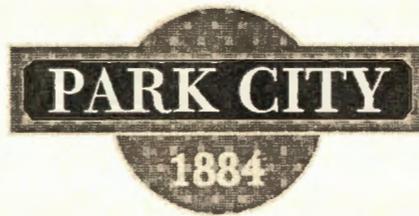


PARK CITY MUNICIPAL CORPORATION
LAND MANAGEMENT CODE



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

FIFTIETH EDITION
REVISED AS OF JULY 10, 2003



PARK CITY MUNICIPAL CORPORATION
LAND MANAGEMENT CODE AMENDMENTS SINCE JANUARY 1, 1984 EDITION
(REFLECTED IN TEXT OF CURRENT EDITION AND ADDENDUM)

Ordinance No. 84-5

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

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

Ordinance No. 84-6

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

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

Ordinance No. 84-10

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

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

Ordinance 84-5(1)

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

Adopted August 23, 1984. Effective August 30, 1984.
Replaced in its entirety by Ordinance No. 84-5(2).

Ordinance 84-5(2)

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

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

Ordinance 85-10

An Ordinance Amending Section 10.14 of the Park City Land Management Code to Clarify the Application of the Unit Equivalent Option on Existing Approvals

Adopted September 19, 1985. Effective September 26, 1985.

Ordinance 85-12

An Ordinance Creating the Historic Recreation Commercial Zone, Establishing the Development Standards for that Zone and Amending the Official Park City Zoning Map

Adopted October 10, 1985. Effective October 17, 1985.

Ordinance 86-7

Review of Permitted Uses for Impact on Existing Infrastructures and Fees Required to Upgrade Existing Infrastructures

Adopted May 29, 1986. Effective June 5, 1986.

Ordinance 86-8

An Ordinance Amending the Park City Land Management Code of 1983, Section 13, Pertaining to Off-Street Parking Requirements

Adopted June 12, 1986. Effective June 19, 1986.

Ordinance 86-9

An Ordinance Amending the Land Management Code of 1983 of Park City, Utah to Clarify the Policy and Purposes for Requiring Security for Completion of Site Improvements on Building Projects

Adopted July 17, 1986. Effective July 24, 1986.

Ordinance 86-12

An Ordinance Amending the Park City Land Management Code to Create Two New Zones, the Single Family (SF) Zone and the Single Family - Nightly Rental (SF-N) Zone, and Amending the Official Zoning Map of Park City; to Modify the Zone Change Provision to Include the Requirement that 51% of the Ownership Interest is in Support of a Request for a Zone Change of a Legally Recorded Subdivision

Adopted November 20, 1986. Effective November 27, 1987.

Ordinance 86-14

An Ordinance Amending Section 8.20(b)(9) of the Park City Land Management Code Pertaining to Timeshare Conversions

Adopted December 11, 1986. Effective December 18, 1986.

Ordinance 87-2

An Ordinance Amending the Land Management Code to Make Nightly Rentals a Permitted Use Rather Than a Conditional Use in the Estate (E), Residential Development (RD), Residential Development-Medium Density (RDM), Residential District (R-1), Historic Residential District (HR-1), and Historic Residential Low Density Zones (HRL); and Amending the Land Use Tables of the Land Management Code

Adopted January 22, 1987. Effective January 29, 1987.

Ordinance 87-7

An Ordinance Amending Section 7.2.10(b) of the Land Management Code to Revise the Off-Street Parking Requirements in the Historic Commercial Business District

Adopted July 23, 1987. Effective July 30, 1987.

Ordinance 87-8

An Ordinance Amending Section 7.13 of the Park City Land Management Code Reducing Allowable Density in the Estate (E) District Zone and Amending Estate District Rezoning Provisions

Adopted September 17, 1987. Effective September 24, 1987.

Ordinance 87-11

An Ordinance Amending Section 7.1 of the Park City Land Management Code to Allow and Set Forth Criteria for Bed and Breakfast Inns as a Conditional Use in the Historic Residential Zone

Adopted October 22, 1987. Effective upon adoption.

Ordinance 87-13

An Ordinance Repealing Ordinance No. 7-20-79 Entitled Subdivision Ordinance in Its Entirety, and Incorporating the New Subdivision Ordinance as Chapter 14 of the Land Management Code, Entitled Subdivision Regulations

Adopted October 22, 1987. Effective upon adoption.

Ordinance 88-3

An Ordinance Amending Section 3.1 of the Park City Land Management Code Changing the Number of Planning Commission Members

Adopted January 7, 1988. Effective January 14, 1988.

Ordinance 88-5

Amendment to Section 9.5(b) of the Land Management Code to Allow the Planning Commission to Review and Approve the Limited Use of Aluminum Siding

Adopted July 28, 1988. Effective August 4, 1988.

Ordinance 88-6

Amendment to Section 7.8 of the Land Management Code to Allow Continuing Uses of Existing Commercial Structures in the Residential Medium Density (RM) Zone

Adopted July 28, 1988. Effective August 4, 1988.

Ordinance 88-7

An Ordinance Amending Section 1.17, Entitled Appeals and Call-Up Process of the Park City Land Management Code

Adopted July 28, 1988. Effective August 4, 1988.

Ordinance 88-10

An Ordinance Amending the Park City Land Management Code to Add an Historic Residential Overlay Zone (HR-2) Which Would Allow Commercial Uses in Existing Historic Structures Along the East Side of Park Avenue, Upper Main Street from the Intersection of Swede Alley and Hillside Avenue, and the East Side of Swede Alley and Grant Avenue

Adopted December 15, 1988. Effective December 22, 1989.

Ordinance 89-2

An Ordinance Amending the Park City Land Management Code to Add a Regional Commercial Overlay Zone (RCO) to Allow Regional Commercial Use Upon the Fulfillment of Certain Conditions

Adopted February 23, 1989. Effective March 2, 1989.

Ordinance 89-12

Omnibus Land Management Code Amendments, Including Appeals and Review Process and Other Miscellaneous Revisions in Chapters 1, 2, 3, 4, 7, 9, and 12

Adopted May 25, 1989. Effective June 1, 1989

Ordinance 89-15

An Ordinance Amending Chapter 5, Board of Adjustment, Clarifying Its Duties and Powers

Adopted June 1, 1989. Effective June 8, 1989.

Ordinance 89-16

An Ordinance Amending Section 10.12 of the Land Management Code to Revise and Clarify the Unit Equivalent Formula

Adopted April 27, 1989. Effective June 15, 1989.

Ordinance 89-17

An Ordinance Amending Section 10.9 of the Land Management Code to Change the Maximum Density Requirements and the Land Use Tables of Section 7

Adopted July 6, 1989. Effective upon adoption.

Ordinance 89-19

An Ordinance Amending Section 7.2.11 of the Park City Land Management Code to Allow Alternatives to Screening of Exterior Mechanical Equipment in the Historic Commercial Business District

Adopted September 21, 1989. Effective upon adoption.

Ordinance 89-20

An Ordinance Amending Section 8.23 of the Park City Land Management Code to Allow Satellite Receiving Stations within the Historic District

Adopted October 5, 1989. Effective upon adoption.

Ordinance 89-23

An Ordinance Providing for the Annual Registration of Homeowners Associations and Notification to Registered Homeowners Associations of Building Permit Applications

Adopted November 9, 1989. Effective November 16, 1989.

Ordinance 89-25

An Ordinance Amending Various Sections of the Land Management Code to Clarify Noticing Requirements

Adopted December 21, 1989. Effective December 28, 1989.

Ordinance 90-1

An Ordinance Amending Various Sections of the Land Management Code to Require Community Development Department Review of Exterior Color Schemes in the Historic District

Adopted January 25, 1990. Effective February 8, 1990.

Ordinance 90-9

An Ordinance Amending Chapters 3 - Planning Commission, Chapter 4 - Board of Adjustment, and Chapter 5 - Historic District Commission of the Land Management Code to Establish Attendance Requirements for Board and Commission Members and Allowing Historic District Commission Members to Continue to Serve until Successors are Appointed

Adopted March 8, 1990. Effective March 15, 1990.

Ordinance 90-17

An Ordinance Amending Section 7.1.3. of the Land Management Code to Require Floor Area Ratios in the Historic Residential (HR-1) District

Adopted June 7, 1990. Effective June 14, 1990.

Ordinance 90-19

An Ordinance Amending Sections 4.1 and 4.3 of Chapter 4, Historic District Commission, of the Land Management Code

Adopted June 28, 1990. Effective June 28, 1990.

Ordinance 90-31

An Ordinance Amending Various Sections of the Park City Land Management Code to Clarify and Amend Processing Requirements for Development Proposals (Phase 1 of Growth Management Plan)

Adopted November 29, 1990. Effective December 6, 1990.

Ordinance 90-32

An Ordinance Amending Sections 7.5.5., 7.6.5., 7.15.5., and 7.16.5. of the Land Management Code Modifying Language Relative to Architectural Review of Single Family Residences

Adopted and Effective December 20, 1990.

Ordinance 91-4

An Ordinance Amending Chapters 2, 7, and 13 of the Land Management Code, Creating a New Chapter 14 which Regulates Child Care and Renumbering Subsequent Sections

Adopted February 21, 1991. Effective March 7, 1991.

Ordinance 91-5

An Ordinance Amending Sections 3.1 and 3.13 of the Land Management Code

Adopted and Effective February 28, 1991.

Ordinance 91-6

An Ordinance Amending Section 8.23 of the Land Management Code to Revise Provisions Regulating the Placement of Satellite Receiving Stations

Adopted and Effective April 25, 1991.

Ordinance 91-7

An Ordinance Amending Chapters 2 and 7 of the Land Management Code Deleting References to the Language "Child Nurseries" and "Day Care Center"

Adopted and Effective April 25, 1991.

Ordinance 91-18

An Ordinance Amending Sections 4.14, 4.15 of the Land Management Code, Adding New Sections 4.16, 4.17 and 4.18 and Renumbering the Remainder of Section 4 to Regulate Processing of Applications for Removal of Historic Structures

Adopted October 3, 1991. Effective October 10, 1991.

Ordinance 92-01

An Ordinance amending Section 7.19 of the Land Management Code to temporarily prohibit the placement of temporary sales offices in all zones

Adopted January 14, 1992. Effective January 21, 1992.

Ordinance 92-06

An Ordinance amending Section 1.15(a), (b) and © of Section 1.21 of the Land Management Code of Park City, Utah clarifying notice and vesting of zoning rights

Adopted March 5, 1992. Effective March 12, 1992.

Ordinance 92-07

An Ordinance amending various provisions of the Land Management Code (maximum house size on combined lots, secondary living quarters, parking in City right-of-way, all appropriate districts requiring single-family review, prohibiting chain link fences, definition of building pad and limits of disturbance, lot lines and setbacks for unusual lot configurations, amendments to setback requirements for satellite dishes, extension of frontage protection zone along SR224, and modification to HRC zone requirements)

Adopted March 5, 1992. Effective March 12, 1992.

Ordinance 92-11

An Ordinance amending Section 7.11.3c of the Land Management Code to allow affordable/moderate income housing in the Light Industrial (LI) Zone through the master planned development process and amending the Land Use Tables in Chapter 7

Adopted May 14, 1992. Effective May 21, 1992.

Ordinance 92-17

An Ordinance adopting the Sensitive Area Overlay Zone Regulations and amending the Official Zoning Map of Park City, Utah to include the Sensitive Area Overlay Zone and amending the Land Management Code of Park City, Utah to better regulate development on sensitive lands

Adopted September 24, 1992. Effective September 24, 1992.

Ordinance 92-19

An Ordinance amending the Land Management Code of Park City, Utah to include amendments to Chapter 2, definitions of floor area; Chapter 4, demolition permits; Chapter 7, lot size policy; Chapter 8, satellite dish screening; and Chapter 9, tower features on single family dwellings and limiting the use of stucco

Adopted November 5, 1992. Effective November 5, 1992.

Ordinance 92-20

An Ordinance adding Section 8.27 to the Land Management Code of Park City, Utah to add criteria for conditional use review of outdoor speakers in conjunction with outdoor dining

Adopted November 5, 1992. Effective November 5, 1992.

Ordinance 93-2

An Ordinance amending Section 7 of the Land Management Code regarding floor area ratios, setbacks, downhill facade limitation and triplex prohibition in the Historic District

Adopted March 18, 1993. Effective April 1, 1993.

Ordinance 93-7

An Ordinance amending various sections of the Land Management Code including Section 4.3 regarding terms and qualifications of the Historic District Commission; Section 4.11 and Section 4.15 regarding preservation of historic buildings and sites and certificate of appropriateness for demolition; and Chapter 8 to allow the outdoor display of works of art in approved locations in Park City, Utah

Adopted November 4, 1993. Effective November 11, 1993.

Ordinance 93-9

An Ordinance amending Chapters 2 and 9 of the Land Management Code and Section 4 and Appendix A of the Sensitive Lands Ordinance

Adopted December 16, 1993. Effective January 1, 1994.

Ordinance 94-4

An Ordinance renumbering certain sections and amending Sections 2, 7.19 and 8.19 of the Park City Municipal Corporation Land Management Code regarding the allowance of accessory apartments

Adopted February 17, 1994. Effective March 3, 1994.

Ordinance 94-12

An Ordinance amending Section 8.12 of the Land Management Code (home occupation business licensing)

Adopted April 7, 1994. Effective April 7, 1994.

Ordinance 94-16

An Ordinance approving an amendment to Chapter 7 of the Land Management Code of Park City Municipal Corporation, Park City, Utah, to enable construction of residential development within the Recreation Commercial District

Adopted April 28, 1994. Effective May 12, 1994.

Ordinance 94-24

An Ordinance amending Section 3.1 of the Park City Land Management Code changing the number of Planning Commission members

Adopted May 26, 1994. Effective upon adoption.

Ordinance 94-32

An Ordinance amending Sections 4.11 through 4.18 of the Land Management Code regarding applications for demolition certificates of appropriateness (CAD) to create a presumption of significance for all buildings, structures, and sites either within the Historic District, listed on the Park City Historic Survey or over 50 years old, and eliminating separate standards for residential buildings and structures

Adopted August 25, 1994. Effective September 8, 1994.

Ordinance 94-39

An Ordinance amending Chapters 1, 2, 3, 5, 7, 8, 9, 10, 13 and 15 of the Land Management Code of Park City, Utah (amendments to Land Management Code including modifications to the regulations for ski tow ropes and passenger tramways; adding provisions for parking for accessory apartments to the parking regulations; clarifying the use of aluminum siding; modifying public hearing requirements; modifying the definition of crawl space; clarifying setback definitions; adding provisions for lighting standards and trash enclosures; requiring the screening of mechanical equipment; clarifying the facade length and variation requirements; adding provisions for bicycle storage facilities)

Adopted October 13, 1994. Effective October 20, 1994.

Ordinance 95-2

An Ordinance amending Section 8.12 of the Land Management Code (home occupation business provision)

Adopted January 19, 1995. Effective January 26, 1995

Ordinance 95-15

An Ordinance establishing a procedure of review and guidelines for actions that may involve a constitutional taking; and establishing an appeal procedure for constitutional takings, pursuant to mandates of the Private Property Protection Act

Adopted March 30, 1995. Effective April 6, 1995.

Ordinance 95-46

An Ordinance amending Chapter 2 and Section 15.1 of the Land Management Code to create a new lot line adjustment process

Adopted August 31, 1995. Effective September 7, 1995.

Ordinance 95-65

An Ordinance amending Chapters 1, 2, 7, 8 and 13 of the Land Management Code relating to building height, snow shedding, setbacks, garages/parking, notification to adjacent property owners, and floor area ratios in the Historic Residential (HR-1) and Historic Residential Development Low-Density (HRL) Districts in Park City, Utah

Adopted December 7, 1995. Effective December 14, 1995.

Ordinance 96-5

An Ordinance adopting temporary zoning regulations for the Historic Commercial (HCB) District and the Historic Transitional Overlay (HTO) Zone District, to establish interim zoning standards pending the adoption of the updated General Plan and revisions to the Land Management Code of Park City, Utah

Adopted February 22, 1996. Effective upon adoption for 180 days.

Ordinance 96-23

An Ordinance amending the General Commercial District zoning regulations of the Land Management Code of Park City and amending the Official Zoning Map of Park City, Utah to establish the Prospector Square Overlay Zone which establishes floor area ratio building standards

Adopted June 20, 1996. Effective June 26, 1996.

Ordinance 96-26

An Ordinance amending Chapter 7 of the Land Management Code of Park City, Utah to clarify prohibitions on the outdoor display of merchandise and storage and to allow the administrative approval of outdoor dining areas and storage of bicycles, kayaks and canoes in the HCB, HRC, HR-2, and RCO Zones

Adopted July 11, 1996. Effective July 17, 1996.

Ordinance 96-27

An Ordinance adopting temporary zoning regulations for the Historic Commercial Business (HCB) District to establish interim zoning standards pending review of a parking management plan and revisions of the Land Management Code of Park City, Utah

Adopted July 18, 1996. Effective upon adoption for 180 days.

Ordinance 96-36

An Ordinance amending the Park City Land Management Code to zone sexually oriented businesses as conditional uses in the General Commercial Zone, Section 7.9 and to regulate the location of sexually oriented businesses

Adopted August 1, 1996. Effective August 7, 1996.

Ordinance 96-54

An Ordinance amending the Park City Land Management Code as replacement legislation for Ordinance 96-27, the parking temporary zoning ordinance, including amendments regarding off-street parking requirements to Chapter 7.2 (HCB zoning regulations) and Chapter 13 (off-street parking)

Adopted December 19, 1996. Effective December 28, 1996.

Ordinance No. 97-13

An Ordinance correcting a scrivener's error to Chapter 8 of the Park City Land Management Code and restoring a five foot height allowance for gable and similar pitched roofs to all zones except HR-1 and HRL Districts

Adopted March 20, 1997. Effective March 26, 1997.

Ordinance No. 97-14

An Ordinance amending Chapter 4, Section 1 of the Land Management Code to make the Planning Commission member of the Historic District Commission a liaison and providing for the Mayor to appoint another at-large member

Adopted March 20, 1997. Effective March 26, 1997.

Ordinance No. 97-27

An Ordinance Amending Chapter 1, Section 13 of the Land Management Code to clarify the Conditional Use review process; Amending Chapter 1, Section 15 of the Land Management Code to change minimum notice requirements; Amending Chapter 1, Section 16 of the Land Management Code to clarify the finality of action and appeals review process; and Amending Chapter 5 of the Land Management Code to clarify and update the duties and procedures of the Board of Adjustment

Adopted June 12, 1997. Effective June 18, 1997.

Ordinance No. 97-59

An Ordinance amending Chapters 7 and 8 of the Land Management Code of Park City regarding the regulation of telecommuni-cation facilities in all zoning districts

Adopted November 20, 1997. Effective November 26, 1997.

Ordinance No. 98-7

An Ordinance amending Chapters 9 and 13 of the Land Management Code of Park City regarding the regulation of lighting standards for commercial, recreational and residential uses in all zoning districts

Adopted February 19, 1998. Effective February 25, 1998.

Ordinance No. 99-39

Ordinance adopting Temporary Zoning Regulations for the Historic Residential District (HR-1) and Historic Residential Low Density District (HRL) to establish interim zoning standards pending revisions of the Land Management Code of Park City, Utah

Adopted September 9, 1999. Effective upon publication.

Ordinance No. 99-51

Ordinance adopting temporary zoning regulations for telecommunications facilities by amending Section 3.30 of the Land Management Code

Adopted December 9, 1999. Effective upon publication.

Ordinance No. 00-1

Temporary Zoning Ordinance amending Ordinance 99-51, Section 3.30 of the Land Management Code, to allow temporary telecommunications facilities by Administrative Permit

Adopted January 6, 2000. Effective upon publication.

Ordinance No. 00-15

Ordinance approving a comprehensive and substantive rewrite of the Land Management Code, specifically Section 7.1, Historic Residential (HR-1) District, and Section 7.14, Historic Residential Development Low-Density (HRL), to address development on steep slopes, lot and site requirements for new construction and additions, building height measurements, permitted and conditional land uses, and vegetation protection

Adopted March 2, 2000. Effective upon publication.

Ordinance No. 00-25

Ordinance approving a comprehensive and substantive re-write of the Land Management Code of Park City, Utah, specifically for:

- Chapter 1 - General Provisions and Procedures
- Chapter 2 - Definitions
- Chapter 12 - Non-Conforming Uses
- Chapter 13 - Off-Street Parking

as renumbered and included in the body of the Municipal Code as follows:

- Chapter 1 becomes Title 15, Chapter 1
- Chapter 2 becomes Title 15, Chapter 15
- Chapter 12 becomes Title 15, Chapter 9
- Chapter 13 becomes Title 15, Chapter 3

Adopted March 30, 2000. Effective upon publication.

Ordinance No. 00-37

Ordinance amending Section 8.30 of the Land Management Code regulating telecommunications facilities in all zoning districts in Park City, Utah (codified)

Adopted June 1, 2000. Effective upon publication.

Ordinance No. 00-50

Ordinance amending the Official Zoning Map to rezone lower Park Avenue to HRM; rezone the east side of Upper Park Avenue to HR0-2; and rezone the platted lots south and east of Ontario and Marsac from HR-1 to HRL.

Adopted September 21, 2000. Effective upon publication.

