guarantee has been approved by the City Council, or its administrative
687 designee and all the conditions of the ordinance pertaining to the plats
688 have been satisfied.
- 689 2. When installation of improvements prior to plat recordation is required, the
690 ~~[Chairman of the]~~ Planning Commission Chair and Mayor shall endorse
691 approval on the plat after all conditions of the ~~[ordinance]~~ approval have
692 been satisfied and all improvements satisfactorily completed. There shall

693 be written evidence that the required public facilities have been installed in
694 a manner satisfactory to the City as shown by a certificate signed by the
695 City Engineer and City Attorney that the necessary dedication of public
696 lands and improvements has been accomplished.

697 3. The plat shall be signed by the City Engineer, City Attorney and the City
698 Recorder, if the plat meets the requirements herein.

699 4. The plat shall conform to City ordinances and be approved by the culinary
700 water authority, the sanitary sewer authority, the County GIS
701 Coordinator/Addressing Authority, and the local health department, if the
702 local health department and the City consider the local health
703 department's approval necessary.

704 5. The City may withhold an otherwise valid plat approval until the Owner of
705 the land provides the City ~~[Council]~~ with a tax clearance indicating that all
706 taxes, interest, and penalties owing on the land have been paid.

707 6. A Subdivision Plat recorded without the required signatures is void.

708 B. **SUBMISSION OF PLAT TO THE UTAH AUTOMATED GEOGRAPHIC**

709 **REFERENCE CENTER.** Staff shall submit an approved plat to the Utah
710 Automated Geographic Reference Center within thirty (30) days of the date of
711 ~~[City Council]~~ Planning Commission approval to provide data for the unified
712 statewide 911 emergency database.

713 C. **RECORDING OF PLAT.** It shall be the responsibility of the Developer's licensed

714 title company to file the original Mylar plat with the County Recorder within thirty
715 (30) days of the date of signature. Simultaneously with the filing of the plat, the

716 licensed title company shall record the agreement of dedication together with
717 such legal documents as shall be required to be recorded by the City Attorney.

718 D. **SECTIONALIZING MAJOR SUBDIVISION PLATS**. Prior to granting final
719 approval of a Major Subdivision Plat, the Planning Commission [~~and City Council~~]
720 may permit the plat to be divided into two (2) or more sections and may impose
721 such conditions upon the filing of the sections as it may deem necessary to
722 assure the orderly Development of the plat. The Planning Commission [~~and City~~
723 ~~Council~~] may require that the performance Guarantee be in such amount as is
724 commensurate with the section or sections of the plat to be filed and may defer
725 the remaining required performance Guarantee principal amount until the
726 remaining sections of the plat are presented for filing. The Developer may also
727 file irrevocable offers to dedicate Streets and public improvements only in those
728 sections submitted to be filed and defer filing offers of dedication for the
729 remaining sections until such sections, subject to any additional conditions
730 imposed by the Planning Commission, and offers shall be granted concurrently
731 with final approval of the balance of the plat. The approval of all remaining
732 sections not filed with the County Recorder shall automatically expire unless
733 such sections have been approved for filing by the Planning Commission, all fees
734 paid, all instruments and offers of dedication submitted and performance
735 Guarantees approved and actually filed with the County Recorder within one (1)
736 year of the date of final Subdivision approval of the Subdivision Plat. See Section
737 15-7.1-6 of these regulations.

738 HISTORY

739 *Adopted by Ord. [01-17](#) on 5/17/2001*

740 *Amended by Ord. [06-22](#) on 4/27/2006*

741 *Amended by Ord. [2016-44](#) on 9/15/2016*

742 *Amended by Ord. [2020-15](#) on 3/5/2020*

743

744 **15-12-15 Review By Planning Commission**

745 A. General planning and review of specific Development projects by the Planning
746 Commission shall be divided into the following functions:

- 747 1. City General Plan and General Plan amendments review and
748 recommendation to City Council;
- 749 2. Annexation and zoning review with recommendation to City Council;
- 750 3. Land Management Code and re-zoning review with recommendation to
751 City Council;
- 752 4. Subdivision approval [~~with recommendation to City Council~~];
- 753 5. Master Planned Development and Affordable Master Planned
754 Development approval;
- 755 6. Conditional Use permit ratification of findings of fact, conclusions of law
756 and conditions of approval, if applicable;
- 757 7. Consent agenda items;
- 758 8. Review of appeals of Planning Director Final Action on land use
759 applications;

- 760 9. Subdivision and Condominium plat and plat amendment approval [~~review~~
- 761 ~~with recommendation to City Council~~];
- 762 10. Sensitive Lands review; and
- 763 11. Extension of Conditional Use permit and Master Planned Development
- 764 approvals.

765 B. The scope of review for each of these functions is as follows:

766 1. **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have

767 the primary responsibility to initiate and update the City General Plan,

768 including planning for adequate Streets and utilities, parks, trails,

769 recreation facilities, housing, and open space. The Commission shall

770 consider long-range zoning and land use objectives, protection of

771 Sensitive Lands, and shall conduct periodic review of existing plans to

772 keep them current.

