

Planning Commission Staff Report



Planning Department

Subject: Land Management Code
Amendments
Author: Kirsten Whetstone, AICP
Date: August 22, 2012
Type of Item: Legislative – Work Session

Summary Recommendations

The Planning Commission should review and discuss at work session, the proposed amendments to the Land Management Code (LMC) for the following changes:

- Chapter One- General Provisions and Procedures
 - review process for Historic District Design Review applications and Administrative CUP
 - revisions to appeals processes
 - revisions to notice matrix
- Chapter Two- Zoning Districts
 - roof pitch in the Historic Residential zones
 - calculation of Stories
 - streamlined review of plans
- Chapter Three- Off-Street Parking
 - require building permits for impervious flat work, e.g. driveways and parking pads in all zoning districts
- Chapter Four- Supplemental Regulations
 - requiring building permits for fences and walls in the Historic Districts.
- Chapter Five- Architectural Review
 - streamlined review of plans
 - require building permits for patios and other impervious surface improvements in all zoning districts
- Chapter Six- Master Planned Developments
 - Master Planned Developments in the Historic Districts
- Chapter Ten- Board of Adjustment
 - removal of Special Exceptions
 - revisions to appeals process
- Chapter Eleven- Historic Preservation
 - review process for Historic District Design Review applications
- Chapter Fifteen- Definitions,
 - definitions for Impervious, Green Roof, Zero Net Energy Building, Story, Half Story, and Split Level.

Topic

Project Name: LMC Amendments – annual updates
Applicant: Planning Department
Proposal: Revisions to the Land Management Code (LMC)

Proposal

Staff recommends that the Commission review and discuss the proposed amendments as outlined in this staff report, provide input, and continue the item to the September 12th, 2012 meeting.

Background

The Planning Department, on an annual or bi-annual basis, reviews the LMC to address planning and zoning issues that have come up in the past year. These amendments provide clarification and streamlining of processes, procedures, and definitions and provide consistency of code application between Chapters as well as consistency with the General Plan, Council Goals, Utah Code, and the Historic District Design Guidelines. These proposed revisions are outlined below and redlined in Exhibits A- I.

Analysis

The following amendments are proposed (Staff will present these items at the Work Session for Planning Commission discussion and direction):

1. Amendments to the review of Historic District Design Review applications to be consistent with the Utah Code to clarify that the Staff review is an informal streamlined review
2. Clarification of exceptions to roof pitch requirements in the Historic District to be consistent with the criteria outlined in the Historic District Design Guidelines.
3. Clarification as to how to calculate or tabulate the number of Stories in a Structure.
4. Requirements for building permits for fences, walls, driveways, parking areas, patios, and other non-bearing construction creating an impervious surface. Building permits for these items allow a more thorough review of a site plan, the proposed materials and design. Without this review, these items are often constructed without meeting setbacks, plat notes, and design criteria and often without paying attention to property lines or having proper approval from Homeowner's Associations.
5. Clarification of the applicability of the Master Planned Development review process in the Historic Districts and other additions to the MPD requirements.
6. Removal of "Special Exceptions" that are currently reviewed by the Board of Adjustment.
7. Addition and clarification of definitions of Impervious, Half Story, Green Roof, Story, Split Level and Net Zero Energy Building. These terms are either missing from the LMC or do not clearly define what is meant by the use of these words in the Code.

Department Review

These amendments have been reviewed by the Planning and Legal Departments. Prior to the September 12th, 2012 public hearing on these amendments, Staff will present them to the City's Engineering, Building, and Legal Departments at a Development Review Committee meeting for further input and discussion.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption and become pending upon publication of legal notice. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

The work session was noticed with publication and posting of the Planning Commission meeting agenda and posted according to requirements of the Land Management Code.

Public Input

A public hearing will be conducted at the Planning Commission meeting on September 12, 2012. The Planning Commission may entertain public comment at the work session if they wish. The noticed public hearing should be continued to the September 12, 2012 meeting.

Recommendation

The Planning Commission should review and discuss proposed amendments to the Land Management Code as outlined in this report and redlined in Exhibits A- I. This item and the public hearing should be continued to the September 12th, 2012 meeting.

Exhibits (redlined sections only)

- Exhibit A- Chapter 1- General Provisions and Procedures
- Exhibit B- Chapter 2- Zoning Districts (HRL, HR-1, and HR-2)
- Exhibit C- Chapter 3- Off Street Parking
- Exhibit D- Chapter 4- Supplemental Regulations
- Exhibit E- Chapter 5- Architectural Review
- Exhibit F- Chapter 6- Master Planned Developments
- Exhibit G- Chapter 10- Board of Adjustment
- Exhibit H- Chapter 11- Historic Preservation
- Exhibit I- Chapter 15- Definitions

Draft
Ordinance 12- __

**AN ORDINANCE AMENDING
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH,
REVISING
SECTIONS 15-1, 15-2.1, 15-2.2, 15-2.3, 15-3, 15-4, 15-5, 15-6, 15-10, 15-11, and 15-15 REGARDING DEVELOPMENT REGULATION, PROCESS AND REVIEW OF HISTORIC DISTRICT DESIGN REVIEW, CLARIFICATION OF ROOF PITCH MINIMUMS CONSISTENT WITH THE DESIGN GUIDELINES, MASTER PLANNED DEVELOPMENTS IN THE HRC AND HCB DISTRICTS, REMOVAL OF SPECIAL EXCEPTIONS, AND BUILDING PERMITS FOR FENCES AND IMPERVIOUS SURFACES NOT BEARING CONSTRUCTION**

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

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

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

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

WHEREAS, the City's goals include maintaining effective transportation and parking, maintaining the resort community regarding architectural consistency and excellent design and enhancing the economic viability of Park City's Main Street Business Districts; and

WHEREAS, Chapter 1, General Provisions and Procedures, provides a description of requirements, provisions and procedures that apply to each zoning district that the City desires to clarify and revise. These amendments concern the review process for Historic District design review and requiring building permits for fences, walls, driveways, patios, and other impervious improvements to ensure that these requirements comply with established design guidelines, setbacks, plat notes, ownership lines, and other applicable restrictions; and

WHEREAS, Chapters 2.1, 2.2, and 2.3, Historic Residential HRL, HR-1, and HR-2 Zoning Districts, provide a description of requirements, provisions and procedures specific to these historic districts that the City desires to clarify and revise. These revisions concern clarification of roof pitch to be consistent with the Historic District Design Guidelines and to allow adequate review and permitting for fences, walls, driveways, patios, and other impervious improvements to ensure that these requirements comply with established design guidelines, setbacks, plat notes, ownership lines, and other applicable restrictions; and

WHEREAS, Chapter 3 – Off-Street Parking provides regulations, requirements, and procedural requirements regarding Parking within all zoning districts, and the City desires to clarify and revise these regulations and procedures as they pertain to the requiring building permits for parking areas and driveways in all zoning districts; and

WHEREAS, Chapter 4 – Supplemental Regulations, provides regulations, requirements, and procedural requirements regarding supplemental items, and the City desires to clarify and revise these regulations and procedures as they pertain to the requirement for building permits for fences, walls, and other impervious areas ; and

WHEREAS, Chapter 5 – Architectural Guidelines, provides regulations, requirements, and procedural requirements regarding Architectural Design and Guidelines and the City desires to clarify and revise these regulations and procedures as they pertain to requiring building permits for patios and other non- bearing flatwork in all districts; and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures as they pertain to the HRC and HCB Zoning Districts; and

WHEREAS, Chapter 10 - Board of Adjustment, provides regulations and procedural requirements for the Board of Adjustment, and the City desires to clarify and revise the regulations and procedures regarding Special Exceptions and review of Historic Design Reviews; and

WHEREAS, Chapter 11 – Historic Preservation, provides regulations and procedural requirements for the Historic Preservation Board and the City desires to clarify and revise these regulations regarding the review process for Historic District Design Review applications,; and

WHEREAS, Chapter 15 – Definitions, provides clarification regarding the meaning of words used in the LMC and the City desires to clarify and add the definition of Impervious, Green Roof, Half Story, Story, and Net Zero Energy Building, and

WHEREAS, these amendments are changes identified during the 2011/2012 annual review of the Land Management Code that provide clarifications of processes and procedures, and interpretations of the Code for streamlined review and consistency of application between Sections.