Ordinance No. 00-51

Ordinance approving a comprehensive and substantive re-write of the Land Management Code of Park City, Utah, specifically for:

Chapter 7 - Districts and Regulations

- Section 7.2 - Historic Commercial Business
- Section 7.3 - Historic Recreation Commercial
- Section 7.4 - Historic Transitional Overlay
- Section 7.5 - Residential Development
- Section 7.6 - Residential Development Medium Density
- Section 7.7 - Residential
- Section 7.8 - Residential Medium Density
- Section 7.9 - General Commercial
- Section 7.10 - Recreation Commercial
- Section 7.11 - Light Industrial
- Section 7.12 - Recreation and Open Space
- Section 7.13 - Estate
- Section 7.15 - Single Family
- Section 7.16 - Single Family Nightly Rental
- Section 7.17 - Historic Residential Low Intensity Commercial Overlay
- Section 7.18 - Regional Commercial Overlay Zone

Chapter 8 - Supplementary Regulations

- Section 8.8 - Frontage Protection, Limited Access to Highways as renumbered and included in the body of the Municipal Code as follows:

- Section 7.2 becomes Title 15, Chapter 2.6
- Section 7.3 becomes Title 15, Chapter 2.5
- Section 7.4 becomes Title 15, Chapter 2.3
- Section 7.5 becomes Title 15, Chapter 2.13
- Section 7.6 becomes Title 15, Chapter 2.14
- Section 7.7 becomes Title 15, Chapter 2.12
- Section 7.8 becomes Title 15, Chapter 2.15
- Section 7.9 becomes Title 15, Chapter 2.18
- Section 7.10 becomes Title 15, Chapter 2.16
- Section 7.11 becomes Title 15, Chapter 2.19
- Section 7.12 becomes Title 15, Chapter 2.7
- Section 7.13 becomes Title 15, Chapter 2.10
- Section 7.15 becomes Title 15, Chapter 2.11
- Section 7.16 is incorporated into Title 15, Chapter 2.11
- Section 7.17 becomes Title 15, Chapter 2.3
- Section 7.18 becomes Title 15, Chapter 2.17
- Section 8.8 is incorporated into Title 15, Chapter 2.20

New Zoning Districts have been added to the Municipal Code, Title 15, Chapter 2 as follows:

- Title 15, Chapter 2.8 - Protected Open Space
- Title 15, Chapter 2.9 - Estate 40

- Title 15, Chapter 2.4 - Historic Residential Medium Density
- Title 15, Chapter 2.21 - Sensitive Lands overlay Zone Regulations (December 1993) are revised and incorporated into Title 15

Adopted September 21, 2000. Effective upon publication.

Ordinance No. 01-03

Ordinance amending Section 8.30 regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games.

Adopted Feb. 1, 2001. Effective upon publication.

Ordinance No. 01-17

Ordinance approving a comprehensive and substantive re-write of the Land Management Code of Park City, Utah, specifically for:

- Chapter 3 - Planning Commission
- Chapter 5 - Board of Adjustment
- Chapter 15 - Subdivision General Provisions

as renumbered and included in the body of the Municipal Code as follows:

- Chapter 3 becomes Title 15, Chapter 12
- Chapter 5 becomes Title 15, Chapter 10
- Chapter 15 becomes Title 15, Chapter 7

Adopted May 17, 2001. Effective upon publication.

Ordinance No. 02-07

Ordinance approving a comprehensive and substantive re-write of the Land Management Code of Park City, Utah, specifically for:

- Chapter 4 - Historic District Commission
- Chapter 6 - Planning and Zoning Administration
- Chapter 8 - Supplemental Regulations
- Chapter 10 - Master Planned Developments
- Chapter 11 - Master Planned Developments - Affordable Housing
- Chapter 14 - Daycare Regulations
- Title 15, Chapter 1 - General Provisions (revised)
- Title 15, Chapter 15 - Definitions (revised)

as renumbered and included in the body of the Municipal Code as follows:

- Chapter 6 becomes Title 15, Chapter 14
- Chapters 8 and 14 are combined to become Title 15, Chapter 4
- Chapters 10 and 11 are combined to become Title 15, Chapter 6
- Chapter 4 becomes Title 15, Chapter 11

and adopting the Zoning Map of Park City.

Adopted May 23, 2002. Effective upon publication.

Ordinance 02-24

Ordinance amending Section 15-2.14-2(b)(15) RDM zone of the Land Management Code.

Adopted June 27, 2002. Effective upon publication.

Ordinance 02-38

Ordinance amending Title 15 of the Municipal Code of Park City, Utah. Land Management Code, Chapter 15 Definitions; Chapter 2.6 Historic Commercial Business (HCB) District; Chapter 2.13 Residential Development (RD) District; Chapter 2.14 Residential Development-Medium Density (RDM) District; and Chapter 2.17 Regional Commercial Overlay (RCO) District.

Adopted September 12, 2002. Effective upon publication.

Ordinance 02-24

Ordinance amending Section 15-4-14, Telecommunications, of the Land Management Code of Park City, Utah.

Adopted October 17, 2002. Effective upon publication.

Ordinance 02-57

Ordinance amending the Land Management Code Section 15-1-12(E)(2) regarding owner association notification.

Adopted December 19, 2002. Effective upon publication.

Ordinance 03-01

Ordinance adopting the Park City Annexation Policy Plan, including the annexation expansion area boundary map, to be included in the Municipal Code, as part of the Land Management Code, to be known as Title 15, Chapter 8-Annexation.

Adopted January 9, 2003. Effective upon publication.

Ordinance 03-13

Ordinance amending Land Management Code Section 15-4-15 regarding Outdoor Display of Works of Art.

Adopted May 1, 2003. Effective upon publication.

Ordinance 03-34

An ordinance amending Land Management Code Section 15-11 replacing Chapter 11 in its entirety.

Adopted July 20, 2003. Effective upon publication.

PARK CITY MUNICIPAL CODE

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TITLE 15 - LAND MANAGEMENT CODE

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

Chapter adopted by Ordinance No. 00-25

CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES.

15-1 -1. SHORT TITLE.

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

15-1 -2. STATEMENT OF PURPOSE.

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

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

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

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

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

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

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9 of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary

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regulation of the Use and Development of land within the City.

15-1 -3. CONFLICT.

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

15-1 -4. DEFINITIONS.

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

15-1 -5. ZONING MAP ADOPTED.

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

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

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning

Map. In interpreting the Official Zoning Map, the following standards shall apply:

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

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

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

All amendments to the LMC must be made in the following manner:

(A) **APPLICATION.** An Application must be filed first with the Community Development Department on a form prescribed for that purpose. The Community Development Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic District Commission may initiate an amendment as provided below.

(B) **HEARINGS BEFORE PLANNING COMMISSION.** The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission shall be given by

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posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

(C) **ACTION BY PLANNING COMMISSION.** Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL.** The City Council must hold a public hearing on all amendments to the LMC. Notice of the hearings shall be given by providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS.** At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall be given by posting notice in at least three (3) public places within the City and by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.

(F) **TEMPORARY OR EMERGENCY ZONING.** The City Council may, without a public hearing, enact an ordinance establishing temporary zoning regulations for any part or all of the Area within the municipality if:

- (1) the City Council makes a finding of compelling, countervailing public interest; or
- (2) the area is unzoned.

Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

(A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to

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and have been approved by the Community Development Department.

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

(C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.

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

(E) The Community Development Department reviews all Allowed Uses, Administrative Lot Line Adjustments and Administrative Conditional Use permits.

(F) Projects in the Historic District and Historic Structures outside the Historic District are subject to design review under the Historic District Guidelines.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.

(H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.

(I) Variances, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

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

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REVIEW					
	CDD	HDC	Board of Adjustment	Planning Commission	City Council
Allowed	x				
Allowed-Historic	x	x			
Conditional				x	
Conditional Admin.	x				
MPD		x**		x	
Non-Conforming			x		
Plat Amendment				x	x
Variance			x		
Subdivision				x	x
Zoning Appeal			x		
LMC Amendments				x	x

*All Applications are filed with the Community Development Department (CDD). If CDD is not the reviewing body, a CDD staff member will make a recommendation to the reviewing body.

**For MPD's located in the Historic District and for MPD's that include an Historic Structure.

15-1 -9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Community Development Department, and include payment of all fees. On any

Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Community Development Department must review the Application to determine whether the proposal:

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- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Historic District Design Guidelines, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and
- (7) pertains to land in which all tax assessments have been paid.

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

(C) If the Application does not comply with the requirements of the zone, the

Community Development Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section has not been met.

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Community Development Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

(A) **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-Application conference with

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the Community Development Department to discuss the proposed Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts.

(B) **THE APPLICATION.** An Applicant must file a Complete Application on forms provided by the Community Development Department for Conditional Uses.

(C) **NOTICE/POSTING.** Upon receipt of a Complete Application, the Community Development Department shall provide published notice once fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposal. (See Section 15-1 -12. NOTICE.) The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit and shall either approve, deny, or modify and approve the Permit.

(D) **STANDARDS FOR REVIEW.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

- (1) the Application complies with all requirements of this LMC;
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
- (3) the Use is consistent with the Park City General Plan, as amended; and

(4) the effects of any differences in Use or scale have been mitigated through careful planning.

(E) **REVIEW.** The Community Development Department and/or Planning Commission must review each of the following items when considering a Conditional Use permit:

- (1) size and location of the Site;
- (2) traffic considerations including capacity of the existing Streets in the Area;
- (3) utility capacity;
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;
- (6) internal vehicular and pedestrian circulation system;
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- (9) usable Open Space;
- (10) signs and lighting;

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(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

(F) **TRANSFERABILITY**. A Conditional Use permit is transferrable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION**. Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the

Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the Conditional Use permit, noticed and processed with a public hearing the same as a normal Conditional Use permit.

(H) **APPEALS**. Appeals must be pursuant to Section 15-1 -18. herein.

15-1 -11. SPECIAL APPLICATIONS.

(A) **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS**. Applications for MPD's shall be reviewed according to LMC Chapter 15-6.

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES**. The Board of Adjustment must review Applications for Variances, Special Exceptions and Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior to the issuance of any Conditional Use permit or Master Planned Development, or other approval by the Planning Commission or Community Development Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

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(C) **PLAT AMENDMENTS/ SUBDIVISION.** Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

15-1 -12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property, and the time, place and date set for public hearing on the matter. Notice shall be given as follows:

(A) **POSTED NOTICES.** The Community Development Department must post notice on the Property affected by the Application.

(B) **PUBLISHED NOTICE.** Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) **COURTESY NOTICE.** As a courtesy to adjacent Property Owners, the Applicant must provide the Community Development Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a

Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) **EFFECT OF NOTICE.** Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

(E) **OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.**

(1) **REGISTRATION.** Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00).

The registration must consist of the name(s), addresses including post office box numbers, and telephone numbers of at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

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

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

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

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

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an Applicant and an Owners association.

(Amended by Ord. No. 02-57)

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) POLICY.

(1) **SECURITY REQUIRED.**

In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until adequate financial security is posted in accordance with this section.

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(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial security given by the Developer be limited to a contract between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Community Development Director.

(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.** All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must be

approved in advance by the Community Development Department.

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

(1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site improvement work remains unfinished; and,

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

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

(D) **AMOUNT OF SECURITY.** The amount of the security to be posted by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the Department, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF SECURITY.** The terms of any security arrangement offered to the City shall state a date certain by which

the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in escrow, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the escrow or other security arrangements.

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

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or,
- (2) A deposit of cash with a third party escrow, or,

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(3) An Agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.

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

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site improvement work by the City. No retained amount shall be held for landscaping improvements once the installation of the required materials has been approved by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site improvements which fail or

appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

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

(I) **PAYMENT OF INTEREST.** Any interest accruing on funds in escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in escrow for this purpose.

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

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

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

(Amended by Ord. 02-07)

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

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their projects either to approval or denial in a reasonably expeditious

manner. The City may formally deny Applications which remain inactive for long periods of time due to acts or omissions of the Applicant.

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

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

(B) **REINSTATEMENT.** An Applicant may appeal the Community Development Director's denial of a project for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

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15-1 -15. PENALTIES.

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class “C” misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

Private citizens of Park City or Property Owners have the right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. LICENSING.

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. VESTING OF ZONING RIGHTS.

(A) Upon submittal of a Complete Application, the Application shall vest pursuant to the terms of the LMC and Zoning Map in effect at the time of filing the Complete Application.

(B) Vesting of all Permits and approvals terminates upon the expiration or termination of the permit or approval.

(C) **EXCEPTIONS.** Applications shall not vest:

(1) when revisions to the LMC are pending at the time of Application which would prohibit or further condition the approval sought; or

(2) when there exists a compelling and countervailing health, safety or welfare reason for applying the pending standard.

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF.** Any decision by the Community Development Director regarding Application of this LMC to a Property may be appealed to the Planning Commission. Decisions regarding compliance with the Historic District Guidelines may be appealed to the Historic District Commission. The appeal must be filed with the Community Development Department. There shall be no additional notice for appeal of the staff determination other than listing the matter on the agenda, unless notice of the staff review was provided in which case the same notice must be given for the appeal.

(B) **HISTORIC DISTRICT COMMISSION (HDC).** Final Actions by the Historic District Commission may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION.** Final Actions by the Planning Commission on staff appeals may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and MPDs may be appealed to the City Council.

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

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

(E) **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission or Board of Adjustment must be filed with the Community Development Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken.

(G) **WRITTEN FINDINGS REQUIRED.** The appellate body shall direct staff to prepare detailed written:

- (1) Findings of Fact which explain and support the Staff decision;
- (2) Conclusions as to how a contrary decision would violate the provisions of this LMC, other City ordinances, or applicable state or federal laws or regulations.

(H) **CITY COUNCIL ACTION ON APPEALS.**

- (1) The City Council, with the consultation of the appellant, shall set a date for the appeal.
- (2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Community Development Department and shall transmit them to the Council.

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(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission or Historic District Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(I) CITY COUNCIL CALL-UP.

Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call any Final Action taken by the Planning Commission or Historic District Commission or Community Development Department up for review by the Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Community Development Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1 -12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. The City Council, with the consultation of the Applicant, shall set a date

for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(J) NOTICE. Notice of all appeals to City Council or call-ups shall be given by:

(1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City; and

(2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action.

(K) STAY OF APPROVAL PENDING REVIEW OF APPEAL.

Upon the filing of an appeal, any approval granted by the Historic District Commission or the Planning Commission will be suspended until the City Council has acted on the appeal.

(L) APPEAL FROM THE CITY COUNCIL.

The Applicant or any Person aggrieved by City action on the project may appeal from the Final Action by the City Council affecting the project to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

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(M) **FINALITY OF ACTION.** Final Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law.

(N) **RECONSIDERATION.** The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE.** Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon

identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES.** The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

(C) **APPEAL.** Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal

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pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) **TAKINGS APPEAL BOARD.**

There is hereby created a three (3) member Takings Appeal Board. The City Manager shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection (C), the City Manager shall appoint a member or sufficient members to fill the vacancies.

15-1 -20. NOTICE MATRIX.

(See following pages)

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NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	To Owners of the Property and Owners within 300 ft. 14 days prior to each hearing before the Planning Commission and City Council, if individual Property.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Substantive Amendments	14 days prior to each hearing before the Planning Commission and City Council.	-----	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Procedural Amendments	-----	-----	Once 7 days prior to the hearing before City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	-----	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	To Owners within 300 ft. 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Appeals from Staff, Historic District Commission or Planning Commission, including City Council Call-Up.	7 days prior to the date set for the appeal or call-up meeting.	To all parties who received mailed notice for the original Historic District Commission or Planning Commission meeting 7 days prior to the City Council meeting.	Once 7 days before the date set for the appeal or call-up meeting.

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ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Conditional Use Approval (CUP)	14 days prior to the hearing before the Planning Commission.	To Owners within 300 ft., at least 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment.	To Owners within 300 ft., 14 days prior to the hearing before the Board of Adjustment.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the Community Development Dept. to issue a CAD ; 14 days prior to the hearing before the Historic District Commission.	To Owners within 300 ft. 14 days prior to the hearing before the Historic District Commission.	Once 14 days prior to the hearing before the Historic District Commission.
Determination of Historic Significance	Once 7 days prior to hearing before the Historic District Commission.	-----	Once 7 days prior to hearing before the Historic District Commission.
Historic District Design Review	For a 10 day period once Staff's preliminary determination of compliance has been reached.	To Owners of adjoining Property once Staff's preliminary determination of compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	Only required upon appeal of Staff's decision. See appeals from staff, Historic District Commission, or Planning Commission, including City Council Call-Up.
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		

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ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Termination of Project Applications	-----	Mailed Notice: To Developer and certified Agent by certified mail 14 days prior to the Community Development Director's termination and closure of files.	-----
Lot Line Adjustments: Between two Lots without a plat amendment. If Application is turned down, then Applicant will be notified of right to appeal to Planning Commission and of right to file a formal plat amendment Application.	-----	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the CDD Application form, from adjacent Owners.	-----
Preliminary and Final Subdivision Plat Applications.	7 days prior to the hearing before the Planning Commission.	To Owners within 300 ft. 7 days prior to the hearing before the Planning Commission.	Once 7 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	7 days prior to the hearing before the Planning Commission	To Owners within 300 ft. 7 days prior to the hearing before the Planning Commission.	Once 7 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	-----	To Owners within 300 ft. 7 days prior to the hearing before the City Council. See Notice Requirement listed in Appendix A.	-----
Petition with consent of all Owners in Plat to Vacate or Change a Plat	-----	To Owners within 300 ft. of the Subdivision	Once 14 days prior to the hearing before the Planning Commission

(No public hearing before City Council necessary. Consent item only)

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ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Petition without Consent of all Owners to Vacate or Change a Plat; Vacating or Changing a Plat without a Petition when written objections are received. (Plat Amendments)	<p>-----</p>	<p>To Owners within 300 ft. 14 days prior to the hearing before the City Council.</p> <p>See content Notice Requirement listed in Appendix A (below).</p>	<p>Once 14 days prior to the hearing before City Council.</p>
Vacating or Changing a Street	<p>-----</p>	<p>To Owners within 300 ft. 14 days prior to the hearing before the City Council.</p> <p>See content Notice Requirement listed in Appendix A. (below).</p>	<p>Once a week for 4 consecutive weeks prior to the hearing before the City Council.</p>

Appendix A

Plat Amendment, Record of Survey Amendment, and Street Change Notice (mailed and published) shall include:

1. A statement that anyone objecting to the proposed plat must file a written objection to change within ten (10) days of the date of notice;
2. A statement that if no objection is filed, no public hearing will be held; and
3. The date, time and place of the public hearing if objections are filed.

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Appendix B - Official Zoning Map (Refer to the Planning Department)

Title 15, Chapter 2
Zoning Districts

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

Chapter adopted by Ordinance No. 00-15

15-2.1-1. PURPOSE.

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

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

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

15-2.1-2. USES.

(A) **ALLOWED USES.**

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

(B) **CONDITIONAL USES.**

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

¹See LMC Chapter 14 for Child Care Regulations

²See LMC Chapter 8, Supplementary Regulations for Accessory Apartments

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15-2.1-2

- (4) Child Care Center
- (5) Essential Municipal and Public Utility use, facility, service, and Building
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- (12) Recreation Facility, Private
- (13) Fences greater than six feet (6') in Height from Final Grade

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

15-2.1-3. LOT AND SITE REQUIREMENTS.

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

³See LMC Chapter 8.30, Telecommunications Facilities

⁴See LMC Chapter 8.25, Satellite Receiving Antennas

⁵Subject to Administrative Conditional Use Permit.

connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line.

(B) **BUILDING ENVELOPE (HRL DISTRICT).** The Building Pad, Building Footprint, and Height restrictions define the maximum Building Envelope in which all Development must occur.

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

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;

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(f) Sidewalks, pathways,
and steps;

(g) Screened hot tubs;
and

(h) Landscaping.

(2) Exceptions to the Building Pad Area are subject to Community Development Department approval based on a determination that the proposed exceptions result in a design that:

(a) provides increased architectural interest consistent with the Historic District Guidelines;

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of any Structure shall be calculated as follows:

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

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

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

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

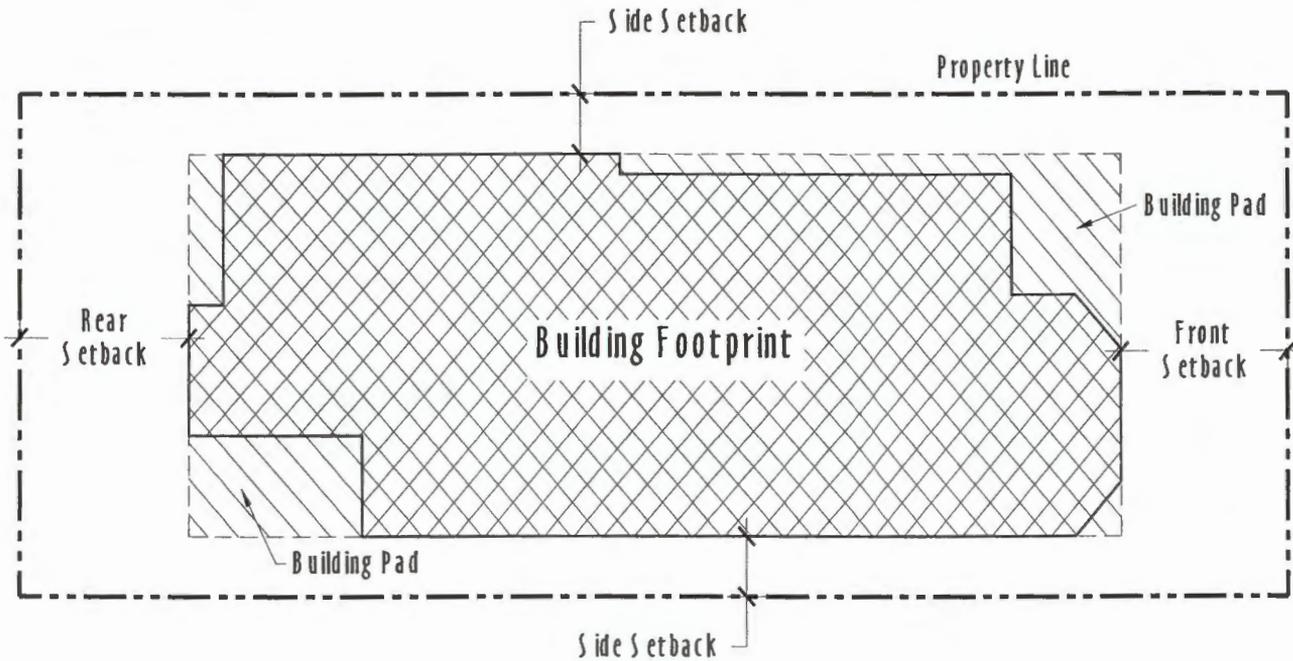
PARK CITY MUNICIPAL CODE - TITLE 15, Chapter 2.1 - HRL District

15-2.1-4

TABLE 15-2.1.