773 2. **ANNEXATION REVIEW.** The Commission shall review all annexation

774 requests according to the Utah State Code regarding annexations,

775 including Section 10-2-401.5, regarding adoption of an annexation policy

776 plan, and shall make a recommendation to City Council for action. The

777 Commission shall recommend zoning on land to be annexed.

778 3. **LAND MANAGEMENT CODE AND REZONING REVIEW.** The

779 Commission shall initiate or recommend zone changes and review the

780 Land Management Code Development standards within zones. The

781 Commission shall hear all requests for zone changes and forward a

782 recommendation to City Council for action. The Commission shall have

783 the primary responsibility to review amendments to the Land Management
784 Code and shall forward a recommendation to the City Council.

785 4. **SUBDIVISION APPROVAL.** The Planning Commission shall review all
786 applications for Subdivisions under the provisions of the ~~[Park City~~
787 ~~Subdivision Control Ordinance in Section]~~ Chapter 15-7 ~~[15, Chapter 7]~~.

788 5. **MASTER PLANNED DEVELOPMENT AND AFFORDABLE MASTER**
789 **PLANNED DEVELOPMENT APPROVAL.** The Planning Commission
790 shall review proposals for Master Planned Development pursuant to
791 Chapter 15-6 and Affordable Master Planned Development pursuant to
792 Chapter 15-6.1.

793 6. **RATIFICATION OF CONDITIONAL USE PERMITS.** The Planning
794 Commission has the authority to review and ratify or overturn all actions of
795 the Planning Department regarding Conditional Use permits. In reviewing
796 requests for Conditional Use permits, the Commission shall consider the
797 Conditional Use process and review criteria as stated in Section 15-1-10.
798 In approving or denying a Conditional Use permit the Commission shall
799 ratify and include in the minutes of record the findings of fact, conclusions
800 of law, and conditions of approval, if applicable, upon which the decision
801 to approve or deny was based.

802 7. **CONSENT AGENDA ITEMS.** The following items may be placed on the
803 consent agenda, if the Application is uncontested, or if a public hearing
804 has already been conducted and has been closed by formal action of the
805 Planning Commission:

- 806 1. Conditional Use permits, including Steep Slope Conditional Use
807 permits;
- 808 2. Plat and plat amendment approvals;
- 809 3. Requests for time extensions of Conditional Use permit, Master
810 Planned Development, and plat approvals;
- 811 4. Other items of a perfunctory nature, which the Chair directs the
812 Department to place on the consent agenda for action.

813 All items on the consent agenda shall be passed or denied by a single
814 motion at the Commission meeting, unless a motion to remove a specific
815 item is made. If a member of the public or a member of the Planning
816 Commission requests a public hearing on a consent agenda item, then the
817 item shall be removed from the consent agenda. When an item is
818 removed from the consent agenda, it shall be acted on at the same
819 meeting at which the removal occurs, unless the Applicant requests the
820 item be continued in order to prepare additional information to respond to
821 the Commissions concerns.

- 822 **8. REVIEW OF APPEALS OF THE PLANNING STAFF'S FINAL ACTION**
823 **ON A LAND USE APPLICATION.** See Section 15-1-18.
- 824 **9. SUBDIVISION AND CONDOMINIUM PLAT AND PLAT AMENDMENT**
825 **REVIEW.** The Commission shall review all plats affecting land within the
826 City limits or annexations to the City, according to [\[Section 15-7\] Chapter](#)
827 [15-7](#). The scope of review on plat approval is limited to finding substantial

828 compliance with the provisions of the state statute on recording of plats,
829 and that all previously imposed conditions of approval, whether imposed
830 by the Staff or the Commission have been satisfied.

831
832 Upon finding that the plat is in compliance with the state statute, and that
833 conditions of approval have been satisfied, the plat must be approved.

834 ~~[The City Engineer, City Attorney, City Recorder, City Council, and Mayor~~
835 ~~shall all review the plat as required by statute before recording. Plats may~~
836 ~~be approved on the consent agenda.]~~

837 **10. SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive
838 Lands Area Overlay Zone is subject to additional requirements and
839 regulations as outlined in the Sensitive Area Overlay Zone Regulations,
840 Chapter 15-2.21.

841 **11. EXTENSION OF CUP AND MPD APPROVAL.** See Sections 15-1-10(G)
842 and 15-6-4(J) ~~[extension of Conditional Use Permit, Section 15-1-10(G)~~
843 ~~and MPD Section 15-6-4(H), Length of Approval].~~

844 HISTORY

845 *Adopted by Ord. [01-17](#) on 5/17/2001*

846 *Amended by Ord. [06-35](#) on 6/8/2006*

847 *Amended by Ord. [09-10](#) on 3/5/2009*

848 *Amended by Ord. [10-11](#) on 4/1/2010*

849 *Amended by Ord. [11-05](#) on 1/27/2011*

850 Amended by Ord. [2018-24](#) on 5/31/2018

851 Amended by Ord. [2022-16](#) on 5/26/2022

852