WHEREAS, the Planning Commission held a work session meeting on August 22, 2012 to discuss the proposed LMC amendments as outlined in this report. The Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on September 12th and September 26th, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2012; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1- General Provisions and Procedures. The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.1, 15-2.2, and 15-2.3. The recitals above are incorporated herein as findings of fact. Chapter 15-2.1, 15-2.2, and 15-2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 3- Off-street Parking. The recitals above are incorporated herein as findings of fact. Chapter 3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 4- Supplemental Regulations. The recitals above are incorporated herein as findings of fact. Chapter 4 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 5- Architectural Guidelines. The recitals above are incorporated herein as findings of fact. Chapter 5 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

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

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 10- Board of Adjustment. The recitals above are incorporated herein as findings of fact. Chapter 10 of the Land Management Code is hereby amended as redlined (see Exhibit G).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

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

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2012

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 6

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS	1
15-6-1. PURPOSE.....	1
15-6-2. APPLICABILITY.....	2
15-6-3. USES.....	2
15-6-4. PROCESS.....	2
15-6-5. MPD REQUIREMENTS.....	5
15-6-6. REQUIRED FINDINGS/CONCLUSIONS OF LAW.....	13
15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.....	14
15-6-8. UNIT EQUIVALENTS.....	15



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

Chapter adopted by Ordinance No. 02-07

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

15-6 -1. PURPOSE.

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

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

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

reduce impacts of the automobile on the community.

K) encourage opportunities for economic diversification within the community

(Amended by Ord. No. 10-14)

15-6 -2. APPLICABILITY.

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

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

~~(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the~~

~~subject property and proposed MPD include two (2) or more zoning designations.~~

~~(B)~~ The Master Planned Development process is allowed but not required in the Historic Residential (HR-1) and (HR-2) zones only when:

~~(1) (1)~~ The subject property and proposed MPD include two (2) or more zoning designations.

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

~~(3)~~ The Property is not a part of the original Park City Survey or Snyder’s Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

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

15-6 -3. USES.

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

in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density Transfer between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

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

15-6 -4. PROCESS.

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

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a

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

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

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

preparation of filing of a formal Application for an MPD.

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

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

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

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the

Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

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

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;

(3) An express reservation of the future legislative power and zoning authority of the City;

(4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

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

(6) The Developers agreement to pay all specified impact fees; and

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

(8) A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.

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

The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the

Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.**

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

(I) **MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning

Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval. The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

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

15-6 -5. MPD REQUIREMENTS.

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

the necessary findings to approve the Master Planned Development.

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

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum

of ten percent (10%) increase in total Density if the Applicant:

- (a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or
- (b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/Affordable Housing consistent with the City's adopted employee/Affordable Housing guidelines and requirements; or
- (c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS

WITHIN THE HR-1 AND HR-2 DISTRICTS.

- (1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.
 - (a) The Area of below Grade parking in the HR-1 and HR-2 zones shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.
 - (b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.
 - (c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The

FAR may not be applied to the HR-1 or HR-2 Lot Area.

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

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**
All Master Planned Developments

shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments or infill sites, the minimum open space requirement shall be twenty thirty percent (20%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to twenty thirty-percent (230%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation of Historic Structures.

(2) **TYPE OF OPEN SPACE.**
The Planning Commission shall designate the preferable type and

mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit. For redevelopment or infill projects in the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, publicly accessible rooftop gardens may count toward this open space requirement.

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

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

- (a) The proposed number of vehicles required by the occupants of the project

based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

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

the required number of Parking Spaces.

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

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

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

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

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

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

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

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

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

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

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

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

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

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

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

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

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

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

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

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

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

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

submitted with the site plan drawings.

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

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

(H) **LANDSCAPE AND STREET SCAPE.** A complete landscape plan must be prepared indicating all softscape and hardscape areas on site. This includes foundation planting, ground cover, driveway and/or proposed parking lot materials, etc. A list of plant materials proposed indicating the botanical name, the common name, the number of proposed plants, and their size shall be provided. A licensed landscape architect shall prepare all materials for submittal. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction.

Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of ~~fifty~~ twenty percent (~~25~~ 20%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the

City and Summit County, prior to issuance of Certificates of Occupancy.

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

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(L) **MINE HAZARDS.** All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

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

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a

Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

- (A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- (B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- (C) The MPD, as conditioned, is consistent with the Park City General Plan;
- (D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;
- (E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- (F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- (G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;
- (H) The MPD provides amenities to the community so that there is no net loss of community amenities;
- (I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the

City Council at the time the Application was filed.

- (J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- (K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- (L) The MPD has been noticed and public hearing held in accordance with this Code.
- (M) The MPD incorporates best planning practices for sustainable development, including energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application.

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

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

- (A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

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

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

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

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

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

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

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

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

15-6-8. UNIT EQUIVALENTS.

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

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

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

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square

footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

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

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

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

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned

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

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

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

(G) **RESORT ACCESSORY USES.**
The following Uses are considered

accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms and Areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

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

Comment [WU1]: Provide a Definition for this.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 10 - BOARD OF ADJUSTMENT 1

15-10-1. ESTABLISHMENT OF BOARD.....1

15-10-2. TERM OF OFFICE.....1

15-10-3. POWERS AND DUTIES1

15-10-4. GROUNDS FOR REMOVAL2

15-10-5. ORGANIZATION2

15-10-6. MEETINGS2

15-10-7. APPEALS3

15-10-8. **SPECIAL EXCEPTIONS**.....**3**

15-10-~~9~~**8**. VARIANCE.....4

15-10-~~10~~**9**. PERSONS ENTITLED TO APPEAR6

15-10-~~11~~**10**. DECISION.....6

15-10-~~12~~**11**. VOTE NECESSARY.....6

15-10-~~13~~**12**. JUDICIAL REVIEW OF BOARD DECISION6

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 10 - BOARD OF ADJUSTMENT

15-10-1. ESTABLISHMENT OF BOARD.

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

15-10-2. TERM OF OFFICE.

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year on June 1. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

15-10-3. POWERS AND DUTIES.

(A) The Board of Adjustment shall hear and decide:

(1) Appeals from zoning decisions applying Title 15, Land Management Code;

~~(2) — Special exceptions to the terms of the Land Management Code; and~~

~~(3)~~(2) Variances from the terms of the Land Management Code.

(3) Appeals and call-ups of Final Action by the Planning Commission at the request of the City Council for City Development.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming Uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

15-10-4. GROUNDS FOR REMOVAL.

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

15-10-5. ORGANIZATION.

(A) **CHAIR**. The Board of Adjustment shall elect one of its members to serve as Chair for a term of two (2) years at its first meeting following the date of expiration of terms in June. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely at that meeting.

(B) **QUORUM**. No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

15-10-6. MEETINGS.

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.

(A) **WITNESSES**. The Chair of the Board of Adjustment or in his absence, the Chair Pro Tem, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES**. Written minutes shall be kept of all Board meetings. Such minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present and absent.
- (3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.
- (4) The names of all citizens who appeared and the substance in brief of their testimony.

- (5) Any other information that any member requests be entered in the minutes.

The minutes are public records and shall be available within a reasonable time after the meeting.

15-10-7. APPEALS.

Also see Section 15-1-18. The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement, decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council, unless specifically requested by the City Council for City Development. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment on the record made before the Historic Preservation Board or Planning Commission. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land Use authority in its interpretation and application of the land Use ordinance.

The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority. Appeals shall be heard by the Board of Adjustment within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

~~**15-10-8. SPECIAL EXCEPTIONS.**~~

~~The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is~~

~~appropriate in the location proposed based upon its consideration of the general standards set forth below:~~

~~(A) — The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.~~

~~(B) — The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.~~

~~(C) — The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.~~

~~(D) — The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.~~

~~(E) — The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.~~

~~(F) — The proposed Use and Development will not cause material air, water, soil or noise pollution or other types of pollution.~~

~~The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.~~

15-10-98. VARIANCE.

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for

review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 15

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 15 - DEFINED TERMS

15-15-1.	DEFINITIONS.....	1
15-15-2	LIST OF DEFINED TERMS.....	38



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1.1 **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.4 **ACCESSORY USE.** A land Use that is customarily incidental and

subordinate to the to the primary Use located on the same Lot.

1.5 **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

1.6 **ADMINISTRATIVE PERMIT.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7 **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8 **AGENT.** The Person with written authorization to represent an Owner.

1.9 **AGRICULTURE.** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

1.10 **ALLOWED USE.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

1.11 **ALTERATION, BUILDING.** Any act or process that changes the Architectural Detail of a Building, including but not limited to, the erection, construction, reconstruction, or removal of any Building.