Lot Depth <= ft.	Lot Width, ft. Up to:	Side Yards Min. Total		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75 ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

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



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

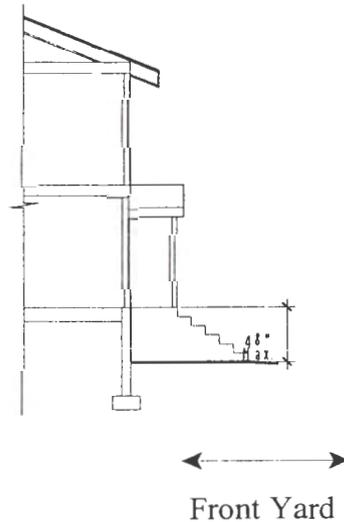
TABLE 15-2.1a

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

(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

- (1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
- (2) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in Height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



- (3) A deck, porch, or Bay Window not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
- (4) A roof overhang, eave, or cornice projecting not more than two feet (2') into the Front Yard.
- (5) Sidewalks and pathways.

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15-2.1-6

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

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

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

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

(3) A window well or light well extending not more than four feet (4') into the Rear Yard.

(4) A roof overhang or eave projecting not more than two feet (2') into the Rear Yard.

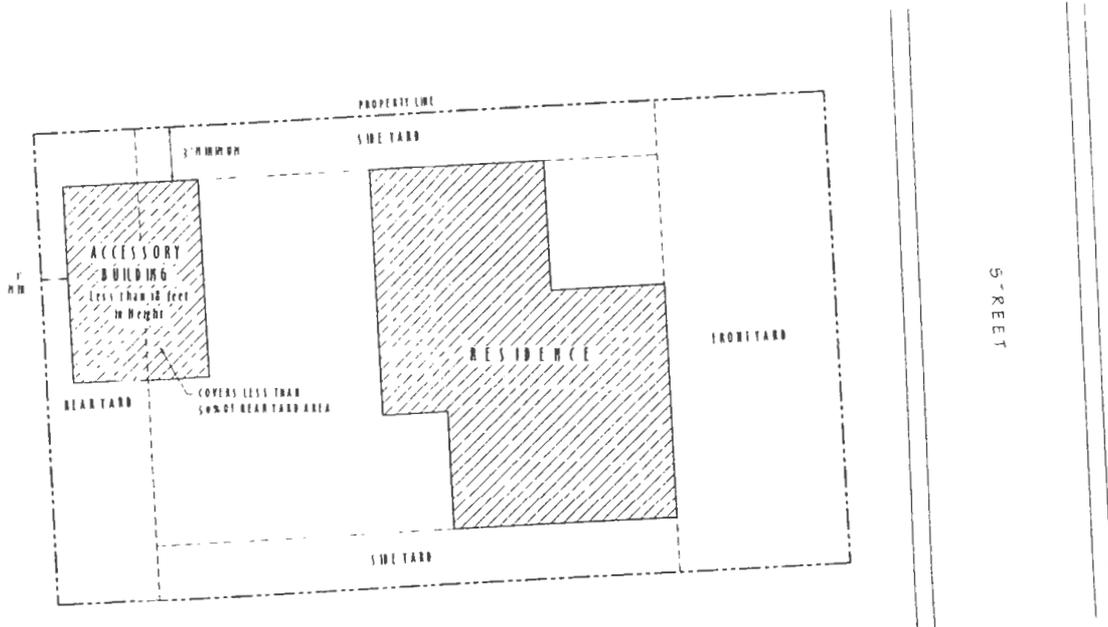
(5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty

percent (50%) of the Rear Yard. See the following illustration:

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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not over six feet (6') in Height.⁶

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or Steps connecting to a City staircase or pathway.

(H) **SIDE YARDS.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.1. above.

(2) On Corner Lots, any Yard which faces a Street may not have a Side Yard less than five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

⁶A Fence over six feet (6') in Height requires a Conditional Use Permit.

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- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁷
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁷
- (3) A window well or light well projecting not more than four feet (4') into the Side Yard.⁷
- (4) A roof overhang or eave projecting not more than two feet (2') into the Side Yard.⁸
- (5) A window sill, belt course, trim, cornice, or other ornamental feature projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.⁷
- (7) A Fence or wall not more than six feet (6') in Height.⁹
- (8) A driveway leading to a garage or Parking Area.

⁷Applies only to Lots with a minimum Side Yard of five feet (5')

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

⁹A Fence over six feet (6') in Height requires a Conditional Use Permit.

- (9) Pathway or steps connecting to a City staircase or pathway.
- (10) A detached Accessory Building, not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').
- (11) Screened mechanical equipment, hot tubs, or similar Structures, located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in Height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition

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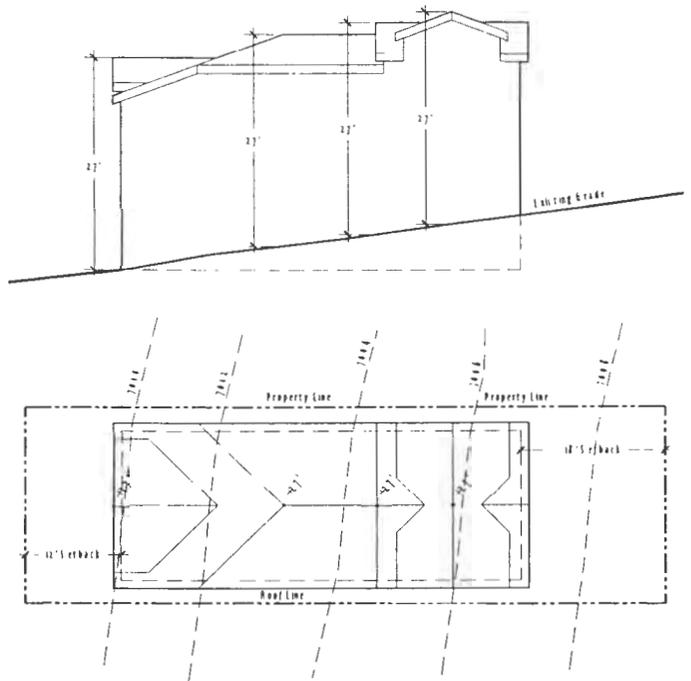
does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

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

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

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than twenty-seven feet (27') from Existing Grade. This is the zone Height. In cases where due to excavation, Final Grade is lower than the Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved window wells.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following Height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the Height of the Building.

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15-2.1-10

(3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Community Development Department may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Height requirement.

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1000 sq. ft.) including the garage.

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

The Community Development Department shall review all Conditional Use Permit applications and forward a recommendation to the Planning Commission. The Planning Commission shall review all Conditional Use Permit applications as Consent Calendar items, unless the Planning

Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional Use Permit applications shall be subject to the following criteria:

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

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

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15-2.1-11

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Community Development Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Community Development Department and/or Planning Commission may require an increase

in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

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

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HRL District is twenty-seven feet (27'). The Community Development Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

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15-2.1-12

(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Community Development Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

- (a) The Height exception does not result in a Height in excess of forty feet (40').
- (b) The Lot width is greater than twenty-five feet (25').
- (c) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic District Commission, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.
- (d) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(e) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(f) A Height reduction in other portions of the Building and/or increased Setbacks are incorporated.

(g) The Height exception is not granted primarily to create additional Building area.

(h) The Height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(i) The Height exception is Compatible with good planning practices and good Site design.

(j) The Height increase will result in a superior plan and project.

(k) The project conforms with Section 15-1-10, Conditional Use Review.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the

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15-2.1-13

Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Community Development Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

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

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, the Owner is not vested for the maximum.

15-2.1-7. PARKING REGULATIONS.

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

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

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

- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
- (2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Chapter 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the Community Development Department as to function and design.

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15-2.1-14

15-2.1-8. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Community Development Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Community Development Department (CDD) determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Community Development Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal the Staff's determination of compliance to the Historic District Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or code provisions violated by the Staff determination.

15-2.1-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.1-10. SIGNS.

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

15-2.1-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8-7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.

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15-2.1-15

- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 9; Section 15-3.3(D).
- Lighting. LMC Chapter 9; Section 15-3.3.(C).
- Historic District Commission. LMC ter 4.
- Park City Sign Code. Title 12.
- Architectural Design. Architectural Design Guidelines.
- Snow Storage. Section 15-3.3.(E)
- Parking Ratio Requirements. Section 15-3.6.(A)(B).



**PARK CITY MUNICIPAL CODE
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15-2.2-1



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

Chapter adopted by Ordinance No. 00-15

15-2.2-1. PURPOSE.

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

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

15-2.2-2. USES.

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

(A) **ALLOWED USES.**

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

(B) **CONDITIONAL USES.**

- (1) Duplex Dwelling

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

²See LMC Chapter 14 for Child Care Regulations

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15-2.2-2

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

³See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

⁴See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁶In Historic Structures only

⁷Subject to Administrative Conditional Use Permit

- (18) Recreation Facility, Private
- (19) Fences greater than six feet (6') in Height from Final Grade.

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

15-2.2-3 LOT AND SITE REQUIREMENTS.

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

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line.

(B) **BUILDING ENVELOPE (HR-1 DISTRICT).** The Building Pad, Building Footprint and Height Restrictions define the maximum Building envelope within which all Development must occur.

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

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15-2.2-3

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

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

(2) Exceptions to the Building Pad Area are subject to Community Development Department approval based on a determination that the proposed exceptions result in a design that:

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

(D) **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure shall be calculated as follows:

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

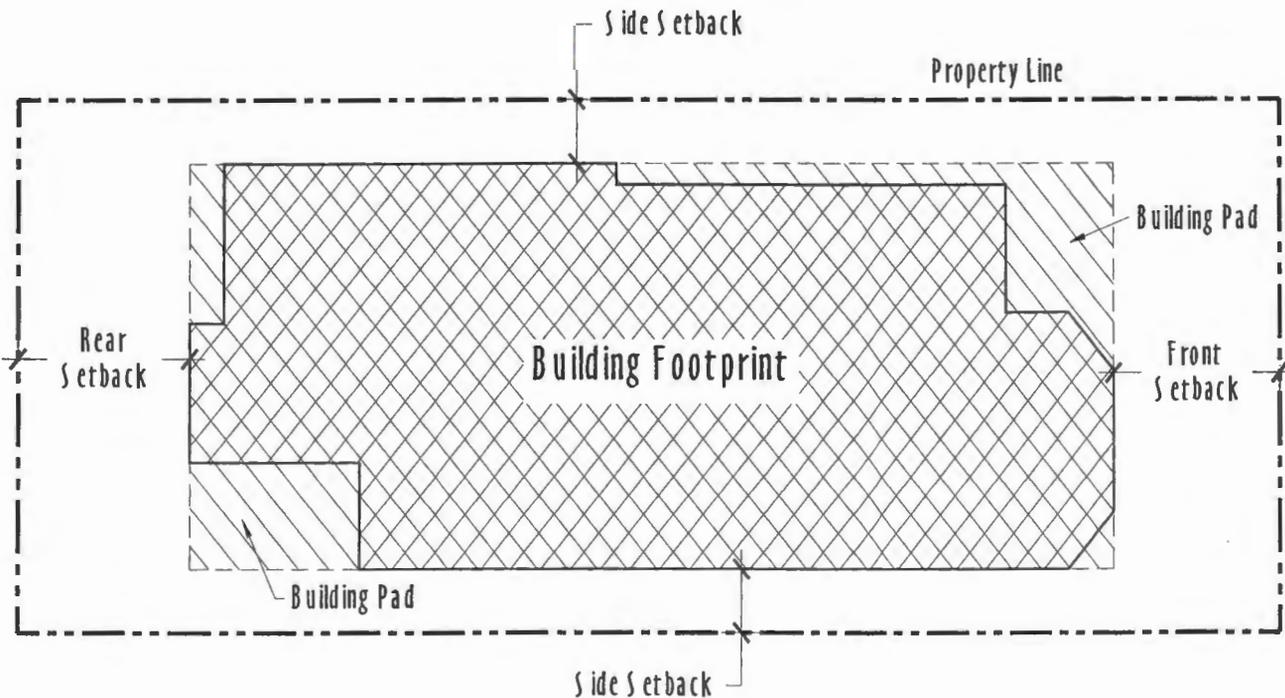
Where FP= maximum Building Footprint and A= Lot Area.

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

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

TABLE 15-2.2.

Lot Depth, \leq ft.	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula



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15-2.2-5

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

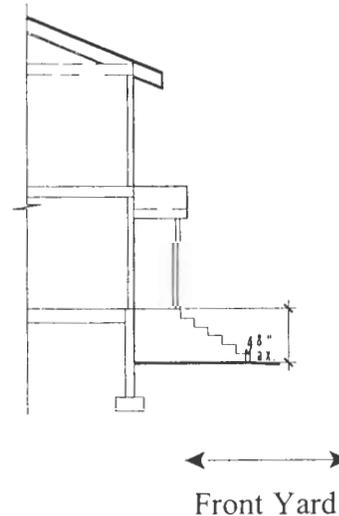
TABLE 15-2.2a

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

(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

- (1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
- (2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in Height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



- (3) A deck, porch or Bay Window not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
- (4) A roof overhang, eave or cornice projecting not more than two feet (2') into the Front Yard.
- (5) Sidewalks and pathways.

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

percent (50%) of the Rear Yard. See the following illustration:

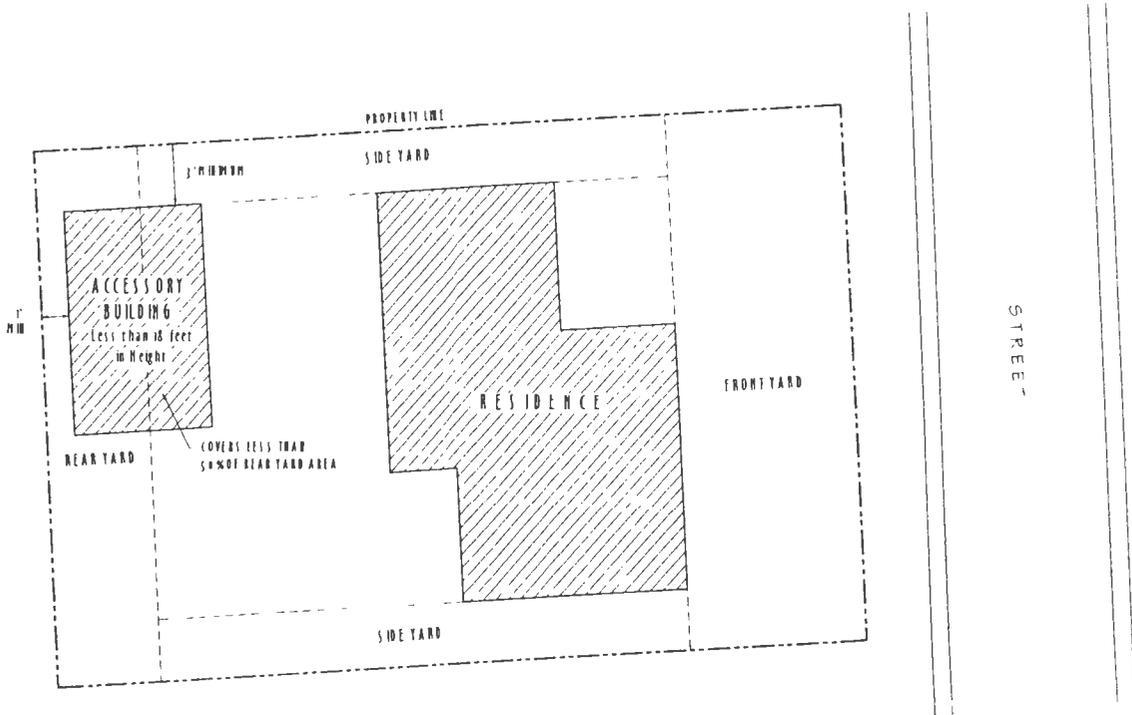
(G) REAR YARD EXCEPTIONS.

The Rear Yard must be open and free of any Structure except:

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) A window well or light well extending not more than four feet (4') into the Rear Yard.
- (4) A roof overhang or eave projecting not more than two feet (2') into the Rear Yard.
- (5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.
- (6) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty

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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not over six feet (6') in Height.⁸

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final

Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.2. above.

(2) On Corner Lots, any Yard which faces a Street may not have a Side Yard less than five feet (5').

⁸A Fence over six feet (6') in Height requires a Conditional Use Permit.

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15-2.2-8

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁹
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁹
- (3) A window well or light well projecting not more than four feet (4') into the Side Yard.⁹
- (4) A roof overhang or eave projecting not more than two feet (2') into the Side Yard.⁹
- (5) A window sill, belt course, trim, cornice, or other ornamental feature projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height above Final Grade, provided there is at least a one foot (1') Setback to the Property Line.⁹
- (7) A Fence, wall, or retaining wall not more than six feet (6') in Height.¹⁰

⁹Applies only to Lots with a minimum Side Yard of five feet (5')

¹⁰A Fence over six feet (6') in Height requires a Conditional Use Permit.

(8) A driveway leading to a garage or Parking Area.

(9) Pathway or steps connecting to a City staircase or pathway.

(10) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in Height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid

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

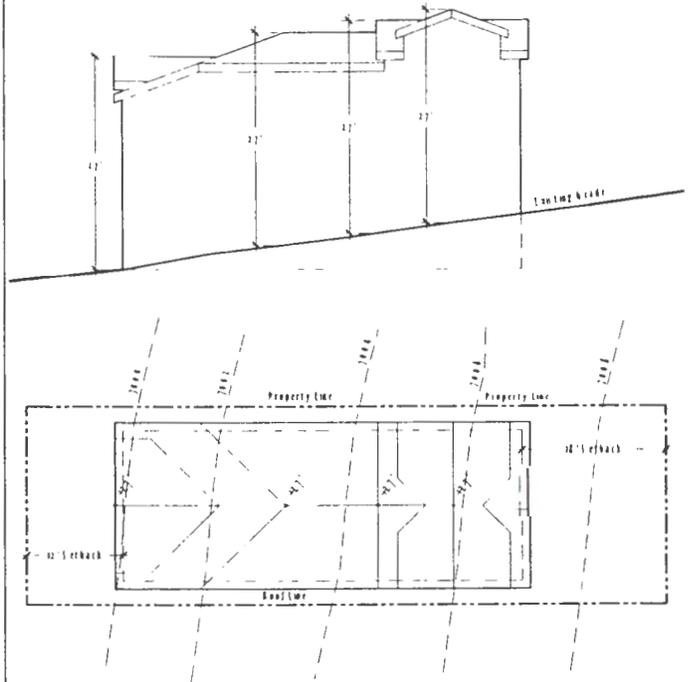
(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

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

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than twenty-seven feet (27') from Existing Grade. This is the zone Height. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around

the perimeter of the Building. This measure shall not include approved window wells.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following Height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

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(3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Community Development Department may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Height requirement.

15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1000 sq. ft.) including the garage.

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

The Community Development Department shall review all Conditional Use Permit applications and forward a recommendation to the Planning Commission. The Planning Commission shall review all Conditional Use Permit applications as Consent Calendar items, unless the Planning

Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional Use Permit applications shall be subject to the following criteria:

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

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

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(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Community Development Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Community Development Department and/or Planning Commission may require an increase

in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

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

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Community Development Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

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(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Community Development Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

- (a) The Height exception does not result in a Height in excess of forty feet (40').
- (b) The Lot width is greater than twenty-five feet (25').
- (c) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic District Commission, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.
- (d) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(e) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(f) A Height reduction in other portions of the Building and/or increased Setbacks are incorporated.

(g) The Height exception is not granted primarily to create additional Building Area.

(h) The Height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(i) The Height exception is Compatible with good planning practices and good Site design.

(j) The Height increase will result in a superior plan and project.

(k) The project conforms with Chapter 15-1-10, Conditional Use Review.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the

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Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Community Development Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

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

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, the Owner is not vested for the maximum.

15-2.2-7. PARKING REGULATIONS.

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

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

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

- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
- (2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use Permit are subject to a Conditional Use review, Chapter 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the Community Development Department as to function and design.

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15-2.2-8. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Community Development Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Community Development Department (CDD) determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Community Development Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic District Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

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

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

(A) The use is in an Historic Structure, or an addition thereto.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the

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Inn. The Planning Commission may waive the parking requirement if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(J) The use complies with Chapter 15-1-10, Conditional Use Review Process.

15-2.2-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation

consistent with Landscape Criteria in LMC Chapter 9.

15-2.2-11. SIGNS.

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

15-2.2-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 9; Section 15-3.3(D).
- Lighting. LMC Chapter 9; Section 15-3.3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. Historic District Design Guidelines.
- Snow Storage. Section 15-3.3.(E).
- Parking Ratio Requirements. Section 15-3.6.(A)(B).

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

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

- (A) allow for adaptive reuse of Historic Structures by allowing commercial and office uses in Historic Structures in the following Areas:
 - (1) Upper Main Street;
 - (2) Upper Swede Alley; and
 - (3) Grant Avenue,
- (B) encourage and provide incentives for the renovation of Historic Structures,
- (C) establish a transition in use and scale between the HCB and the HR-1 Districts,
- (D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the district,
- (E) define Development parameters that are consistent with the General Plan policies

for the Historic core; result in Development compatible Historic Structures; and comply with the Historic District Design Guidelines and HR-1 regulations for Lot size, coverage, and Building Height, and

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

15-2.3-2. USES.

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

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Lockout Unit¹
 - (3) Nightly Rental²
 - (4) Home Occupation
 - (5) Child Care, In-Home Babysitting
 - (6) Child Care, Family

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

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

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- (7) Child Care, Family Group³
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure with four (4) or fewer spaces
- (12) Recreation Facility, Private

(B) CONDITIONAL USES.

- (1) Duplex Dwelling
- (2) Secondary Living Quarters
- (3) Accessory Apartment⁴
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public or Quasi-Public Institution, church or School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁵
- (9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter⁶
- (10) Bed & Breakfast Inn⁷
- (11) Boarding House, Hostel⁷

- (12) Hotel, Minor, fewer than sixteen (16) rooms⁷
- (13) Office, General⁸
- (14) Office, Moderate Intensive⁸
- (15) Office and Clinic, Medical⁸
- (16) Retail and Service Commercial, Minor⁸
- (17) Retail and Service Commercial, personal improvement⁸
- (18) Cafe or Deli⁸
- (19) Restaurant, General⁸
- (20) Restaurant, Outdoor Dining⁹
- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility
- (25) Ski tow rope, ski lift, ski run, and ski bridge
- (26) Recreation Facility, Private
- (27) Fences over six feet (6') in Height

³See LMC Chapter 14 for Child Care Regulations

⁴See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

⁵See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁷In Historic Structures only

⁸In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met.