1.12 **ANCILLARY STRUCTURE.** One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

1.13 **ANEMOMETERS AND ANEMOMETER TOWERS.** A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

1.14 **ANTENNA.** A transmitting or receiving device used in Telecommunications that radiates or captures radio, television, or similar communication signals.

(A) **Antenna, Drive Test.** A temporary Antenna which is used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(B) **Antenna, Enclosed.** An Antenna or series of individual Antennas entirely enclosed inside a Structure, including but not limited to a cupola or wall of a Building or chimney.

(C) **Antenna, Freestanding.** An Antenna mounted on or within a stand alone support Structure including but not limited

to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole, or other vertical support.

(D) **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

(F) **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

1.15 **APARTMENT.** A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.

1.16 **APPLICANT.** The Owner of the Property that is the subject of the Application, or the Owner's Agent.

1.17 **APPLICATION.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning requests, Subdivision and record of survey plats, plat amendments, Code amendments, design review, and Administrative Permits.

(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

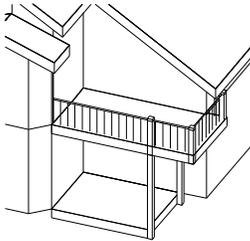
1.18 **ARCHITECTURAL DETAIL.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

1.19 **AREA OR SITE.** A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

1.20 **ATTIC.** The space between the ceiling joists and roof rafters.

1.21 **BAKERY.** A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

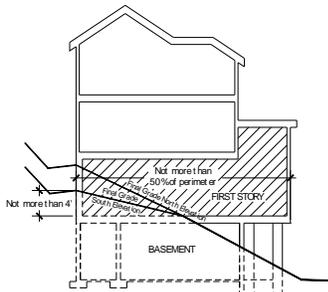
1.22 **BALCONY.** A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. See following illustration:



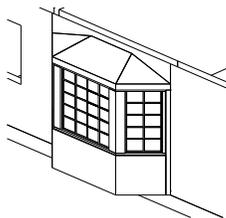
1.23 **BAR.** A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

1.24 **BASE ZONING.** Existing zoning without the addition of the Transfer of Development Rights overlay zone.

1.25 **BASEMENT.** Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.



1.26 **BAY WINDOW.** A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly



supported by a foundation.

1.27 **BED AND BREAKFAST INN.** A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

1.28 **BEDROOM.** A separate room designed for or used as a sleeping room.

1.29 **BILLBOARD.** A separate room designed for or used as a sleeping room.

1.30 **BLANK WALL.** A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

1.31 **BLOCK.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

1.32 **BOARDING HOUSE.** A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common

Field Code Changed

Field Code Changed

Field Code Changed

Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

1.33 **BUILDING.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

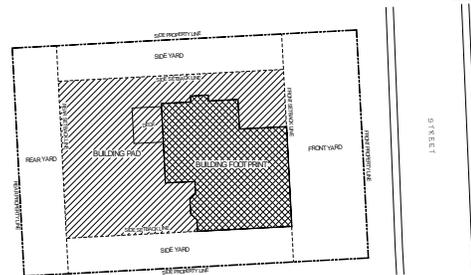
(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

1.34 **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

1.35 **BUILDING FOOTPRINT.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory

Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

1.36 **BUILDING PAD.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also see Limits of Disturbance.

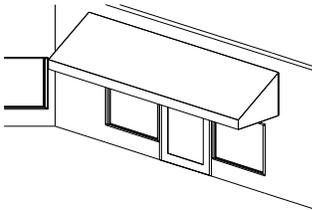


1.37 **BUILDING PERMIT.** A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

1.38 **BUSINESS.** Any activity within Park City carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods or Property and the rendering of personal services for others for consideration by Persons engaged in any profession trade, craft, occupation, or other calling.

1.39 **CAFE.** A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chefs, or other employees typically associated with a restaurant.

1.40 **CANOPY.** A roof or awning constructed of fabric or other material and extending outward from a Building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the Canopy or cantilevered from the Building.



1.41 **CAPITAL IMPROVEMENTS PROGRAM.** A proposed schedule and description of all proposed public works, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

1.42 **CERTIFICATE OF APPROPRIATENESS.** A certificate issued by the Building Department in cases of immediate public hazard, the Planning Department in cases of architectural insignificance, or the Historic Preservation Board in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or

Building having architectural Significance.

1.43 **CERTIFICATE OF ECONOMIC HARDSHIP.** A certificate issued by the Historic Preservation Board authorizing an Alteration, construction, removal, or Demolition of a Historic Landmark, or Building having architectural Significance, even though a Certificate of Appropriateness has previously been denied.

1.44 **CERTIFICATE OF OCCUPANCY.** A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

1.45 **CHILD CARE.** The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day.

The term does not include babysitting services on a casual, non-recurring nature or in the child's own home nor cooperative, reciprocate Child Care by a group of parents in their respective domiciles.

(A) **Child Care, In-Home Babysitting.** The provision of Child Care for four (4) or fewer children within a dwelling and within commercial Buildings outside of residential Zoning Districts.

(B) **Child Care, Family.** The provision of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(C) **Child Care, Family Group.** The

Field Code Changed

Field Code Changed

provision of Child Care for nine (9) to sixteen (16) children, including the provider’s children who are under the age of eighteen (18), within the provider’s primary residence.

1.46 **CHILD CARE CENTER.** A Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children for less than twenty four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

1.47 **CITY DEVELOPMENT.** Any Conditional Use permit or Master Planned Development in which Park City Municipal Corporation or corporations controlled by Park City Municipal Corporation is the Applicant.

1.48 **CLEARVIEW OF INTERSECTING STREETS.** On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street. This Area is the Site Distance Triangle. See Site Distance Triangle.

1.49 **CLUB.**

(A) **Club, Amenities.** Any organization formed and operated for the primary purpose of providing its members with social and recreational opportunities involving the access, use and enjoyment of physical amenities and services provided at or through an existing approved Hotel, including restaurants, bars, spas, spa services, pools, lounges, exercise facilities,

lockers, ski facilities and services, pools, and other facilities and services.

(B) **Club, Private.** Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

(C) **Club, Private Residence.** Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with 24 hour reservation and Property management, seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (1) a deeded interest in real Property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;
- (3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;
- (4) beneficial interest in a trust;
- (5) other arrangement providing

Field Code Changed

for such Use and occupancy rights.

(D) **Club, Private Residence**

Conversion. The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

(E) **Club, Private Residence Off-Site.**

Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(F) **Club, Private Residence Project.**

Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

1.50 **CLUSTER DEVELOPMENT.** A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation, Open Space, and preservation of environmentally sensitive Areas.

1.51 **CODE.** The Land Management Code (LMC).

1.52 **COLLECTOR ROAD.** A road intended to move traffic from local roads to major throughways. A Collector Road

generally serves a neighborhood or a large Subdivision.

1.53 **CO-LOCATION.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

1.54 **COMMERCIAL USE.** Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

(A) **Commercial Use, Support.** A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) **Commercial Use, Resort Support.** A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

1.55 **COMMON AREA.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment of the residents.

1.56 **COMMON OWNERSHIP.** Ownership of the same Property by different Persons.

1.57 **COMPATIBLE OR**

COMPATIBILITY. Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

1.58 **CONDITIONAL USE.** A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

1.59 **CONDOMINIUM.** Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium Ownership Act.

1.60 **CONSERVATION ACTIVITY.** A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

1.61 **CONSERVATION EASEMENT.** An easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural state, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat, or other use or condition consistent with the protection of open land. Conservation easement(s) granted from the Transfer of Development Rights Ordinance

shall be subject to The Land Conservation Easement Act, Section 57-18-1 (et seq.), Utah Code Annotated, 1953 as amended.

1.62 **CONSTITUTIONAL TAKING.** Final Action(s) by the City to physically take or exact private real Property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the United States, or of Article I, Section 22, of the Utah Constitution.

1.63 **CONSTRUCTION ACTIVITY.** All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

1.64 **CONSTRUCTION MITIGATION PLAN.** A written description of the method by which an Owner will ameliorate the adverse impacts of Construction Activity.

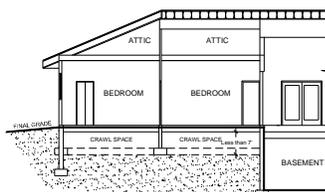
1.65 **CONSTRUCTION PLAN.** The map and drawings showing the specific location and design of the Development.