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

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15-2.3-3

(C) **PROHIBITED USES.**

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

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

The Historic District Commission shall review any Conditional Use Permit (CUP) Application in the HR-2 District and shall forward a recommendation to the Planning Commission regarding the application's compliance with the Historic District Design Guidelines. The Planning Commission shall review this application according to Conditional Use Permit criteria set forth in Section 15-1-10 as well as the following:

- (A) Consistent with the Historic District Design Guidelines, Section 15-4, and the Historic District Commission's recommendation.
- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.
- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. New Structures and additions must be two (2) stories in Height or less. Primary facades should be one (1) to one and a half (1½) stories at the Street. Larger Building masses should be located to rear of the

Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

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

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

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

15-2.3-4. LOT AND SITE REQUIREMENTS.

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

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the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling . The Minimum Lot Area for all other uses shall be determined by the Planning Commission during the Conditional Review Process. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line.

(B) **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and Height Restrictions define the maximum Building Envelope within which all Development must occur.

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

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

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;

(d) Bay Windows;

(e) Chimneys;

(f) Sidewalks, pathways, and steps;

(g) Screened hot tubs; and

(h) Landscaping.

(2) Exceptions to the Building Pad Area are subject to Community Development Department approval based on a determination that the proposed exceptions result in a design that:

(a) provides increased architectural interest consistent with the Historic District Design Guidelines; and

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HR-2 DISTRICT).** The maximum Building Footprint of any Structure shall be calculated as follows:

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

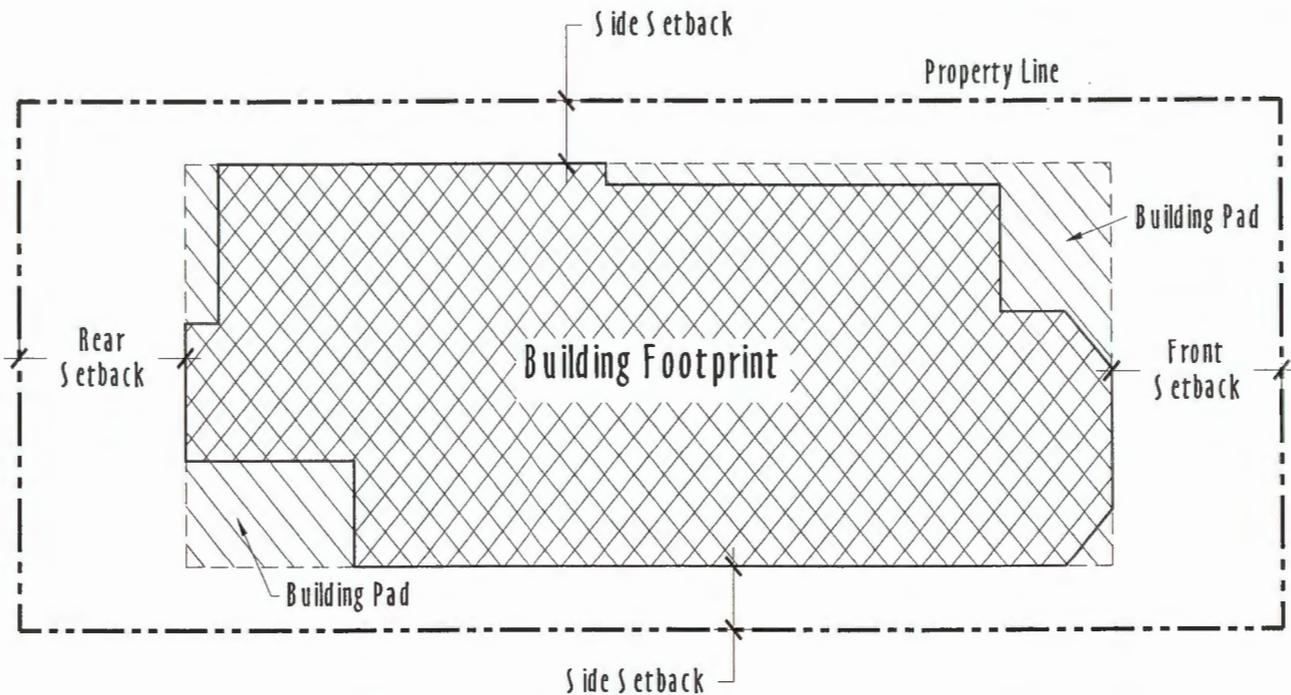
Where FP= maximum Building Footprint and A= Lot Area.

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

See Table 15-2.3. below for a schedule equivalent of this formula.

TABLE 15-2.3.

Lot Depth, </= ft.	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula



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15-2.3-6

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

TABLE 15-2.3.a

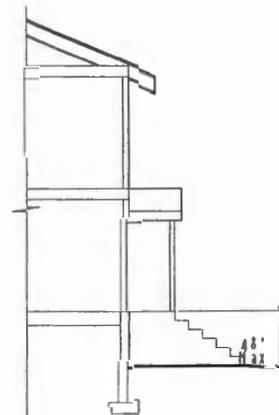
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.

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



↔
Front Yard

(3) A deck, porch, or Bay Window not more than ten feet (10') wide projecting not more than three feet (3') into the Front Yard.

(4) A roof overhang, eave or cornice projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

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

(G) **REAR YARD EXCEPTIONS.**

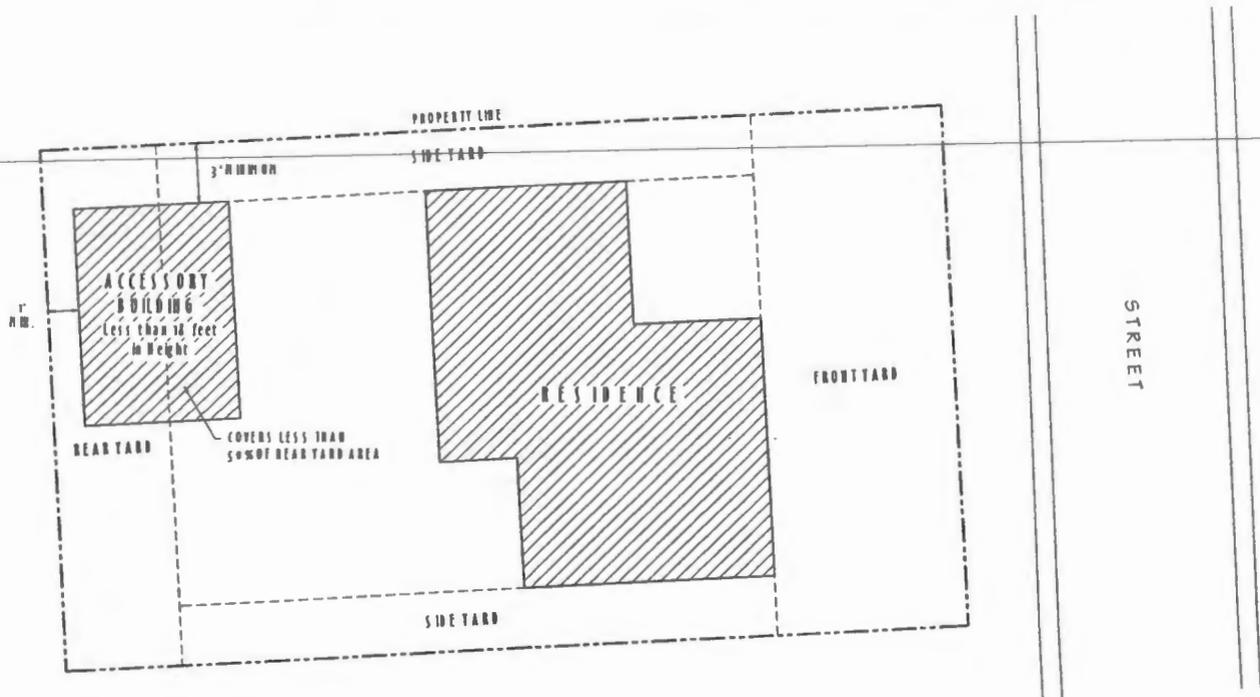
The Rear Yard must be open and free of any Structure except:

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) A window well or light well projecting not more than four feet (4') into the Rear Yard.
- (4) A roof overhang or eave projecting not more than two feet (2') into the Rear Yard.
- (5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.
- (6) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty

percent (50%) of the Rear Yard. See the following illustration:

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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not more than six feet (6') in Height.¹⁰

(10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above

Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table-15-2.3. above.

(2) On Corner Lots, any Yard which faces a Street may not have a Side Yard less than five feet (5').

¹⁰A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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15-2.3-9

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹¹
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹¹
- (3) A window well or light well projecting not more than four feet (4') into the Side Yard.¹¹
- (4) A roof overhang or eave projecting not more than two feet (2') into the Side Yard.¹¹
- (5) A window sill, belt course, trim, cornice, or other ornamental feature projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.
- (7) A Fence or wall not more than six feet (6') in Height.¹²

- (8) A driveway leading to a garage or Parking Area.
- (9) Pathway or steps connecting to a City staircase or pathway.
- (10) A detached Accessory Building, not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').
- (11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in Height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-

¹¹Applies only to Lots with a minimum Side Yard of five feet (5')

¹²A Fence over six feet (6') in Height requires a Conditional Use Permit

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

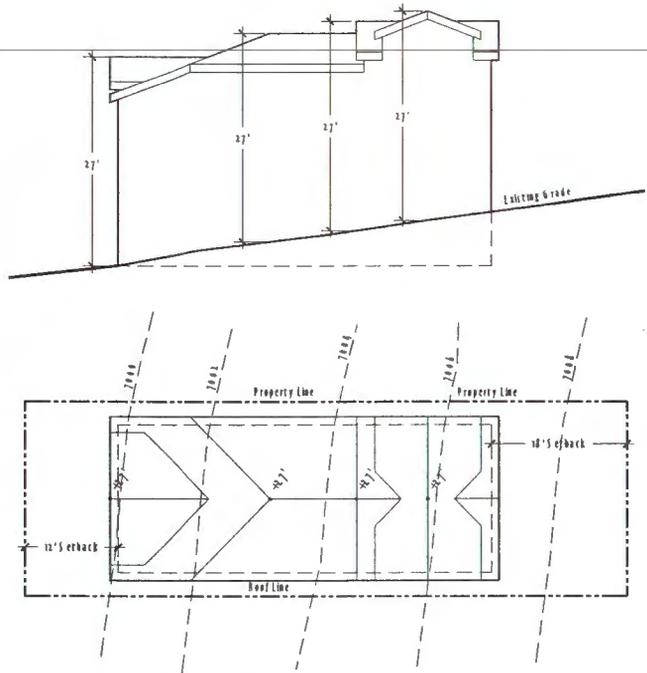
(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

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

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a Height greater than twenty-seven feet (27') from Existing Grade. This is the zone Height. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around

the perimeter of the Building. This measurement shall not include approved window wells.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following Height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

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(3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Community Development Department may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the zone Height requirement.

(4) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1000 sq. ft.) including the garage.

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

The Community Development Department shall review all Conditional Use Permit applications and forward a recommendation

to the Planning Commission. The Planning Commission shall review all Conditional Use Permit applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional Use Permit applications shall be subject to the following criteria:

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

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

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(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Community Development Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Community Development Department and/or Planning Commission may require an increase

in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

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

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HR-2 District is twenty-seven feet (27'). The Community Development Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

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(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Community Development Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

(a) The Height exception does not result in a Height in excess of forty feet (40').

(b) The Lot width is greater than twenty-five feet (25').

(c) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic District Commission, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

(d) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(e) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(f) A Height reduction in other portions of the Building and/or increased Setbacks are incorporated.

(g) The Height exception is not granted primarily to create additional Building area.

(h) The Height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(i) The Height exception is Compatible with good planning practices and good Site design.

(j) The Height increase will result in a superior plan and project.

(k) The project conforms with Section 15-1-10, Conditional Use Review.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the

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Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Community Development Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

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

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply. The Owner is not vested for the maximum.

15-2.3-8. SPECIAL REQUIREMENTS FOR SUB-ZONE A.

(A) SUB-ZONE A. Sub-Zone A consists of Lots in the HR-2 District that are west of

Main Street, excluding those Lots within Block 13.

(B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Plat Amendment approved prior to January 1, 2000 that combined a Main Street, HCB zoned, Lot with a portion of an adjacent Park Avenue, HR-2 zoned, Lot for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, and expanding the Main Street Business into the HR-2 zoned Lot:

- (1) All Commercial Uses extending from Main Street to the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and must be below the Grade of Park Avenue projected across the Lot.
- (2) All Buildings must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4.
- (3) The Height of the Building at the Zone District Boundary, within the HCB District, must be Compatible with the twenty seven foot (27') Height restriction on the adjacent HR-2 Lot.
- (4) Existing and new above ground Structures fronting on Park Avenue may not contain Commercial Uses.

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(5) A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.

(6) The number of residential units allowed on the HR-2 portion of the Property is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.

(7) All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency use.

(8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and use and must mitigate all impacts on the adjacent residential uses. Impacts include such things as noise, odor, glare, intensity of activity, parking, signs, lighting, and aesthetics.

(9) No loading docks, service yards, detached mechanical

equipment, exterior trash compounds, outdoor storage, or other similar uses are allowed within the HR-2 portion of the Property.

(10) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use Permit (CUP).

(11) The Historic Structure shall be restored or rehabilitated according to the requirements of the LMC Chapter 4 as a condition precedent to approval of the Conditional Use Permit.

(12) Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use Permit.

15-2.3-9. SPECIAL REQUIREMENTS FOR SUB-ZONE B.

(A) Sub Zone B consists of Lots in the HR-2 District that are located in the following Areas:

- (1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and
- (2) West of Main Street within Block 13 and fronting on Main Street.

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(B) The following special requirements apply only to those Commercial Uses as listed in Section 15-2.3-2 for Sub Zone B:

- (1) These Commercial uses are allowed as a Conditional Use Permit review requirements in Section 15-1-10, and must be only in Historic Structures.
- (2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the Property and its environment. New additions shall be subordinate to the existing Structure.
- (3) Adaptive reuse of residential Historic Structures for commercial uses may impose only minimal changes to the defining Architectural Detail.
- (4) New Construction must be residential in character and comply with the Historic District Design Guidelines for residential construction and all Lot and Site requirements of Section 15-2.3-4.
- (5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.

(6) The Historic Structure shall be restored or rehabilitated according to the requirements of LMC Chapter 4 as a condition precedent to approval of the Conditional Use Permit.

(7) Any adjoining Historic Structures, under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use Permit.

(8) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use Permit.

15-2.3-10. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual use of the shared drive.
- (C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

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

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

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Section 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street Parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the Community Development Department as to function and design.

15-2.3-11. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit for any Conditional or Allowed Use within this district, the Community Development Department must review the proposed plans for compliance with the Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Community Development Department

(CDD) determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Community Development Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic District Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or code provisions violated by the Staff determination.

15-2.3-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

(A) The use is in an Historic Structure or addition thereto.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

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(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the inn. The Planning Commission may waive the parking requirement for Historic Structures, if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structures or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(J) The use complies with Section 15-1-10 Conditional Use Review.

15-2.3-13. MECHANICAL SERVICE.

No free standing mechanical equipment is allowed in the HR-2 zone. The Community Development Department will review all Development applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view or audible from nearby residential Properties.

Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration to adjoining Properties. Refuse collection and storage Areas must be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

15-2.3-14. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(Applies to Sub-Zone B only)

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall to window ratio of thirty percent (30%). This section

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does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.3-14(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) OUTDOOR USES PROHIBITED/EXCEPTIONS. The following outdoor uses may be allowed by the Community Development Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission.

(1) OUTDOOR DINING.
Outdoor Dining is subject to the following criteria:

- (a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli use.
- (b) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (c) The proposed seating Area does not impede pedestrian circulation.
- (d) The proposed seating Area does not impede

emergency Access or circulation.

- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise in excess of the City Noise Ordinance, Title 6.
- (f) No use after 10:00 p.m.
- (g) No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations are subject to the following criteria:

- (a) The use is located within Sub-Zone B only.
- (b) The use is on private Property or leased public Property and does not diminish parking or landscaping.
- (c) The use is only for the sale of food or beverages in a form suited for immediate consumption.

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(d) The use is Compatible with the neighborhood.

(e) The proposed service station does not impede pedestrian circulation.

(f) The proposed service station does not impede emergency Access or circulation.

(g) Design of the service station is compatible with adjacent Buildings and Streetscape.

(h) No violation of the City Noise Ordinance, Title 6.

(i) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, and canoes is subject to the following criteria:

(a) Located within the Sub-Zone B only.

(b) The Area of the proposed bicycle, kayak, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(c) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(d) No more than a total of three (3) pieces of equipment may be displayed.

(e) Outdoor display is allowed only during Business hours.

(f) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC.

Located in Sub-Zone B only. Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

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- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent residential uses.
- (d) Proposed plans for music, lighting, Structures, electrical, signs, etc needs.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

15-2.3-15. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the

Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.3-16. SIGNS.

Signs are allowed in the HR-2 District as provided in the Park City Sign Code, Title 12.

15-2.3-17. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 9; Section 15-3-3.(D).
- Lighting. LMC Chapter 9; Section 15-3-3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. Historic District Design Guidelines.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3 -6.(A)(B).

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.4 - HISTORIC RESIDENTIAL - MEDIUM DENSITY
(HRM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.4-1. PURPOSE.

The purpose of the Historic Residential Medium Density (HRM) District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in use and scale between the Historic District and the resort Developments,
- (E) encourage Affordable Housing,
- (F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and

minimizes the visibility of Parking Areas, and

(G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

15-2.4-2. USES.

Uses in the HRM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation

¹Nightly rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the use of dwellings for Commercial Uses

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- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility Service, and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁶
- (9) Bed and Breakfast Inn⁷
- (10) Boarding House, Hostel⁷
- (11) Hotel, Minor⁷

⁴See LMC Chapter 14 for Child Care Regulations

⁵See LMC Chapter 8.30, Supplemental Regulations for Telecommunications Facilities

⁶See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁷Allowed only in Historic Structures or historically Compatible Structures

- (12) Office, General⁸
- (13) Retail and Service Commercial, Minor⁸
- (14) Retail and Service Commercial, personal improvement⁸
- (15) Neighborhood Market, without gasoline sales⁸
- (16) Cafe, Deli⁸
- (17) Café, Outdoor Dining⁹
- (18) Parking Area or Structure with five (5) or more spaces
- (19) Temporary Improvement¹⁰
- (20) Recreation Facility, Public
- (21) Recreation Facility, Private
- (22) Outdoor Events¹⁰
- (23) Fences greater than six feet (6') in Height from Final Grade

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

15-2.4-3. CONDITIONAL USE PERMIT REVIEW.

The Historic District Commission shall review any Conditional Use Permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding the application's compliance with the Historic District Design Guidelines. The Planning Commission shall

⁸Allowed in Historic Structures

⁹Requires an Administrative Conditional Use Permit. Allowed in association with a Café or Deli

¹⁰Requires an Administrative Conditional Use Permit

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Medium Density (HRM) District **15-2.4-3**

review the application according to Conditional Use Permit criteria set forth in Section 15-1-10, as well as the following:

- (A) Consistent with the Historic District Design Guidelines, Section 15-4, and the Historic District Commission's recommendation.
- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.
- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. New Structures and additions must be two (2) stories in Height or less. Primary facades should be one (1) to one and a half (1½) stories at the Street. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.
- (E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

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

(G) Required Fencing and Screening between commercial and residential uses is required along common Property Lines.

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

15-2.4-4. LOT AND SITE REQUIREMENTS.

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

(A) **LOT SIZE.** Minimum Lot Areas for residential uses are as follows:

Single Family Dwelling	2,812 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

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Minimum Lot Area for all other uses shall be determined by the Planning Commission during the Conditional Use review.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, Height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3 Conditional Use Permit Review.

(B) **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') from the Front Lot Line.

(C) **FRONT YARD.**

(1) The minimum Front Yard for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15').

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.

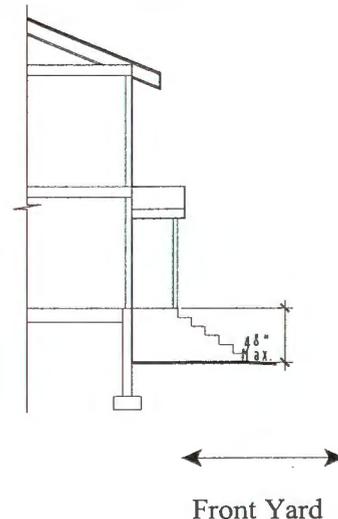
(3) The minimum Front Yard for Lots seventy five feet (75') deep or less is ten feet (10').

(4) See Section 15-2.4-5 for special requirements for Triplexes and Multi-Unit Dwellings.

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

(1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three (3') in Height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

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



(3) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) A roof overhang, eave, or cornice projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

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

(E) **REAR YARD.**

(1) The minimum Rear Yard is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.

(2) See Section 15-2.4-5, Special Requirements for Multi-Unit Dwellings.

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

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

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

(3) A window well or light well projecting not more than four feet (4') into the Rear Yard.