1.66 **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT.** A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

1.67 **COUNCIL.** Members of the City Council of Park City.

1.68 **COVER, SITE.** The Area covered by an impervious surface such as a Structure, deck, pool, patio, walk, or driveway.

1.69 **CRAWL SPACE.** An uninhabitable Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



1.70 **CREST OF HILL.** The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

1.71 **CUL-DE-SAC.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

1.72 **DELI OR DELICATESSEN.** A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code (IBC) Commercial Kitchen facilities and does not employ hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

1.73 **DEMOLISH OR DEMOLITION.** Any act or process that destroys in part or in whole a Building or Structure. Excludes

Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or Reconstruction pursuant to Section 15-11-15 of this Code.

1.74 **DENSITY.** The intensity or number of non-residential and Residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

1.75 **DESIGN GUIDELINE.** A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

1.76 **DETACHED.** Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

1.77 **DEVELOPABLE LAND.** That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

1.78 **DEVELOPER.** The Applicant for any Development.

1.79 **DEVELOPMENT.** The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.

Field Code Changed

1.80 **DEVELOPMENT AGREEMENT.**

A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

1.81 **DEVELOPMENT APPROVAL APPLICATION.**

Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The term "Development Approval Application" shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

1.82 **DEVELOPMENT CREDIT.** A credit measured in Unit Equivalents that denotes the amount of density on a Sending Site which may be Transferred.

1.83 **DEVELOPMENT CREDIT CERTIFICATE.** The certificate issued by the Planning Director of Park City that represents the total number of development credits recognized for and derived from the sending site that may be Transferred.

1.84 **DEVELOPMENT RIGHT.** The right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

1.85 **DISABLED CARE.** A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1)

or more of a Person's major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

1.86 **DISSIMILAR LOCATION.** A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

1.87 **DWELLING.**

(A) **Dwelling, Duplex.** A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex.** A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit.** A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family.** A Building containing not more than one (1) Dwelling Unit.

1.88 **DWELLING UNIT.** A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

1.89 **ECONOMIC HARDSHIP, SUBSTANTIAL.** Denial of all reasonable economic Use of the Property.

1.90 **ELDER CARE.** A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional

Field Code Changed

problems cannot function normally on an independent basis. The term does not include a health care facility.

1.91 **ELEVATOR PENTHOUSE.** The minimum Structure required to enclose the top most mechanical workings of an elevator.

1.92 **EQUIPMENT SHELTER.** See Telecommunications Facilities, Equipment Shelter 1.231(B).

1.93 **ESCROW.** A deposit of cash or approved alternate in lieu of cash with a third party held to ensure a performance, maintenance, or other Guarantee.

1.94 **ESSENTIAL HISTORICAL FORM.** The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

1.95 **EXTERIOR ARCHITECTURAL APPEARANCE.** The architectural character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

1.96 **FACADE.**

(A) **Facade, Building.** The exterior of a Building located above ground and generally visible from public points of view.

(B) **Façade, Front.** That portion of a Building that generally faces the street and/or Front Lot Line.

1.97 **FACADE EASEMENT.** A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

1.98 **FACADE SHIFT.** A change or break in the horizontal or vertical plane of the exterior of a Building.

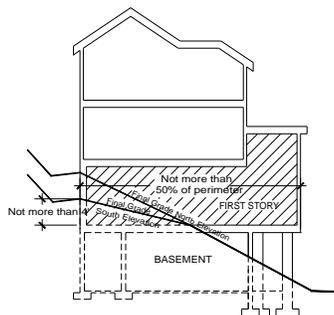
1.99 **FENCE.** A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

1.100 **FILTERED LIGHT FIXTURE.** Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

1.101 **FINAL ACTION.** The later of the final vote or written decision on a matter.

1.102 **FINAL PLAT.** A recordable Subdivision or Condominium map.

1.103 **FIRST STORY.** The lowest Story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. Can include habitable or uninhabitable Floor Area. See the following illustration:



1.104 **FLOOD PLAIN AREA.** An Area adjoining a river, Stream, or water course, or body of standing water in which a potential flood hazard exists when the Area experiences a one hundred year storm, including, any Area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.

1.105 **FLOOR AREA.**

(A) **Floor Area, Gross Residential.** The Area of a Building, including all enclosed Areas, Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

(B) **Floor Area, Gross Commercial.** The Area of a Building including all enclosed Areas excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not

¹400 sq. ft. in Historic Districts

limited to, storage, bathrooms, and meeting space, are considered Floor Area.

(C) **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

1.106 **FLOOR AREA RATIO (FAR).** The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

1.107 **FOOT CANDLE.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

1.108 **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

1.109 **FULLY SHIELDED.** Luminaires

Field Code Changed

that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.110 **GARAGE.**

(A) **Garage, Commercial.** A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing.** Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private.** An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public.** A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

1.111 **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, subsidence, or shifting of the earth. The term includes but is not limited to unstable Slopes, faulting landslides, and rock fall.

1.112 **GOOD CAUSE.** Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting

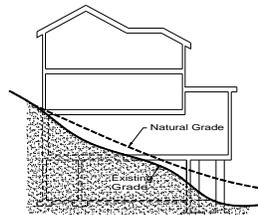
excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

1.113 **GOVERNING BODY.** The City Council of Park City.

1.114 **GRADE.** The ground surface elevation of a Site or Parcel of land.

(A) **Grade, Existing.** The Grade of a Property prior to any proposed Development or Construction Activity.

(B) **Grade, Natural.** The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.

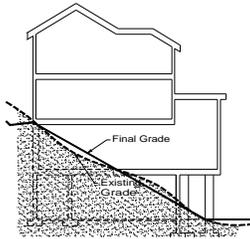


(C) **Grade, Final.** The finished or resulting Grade where earth meets the

Field Code Changed

Field Code Changed

Building after completion of the proposed Development Activity.



1.115 **GRADING.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

1.116 **GREEN ROOF.** A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles. **A Green Roof may include the installation of Solar Panels for the generation of Energy and/or Hot Water.**

1.117 **GROUP CARE FACILITY.** A Building or Structure where care, protection, supervision, and limited medical care are provided on a regular schedule for up to ten (10) children or adults, including caretakers. May include multiple overnight stays.

1.118 **GRUBBING.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

1.119 **GUARANTEE.** Any form of security including a cash deposit with the

City, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City or some combination of the above as approved by the city or an approved equal, including but not limited to a lien on the Property.

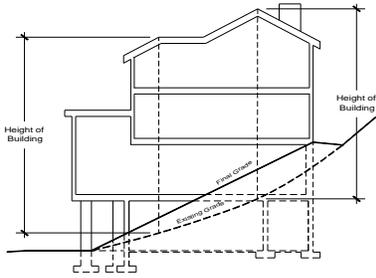
1.120 **GUEST HOUSE.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents. Guest Houses are not a lodging Use where typical lodging services are provided. Payment is not allowed.

1.121 **HABITABLE SPACE (ROOM).** 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 Space.

1.122 **HARD-SURFACED.** Covered with concrete, brick, asphalt, or other impervious surface.

1.123 **HEIGHT, BUILDING.** The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.

Field Code Changed



1.124 **HELIPAD.** A facility without the logistical support provided by a Heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

1.125 **HELIPORT.** Any landing Area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

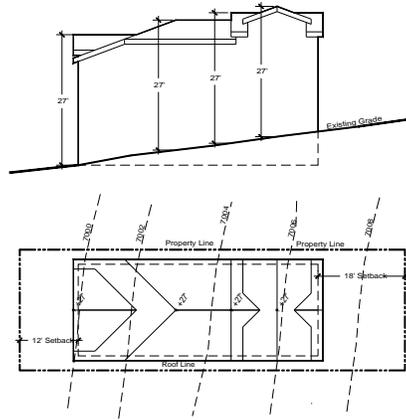
1.126 **HELISTOP.** Any landing Area used for the taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.

1.127 **HISTORIC.** That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

1.128 **HISTORIC BUILDING, STRUCTURE, SITE OR OBJECT.** Any Building, Structure, Site and/or object, as designated by the Historic Preservation

Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

1.129 **HISTORIC DISTRICT.** A geographically definable Area possessing a significant concentration, linkage, or continuity of Buildings, Structures, Sites or objects united by past events, plan or physical Development. A Historic District may comprise an individual Site or individual elements separated geographically but linked by association, plan, design, or history.