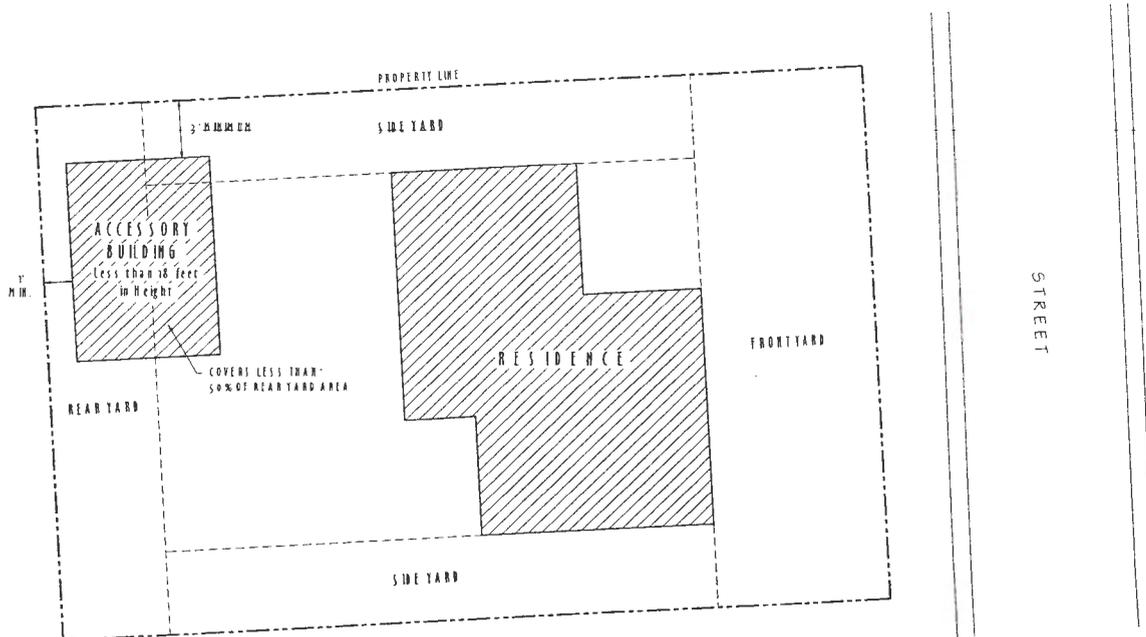
(4) A roof overhang or eave projecting not more than two feet (2') into the Rear Yard.

(5) A window sill, belt course, cornice, trim, and other ornamental

feature projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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Medium Density (HRM) District **15-2.4-6**



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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence, wall, or retaining wall not over six feet (6') in Height.¹¹

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final

Grade, located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

(2) The minimum Side Yard for Lots twenty-five feet (25') wide or less is three feet (3').

¹¹A Fence over six feet (6') in Height requires a Conditional Use Permit.

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(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

(4) The minimum Side Yard for a detached Accessory Building, not greater than eighteen feet (18') in Height, located at least five feet (5') behind the front facade of the Main Building, is three feet (3').

(5) On Corner Lots, the minimum Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(6) See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹²

¹²Applies only to Lots with a minimum Side Yard of five feet (5')

(2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹¹

(3) A window well or light well projecting not more than four feet (4') into the Side Yard.¹¹

(4) A roof overhang or eave projecting not more than two feet (2') into the Side Yard.¹¹

(5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height above Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in Height.¹³

(8) A driveway leading to a garage or approved Parking Area.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

¹³A Fence over six feet (6') in Height requires a Conditional Use Permit

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(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in Height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear Yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4 (F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten (10') feet. See Section 15-2.4-4 (H), Side Yard Exceptions.

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. The Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

15-2.4-6. EXISTING HISTORIC STRUCTURES.

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

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

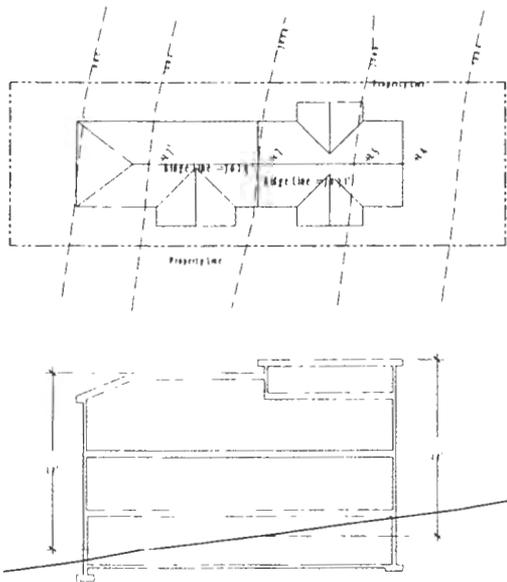
- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,

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Medium Density (HRM) District 15-2.4-9

- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the Uniform Building and Fire Codes.

15-2.4-7. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than twenty-seven feet (27') from Existing Grade. This is the zone Height.



(A) BUILDING HEIGHT EXCEPTIONS. The following Height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with

Uniform Building Code (UBC) requirements.

- (2) Mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

- (3) A church spire, bell tower, and like architectural feature as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the zone Height, but may not contain Habitable Space above the zone Height. Such exception requires approval by the Community Development Department.

- (4) To accommodate a roof form consistent with the Historic District Design Guidelines, the Community Development Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the zone Height requirements.

- (5) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

15-2.4-8. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Lot Lines to provide

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Medium Density (HRM) District 15-2.4-10

Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual use of the shared drive.

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

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

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

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use Permit are subject to a Conditional Use review, Section 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the Community Development Department as to function and design.

15-2.4-9. SULLIVAN ROAD ACCESS.

The Planning Commission may issue a Conditional Use Permit (CUP) for Limited Access on Sullivan Road ("Driveway"). "Limited Access" allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

(A) CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

(B) NEIGHBORHOOD MANDATORY ELEMENTS

CRITERIA. The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) **UTILITY CONSIDERATIONS.** Utility extensions from Park Avenue which provide the least disturbance to the City Park and the public as a whole.

(2) **ENHANCED SITE PLAN CONSIDERATIONS.** These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

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Medium Density (HRM) District 15-2.4-11

- (a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.
- (b) Increased Front Yard Setbacks.
- (c) Increased snow storage.
- (d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.
- (e) Elimination of Multi-Unit or Triplex Dwellings.
- (f) Minimized Access to Sullivan Road.
- (g) Decreased density.

(3) DESIGN REVIEW UNDER THE HISTORIC DISTRICT GUIDELINES. Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue.

(4) INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE. Plans must

save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan road.

(5) PARKING MITIGATION. Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive uses on Sullivan Road are positive elements of any Site plan.

(6) PRESERVATION OF HISTORIC STRUCTURES AND LANDSCAPE FEATURES. This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan.

15-2.4-10. ARCHITECTURAL REVIEW.

(A) REVIEW. Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with Historic District Design Guidelines.

(B) NOTICE TO ADJACENT PROPERTY OWNERS. When the Community Development Department (CDD) determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall

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Medium Density (HRM) District **15-2.4-12**

post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way. The notice shall state that the Community Development Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic District Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

15-2.4-11. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

- (A) The use is in an Historic Structure, addition thereto, or an historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of

rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Bed and Breakfast Inn. The Community Development Director may waive the parking requirement for Historic Structures if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and

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Medium Density (HRM) District **15-2.4-13**

(2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(J) The use complies with Section 15-1-10, Conditional Use Review.

15-2.4-12. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (A) Notification of adjacent Property Owners.
- (B) No violation of the City Noise Ordinance, Title 6.
- (C) Impacts on adjacent residential uses.
- (D) Proposed plans for music, lighting, Structures, electrical, signs, etc.
- (E) Parking demand and impacts on neighboring Properties.
- (F) Duration and hours of operation.
- (G) Impacts on emergency Access and circulation.

15-2.4 .13. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.4-14. SIGNS.

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

15-2.4-15. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. LMC Chapter 9; Title 14; Section 15-3.3.(D).

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- Lighting. LMC Chapter 9; Section 15-3.3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. Historic District Design Guidelines.
- Snow Storage. Section 15-3.3.(E)
- Parking Ratio Requirements. Section 15-3.6.(A)(B).

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15-2.5-1



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize the visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

- (H) encourage preservation and rehabilitation of Historic Buildings and resources.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group³
- (11) Child Care Center
- (12) Accessory Building and Use

¹Nightly rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 14 for Child Care Regulations

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- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots \geq one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁶
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions
- (12) Office, Intensive

- (13) Office and Clinic, Medical
- (14) Financial Institution, without drive-up window⁷
- (15) Commercial Retail and Service, Minor⁷
- (16) Commercial Retail and Service, personal improvement⁷
- (17) Neighborhood Convenience Commercial, without gasoline sales
- (18) Café or Deli⁷
- (19) Restaurant, General⁷
- (20) Restaurant and café, Outdoor Dining⁴
- (21) Outdoor Events⁴
- (22) Bar
- (23) Parking Area or Structure, with five (5) or more spaces
- (24) Temporary Improvement
- (25) Passenger Tramway Station and Ski Base Facility
- (26) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (27) Recreation Facility, Commercial, Public, and Private
- (28) Entertainment Facility, Indoor
- (29) Fences greater than six feet (6') in Height from Final Grade

⁴Requires an Administrative Conditional Use Permit

⁵See LMC Chapter 8.30, Supplemental Regulations For Telecommunication Facilities

⁶See LMC Chapter 8.25, Supplemental Regulations For Satellite Receiving Antennas

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

⁷If Gross Floor Area is less than 2,000 sq. ft., the use shall be considered an Allowed Use

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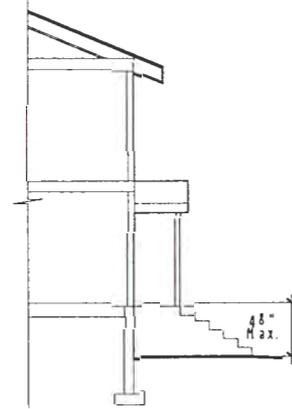
15-2.5-3

15-2.5-3. LOT AND SITE REQUIREMENTS.

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

All Development activity must comply with the following minimum Lot and Site requirements:

- (A) **FRONT YARD.** The minimum Front Yard is ten feet (10').
- (B) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:
 - (1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty five feet (25') of the intersection at back of curb.
 - (2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in Height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.



↔
Front Yard

- (3) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
- (4) A roof overhang, eave, or cornice, projecting not more than two feet (2') into the Front Yard.
- (5) Sidewalks and pathways.
- (6) A driveway leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.
- (C) **REAR YARD.** The minimum Rear Yard is ten feet (10').
- (D) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

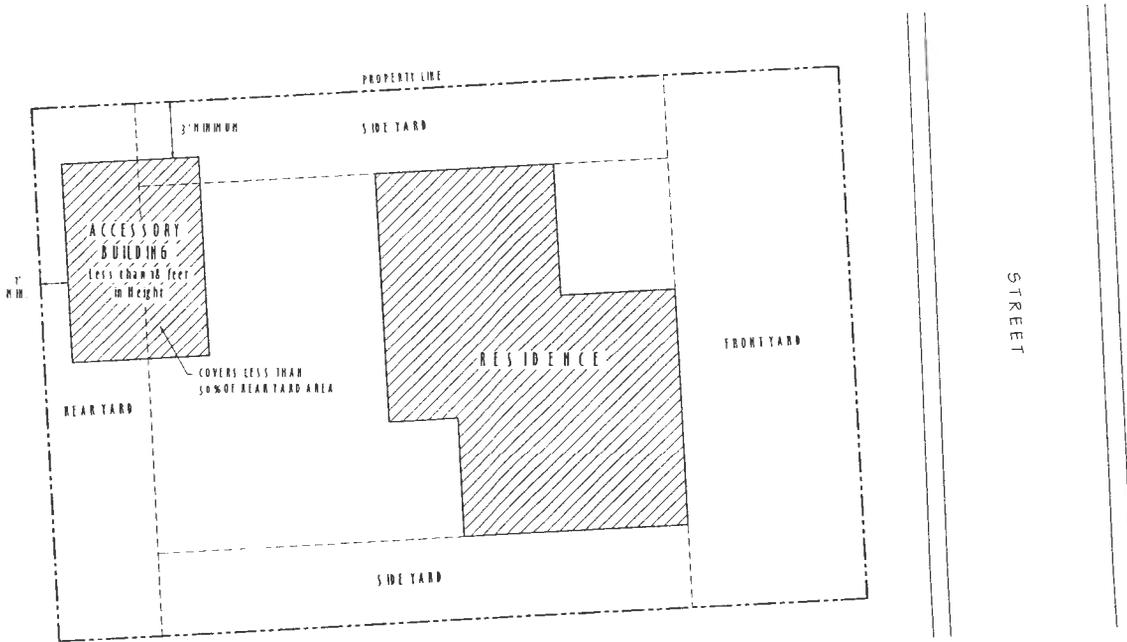
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- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) A window well or light well projecting not more than four feet (4') into the Rear Yard.
- (4) A roof overhang or eave projecting not more than two feet (2') into the Rear Yard.
- (5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.
- (6) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not more than six feet (6') in Height.⁸

(10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(E) SIDE YARD.

(1) The minimum Side Yard is five feet (5').

(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both Main and accessory Structures.

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed one hundred feet (100').

(F) SIDE YARD EXCEPTIONS. The Side Yard must be open and free of any Structure except:

⁸A Fence greater than six feet (6') in Height requires a Conditional Use Permit

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

(2) A chimney not more than five feet (5') wide, projecting not more than two feet (2') into the Side Yard.

(3) A window well or light well projecting not more than four feet (4') into the Side Yard.

(4) A window sill, belt, course, cornice, trim, and other ornamental feature, projecting not more than six inches (6") into the Side Yard.

(5) A roof overhang or eave projecting not more than two feet (2') into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in Height.⁸

(8) A driveway leading to a garage or approved Parking Area.

(9) Pathways or steps connecting to a City stairway or pathway.

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

facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

(G) **FLOOR AREA RATIO.** In all projects within the HRC Zone:

(1) STRUCTURES BUILT AFTER OCTOBER 1, 1985.

Except in the Heber Avenue Sub-Zone Area, non-residential uses are subject to a Floor Area Ratio to restrict the scope of non-residential use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential uses is 0.7.

(2) STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985.

Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential uses as provided in this ordinance.

(H) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(I) **CLEAR VIEW OF INTERSECTION.** No visual obstruction

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in excess of two feet (2') in Height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.5-4. ACCESS.

(A) **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than thirty-two feet (32') from Existing Grade. This is the zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

- (1) A gable, hip, gambrel, or similarly pitched roof may extend up to five feet (5') above the zone Height.
- (2) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the

highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

(4) A church spire, bell tower, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the zone Height, but may not contain Habitable Space above the zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

15-2.5-6. EXISTING HISTORIC STRUCTURES.

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

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the

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Planning Commission may grant exceptions to the Building Setback and driveway location standards for additions to Historic Buildings:

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

15-2.5-7. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Community Development Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property, and across Public Streets and/or Rights-of-Way. The notice shall state that the Community Development Department staff has made a

preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic District Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

15-2.5-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Community Development Department (CDD). The CDD will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.5-9. SERVICE ACCESS.

All Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards.

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15-2.5-10. HEBER AVENUE SUB-ZONE.

Properties fronting on the north side of Heber Avenue, and east of Main Street, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
- (C) The Floor Area Ratio limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Lot Lines to provide Access to parking in the rear of the Main Building, or below Grade, if both Properties are deed restricted to allow for the perpetual use of the shared drive.
- (C) Common Parking Structures are allowed where such a grouping facilitates:

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

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

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.

(E) Driveways between Structures are allowed to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the Community Development Department as to function and design.

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

- (A) The use is in an Historic Structure or addition thereto, or an historically Compatible Structure.

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(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Community Development Director may waive the parking requirement for Historic Structures if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(J) The use complies with Section 15-1-10, Conditional Use Review.

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.5-13(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor uses may be allowed by the Community Development Department upon the issuance of an Administrative Permit. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental Actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor Dining is subject to the following criteria:

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(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No use after 10:00 p.m.

(g) No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The use is on private Property or leased public Property and does not

diminish parking or landscaping.

(b) The use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Building and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, AND CANOES.**

Outdoor storage and display of bicycles, kayaks, and canoes, is subject to the following criteria:

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- (a) The Area of the proposed bicycle, kayak, or canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
- (b) Bicycles, kayaks, or canoes may be hung on a Historic Structure if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
- (c) No more than a total of fifteen (15) pieces of equipment may be displayed;
- (d) Outdoor display is only allowed during Business hours.
- (e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan

and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impact on adjacent residential uses.
- (d) Proposed plans for music, lighting, Structures, electrical, sign, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

15-2.5-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet

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(20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.5-15. SIGNS.

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

15-2.5-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. LMC Chapter 9; Title 14; Section 15-3-3.
- Landscaping. LMC Chapter 9; Title 14; Section 15-3-3(D).
- Lighting. LMC Chapter 9; Section 15-3-3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. Historic District Design Guidelines.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.(A)(B).

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Multi-Unit Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹

¹Nightly Rental of Lock Units requires a Conditional Use Permit

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- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home
Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group⁴
- (11) Child Care Center
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁵
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16
rooms
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office and Clinic, Medical
- (21) Financial Institution, without
drive-up window
- (22) Commercial Retail and
Service, Minor
- (23) Commercial Retail and
Service, personal
improvement
- (24) Commercial Neighborhood
Convenience, without
gasoline sales
- (25) Restaurant, Cafe or Deli

- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private
with four (4) or fewer spaces
- (29) Entertainment Facility,
Indoor
- (30) Salt Lake City 2002 Winter
Olympic Games Olympic
Legacy Displays⁶

(B) **CONDITIONAL USES.**

- (1) Group Care Facility
- (2) Public and Quasi-Public
Institution, Church, School
- (3) Essential Municipal Public
Utility Use, Facility, Service,
and Structure
- (4) Telecommunication Antenna⁷
- (5) Satellite Dish, greater than
thirty-nine inches (39") in
diameter⁸
- (6) Plant and Nursery stock
products and sales
- (7) Hotel, Major

⁶Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

⁷See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

²See LMC Chapter 8.19, Supplementary Regulations for Accessory Apartments

³Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 14 for Child Care Regulations

⁵Requires an Administrative Conditional Use Permit

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- (8) Timeshare Projects and Conversions
- (9) Timeshare Sales Office, Off-Site within an enclosed Building
- (10) Commercial Retail and Service, Major
- (11) Office, Intensive
- (12) Restaurant, Outdoor Dining⁹
- (13) Outdoor Events
- (14) Hospital, Limited Care Facility
- (15) Parking Area or Structure for five (5) or more cars
- (16) Temporary Improvement
- (17) Passenger Tramway Station and Ski Base Facility
- (18) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (19) Recreation Facility, Public or Private
- (20) Recreation Facility, Commercial
- (21) Fences greater than six feet (6') in height from Final Grade
- (22) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁹

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

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

(Amended by Ord. No. 02-38)

15-2.6-3. LOT AND SITE REQUIREMENTS.

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

(A) **LOT SIZE.** The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION.** Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning Department may grant an

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exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES.** No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED.** No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

(F) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A

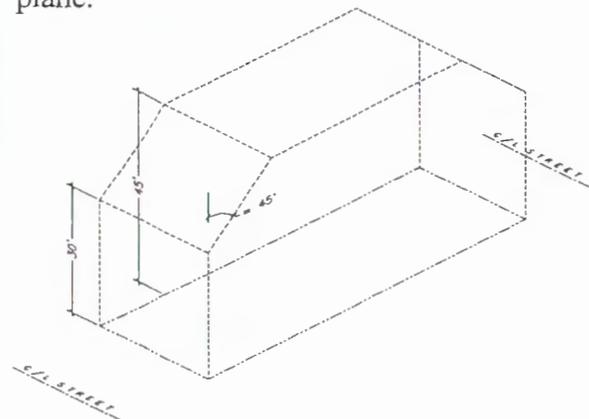
reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

15-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.

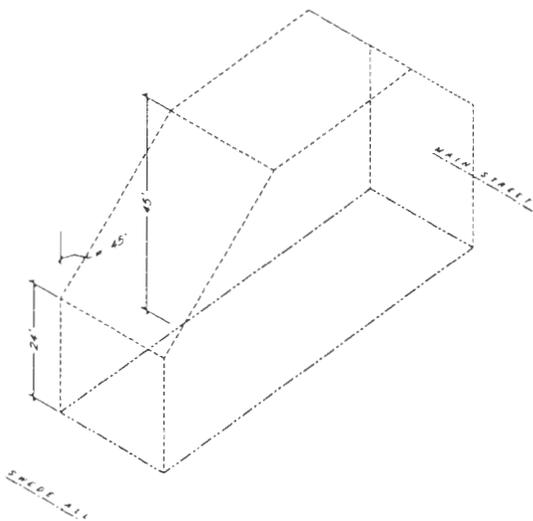


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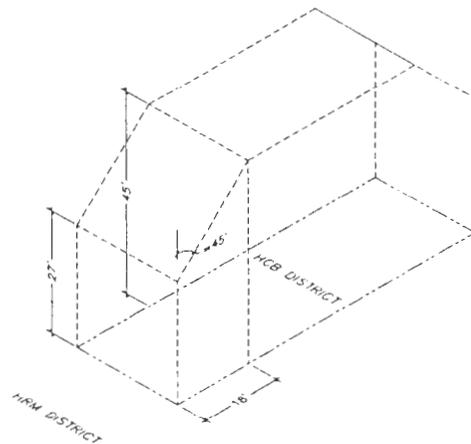
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(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.

(C) For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Yard Property Line to a height of twenty-four feet (24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5 (A)-(D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

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(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) A church spire, bell tower, and like architectural feature, as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. 03-38)

15-2.6-6. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Community Development Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Community Development Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic District Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

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(D) Building Facades facing residential Property must be designed in such a manner that their presence is minimized through the Use of sound proofing, limited openings, and landscaping. No loading docks, service yards, detached mechanical equipment or trash dumpsters or compounds are permitted to be oriented towards residential Properties.

15-2.6-7. SWEDE ALLEY DEVELOPMENT CRITERIA.

In addition to the standards set forth in this Chapter, all Development abutting Swede Alley must comply with the following criteria:

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45°) to a maximum height of twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged.

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure.

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede

Alley facade may have the same height or Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are strongly encouraged. Uniform height and Setbacks are discouraged.

(D) Provisions for public Open Space, open courtyards, and landscaping are strongly encouraged.

(E) Pedestrian connections from Swede Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored.

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited.

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area.

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent

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Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING.

(A) **APPROVAL.** No awning or Canopy may be erected, enlarged, or altered over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED.** No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

(A) **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE.** Non-residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces¹⁰. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 3.

Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

(C) **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the

¹⁰Mechanical and storage spaces must be in accordance with UBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

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driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

An Applicant may appeal the staff's measurement of Floor Area to determine the parking requirement to the Board of Appeals in accordance with the Uniform Building Code.

The Planning Commission may recommend to the City Council that new additions to Historic Structures be exempt from a portion of or all parking requirements where the preservation of the Historic Structure has been guaranteed to the satisfaction of the City.

(D) **PRE 1984 PARKING EXCEPTION.** Lots which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.

15-2.6-10. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Community Development Department (CDD). The Community Development Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.6-11. ACCESS, SERVICE AND DELIVERY.

All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Community Development Department, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial Uses shall not be from residential districts, such as HR-1 and HR-2.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within

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the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic. Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR-1 and HR-2)

(Amended by Ord. No. 01-28)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New

construction of enclosures for the storage of goods shall not have windows and/or other fenestration which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Community Development Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

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(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

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(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Use Permit. The Use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent residential Uses.

(d) Proposed plans for music, lighting, structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

15-2.6-13. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

(A) The Use is in an Historic Structure or addition thereto, or an Historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be

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twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Community Development Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use Review.

15-2.6-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and

maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 9.

15-2.6-15. SIGNS.

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

15-2.6-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. LMC Chapter 9; Title 14; Section 15-3-3.(D).
- Lighting. LMC Chapter 9; Section 15-3-3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. Historic District Design Guidelines.
- Snow Storage. Section 15-3-3.(E)

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- Parking Ratio Requirements. Section 15-3-6.(A)(B).
- Historic Residential - Low Intensity Commercial (HR-2) District. Section 15-7.3.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.7-1. PURPOSE.

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.

15-2.7-2. USES.

Uses in the ROS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE CONDITIONAL USES.¹**

- (1) Trail and Trailhead Improvement
- (2) Outdoor Recreation Equipment
- (3) Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.
- (4) Accessory Building, less than 600 sq. ft.
- (5) Ski-related Accessory Building, less than 600 sq. ft.
- (6) Parking Area or Structure with four (4) or fewer spaces
- (7) Outdoor Event, Outdoor Music

¹Subject to an Administrative Conditional Use Permit and/or Master Festival License Review Process. Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the Master Festival Permit.

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- (8) Temporary Construction Improvement
- (9) Raising, grazing of horses
- (10) Raising, grazing of livestock

(C) **CONDITIONAL USES.**

- (1) Agriculture
- (2) Recreational Outdoor and Trail Lighting
- (3) Recreation Facility, Private
- (4) Recreation Facility, Public
- (5) Recreation Facility, Commercial
- (6) Golf Course
- (7) Passenger Tramway Station and Ski Base Facility
- (8) Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- (9) Recreational Sports Field
- (10) Skating Rink
- (11) Skateboard Park
- (12) Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft.
- (13) Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft.
- (14) Accessory Building, greater than 600 sq. ft.
- (15) Ski-Related Accessory Building, greater than 600 sq. ft.
- (16) Child Care Center
- (17) Commercial Stable Riding Academy

- (18) Vehicular Access Control Gates, Private Property²
- (19) Resort Support, Commercial
- (20) Cemetery
- (21) Parking Area or Structure with five (5) or more spaces
- (22) Telecommunications Antenna³
- (23) Mines and Mine Exploration
- (24) Plant and Nursery stock products and sales
- (25) Fences greater than six feet (6') in Height from Final Grade.

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

15-2.7-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

15-2.7-4. BUILDING HEIGHT.

No Structure may be erected to a Height greater than twenty-eight feet (28') from Existing Grade. This is the zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for a pitched roof and to provide usable space within the

²Subject to LMC Chapter 10, Master Planned Development, and Section 15-2.7-6

³Subject to all criteria in LMC Chapter 8.30, Telecommunications

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Structure, the following Height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the zone Height.
- (2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with the Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.
- (4) Ski lift or tramway towers may extend above the maximum zone Height subject to a visual analysis and administrative approval by the Community Development Department.

15-2.7-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of Departmental actions on architectural compliance are heard by the Planning Commission.

15-2.7-6. CRITERIA FOR VEHICLE ACCESS CONTROL GATES.

Entry gates on private Streets may be approved as a Conditional Use by the Planning Commission. In order to approve a Conditional Use Permit (CUP) for a vehicular Access control gate, making a determination whether an entry gate is appropriate, the Planning Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-10 are met.

15-2.7-7. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

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15-2.7-8. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Community Development Department. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and
 - (5) feed/hay

15-2.7-9. SIGNS.

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

15-2.7-10. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; Section 15-3-3.(D); LMC Chapter 9.
- Lighting. Section 15-3-3.(C); LMC Chapter 9.
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9.6.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6(A)(B).

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.8 - PROTECTED OPEN SPACE (POS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.8-1. PURPOSE.

The purpose of the Protected Open Space (POS) District is to:

- (A) promote useable, public, non-improved, non-commercial, connected and contiguous Open Space for community benefit,
- (B) promote open lands that remain fundamentally undisturbed,
- (C) prohibit construction on ridge lines and Steep Slopes, or in wetlands, watersheds, and view sheds,
- (D) promote the preservation of Historic Sites,
- (E) preserve the vegetation and habitat of natural Areas,
- (F) provide incentives to protect Open Space and conservation resources through voluntary conservation easements and/or deed restrictions, and

(G) provide for careful review of low-intensity recreational uses and environmentally-sensitive, non-motorized trails.

15-2.8-2. USES.

Uses in the POS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE CONDITIONAL USE PERMIT (CUP).**

- (1) Parking Area or Structure for four (4) or fewer spaces.

(C) **CONDITIONAL USES.**

- (1) Trail and Trailhead Improvement
- (2) Essential Municipal Public Utility Use, Service, or Structure
- (3) Accessory Building, less than 600 sq. ft.
- (4) Ski-related Accessory Building, less than 600 sq. ft.

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- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge¹
- (9) Fences greater than six feet (6') in Height from Final Grade

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

15-2.8-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

15-2.8-4. BUILDING HEIGHT.

No Structure may be erected to a Height greater than twenty-eight feet (28') from existing Grade. This is the zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for a pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the zone Height.

(2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with the Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the Height of the Building.

15-2.8-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.8-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

¹Subject to a City approved Ski Area Master Planned Development

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Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.8-7. SIGNS.

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

15-2.8-8. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; Section 15-3 -3.(D); LMC Chapter 9.
- Lighting. Section 15-3 -3.(C); LMC Chapter 9.
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9-6.
- Snow Storage. Section 15-3 -3.(E)
- Parking Ratio Requirements. Section 15-3 -6.(A)(B).

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15-2.9-1



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.9 - RURAL ESTATE (E-40) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.9-1. PURPOSE.

The purpose of the Rural Estate (E-40) District is to:

- (A) preserve and enhance the natural environment and resources of Park City, to protect the health and welfare of the residents of the community,
- (B) provide a zone for rural and agricultural uses that require large Lot sizes,
- (C) mitigate geologic and flood hazards, and
- (D) preserve Open Space.

15-2.9-2. USES.

Uses in the E-40 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Secondary Living Quarters

- (3) Lockout Unit¹
- (4) Accessory Apartment²
- (5) Nightly Rental³
- (6) Home Occupation
- (7) Child Care, In-Home Babysitting
- (8) Child Care, Family
- (9) Child Care, Family Group⁴
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Raising, grazing of horses
- (14) Residential Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Guest House
- (2) Group Care Facility
- (3) Child Care Center

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19 Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the use of dwellings for Commercial Uses

⁴See LMC Chapter 14 for Child Care Regulations

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- (4) Public and Quasi-Public Institution, Church and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna⁵
- (7) Satellite Dish, greater than thirty-nine inches (39") diameter⁶
- (8) Plant and Nursery Stock Production and Sales
- (9) Raising, grazing of livestock
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Parking Lot or Structure with five (5) or more space
- (13) Temporary Improvement⁷
- (14) Passenger Tramway Station and Ski Base Facility
- (15) Ski Rope Tow, Ski Lift, Ski Run, and Ski Bridge
- (16) Outdoor Event⁷
- (17) Recreation Facility, Public and Private
- (18) Recreation Facility, Commercial
- (19) Commercial Stables, Riding Academy
- (20) Mines and Mine Exploration

⁵See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁷Requires an Administrative Conditional Use Permit.

- (21) Fences greater than six feet (6') in Height from Final Grade
- (22) Vehicular Access Control Gates, Private Property⁸

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

15-2.9-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- (A) **LOT SIZE.** The minimum Lot size for all uses is forty (40) acres.
- (B) **LOT WIDTH.** The minimum Lot Width is one hundred feet (100').
- (C) **SETBACKS.** The minimum Front, Side, and Rear Yards for all Structures are thirty feet (30').

⁸Subject to LMC Chapter 10, Master Planned Development; also see Section 15-2.9-8 for specific review criteria for gates

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15-2.9-4. BUILDING HEIGHT.

No Structure may be erected to a Height of greater than twenty-eight feet (28') from Existing Grade. This is the zone Height.

(A) BUILDING HEIGHT

EXCEPTIONS. To allow for a pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the zone Height.
- (2) An antenna, chimney, flue, vents, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with the Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the Height of the Building.
- (4) A church spire, bell tower, and like architectural feature, subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the zone Height, but shall not contain Habitable Space above the zone Height. Such exceptions require approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

(6) Ski lift or tramway towers may extend above the zone Height subject to a visual analysis and administrative approval by the Community Development Department.

15-2.9-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.9-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate-40 (E-40) District are subject to the Sensitive Lands Overlay Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the following materials with a Conditional Use application:

- (A) A map of the Site showing the contours in intervals of no more than five feet (5') in elevation;

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(B) A map showing Access routes, both existing and proposed, showing the Grade of Rights-of-Way and private and Public Roads, widths, curve data, and similar information for evaluation of emergency vehicle Access;

(C) A soils analysis from a qualified engineer, showing that there are no serious geologic, hydrologic, or mining hazards, and that Development on the Site will not create or exacerbate such hazards.

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

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

15-2.9-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

(A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of

rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive use.

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(I) The use complies with Section 15-1-10, Conditional Use Review.

15-2.9-8. CRITERIA FOR VEHICULAR ACCESS CONTROL GATES.

Entry gates on private Streets may be approved as a Conditional Use by the Planning Commission. In order to approve a Conditional Use Permit (CUP) for a vehicular Access control gate, making a determination whether an entry gate is appropriate, the Planning Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-19 are met.

15-2.9-9. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (A) Notification of adjacent Property Owners.
- (B) There is no violation of the City Noise Ordinance, Title 6.
- (C) Impacts on adjacent residential uses.
- (D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

15-2.9-10. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and

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(5) feed/hay

15-2.9-11. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.9-12. SIGNS.

Signs are allowed in the E-40 District as provided in the Park City Sign Code, Title 12.

15-2.9-13. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8-7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.

- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; Section 15-3-3(D); LMC Chapter 9
- Lighting. LMC Chapter 9; Section 15-3-3(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9.
- Snow Storage. Section 15-3-3(E).
- Parking Ratio Requirements. Section 15-3-6(A)(B).

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15-2.10-1



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.10- ESTATE (E) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.10-1. PURPOSE.

The purpose of the Estate (E) District is to:

- (A) allow very low density, environmentally sensitive residential Development which:
 - (1) preserves ridge tops, meadows, and visible hillsides,
 - (2) preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - (3) preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - (4) mitigates geologic and flood hazards,
 - (5) protects views along the City's entry corridors, and
 - (6) decreases fire risk by keeping Development out of sensitive wild land interface Areas.

(B) incorporate pedestrian trail linkages between and through neighborhoods; and

(C) encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

15-2.10-2. USES.

Uses in the Estate (E) District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Duplex Dwelling
 - (3) Secondary Living Quarters
 - (4) Lockout Unit¹
 - (5) Accessory Apartment
 - (6) Nightly Rental²
 - (7) Home Occupation
 - (8) Child Care, In-Home Babysitting
 - (9) Child Care, Family

¹Nightly rental of Lockout Units requires a Conditional Use Permit

²Nightly Rentals do not include the use of dwellings for Commercial Uses.

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15-2.10-2

- (10) Child Care, Family Group³
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Raising, grazing of horses
- (15) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Guest House
- (2) Group Care Facility
- (3) Child Care Center
- (4) Public and Quasi-Public Institution, Church and School
- (5) Essential Municipal Public Utility Use, Facility, Services, and Structure
- (6) Telecommunication Antenna⁴
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- (8) Plant and Nursery stock products and sales
- (9) Raising, grazing of livestock
- (10) Cemetery
- (11) Bed & Breakfast Inn
- (12) Hotel, Minor⁶

- (13) Hotel, Major⁶
- (14) Parking Area or Structure with five (5) or more spaces
- (15) Temporary Improvement⁷
- (16) Passenger Tramway Station and Base Facility
- (17) Ski tow rope, ski run, ski lift, and ski bridge
- (18) Outdoor Event⁷
- (19) Recreation Facility, Public and Private
- (20) Recreation Facility, Commercial
- (21) Commercial Stables, Riding Academy
- (22) Master Planned Development with moderate income housing density bonus⁸
- (23) Master Planned Development with residential and transient lodging uses only⁸
- (24) Master Planned Development with Support Retail and Minor Service Commercial⁸
- (25) Mines and Mine Exploration
- (26) Vehicular Access Control Gates⁹
- (27) Fences greater than six feet (6') in Height from Final Grade

³See LMC Chapter 14 for Child Care Regulations

⁴See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁶Subject to regulations of LMC Chapter 10, Master Planned Developments

⁷Requires an Administrative Conditional Use Permit

⁸Subject to requirements of LMC Chapters 10 and 11, Master Planned Developments

⁹See Section 15-2.10-8 for specific review criteria for gates

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15-2.10-3

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

15-2.10-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot size for all uses is three (3) acres.

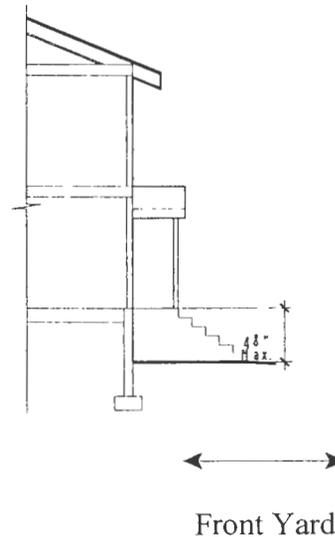
(B) **LOT WIDTH.** The minimum Lot Width is one hundred feet (100').

(C) **REQUIRED SETBACKS.** The minimum Front, Side and Rear Yard for all Structures is thirty feet (30').

(D) **FRONT YARD EXCEPTIONS.** The required Front Yard must be open and free of any Structure except for the following:

- (1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building provided the steps

are not more than four feet (4') in Height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.



(3) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) A roof overhang, eave, or cornice projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks and pathways.

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

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15-2.10-4

- (7) Circular driveways meeting all requirements stated in Section 15-3-4.

(E) **REAR YARD EXCEPTIONS.**

The required Rear Yard must be open and free of any Structure except for the following:

- (1) A Bay Window not more than ten feet (10') long projecting not more than two feet (2') into the Rear Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) A window well or light well projecting not more than four feet (4') into the Rear Yard.
- (4) A roof overhang or eave projecting not more than three feet (3') into the Rear Yard.
- (5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard
- (6) A detached Accessory Building not more than eighteen (18') feet in Height and maintaining a minimum Setback of five feet (5'). Such Structure must not cover over twenty-five percent (25%) of the Rear Yard.
- (7) A Hard-Surfaced Parking Area subject to the same location

requirements as a detached Accessory Building.

- (8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

- (9) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.¹⁰

- (10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade provided it is located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD EXCEPTIONS.** The required Side Yard must be open and free of any Structure except:

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

¹⁰A Fence greater than six feet (6') in Height requires a Conditional Use Permit

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(2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) A window well or light well projecting not more than four feet (4') into the Side Yard.

(4) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

(5) A window sill, belt course, cornice, trim, and other ornamental feature, projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height above Final Grade provided there is a five foot (5') Setback to the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping

requirements based on Site specific review.¹¹

(8) A driveway leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) A detached Accessory Building not greater than eighteen feet (18') in Height located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

15-2.10-4. BUILDING HEIGHT.

No Structure may be erected to a Height greater than twenty-eight feet (28') from Existing Grade. This is the zone Height.

(A) BUILDING HEIGHT

EXCEPTIONS. To allow for pitched roofs and provide usable space within the Structure, the following Height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the zone Height.

¹¹A Fence greater than six feet (6') in Height requires a Conditional Use Permit

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(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

(4) A church spire, bell tower, and like architectural feature subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the zone Height, but may not contain Habitable Space above the zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

(6) Ski lift or tramway towers may extend above the zone Height subject to a visual analysis and administrative approval by the Community Development Department.

15-2.10-5. ARCHITECTURAL REVIEW.

Prior to issuance of a Building permit for any Conditional or Allowed Use, the Community Development Department must

review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.10-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate (E) District are subject to the Sensitive Lands Overlay Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the following materials with a Conditional Use Permit application:

(A) A map of the Site showing the contours in intervals of no more than five feet (5') in elevation.

(B) A map showing Access routes, both existing and proposed, showing the Grade of public and private Rights-of-Way, widths, curve data, and similar information for evaluation of emergency vehicle Access.

(C) A soil analysis from a qualified engineer, showing that there are no serious geologic, hydrologic, or mining hazards, and that Development on the Site will not create or exacerbate such hazards.

(D) A report from a qualified engineer showing the availability of water service and adequacy of pressure from existing facilities, and/or the costs of constructing and operating new facilities necessary to deliver

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adequate pressures, including fire flows to the project.

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

15-2.10-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

(A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental room.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(I) The use complies with Section 15-1-10, Conditional Use Review.

15-2.10-8. CRITERIA FOR VEHICULAR ACCESS CONTROL GATES.

Entry gates on private Streets may be approved as a Conditional Use by the Planning Commission. In order to approve a Conditional Use Permit (CUP) for a vehicular Access control gate, making a determination whether an entry gate is appropriate, the Planning Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-10 are met.

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15-2.10-9. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. An Applicant must submit a Site plan and written description of the event, addressing the following:

- (A) Notification of adjacent property Owners.
- (B) No violation of the City Noise Ordinance, Title 6.
- (C) Impacts on adjacent residential uses.
- (D) Proposed plans for music, lighting, Structures, electrical, signs, etc.
- (E) Parking demand and impacts on neighboring Properties.
- (F) Duration and hours of operation.
- (G) Impacts on emergency Access and circulation.

15-2.10-10. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and
 - (5) feed/hay

15-2.10-11. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health

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and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.10-12. SIGNS.

Signs are allowed in the Estate (E) District as provided in the Park City Sign Code, Title 12.

15-2.10-13. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8-7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. Chapter LMC 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; Section 15-3-3.(D); LMC Chapter 9.
- Lighting. Section 15-3-3.(C); LMC Chapter 9.
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9.
- Snow Storage. Section 15-3-3(E).
- Parking Ratio Requirements. Section 15-3-6(A)(B).



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.11 - SINGLE FAMILY (SF) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.11-1. PURPOSE.

The purpose of the Single Family SF District is to:

- (A) maintain existing predominately Single Family detached residential neighborhoods,
- (B) allow for Single Family Development Compatible with existing Developments,
- (C) maintain the character of mountain resort neighborhoods with Compatible residential design; and
- (D) require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

15-2.11-2. USES.

Uses in the SF District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling¹
- (3) Secondary Living Quarters²
- (4) Accessory Apartment³
- (5) Nightly Rental⁴
- (6) Home Occupation
- (7) Child Care, In-Home Babysitting
- (8) Child Care, Family.
- (9) Child Care, Family Group⁵
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture

¹Permitted only on Lots designated for Duplexes on the official Subdivision Plat.

²Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or Allowed Use within Holiday Ranchettes Subdivision.

³See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments. Accessory Apartments in detached Structures are not allowed within Holiday Ranchettes Subdivision.

⁴Allowed only within Prospector Village Subdivision.

⁵See LMC Chapter 14 for Child Care Regulations.

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- (13) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Guest House⁶
- (2) Group Care Facility
- (3) Child Care Center
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna⁷
- (7) Satellite Dish, greater than thirty-nine inches (39") diameter⁸
- (8) Raising, grazing of horses
- (9) Bed and Breakfast Inn
- (10) Parking Area or Structure with five (5) or more spaces⁹
- (11) Temporary Improvements
- (12) Outdoor Event
- (13) Recreation Facility, Public or Private

⁶Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or Allowed Use within Holiday Ranchettes Subdivision.

⁷See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁹Requires an Administrative Conditional Use Permit.

- (14) Master Planned Development with moderate income housing density bonus
- (15) Fences greater than six feet (6') in Height from Final Grade

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

15-2.11-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **DENSITY.** The maximum density for Subdivisions is three (3) units per acre. Subdivisions must Cluster Development to maximize common Transferred Development Right (TDR) Open Space.

(B) **FRONT, REAR, AND SIDE YARDS.** All Development activity must comply with the following minimum Yards. See Section 15-2.11-3(H) for Yard exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.

(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single Family and

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Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line.

(D) FRONT YARD EXCEPTIONS.

(1) The Planning Commission may designate specific Single Family Lots on which the Front Yard Setback is ten feet (10') for the Main Building and fifteen feet (15') for a new Front Facing Garage or garage element, including any habitable space above the garage. This exception may be granted to:

- (a) solve Access problems with relatively steep Grades,
- (b) preserve Significant Vegetation,
- (c) eliminate or minimize cut and fill Areas,
- (d) promote Clustered Development, and
- (e) preserve Open Space.

Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.

(2) See Section 15-2.11-3(C) for Setback exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.

(3) The Front Yard must be open and free of any Structure except:

- (a) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (b) Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in Height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
- (c) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.
- (d) A roof overhang, eave, or cornice projecting not more than three feet (3') into the Front Yard.
- (e) Sidewalks and pathways.

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

(g) Circular driveways meeting all requirements stated in Section 15-3-4.

(E) **REAR YARD.** The minimum Rear Yard is fifteen feet (15').

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

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

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

(3) A window well or light well projecting not more than four feet (4') into the Rear Yard.