Historic District Building Height

1.130 **HISTORIC INTEGRITY.** The ability of a Site to retain its identity and, therefore, convey its Significance in the history of Park City. Within the concept of Historic Integrity, Park City Municipal Corporation recognizes seven (7) aspects or qualities as defined by the National Park Service, that in various combinations define integrity. They are as follows:

(A) **Location.** The place where the

Field Code Changed

Historic Site was constructed or the Historical event took place.

(B) **Design.** The combination of physical elements that create the form, plan, space, Structure, and style of a Site. Design includes such considerations as the structural system, massing, arrangement of spaces, pattern of fenestration, textures and colors of surface materials, type, amount and style of ornamental detailing, and arrangement and type of plantings in the designed landscape.

(C) **Setting.** The physical environment, either natural or manmade, of a Historic Site, including vegetation, topographic features, manmade features (paths, fences, walls) and the relationship between Structures and other features or open space.

(D) **Materials.** The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration to form a Historic Site.

(E) **Workmanship.** The physical evidence of the crafts of a particular culture or people during any given period of history, including methods of construction, plain or decorative finishes, painting, carving, joinery, tooling, and turning.

(F) **Feeling.** A Site’s expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property’s Historic character.

(G) **Association.** The direct link

between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.131 **HISTORIC SITES INVENTORY.** A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

1.132 **HOME OCCUPATION.** A Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

1.133 **HOSPITAL.** An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as “Office, Medical”.

(A) **Hospital, Limited Care.** An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

1.134 **HOTEL/MOTEL.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and

daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies. Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels. Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument Hotel rooms may include a Lockout as part of the Unit.

(A) **Hotel, Major.** A Hotel with more than fifteen (15) Hotel Rooms.

(B) **Hotel, Minor.** A Hotel, Motel, with fewer than sixteen (16) Hotel Rooms.

1.135 **HOTEL ROOM.** A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

1.136 **HOTEL SUITE.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette. See Bed and Breakfast Inn, Lockout Unit, and Boarding House.

1.137 **IMPACT ANALYSIS.** A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

1.138 IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

~~1.138~~ 1.139 INACTION. An

Application is Inactive and subject to denial on the basis of Inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an intent to abandon the project;

(D) 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.

~~1.139~~ 1.138 INCIDENTAL RETAIL SALES. The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for an item of clothing, etc.

~~1.140~~ 1.139 INDOOR ENTERTAINMENT FACILITY. An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, or bowling alley.

Field Code Changed

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~~1-141~~1.140 **KITCHEN.** An enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

(A) **Kitchen, IBC Commercial.** A Kitchen that is required by the International Building Code (IBC), because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, and similar types of equipment.

~~1-142~~1.141 **KITCHENETTE.** An Area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit.

~~1-143~~1.142 **LANDMARK.** A Property, Building, or Structure designated as a "Landmark" by the Historic Preservation Board (HPB) pursuant to the procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its Historic and/or architectural Significance to Park City.

~~1-144~~1.143 **LANDMARK SITE.** Any Site, including Building (main, attached, detached, or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

~~1-145~~1.144 **LANDSCAPING.**

(A) **Landscaping, Interior.** Planting islands located within the Parking Area.

(B) **Landscaping, Parking Area.** Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

(C) **Landscaping, Perimeter.** Planting Areas between the Property Line and Parking Area.

~~1-146~~1.145 **LIFTWAY.** The necessary Right-of-Way, both surface and air space, for the operation of any tram or ski lift.

~~1-147~~1.146 **LIFTWAY SETBACK.** The minimum allowable distance between the side line of the Liftway and any Structure.

~~1-148~~1.147 **LIGHT SOURCE.** A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

(A) **Light Source, Refractive.** A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

~~1-149~~1.148 **LIMITS OF DISTURBANCE.** The designated Area in which all Construction Activity must be contained.

~~1-150~~1.149 **LOCKOUT UNIT.** An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

Field Code Changed

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Field Code Changed

1-1511.150 LOT. A unit of land described in a recorded Subdivision Plat.

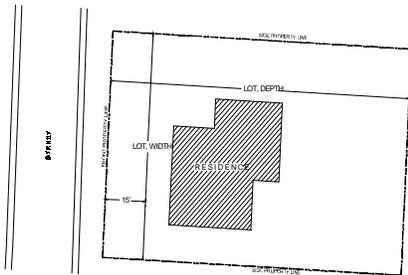
(A) **Lot, Corner.** A Lot situated at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

1-1521.151 LOT DEPTH. The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

1-1531.152 LOT LINE. Any line defining the boundaries of a Lot.

1-1541.153 LOT LINE ADJUSTMENT. The relocation of the Property Line between two (2) adjoining Lots.

1-1551.154 LOT WIDTH. The minimum distance between the Side Lot Lines at the Front Yard or Front Building Façade. See the following illustration:



1-1561.155 LUMEN. A measurement of light output or the amount of light emitting from a Luminaire.

1-1571.156 LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

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

(B) **Luminaire, Fully Shielded.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

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

1-1581.157 MASTER FESTIVAL. Any event held on public or private Property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:

- (A) The attraction of large crowds;
- (B) Necessity for Street closures on Main Street or any arterial Street necessary for the safe and efficient flow of traffic in Park City;
- (C) Use of public Property;
- (D) Use of City transportation services;
- (E) Use of off-Site parking facility, or;

Field Code Changed

(F) Use of amplified music in or adjacent to a residential neighborhood.

~~1.159~~1.158 **MASTER PLANNED DEVELOPMENT (MPD)**. A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

~~1.160~~1.159 **MAXIMUM EXTENT FEASIBLE**. The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining “Maximum Extent Feasible”.

~~1.161~~1.160 **MAXIMUM HOUSE SIZE**. A measurement of Gross Floor Area.

~~1.162~~1.161 **MODEL HOME**. A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

~~1.163~~1.162 **NEIGHBORHOOD CONVENIENCE, COMMERCIAL**. Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having

a maximum Gross Floor Area of 3,500 square feet.

~~1.164~~1.163 **NIGHTLY RENTAL**. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

~~1.165~~1.164 **NON-COMPLYING STRUCTURE**. A Structure that:

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

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

~~1.166~~1.165 **NON-CONFORMING USE**. A Use of land that:

(A) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

~~1.167~~1.166 **NOTEWORTHY**. Deserving notice or attention because of uniqueness, excellence, or Significance.

~~1.168~~1.167 **NURSERY, GREENHOUSE**. A Business where young

Field Code Changed

plants are raised for experimental horticultural purposes, for transplanting, or for sale.

~~1.169~~1.168 **NURSING HOME.** A Business described also as a “rest home”, or “convalescent home”, other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

~~1.170~~1.169 **OFF-SITE.** Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

~~1.171~~1.170 **OFF-STREET.** Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

~~1.172~~1.171 **OFFICE.**

(A) **Office, General.** A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

(B) **Office, Intensive.** Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable

office space. These Uses include real estate, telemarketing, and other similar Uses.

(C) **Office, Medical.** A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

(D) **Office, Moderately Intensive.** A Business offering executive, administration, professional, or clerical services which are performed with a moderate level of client interaction and traffic generated by employee and/or clients.

~~1.173~~1.172 **OFFICIAL STREETS MASTER PLAN.** As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of the Streets, highways, roads, and Rights-of-Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

~~1.174~~1.173 **OFFICIAL ZONING MAP.**

Field Code Changed

The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries; and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

~~15-15-1.174~~ **ONE BEDROOM APARTMENT**. A Dwelling Unit consisting of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

~~15-15-1.175~~ **OPEN SPACE**.

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

~~15-15-1.176~~ **ORDINARY HIGH WATER MARK**. The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

~~15-15-1.177~~ **ORDINARY REPAIRS AND MAINTENANCE**. Work done on a Building in order to correct any deterioration, decay, or damage to a Building or any part thereof in order to restore same as or nearly as practical to its condition prior to such deterioration, decay, or damage.

~~15-15-1.178~~ **OUTDOOR USE OR EVENT**. Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

~~15-15-1.179~~ **OWNER**. Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

Field Code Changed

~~1.181~~1.180 **PARCEL**. An unplatted unit of land described by metes and bounds and designated by the County Recorder’s Office with a unique tax identification number.

~~1.182~~1.181 **PARKING.**

(A) **Parking, Public.** A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential.** A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared.** The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

~~1.183~~1.182 **PARKING AREA.** An unenclosed Area or Lot other than a Street used or designed for parking.