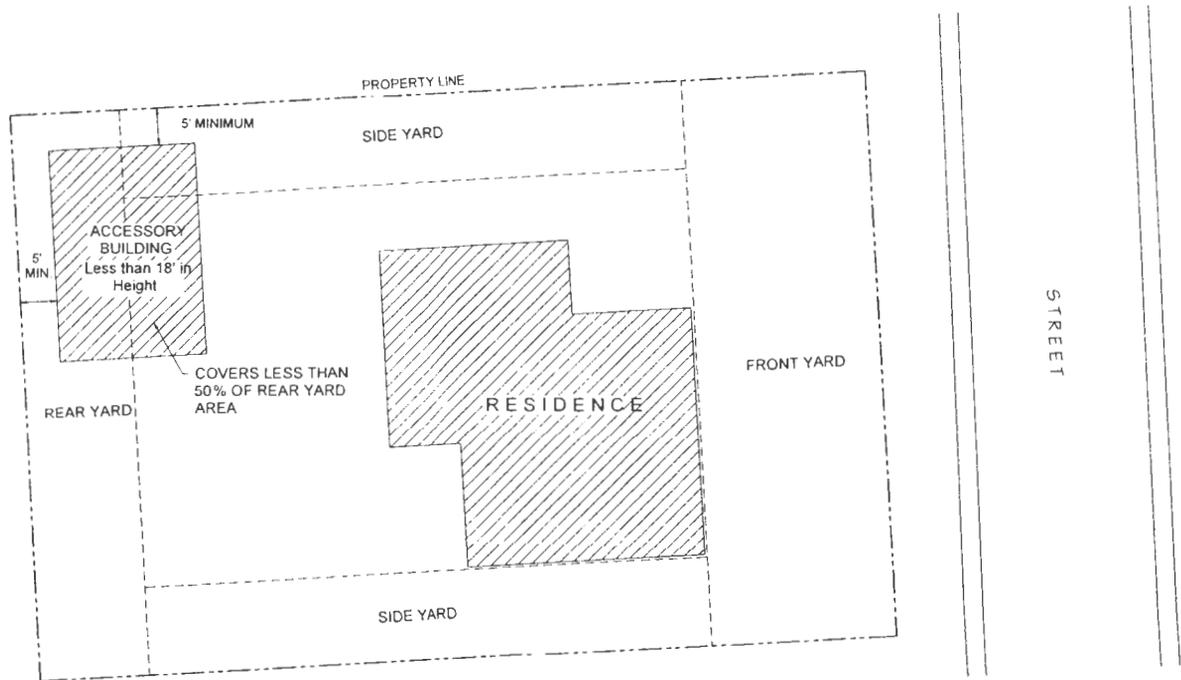
(4) A roof overhang or eave projecting not more than three feet (3') into the Rear Yard.

(5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building not more than eighteen feet (18') in Height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor

deviations to the Height and stepping requirements based on Site specific review.¹⁰

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(G) SIDE YARD.

(1) The minimum Side Yard is twelve feet (12').

¹⁰A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.
- (3) A window well or light well projecting not more than four feet (4') into the Side Yard.
- (4) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.
- (5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.¹¹

(8) A driveway leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, or similar Structure located a minimum of five feet (5') from the Side Lot Line.

¹¹A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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(I) **OTHER EXCEPTIONS.**

(1) In Thaynes Canyon Subdivision I and II, and Prospector Village Subdivision, minimum required Yards are as follows:

(a) **FRONT YARD.** The minimum Front Yard for Main Buildings is twenty feet (20') and the Front Yard for garages is ten feet (10');

(b) **SIDE YARD.** The minimum Side Yard is five feet (5'). On Corner Lots the minimum Side Yard abutting a Street is ten feet (10');

(c) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(2) In Prospector Park Subdivisions 1, 2, and 3, minimum required Yards are as follows:

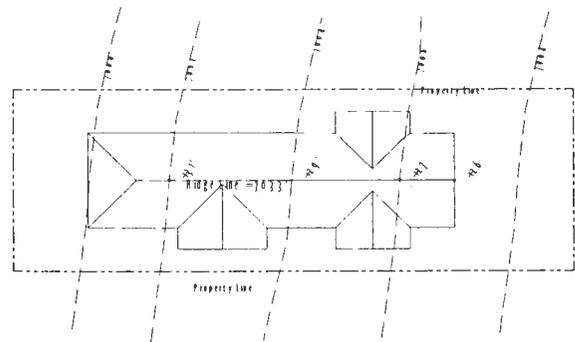
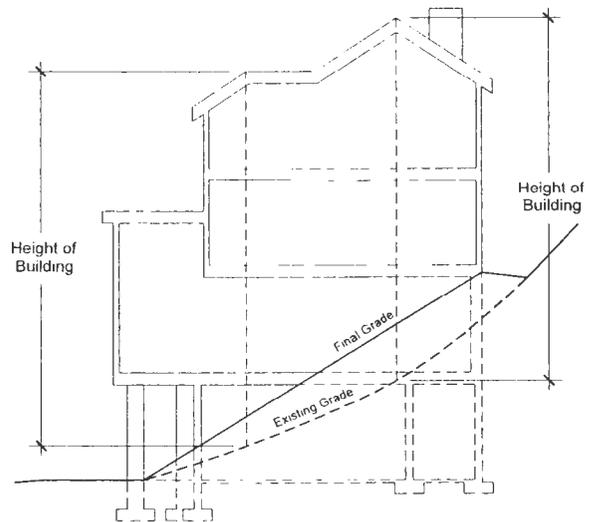
(a) **FRONT YARD.** The minimum Front Yard is twenty feet (20').

(b) **SIDE YARD.** The minimum Side Yard is ten feet (10'). On Corner Lots the Side Yard that faces the Street must not be less than fifteen feet (15').

(c) **REAR YARD.** The minimum Rear Yard is ten feet (10').

15-2.11-4. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than twenty-eight feet (28') from Existing Grade. This is the zone Height. Accessory Structures in the SF District shall not exceed a maximum Height of eighteen feet (18').



(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

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- (1) A gable, hip, gambrel, or similarly pitched roof may extend up to five feet (5') above the zone Height.
- (2) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.
- (4) A church spire, bell tower, and like architectural features subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the zone Height, but may not contain Habitable Space above the zone Height. Such exception requires approval by the Community Development Department.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

15-2.11-5. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance

with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.11-6. MAXIMUM HOUSE SIZE AND SETBACKS ON COMBINED LOTS.

As part of a Master Planned Development, or a subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. An Owner may combine Lots with designated maximum house sizes and achieve approximately 150% of the maximum house size attributed to a particular Lot. The Owner must request an increase in maximum house size prior to or concurrent with, the Lot combination plat. The request must be made on forms provided by the Planning Department for review by the Community Development Director for compliance with the following:

(A) **HOUSE SIZE.** The maximum house size may not exceed 150 percent (150%) of the house size allowed on each single Lot when those maximums are combined and averaged. The following formula must be used to calculate the maximum house size (MHS):

$$MHS = \frac{(hsLot1 + hsLot2...hsLotn)}{n} \times 1.50$$

*where n is the number of Lots being combined, and hsLot1, hsLot2, hsLotn are the allowed house sizes in square feet, for the individual Lots in the Lot combination.

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For example: if two (2) Lots , one with a 4000 square foot maximum house and one with a 3000 square foot maximum, are combined the maximum house size would be 5250 square feet. The average of the two Lots is 3500 square feet. $3500 \times 150\% = 5250$ square feet, i.e.

$$[(4000 + 3000) \div 2] \times 1.5 = 5250 \text{ sq. ft.}$$

In Subdivisions where maximum house size is not specified, the house size on combined Lots must be determined by the Community Development Director based upon neighborhood Compatibility, Lot size, visibility from Public Streets, and visual analysis.

(B) **SETBACKS.** The allowed minimum Setbacks (MSB) for the proposed house size (PHS) on combined Lots must increase in proportion to the percentage of increase in the house size (%IHS) over the average maximum house size (AMHS) for the Lots being combined, according to the following formulas:

$$\%IHS = [(PHS - AMHS) \div AMHS] \times 100$$

$$MSB = \text{Zone Setback} + (\text{Zone Setback} \times \%IHS)$$

For example: Using the previous example, where two Lots, one with a 4,000 sq. ft. maximum house size and one with a 3,000 sq. ft. maximum, are combined yielding a proposed house size (PHS) of 5,250 sq. ft., the percent increase in house size (%IHS) is fifty percent (50%).

$$\%IHS = [(5,250 - 3,500) \div 3,500] \times 100 = 50\%$$

If the increased house size (%IHS) is fifty percent (50%) greater than the average maximum house size (AMHS) on any of the Lots being combined, the allowed minimum Setbacks (AMSB) must be fifty percent (50%) greater than the standard Setbacks of the zone.

For example: If the zone Setback for Side Yards is twelve feet (12') and the percent increase in house size is fifty percent (50%) then the minimum Setback for the combined Lot is eighteen feet (18'), as follows:

$$MSB = 12' + (12' \times 50\%) = 18'$$

Therefore:

$$\text{Minimum Setback (Side)} = 12' + (12' \times 50\%) = 18' \text{ if zone Setback is } 12'$$

Lots with unusual configurations, topography, Access, or Significant Vegetation may have the Setbacks shifted upon approval of the Community Development Director but in no case may they be less than the required Setbacks.

(C) **EASEMENT VACATIONS.** If an easement must be vacated to allow construction on a combined Lot, the Applicant must show evidence that the easement can be vacated or relocated without affecting service to the adjacent Lots. The easement relocation agreement must be recorded and/or shown on the plat amendment for the Lot combination.

(D) **PLAT AMENDMENT.** The Lots must be legally combined through plat amendment or administrative approval as provided in LMC Chapter 15, Subdivisions.

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15-2.11-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

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

15-2.11-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (A) Notification of adjacent Property Owners.
- (B) No violation of the City Noise Ordinance, Title 6.
- (C) Impacts on adjacent residential uses.
- (D) Proposed plans for music, lighting, Structures, electrical, signs, etc.
- (E) Parking demand and impacts on neighboring Properties.
- (F) Duration and hours of operation.
- (G) Impacts on emergency Access and circulation.

15-2.11-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

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(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.11-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health

and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.11.11. SIGNS.

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

15-2.11.12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15.3.
- Landscaping. Title 14; Section 15-3-3(D); LMC Chapter 9
- Lighting. Section 15-3-3.(C); LMC Chapter 9.
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.(A)(B).



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.12 - RESIDENTIAL (R-1) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.12-1. PURPOSE.

The purpose of the Residential R-1 District is to:

- (A) allow continuation of land uses and architectural scale and styles of the original Park City residential Area,
- (B) encourage densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- (C) require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- (D) require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading,
- (E) encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,
- (F) provide a transition in use and scale between the Historic Districts and the Deer Valley Resort; and

(G) encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

15-2.12-2. USES.

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

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family

¹Nightly rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the use of Dwellings for Commercial Uses

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- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Triplex Dwelling⁵
- (2) Guest House, on Lots one acre or larger
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public or Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (9) Bed & Breakfast Inn
- (10) Temporary Improvement⁸

⁴See LMC Chapter 14 for Child Care Regulations

⁵Must comply with special parking requirements, see Section 2-12-6.

⁶See LMC Chapter 8.30, Supplemental Regulations for Telecommunications Facilities

⁷See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁸Subject to Administrative Conditional Use Permit.

- (11) Ski tow rope, ski lift, ski run, and ski bridge⁹
- (12) Outdoor Event⁸
- (13) Master Planned Development with moderate income housing density bonus¹⁰
- (14) Master Planned Development with residential and transient lodging uses only¹⁰
- (15) Recreation Facility, Private
- (16) Fences greater than six feet (6') in Height from Final Grade

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

15-2.12-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) LOT SIZE. The minimum Lot Area for a Single-Family Dwelling is 2,812 square feet; Duplex Dwelling is 3,750 square feet; and Triplex Dwelling is 5,625 square feet. The minimum width of a Lot

⁹As part of an approved Ski Area Master Plan

¹⁰Subject to provisions of LMC Chapter 10, Master Planned Development

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must be thirty-seven and one-half feet (37.5') measured fifteen feet (15') back from Front Lot Line.

(B) FRONT YARD.

(1) The minimum Front Yard is fifteen feet (15').

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least than twenty feet (20') from the Front Property Line.

(3) Parking Spaces are allowed within the required Front Yard, but not within five feet (5') of Side Lot Lines.

(C) FRONT YARD EXCEPTIONS.

The Front Yard must be open and free of any Structure except:

(1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection at back of curb.

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

(3) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) A roof overhang, eave, or cornice projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

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

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(D) REAR YARD. The minimum Rear Yard is ten feet (10').

(E) REAR YARD EXCEPTIONS.

The Rear Yard must be open and free of any Structure except:

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

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

(3) A window well or light well projecting not more than four feet (4') into the Rear Yard.

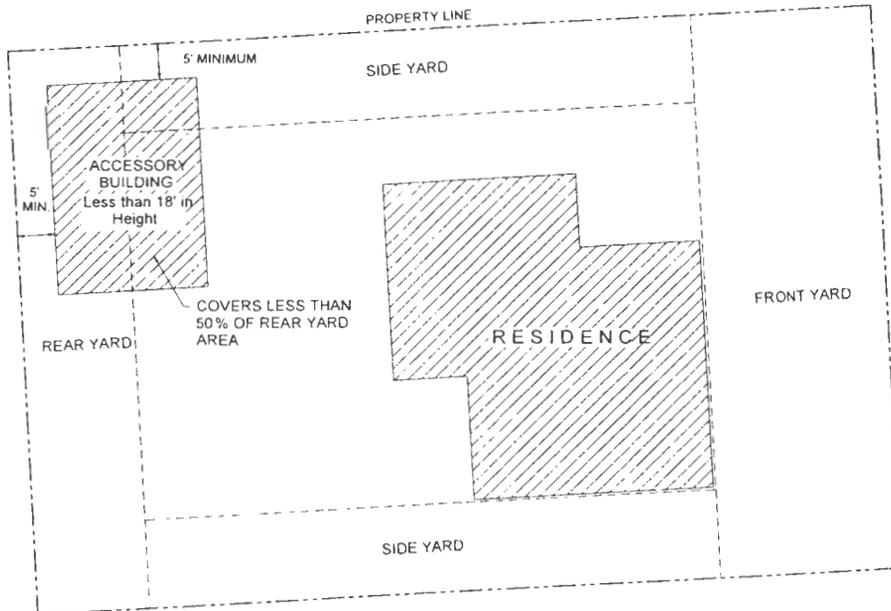
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(4) A roof overhang or eave projecting not more than two feet (2') into the Rear Yard.

(5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building, not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.¹¹

(10) Patios, decks, pathways, steps or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) A Side Yard between connected Structures is not required

where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in Height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On a Corner Lot, the minimum Side Yard that faces a Street is ten feet (10') for both the Main and Accessory Buildings.

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

(1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) A window well or light well projecting not more than four feet (4') into the Side Yard.

¹¹Fences greater than six feet (6') in Height require a Conditional Use Permit.

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(4) A roof overhang or eave projecting not more than two feet (2') into the Side Yard.

(5) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height above Final Grade located at least a one foot (1') from the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.¹²

(8) A driveway leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths or steps connecting to a City stairway or path.

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(H) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(I) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in Height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.12-4. SPECIAL SETBACK REQUIREMENTS FOR CONDITIONAL USES.

Conditional Uses in the R-1 District must maintain the following Setbacks:

(A) **SIDE YARD.** The minimum Side Yard is ten feet (10').

(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind the front facade of the Main Building or underground.

¹²A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(D) Front, Rear, and Side Yard Exceptions as stated in Section 15-2.12-3 apply.

15-2.12-5. BUILDING HEIGHT.

No Structure may be erected to a Height greater than the zone Height of twenty-eight feet (28') from Existing Grade. This is the zone Height.

(A) **BUILDING HEIGHT**

EXCEPTIONS. To allow for pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the zone Height.

(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

(4) A church spire, bell tower, and like architectural features, subject to the Architectural Design

Guidelines, LMC Chapter 9, may extend up to fifty-percent (50%) above the zone Height, but may not contain Habitable Space above the zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') feet above the zone Height.

(6) Ski lift or tramway towers may extend above the zone Height subject to a visual analysis and administrative approval by the Community Development Department.

15-2.12-6. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.12-7. PARKING REQUIREMENTS FOR TRIPLEXES.

All required parking for triplexes within the R-1 District shall be completely enclosed and located on the Site such that at least fifty percent (50%) of the Parking Structure mass is below Natural Grade.

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The Parking Structure may serve one or more Developments as long as ownership of the Structure is tied to ownership of the dwellings through easements or Condominium ownership.

15-2.12-8. CRITERIA FOR BED AND BREAKFAST INN.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

- (A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (C) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (D) The rooms are available for Nightly Rental only.
- (E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (F) Food service is for the benefit of overnight guests only.
- (G) No Kitchen is permitted within rooms.
- (H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures only, if the Applicant proves that:
 - (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
 - (2) the Structure is not economically feasible to restore or maintain without the adaptive use.
- (I) The use complies with Chapter 15-1-10, Conditional Use Review.

15-2.12-9. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10. An Applicant must submit a Site plan and written description of the event, addressing the following:

- (A) Notification of adjacent property Owners.
- (B) No violation of the City Noise Ordinance, Title 6.
- (C) Impacts on adjacent residential uses.
- (D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

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- (E) Parking demand and impacts on neighboring Properties.
- (F) Duration and hours of operation.
- (G) Impacts on emergency Access and circulation.

15-2.12-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.12-11. SIGNS.

Signs are allowed in the R-1 District as provided in the Park City Sign Code, Title 12.

15-2.12-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8-7.
- Accessory Apartment. LMC Chapter 8-19.
- Satellite Receiving Antenna. LMC Chapter 8-25.
- Telecommunication Facility. LMC Chapter 8-30.
- Parking. Section 15-3.
- Landscaping. Title 14; Chapter 9; Section 15-3 -3.(D).
- Lighting. Section 15-3 -3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9-6.
- Snow Storage. Section 15-3 -3.(E)
- Parking Ratio Requirements. Section 15-3 -6.(A)(B).



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.13 - RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

- (A) allow a variety of residential Uses that are Compatible with the City’s Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture

¹Nightly rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 14 for Child Care Regulations

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- (14) Parking Area or Structure with four (4) or fewer spaces
- (15) Recreation Facility, Private
- (16) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling⁶
- (2) Multi-Unit Dwelling⁶
- (3) Guest House
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁷

- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Office, General^{6,9}
- (16) Office, Moderate Intensive^{6,8}
- (17) Office, Medical^{6,8}
- (18) Financial Institution without drive-up window^{6,8}
- (19) Commercial Retail and Service, Minor^{6,8}
- (20) Commercial Retail and Service, personal improvement^{6,8}
- (21) Commercial, Resort Support^{6,8}
- (22) Café or Deli^{6,8}
- (23) Restaurant, Standard^{6,8}
- (24) Restaurant, Outdoor Dining¹⁰
- (25) Outdoor Event⁹
- (26) Bar^{6,8}
- (27) Hospital, Limited Care Facility^{6,8}
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁹

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 10, Master Planned Development

⁷See LMC Chapter 8.30, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential developments.

¹⁰Requires an Administrative Conditional Use Permit.

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- (30) Passenger Tramway Station and Ski Base Facility¹¹
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,8}
- (35) Commercial Stables, Riding Academy¹²
- (36) Master Planned Development with moderate income housing density bonus¹²
- (37) Master Planned Development with residential and transient lodging Uses only ¹²
- (38) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
- (39) Heliport¹²
- (40) Vehicular Access Control Gate on private property¹³
- (41) Fences greater than six feet (6') in height from Final Grade
- (42) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴

¹¹As part of an approved Ski Area Master Plan

¹²Subject to provisions of LMC Chapter 10, Master Planned Development

¹³See Section 15-2.13-10 for specific review criteria for gates

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or

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

(Amended by Ord. No. 02-38)

15-2.13-3. LOT AND SITE REQUIREMENTS.

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

All Development must comply with the following:

(A) **DENSITY.** The maximum density is three (3) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum density of five (5) units per acre with a Master Planned Development. Development must be clustered to preserve common Open Space, and protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.

(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line.

Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License

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(C) FRONT YARD EXCEPTIONS.

(1) Within any subdivision, the Planning Commission may designate specific Single Family Dwelling Lots on which the Front Yard Setback is ten feet (10') for the Main Building and fifteen feet (15') for the new Front Facing Garage or garage element, including any Habitable Space above the garage. This exception may be granted to:

- (a) solve Access problems to Lots with relatively steep Grades,
- (b) preserve Significant Vegetation,
- (c) eliminate or minimize cut and fill Areas,
- (d) promote Clustered Development, and
- (e) preserve Open Space.

Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.

(2) **EXCEPTIONS FOR STRUCTURES.** The Front Yard must be open and free of any Structure except:

- (a) A Fence or wall not more than four feet (4') in height. On Corner Lots

Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

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

(c) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(d) A roof overhang, eave, or a cornice projecting not more than three feet (3') into the Front Yard.

(e) Sidewalks and pathways.

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

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(g) Circular driveways, meeting all requirements stated in Section 15-3-4 herein.

(D) **REAR YARD.** The minimum Rear Yard is fifteen feet (15') for Main Buildings and ten feet (10') for Accessory Buildings and detached garages.