~~1.184~~1.183 **PARKING LOT, COMMERCIAL.** A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

~~1.185~~1.184 **PARKING SPACE.** An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

~~1.186~~1.185 **PARKING STRUCTURE.** A fully enclosed Structure designed and intended for parking.

~~1.187~~1.186 **PASSENGER TRAMWAY.** A mechanical device to transport passengers and cargo by means of chairs or

enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

~~1.188~~1.187 **PERIOD OF HISTORIC SIGNIFICANCE.** A specific period of time that provides a context for Historic Sites based on a shared theme.

~~1.189~~1.188 **PERSON.** An individual, corporation, partnership, or incorporated association of individuals such as a club.

~~1.190~~1.189 **PLANNED UNIT DEVELOPMENT (PUD).** Multiple, Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as possible with TDR Open Space and in which the overall design, size, mass, scale, Setback, materials, colors and visual character are integrated one with another.

~~1.191~~1.190 **PHYSICAL MINE HAZARDS.** Any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity.

~~1.192~~1.191 **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 fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving. Porous paving includes pervious paving.

Field Code Changed

~~1-193~~1.192 **PRELIMINARY PLAT.**

The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

(50') of the back, inside building edge, of the public sidewalk; and

~~1-194~~1.193 **PRESERVATION.** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Property. Work, including preliminary measures to protect and stabilize the Property, generally focuses upon ongoing maintenance and repair of Historic materials and features rather than extensive replacement and new construction.

(2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

~~1-195~~1.194 **PRESERVATION**

EASEMENT. An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

~~1-197~~1.196 **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

~~1-198~~1.197 **PROPERTY OWNER.**

Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

~~1-196~~1.195 **PROPERTY.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

~~1-199~~1.198 **PUBLIC**

IMPROVEMENT. Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

(A) **Property, Storefront.** A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

~~1-200~~1.199 **PUBLIC USE.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

(1) A window and/or entrance within fifty lateral/horizontal feet

1.201.200 QUALIFIED PROFESSIONAL. A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

1.202.201 QUASI-PUBLIC USE. A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

1.203.202 RECEIVING SITE. A Parcel of real property denoted as a receiving site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A receiving site is the site to which Development Credits may be Transferred.

1.204.203 RECONSTRUCTION. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location.

1.205.204 RECREATION EQUIPMENT, OUTDOOR. Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities.

1.206.205 RECREATION FACILITIES.

(A) **Recreation Facilities, Commercial.** Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

(B) **Recreation Facilities, Private.** Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests.

(C) **Recreation Facilities, Public.** Recreation facilities operated by a public agency and open to the general public with or without a fee.

1.207.206 RECYCLING FACILITY. A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

(A) **Recycling Facility, Class I.** Recycling containers totaling up to 60 cubic yards of capacity per residential lot or business used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, but not limited to the use by a specific residential neighborhood, civic facility, or commercial business park, and can be for the use of the entire community.

1.208.207 REFRACTIVE LIGHT SOURCE. A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

~~1.209~~1.208 **REGULATED USE.** A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

~~1.210~~1.209 **REHABILITATION.** The act or process of making possible a compatible Use for a Property through repair, alterations, and additions while preserving those portions or features which convey its Historical, cultural, or architectural values.

~~1.211~~1.210 **RESIDENTIAL USE.** Uses and project that consist primarily of activities that are residential in nature that may include other support Uses, such as support commercial, but where the primary Use is for human habitation and associated activities. Residential Use includes occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

~~1.212~~1.211 **RESORT SUPPORT COMMERCIAL.** Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

~~1.213~~1.212 **RESTAURANT.** A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through.** A Restaurant, Deli, Café, fast food Restaurant, or other similar Business that includes a window or similar feature which allows

food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

~~1.214~~1.213 **RESTORATION.** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and Reconstruction of missing features from the restoration period.

~~1.215~~1.214 **RESUBDIVISION.** A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

~~1.216~~1.215 **RETAIL AND SERVICE.**

(A) **Retail and Service, Commercial-Auto Related.** An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to the automobile, such a auto repair, auto body work, painting, detailing, auto and auto related equipment sales, with moderate to high volume of customer turnover and moderate to high parking demand. These Uses do not include auto dismantling, salvage, junk yards, and similar Uses. Self-service car washes are included.

(B) **Retail and Service, Commercial-Major.** A large scale Business engaged primarily in the sale or rental of goods, merchandise, or services with a high customer turnover and high parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses

Field Code Changed

include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) **Retail and Service, Commercial-Minor.** A Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods. These Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

(D) **Retail and Service, Commercial-Personal Improvement.** A Business engaged in or offering courses and services for the enhancement of personal recreational interests, Business skills, vocational training, dance training, art and drama classes, public speaking, and similar Uses where the class or session meets as a group.

~~1.217~~1.216 **RIDGE LINE AREA.** The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

~~1.218~~1.217 **RIDING STABLE, COMMERCIAL.** A Structure and/or Site for horses, ponies, and/or mules, that is rented or used for compensation.

~~1.219~~1.218 **RIGHT-OF-WAY.** A strip of land, dedicated to public Use that is occupied or intended to be occupied by a

Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

~~1.220~~1.219 **ROAD.**

(A) **Road, Collector.** A road intended to move traffic from local roads to major thoroughways. A Collector Road serves a neighborhood or a large Subdivision.

~~1.221~~1.220 **ROAD**

CLASSIFICATION. The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

~~1.222~~1.221 **ROAD RIGHT-OF-WAY**

WIDTH. The distance between Property Lines measured at right angles to the center line of the Street.

~~1.223~~1.222 **SALT LAKE CITY 2002**

WINTER OLYMPIC GAMES OLYMPIC LEGACY DISPLAYS.

Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits that expressly commemorate the Salt lake City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

Field Code Changed

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

~~1.224~~**1.223** **SATELLITE RECEIVING STATION.** Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TVRO's or dish Antennas. This definition does not include conventional television Antennae.

~~1.225~~**1.224** **SBWRD.** Snyderville Basin Water Reclamation District.

~~1.226~~**1.225** **SCREEN OR SCREENED.** The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

~~1.227~~**1.226** **SECONDARY LIVING QUARTERS.** An Area within a main dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

~~1.228~~**1.227** **SENDING SITE.** A Parcel of real property denoted as a sending site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A Sending Site is the Site from which Development Credits may be Transferred.

~~1.229~~**1.228** **SENSITIVE LAND.** Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

~~1.230~~**1.229** **SENSITIVE LANDS ANALYSIS.** A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/ Wildland Interface Zones.

~~1.231~~**1.230** **SENSITIVE OR SPECIALLY VALUED SPECIES.** Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern as identified in the document; animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

~~1.232~~**1.231** **SETBACK.** The required minimum distance between a Building Pad and the closest of the following:

Field Code Changed

- (A) Property Line;
- (B) platted Street; or
- (C) existing curb or edge of a Street.

1.2331.232 SEXUALLY ORIENTED BUSINESSES. Businesses defined as such according to Municipal Code Section 4-9-4.

1.2341.233 SIGNIFICANCE. The quality of having Historical consequence or being regarded as having great architectural value.

1.2351.234 SIGNIFICANT RIDGE LINE AREA. Ridge lines in Areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these ridge lines is to be determined during the sensitive lands visual analysis process.

1.2361.235 SIGNIFICANT SITE. Any Site, including a Building (main, attached, detached or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

1.2371.236 SIGNIFICANT VEGETATION. Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

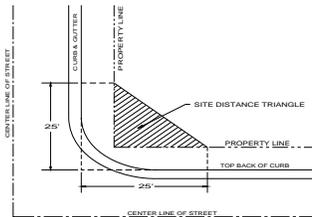
1.2381.237 SINGLE FAMILY SUBDIVISION. A Development consisting of primarily, although not

exclusively, of Single Family Dwellings.

1.2391.238 SITE. An Area, Lot, or piece of land where a Building (main, attached, detached or public), Accessory Building, and/or Structure was, is, or will be located.

1.2401.239 SITE DEVELOPMENT STANDARDS. Regulations unique to each zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

1.2411.240 SITE DISTANCE TRIANGLE. A triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.



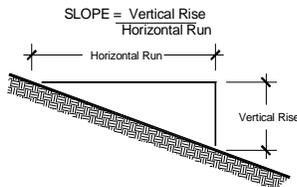
1.2421.241 SITE SUITABILITY ANALYSIS. A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

1.2431.242 SKETCH PLAT. A Sketch

Field Code Changed

preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

1.244.1.243 SLOPE. The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep.** Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep.** Slope greater than forty percent (40%).

1.245.1.244 SPACING. Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.246.1.245 SPECIAL EVENT. Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations, as defined by this Code, or creates public impacts through any of the following:

(A) The use of City personnel;

(B) Impacts via disturbance to adjacent residents;

(C) Traffic/parking;

(D) Disruption of the normal routine of the community or affected neighborhood; or

(E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

1.246 SPLIT LEVEL.

Interior space of a Building divided vertically so that the floor level of rooms in one part is approximately midway between the levels of two successive Stories in an adjoining part.

1.247.1.246 STEALTH. A

Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

1.248.1.247 STOREFRONT

PROPERTY. A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space or unit with:

(1) A window and/or entrance within fifty lateral/horizontal feet

(50') of the back, inside building edge, of the public sidewalk; and
 (2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In the case of Split-Level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

~~1.249~~ 1.248 **STORY.** That portion of a Building, any part of which is above the ground elevation, excluding Basements, contained between any finished floor and the finished floor or roof Structure next above it. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

1.249 **STORY- HALF.** A Story directly under a sloping roof where the Floor Area with a ceiling height of 7'3" or greater is less than 2/3rds the area of the Story next below. The vertical measurement of ceiling height is taken from the top finish floor to the top of the wall plate for the roof Structure.

1.250 **STREAM.** A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

1.251 **STREAM CORRIDOR.** The Corridor defined by the Stream's Ordinary High Water Mark.

1.252 **STREET.** Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) **Street, Public.** A Street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee.

1.253 **STREETSCAPE.** The distinguishing characteristics of a particular Street including paving materials, adjacent space on both sides of the Street, landscaping, retaining walls, sidewalks, Building Facades, lighting, medians, Street furniture, and signs.

(A) **Streetscape, Architectural.** The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

1.254 **STRUCTURE.** Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

1.255 **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 the dwelling, and a

Comment [WU1]: This is not a definition of Story it describes a vertical measurement or distance between floors that is not referenced in the Code.

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Floor Area of not more than one thousand square feet (1,000 sq. ft.).

1.256 **SUBDIVISION.** Any land, vacant or improved, which is divided or proposed to be divided or combined into one (1) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Resubdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes the creation of a single lot of record from a Lot, Parcel, Site, Unit, plot, or other division of land.

(A) **Subdivision, Major.** All Subdivisions of four (4) or more Lots, or any size Subdivision requiring any new Street or extension of municipal facilities, or the creation of any Public Improvements.

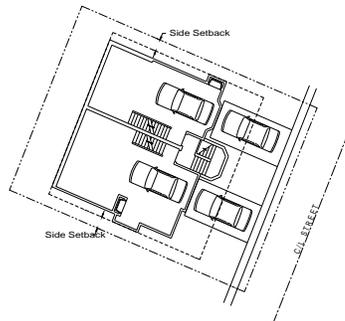
(B) **Subdivision, Minor.** Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the Parcel or adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or these regulations.

1.257 **SUBDIVISION PLAT.** The final map or drawing, on which the Applicant's plan of Subdivision is presented to the City

Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

1.258 **SUITABILITY DETERMINATION.** A determination by the Planning Director whether Development at increased Densities due to a Density Transfer from a Sensitive Area is Compatible with Development on surrounding or adjacent Property.

1.259 **TANDEM PARKING.** A parking design which allows parking one (1) vehicle behind another. Such parking may not include more than two (2) cars in depth, and may not require occupants of separate Dwelling Units to park behind one another.



1.260 **TELECOMMUNICATIONS.** The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

1.261 **TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility consists of Antenna, Equipment

Field Code Changed

Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

(A) **Telecommunications Facility, Co-Location.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

(B) **Telecommunications Facility, Equipment Shelter.** A cabinet or Building used to house equipment for Telecommunications Facilities.

(C) **Telecommunications Facility, Stealth.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(D) **Telecommunications Facility, Technical Necessity.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

1.262 **TEMPORARY IMPROVEMENT.** A Structure built and maintained during construction of a Development, activity or Special Event and then removed prior to release of the performance Guarantee.

1.263 **TIMESHARE CONVERSION.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

1.264 **TIMESHARE ESTATE.** A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.

1.265 **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 three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

1.266 **TIMESHARE INTERVAL.** A Timeshare Estate or a Timeshare Use.

1.267 **TIMESHARE OFF-PREMISES 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 to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

1.268 **TIMESHARE OFF-PREMISES SALES ACTIVITY.** Original timeshare sales and resale 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.

1.269 **TIMESHARE OFF-PREMISES SALES OFFICE.** An office outside of a Timeshare Project, wherein Timeshare Sales

Field Code Changed

Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

1.270 **TIMESHARE ON-SITE SALES ACTIVITY**. Timeshare sales activity occurring within a Timeshare Project.

1.271 **TIMESHARE ON-SITE SALES OFFICE**. An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

1.272 **TIMESHARE PROJECT**. Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

1.273 **TIMESHARE SALES PRESENTATION**.

- (A) An offer to sell or reserve a Timeshare Interval;
- (B) An offer to sell an option to purchase a Timeshare Interval;
- (C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or
- (D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

1.274 **TIMESHARE UNIT**. That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club

units.

1.275 **TIMESHARE USE**. Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club Use.

1.276 **TRANSFER**. Any action which results in the sale, exchange, or joint venturing of development credits from one property to another property.

1.277 **TRANSFERRED DEVELOPMENT RIGHT (TDR) OPEN SPACE**. That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

1.278 **TRANSPORTATION SERVICES**. A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

1.279 **UDOT**. Utah State Department of Transportation, an agency that maintains and regulates State Highways.

1.280 **UNIFORMITY RATIO**. The ratio between the average and minimum light distribution or luminance across a given Area.

1.281 **UNIT EQUIVALENT**. The

Field Code Changed

Field Code Changed

Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

1.282 **USE.** The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

(A) **Use, Intensity of.** The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

1.283 **VANTAGE POINTS.** A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and
- (K) Across valley view.

1.284 **VEHICLE CONTROL GATE.** Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.285 **WETLAND, SIGNIFICANT.** All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

1.286 **WILDFIRE/WILDLAND INTERFACE ZONE.** All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.287 **WIND ENERGY SYSTEM, SMALL.** All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

1.288 **YARD.**

(A) **Yard, Front.** The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.

(B) **Yard, Rear.** The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum

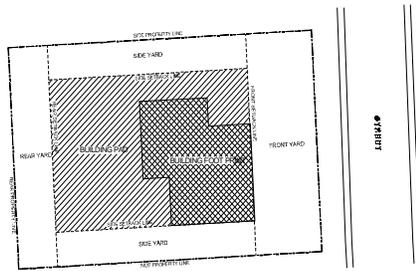
Field Code Changed

Field Code Changed

Field Code Changed

distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area 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 closest Structure. See the following illustration:



1.287 ZERO NET ENERGY BUILDING. A building with zero net energy consumption and zero carbon emissions annually. Zero net energy buildings may use the electrical grid for energy storage but may also be independent of the grid. Energy is harvested on-site through a combination of energy producing technologies like solar and wind, while reducing the overall use of energy within the building with highly efficient HVAC and lighting technologies and highly efficient appliances.

1.289 **ZONE HEIGHT.** The base Building height permitted in the Zoning District prior to Application of any

allowable height exceptions.

1.290 **ZONING DISTRICT.** An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

1.291 **ZONING MAP, OFFICIAL.** The map adopted by the City Council depicting the geographic scope of the City’s land Use designations.

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07; 09-05; 09-09; 09-10; 09-14; 09-23; 09-40; 11-05; 11-12)

15-15-2. LIST OF DEFINED TERMS.

- A-
- Access
- Accessory Apartment
- Accessory Building
- Accessory Use
- Active Building Permit
- Administrative Permit
- Affordable Housing
- Agent
- Agriculture
- Allowed Use
- Alteration, Building
- Ancillary Structure
- Anemometers and Anemometer Towers
- Antenna
- Antenna, Test Drive
- Antenna, Enclosed
- Antenna, Freestanding
- Antenna, Roof Mounted

Field Code Changed

Antenna, Temporary
 Antenna, Wall Mounted
 Apartment
 Applicant
 Application
 Application, Complete
 Architectural Detail
 Area or Site
 Attic

-B-

Bakery
 Balcony
 Bar
 Base Zoning
 Basement
 Bay Window
 Bed and Breakfast Inn
 Bedroom
 Billboard
 Blank Wall
 Block
 Boarding House
 Building
 Building, Attached
 Building, Detached
 Building, Main
 Building, Public
 Building Alteration (see Alteration,
 Building)
 Building Envelope
 Building Footprint
 Building Pad
 Building Permit
 Business

-C-

Café
 Canopy
 Capital Improvements Program
 Certificate of Appropriateness
 Certificate of Economic Hardship

Certificate of Occupancy
 Child Care
 Child Care, In-Home Babysitting
 Child Care, Family
 Child Care, Family Group
 Child Care Center
 City Development
 Clearview of Intersecting Streets
 Club
 Club, Private
 Club, Private Residence
 Club, Private Residence Conversion
 Club, Private Residence Off-Site
 Club, Private Residence Project
 Cluster Development
 Code
 Collector Road
 Co-Location (see Telecommunications
 Facility, Co-Location)
 Commercial Use
 Commercial Use, Support
 Commercial Use, Resort Support
 Common Area
 Common Ownership
 Compatible or Compatibility
 Conditional Use
 Condominium
 Conservation Activity
 Conservation Easement
 Constitutional Taking
 Construction Activity
 Construction Mitigation Plan
 Construction Plan
 Contributing Building, Structure, Site/Area
 or Object
 Council
 Cover, Site
 Crawl Space
 Crest of Hill
 Cul-de-sac

-D-

Deli or Delicatessen
 Demolish or Demolition
 Density
 Design Guideline
 Detached
 Developable Land
 Developer
 Development
 Development Agreement
 Development Approval Application
 Development Credit
 Development Credit Certificate
 Development Right
 Disabled Care
 Dissimilar Location
 Dwelling, Duplex
 Dwelling, Triplex
 Dwelling, Multi-Unit
 Dwelling, Single Family
 Dwelling Unit

-E-

Economic Hardship, Substantial
 Elder Care
 Elevator Penthouse
 Equipment Shelter (see Telecommunications Facility, Equipment Shelter)
 Escrow
 Essential Historical Form
 Exterior Architectural Appearance

-F-

Facade, Building
 Façade, Front
 Facade Easement
 Facade Shift
 Fence
 Filtered Light Fixture
 Final Action
 Final Plat
 First Story
 Flood Plain Area

Floor Area, Gross Commercial
 Floor Area, Gross Residential
 Floor Area, Net Leasable
 Floor Area Ratio (FAR)
 Foot Candle
 Foot Candle, Average (afc)
 Foot Candle, Horizontal (hfc)
 Foot Candle, Vertical (vfc)
 Frontage
 Fully Shielded

-G-

Garage, Commercial
 Garage, Front Facing
 Garage, Private
 Garage, Public
 Geologic Hazard
 Good Cause
 Governing Body
 Grade
 Grade, Existing
 Grade, Natural
 Grade, Final
 Grading
 Green Roof
 Group Care Facility
 Grubbing
 Guarantee
 Guest House

-H-

Habitable Space (Room)
 Hard-Surfaced
 Height, Building
 Helipad
 Heliport
 Helistop
 Historic
 Historic Building, Structure, Site or Object
 Historic District
 Historic Integrity
 Historic Significance, Period of

Historic Sites Inventory
Historical Form, Essential (see Essential
Historical Form)
Home Occupation
Hospital
Hospital, Limited Care
Hotel/Motel
Hotel/Motel, Major
Hotel/Motel, Minor
Hotel Room
Hotel Suite

-I-

Impact Analysis
Inaction
Incidental Retail Sales
Indoor Entertainment Facility

-K-

Kitchen
Kitchen, IBC Commercial
Kitchenette

-L-

Landmark
Landmark Site
Landscaping, Interior
Landscaping, Parking Area
Landscaping, Perimeter
Liftway
Liftway Setback
Light Source
Light Source, Refractive
Limits of Disturbance
Lockout Unit
Lot
Lot, Corner
Lot Depth
Lot Line
Lot Line Adjustment
Lot Width
Lumen

Luminaire
Luminaire, Cutoff Type
Luminaire, Fully Shielded
Luminaire, Partially Shielded

-M-

Master Festival
Master Planned Development (MPD)
Maximum Extent Feasible
Maximum House Size
Model Home

-N-

Neighborhood Convenience, Commercial
Nightly Rental
Non-Complying Structure
Non-Conforming Use
Noteworthy
Nursery, Greenhouse
Nursing Home

-O-

Off-Site
Off-Street
Office, General
Office, Intensive
Office, Medical
Office, Moderately Intensive
Official Streets Master Plan
Official Zoning Map
One Bedroom Apartment
Open Space, Landscaped
Open Space, Natural
Open Space, Transferred Development
Right (TDR)
Ordinary High Water Mark
Ordinary Repairs and Maintenance
Outdoor Use
Outdoor Recreation Equipment (see
Recreation Equipment, Outdoor)
Owner

-P-

Parcel
 Parking, Public
 Parking, Residential
 Parking, Shared
 Parking Area
 Parking Lot, Commercial
 Parking Space
 Parking Structure
 Passenger Tramway
 Period of Historic Significance
 Person
 Physical Mine Hazard
 Planned Unit Development (PUD)
 Porous Paving
 Preliminary Plat
 Preservation
 Preservation Easement
 Private Club (see Club, Private)
 Private Residence Club (see Club, Private Residence)
 Private Residence Club Conversion (see Club, Private Residence Conversion)
 Private Residence Club Project (see Club, Private Residence Project)
 Property
 Property, Storefront
 Property Line
 Property Line, Front
 Property Owner (see Owner)
 Public Improvement
 Public Use

-Q-

Qualified Professional
 Quasi-Public Use

-R-

Receiving Site
 Reconstruction
 Recreation Equipment, Outdoor
 Recreation Facilities, Commercial

Recreation Facilities, Private
 Recreation Facilities, Public
 Recycling Facility
 Recycling Facility, Class I
 Refractive Light Source
 Regulated Use
 Rehabilitation
 Residential Use
 Resort Support Commercial
 Restaurant
 Restaurant, Drive-Through
 Restoration
 Resubdivision
 Retail and Service, Commercial-Auto Related
 Retail and Service, Commercial-Major
 Retail and Service, Commercial-Minor
 Retail and Service, Commercial-Personal Improvement
 Ridge Line Area
 Riding Stable, Commercial
 Right-of-Way
 Road, Collector
 Road Classification
 Road Right-of-Way Width

-S-

Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays
 Satellite Receiving Station
 SBWRD
 Screen or Screened
 Secondary Living Quarters
 Sending Site
 Sensitive Land
 Sensitive Land Analysis
 Sensitive or Specially Valued Species
 Setback
 Sexually Oriented Businesses
 Significance
 Significance, Period of Historic
 Significant Ridge Line Area

Significant Site	Temporary Improvement
Significant Vegetation	Timeshare Conversion
Single Family Subdivision	Timeshare Estate
Site	Timeshare Instrument
Site Development Standards	Timeshare Interval
Site Distance Triangle	Timeshare Off-Premises Contacting Activity
Site Suitability Analysis	Timeshare Off-Premises Sales Activity
Sketch Plat	Timeshare Off-Premises Sales Office
Slope	Timeshare On-Site Sales Activity
Slope, Steep	Timeshare On-Site Sales Office
Slope, Very Steep	Timeshare Project
Spacing	Timeshare Sales Presentation
Special Event	Timeshare Unit
Storefront Property (see Property, Storefront)	Timeshare Use
Story	Transfer
Stream	Transferred Development Right (TDR)
Stream Corridor	Open Space
Street	Transportation Services
Street, Public	
Streetscape	-U-
Streetscape, Architectural	UDOT
Structure	Uniformity Ratio
Studio Apartment	Unit Equivalent
Subdivision	Use
Subdivision, Major	Use, Intensity of
Subdivision, Minor	
Subdivision Plat	-V-
Substantial Economic Hardship (see Economic Hardship, Substantial)	Vantage Points
Suitability Determination	Vehicle Control Gate
-T-	-W-
Tandem Parking	Wetland, Significant
Telecommunications	Wildfire/Wildland Interface Zone
Telecommunications Facility	Wind Energy System, Small
Telecommunications Facility, Co-Location	
Telecommunications Facility, Equipment Shelter	-Y-
Telecommunications Facility, Stealth	Yard, Front
Telecommunications Facility, Technical Necessity	Yard, Rear
	Yard, Side
	-Z-
	Zone Height

Zoning District
Zoning Map, Official