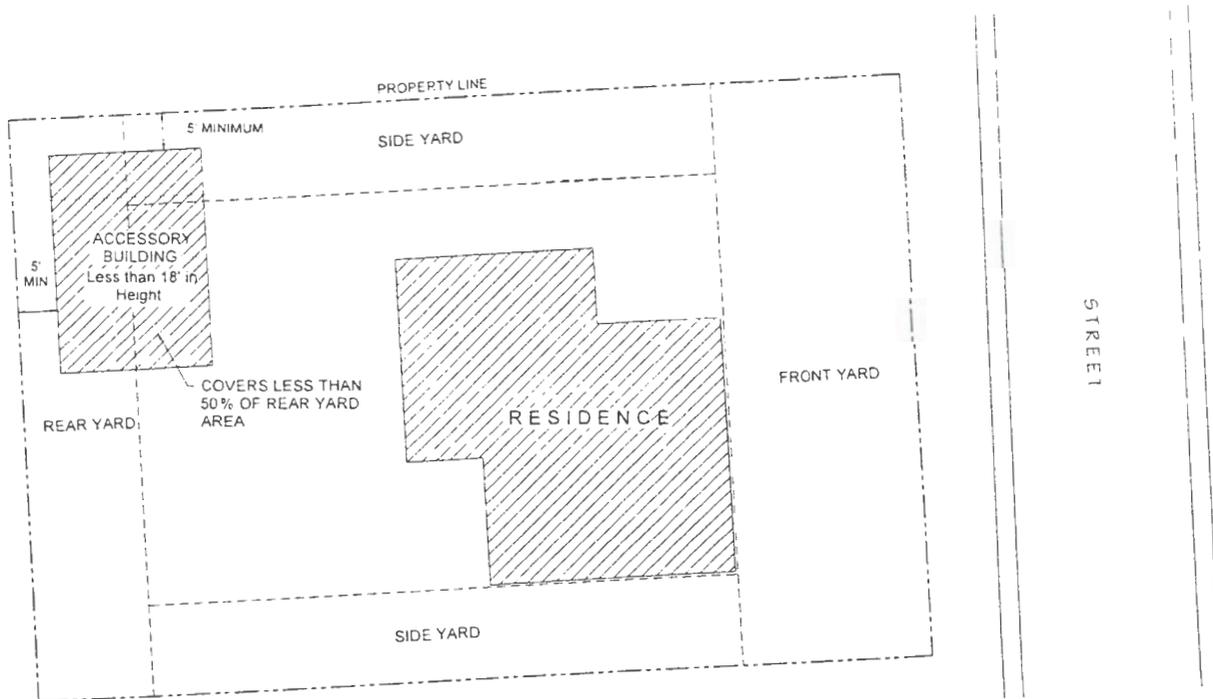
(E) **REAR YARD EXCEPTIONS.**
The Rear Yard must be open and free of any Structure except:

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) A window well or light well projecting not more than four feet (4') into the Rear Yard.
- (4) A roof overhang or eave projecting not more than three feet (3') into the Rear Yard.
- (5) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Rear Yard.
- (6) A detached Accessory Building not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not

cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development

Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁵

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD.**

(1) The minimum Side Yard is twelve feet (12').

¹⁵A Fence greater than six feet (6') in height requires a Conditional Use Permit (CUP)

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(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

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

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.
- (3) A window well or light well projecting not more than four feet (4') into the Side Yard.
- (4) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.
- (5) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) A driveway leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.

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

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

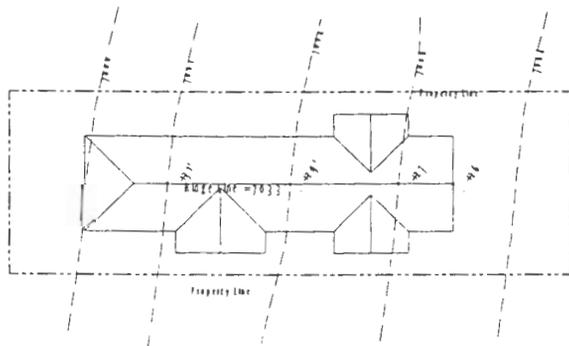
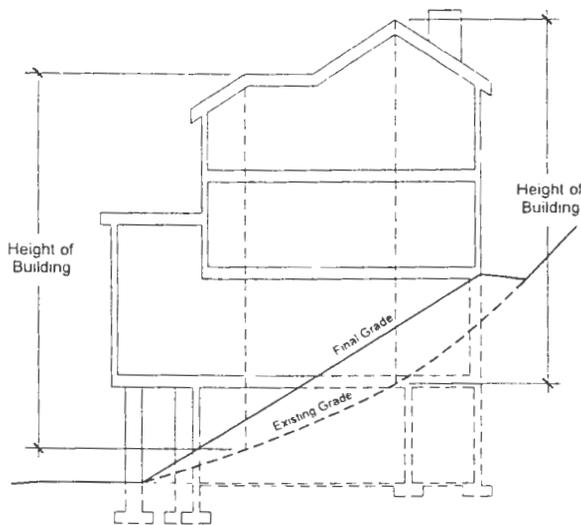
(G) **OTHER EXCEPTIONS.** The Planning Commission may vary Side Yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in Section 15-2.13-3 E(2).

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15-2.13-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.



(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) A church spire, bell tower, and like architectural features subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.

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(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(B) OTHER HEIGHT EXCEPTIONS.

The Planning Commission may designate and condition a recorded Subdivision Plat to restrict Building Height to less than twelve feet (12') above Natural Grade for uphill Lots between the ten foot (10') Setback allowed for garages, Section 15-2.13-3(C) (1) Front Yard Exceptions, and the normal twenty-five foot (25') Setback.

(Amended by Ord. No. 02-38)

15-2.13-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.13-6. MAXIMUM HOUSE SIZE AND SETBACKS ON COMBINED LOTS.

As part of a Master Planned Development, or a subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. An Owner may combine Lots with designated maximum

house sizes and achieve approximately 150% of the maximum house size attributed to a particular Lot. The Owner must request an increase in maximum house size prior to or concurrent with, the Lot combination plat. The request must be made on forms provided by the Planning Department for review by the Community Development Director for compliance with the following:

(A) **HOUSE SIZE.** The maximum house size may not exceed 150 percent (150%) of the house size allowed on each single Lot when those maximums are combined and averaged. The following formula must be used to calculate the maximum house size (MHS):

$$MHS = ((hsLot1 + hsLot2...hsLotn) \div n) \times 1.50$$

*where n is the number of Lots being combined, and hsLot1, hsLot2, hsLotn are the allowed house sizes in square feet, for the individual Lots in the Lot combination.

For example: if two (2) Lots, one with a 4000 square foot maximum house and one with a 3000 square foot maximum, are combined the maximum house size would be 5250 square feet. The average of the two Lots is 3500 square feet. 3500 x 150% = 5250 square feet. i.e.

$$[(4000 + 3000) \div 2] \times 1.5 = 5250 \text{ sq. ft.}$$

In Subdivisions where maximum house size is not specified, the house size on combined Lots must be determined by the Community Development Director based upon neighborhood Compatibility, Lot size,

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visibility from Public Streets, and visual analysis.

(B) **SETBACKS.** The allowed minimum Setbacks (MSB) for the proposed house size (PHS) on combined Lots must increase in proportion to the percentage of increase in the house size (%IHS) over the average maximum house size (AMHS) for the Lots being combined, according to the following formulas:

$$\%IHS = [(PHS-AMHS) \div AMHS] \times 100$$

$$MSB = \text{Zone Setback} + (\text{Zone Setback} \times \%IHS)$$

For example: Using the previous example, where two Lots, one with a 4,000 sq. ft. maximum house size and one with a 3,000 sq. ft. maximum, are combined yielding a proposed house size (PHS) of 5,250 sq. ft., the percent increase in house size (%IHS) is fifty percent (50%).

$$\%IHS = [(5,250-3,500) \div 3,500] \times 100 = 50\%$$

If the increased house size (%IHS) is fifty percent (50%) greater than the average maximum house size (AMHS) on any of the Lots being combined, the allowed minimum Setbacks (AMSB) must be fifty percent (50%) greater than the standard Setbacks of the zone.

For example: If the zone Setback for Side Yards is twelve feet (12') and the percent increase in house size is fifty percent (50%) then the minimum Setback for the combined Lot is eighteen feet (18'), as follows:

$$MSB = 12' + (12' \times 50\%) = 18'$$

Therefore:

$$\text{Minimum Setback (Side)} = 12' + (12' \times 50\%) = 18' \text{ if zone Setback is } 12'$$

Lots with unusual configurations, topography, Access, or Significant Vegetation may have the Setbacks shifted upon approval of the Community Development Director but in no case may they be less than the required Setbacks.

(C) **EASEMENT VACATIONS.** If an easement must be vacated to allow construction on a combined Lot, the Applicant must show evidence that the easement can be vacated or relocated without affecting service to the adjacent Lots. The easement relocation agreement must be recorded and/or shown on the plat amendment for the Lot combination.

(D) **PLAT AMENDMENT.** The Lots must be legally combined through plat amendment or administrative approval as provided in LMC Chapter 15, Subdivisions.

15-2.13-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of

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rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use Review.

15-2.13-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The Use must also comply with Section 15-1-10, Conditional Use Review. An Applicant must submit a Site plan and written description of the event, addressing the following:

(A) Notification of adjacent property Owners.

(B) No violation of the City Noise Ordinance, Title 6.

(C) Impacts on adjacent residential Uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

15-2.13-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning

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Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and
 - (5) feed/hay

15-2.13-10. CRITERIA FOR VEHICULAR ACCESS CONTROL GATES.

Entry gates on private Streets may be approved as a Conditional Use by the Planning Commission. In order to approve a Conditional Use Permit (CUP) for a vehicular Access control gate, making a determination whether an entry gate is appropriate, the Planning Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-10 are met.

15-2.13-11. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 9.

15-2.13-12. SIGNS.

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

15-2.13-13. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8-7.
- Accessory Apartment. LMC Chapter 8-19.
- Satellite Receiving Antenna. LMC Chapter 8-25.
- Telecommunication Facility. LMC Chapter 8-30.

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- Parking. Section 15-3.
- Landscaping. LMC Chapter 9; Section 15-3-3.(D); Title 14.
- Lighting. LMC Chapter 9; Section 15-3-3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.(A)(B).

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.14 - RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY
(RDM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.14-1. PURPOSE.

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) allow Development in accordance with the Sensitive Lands Ordinance;
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and between adjacent

Areas; and

- (G) minimize impacts of the automobile on architectural design.

(Amended by Ordinance No. 02-24)

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Duplex Dwelling
 - (3) Triplex Dwelling
 - (4) Secondary Living Quarters
 - (5) Lockout Unit¹
 - (6) Accessory Apartment²
 - (7) Nightly Rental³
 - (8) Home Occupation

¹Nightly Rental of Lockout Units requires a Conditional Use Permit.

²See LMC Chapter 15-4, Accessory Apartments.

³Nightly Rentals do not include the Use of dwellings for Commercial Use.

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- (9) Child Care, In-Home Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group⁴
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Parking Area or Structure with four (4) or fewer spaces
- (16) Recreation Facility, Private
- (17) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling⁶
- (2) Guest House
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure

⁴See LMC Chapter 15-4, Child Care and Child Care Facilities.

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development.

- (7) Telecommunication Antenna⁷
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (9) Raising grazing of horses
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Boarding House, Hotel
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Office, General^{6,9}

⁷See LMC Chapter 15-4, Telecommunication Facilities.

⁸See LMC Chapter 15-4, Telecommunication Facilities, Satellite Receiving Antennas.

⁹General Offices are only permitted with an approved Master Planned Development and may only be approved as the redevelopment of an existing building. In addition to meeting the necessary criteria in the LMC Chapter 15-6 MPD's, the Planning Commission must find that: a) the redevelopment of an existing building to a General Office use will substantially advance the objectives of Economic Element of the General Plan or other mor specific neighborhood plans; b) it has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential character of the RDM District and the Frontage Protection Zone through careful planning and conditions of approval; c) it will not result in an intensification of use incompatible with neighboring developments; and d) it will not result in substantial increase in the existing trip generations for services and deliveries.

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- (16) Office, Moderate Intensive^{6,10}
- (17) Office and Clinic, Medical^{6,10}
- (18) Financial Institution, without drive-up window^{6,10}
- (19) Commercial Retail and Service, Minor^{6,10}
- (20) Commercial Retail and Service, personal improvement^{6,10}
- (21) Commercial, Resort Support^{6,10}
- (22) Cafe or Deli^{6,10}
- (23) Restaurant, Standard^{6,10}
- (24) Restaurant, Outdoor Dining¹¹
- (25) Outdoor Event
- (26) Bar^{6,10}
- (27) Hospital, Limited Care Facility^{6,9}
- (28) Parking Area or Structure with five (5) or fewer spaces
- (29) Temporary Improvement¹¹
- (30) Passenger Tramway Station and Ski Base Facility¹²
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,9}

- (35) Commercial Stables, Riding Academy^{6,9}
- (36) Master Planned Development with moderate income housing Density bonus⁶
- (37) Master Planned Development with residential and transient lodging Uses only⁶
- (38) Master Planned Development with Support Retail and Minor Service Commercial⁶
- (39) Fences greater than six feet (6') in height from Final Grade
- (40) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³

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

(Amended by Ord. No. 02-24; 02-38)

15-2.14-3. LOT AND SITE REQUIREMENTS.

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

¹⁰Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Development.

¹¹Requires an Administrative Conditional Use Permit.

¹²As part of an approved Ski Area Master Plan.

¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License

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Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **DENSITY.** The maximum Density is five (5) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum Density of eight (8) units per acre. Development must be clustered to preserve common Open Space, and protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.

(B) **LOT SIZE.** For non-Residential Uses, the minimum Lot size is 14,000 square feet with 1,000 square feet of land required for each 1,000 square feet of floor Area. (Floor Area Ratio of 1)

(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line. Open Parking Spaces may be allowed within the required Front Yard, but not within five feet (5') of the Side Lot Lines.

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

- (1) A Fence or wall not more than four feet (4') in height. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

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

- (3) A deck, porch or Bay Window not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

- (4) A roof overhang, eave, or cornice projecting not more than three feet (3') into the Front Yard.

- (5) Sidewalks and pathways.

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

- (7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD.** The minimum Rear Yard is ten feet (10'). On Corner Lots that back upon the Side Yard of another Lot, the minimum Rear Yard is ten feet (10').

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

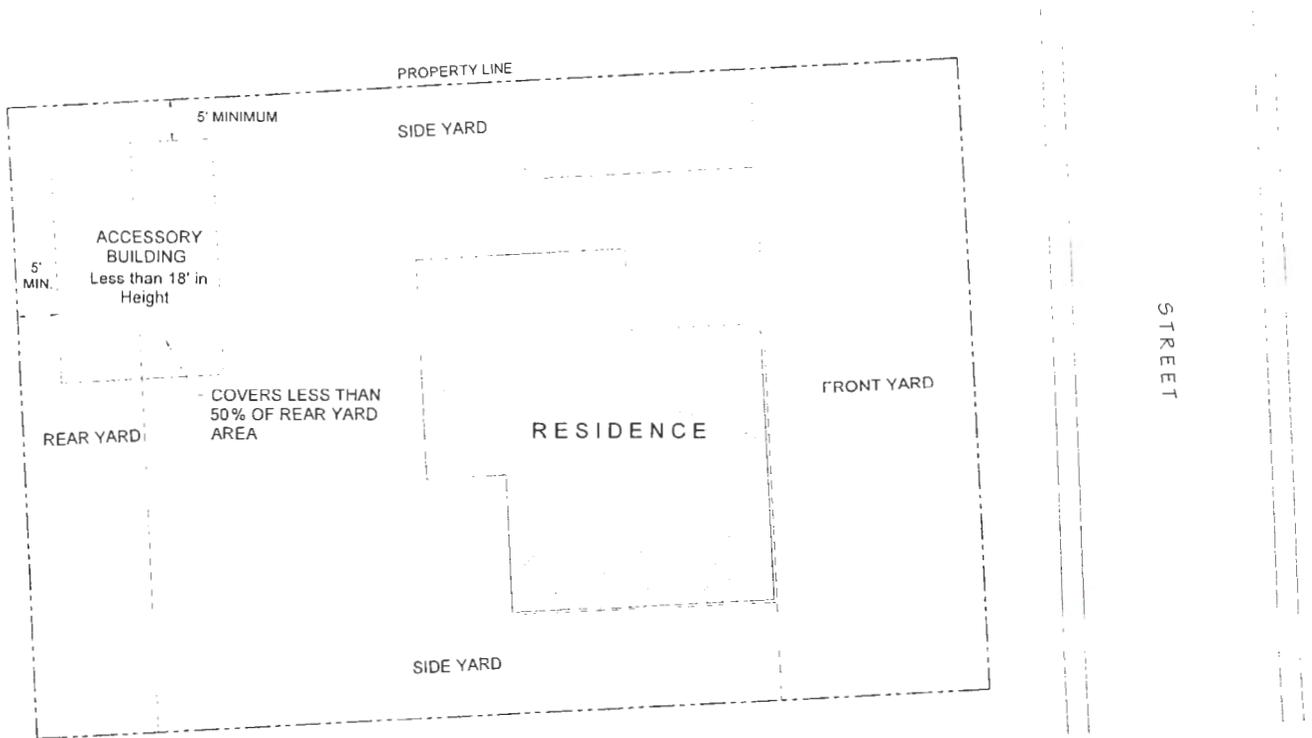
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- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) A window well or light well projecting not more than four feet (4') into the Rear Yard.
- (4) A roof overhang or eave projecting not more than three feet (3') into the Rear Yard.
- (5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.
- (6) A detached Accessory Building not more than eighteen (18') feet in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:

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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face,

must be at least three feet (3') and planted with approved vegetation.

The Community Development Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁴

(10) Patios, decks, pathways, steps, or similar Structure not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

¹⁴ A Fence greater than six feet (6') in height requires a Conditional Use Permit

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(G) **SIDE YARD.**

(1) The minimum Side Yard for any Structure is ten feet (10').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) On Corner Lots, the Side Yard that faces a Street is fifteen feet (15') for any Building.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) A window well or light well projecting not more than four feet (4') into the Side Yard.

(4) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

(5) A window sill, belt course, cornice, trim, and other ornamental

features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, located at least a minimum of one foot (1') from the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁵

(8) A driveway leading to a garage or approved Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.

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

¹⁵A Fence greater than six feet (6') in height requires a Conditional Use Permit.

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(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **OTHER EXCEPTIONS.** The Planning Commission may vary Front, Rear and Side Yards in Subdivisions and Master Planned Developments. In no case may the Planning Commission reduce Side Yards to less than ten foot (10') between Structures, except as provided for in LMC Section 15-2.14-3(G) herein.

15-2.14-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An Antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may

extend up to five feet (5') above the height of the Building.

(4) A church spire, bell tower, and like architectural features subject to the Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 02-38)

15-2.14-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

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Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.14-6. FINDINGS REQUIRED FOR GENERAL OFFICE USE.

In addition to meeting the necessary criteria in the LMC Chapter 15-6, Master Planned Developments, the Planning Commission must find that:

- (A) The redevelopment of an existing Building to a General Office Use will substantially advance the objectives of Economic Element of the General Plan or more specific neighborhood plans.
- (B) Has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential character of the RDM District and the Frontage Protection Zone through careful planning and conditions of approval.
- (C) Will not result in an intensification of Use incompatible with neighboring Developments.
- (D) Not substantially increase in the existing trip generations or service and deliveries.

(Amended by Ordinance No. 02-24)

15-2.14-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate

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parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with LMC Chapter 15-1-10, Conditional Use Review.

15-2.14-8. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Use.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;

(4) flies; and

(5) feed/hay

15-2.14-9. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The Use must also comply with LMC Chapter 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(A) Notification of adjacent Property Owners.

(B) No violation of the City Noise Ordinance, Municipal Code Title 6.

(C) Impacts on adjacent residential Uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

15-2.14-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

15-2.14-11. SIGNS.

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

15-2.14-12. RELATED PROVISIONS.

- (1) Fences and Walls. LMC Chapter 15-4.
- (2) Accessory Apartment. LMC Chapter 15-4.
- (3) Satellite Receiving Antenna. LMC Chapter 15-4.
- (4) Telecommunication Facility. LMC Chapter 15-4.
- (5) Parking. LMC Chapter 15-3.
- (6) Lighting. LMC Chapters 15-3 -3.(C) and 15-5.
- (7) Historic District Commission. LMC Chapter 15-11.
- (8) Park City Sign Code. Municipal Code Title 12.
- (9) Architectural Review. LMC Chapter 15-5.

- (10) Snow Storage. LMC Chapter 15-3 -3.(E).
- (11) Parking Ratio Requirements. LMC Chapter 15-3 -6.(A)(B).

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.15 - RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.15-1. PURPOSE.

The purpose of the Residential Medium Density RM District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in use and scale between the Historic District and the resort Developments,
- (E) encourage affordable housing,
- (F) encourage Development that minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas,

15-2.15-2. USES.

Uses in the RM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group⁴
- (12) Accessory Building and Use
- (13) Conservation Activity

¹Nightly rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the use of dwellings for Commercial Uses

⁴See LMC Chapter 14 for Child Care Regulations

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- (14) Agriculture
- (15) Bed & Breakfast Inn
- (16) Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling
- (2) Guest House, on Lot greater than one (1) acre
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁶
- (9) Boarding House, Hostel
- (10) Hotel, Minor⁷
- (11) Outdoor Event⁸
- (12) Parking Area or Structure with five (5) or more spaces
- (13) Temporary Improvement⁸

⁵See LMC Chapter 8.30, Supplemental Regulations for Telecommunications Facilities

⁶See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁷Subject to provisions of LMC Chapter 10, Master Planned Development

⁸Requires an Administrative Conditional Use Permit

- (14) Recreation Facility, Public and Private
- (15) Master Planned Development with moderate income housing density bonus⁷
- (16) Master Planned Development with residential and transient lodging uses only⁷
- (17) Master Planned Development with Support Retail and Minor Service Commercial Uses⁷
- (18) Fences greater than six feet in Height from Final Grade

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

15-2.15-3. LOT AND SITE REQUIREMENTS.

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

All Development must comply with the following:

(A) LOT SIZE. Minimum Lot Area for residential uses are as follows:

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Single Family Dwelling	2,812 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

Minimum Lot Area for all other uses shall be determined by the Planning Commission during the Conditional Use review.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, Height, parking, Open Space, and architectural requirements must be met. See Section 15-1-10, Conditional Use Permit Review.

(B) **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') back from the Front Lot Line.

(C) **FRONT YARD.**

(1) The minimum Front Yard for all Single Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15').

(2) New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.

(3) The minimum Front Yard for Lots seventy-five feet (75') deep or less is ten feet (10').

(4) See Section 15-2.15-4 for special requirements for Tri-Plex and Multi-Unit Dwellings.

(D) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection at back of curb.

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

(3) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) A roof overhang, eave, or cornice projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks and pathways.

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

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD.**

(1) The minimum Rear Yard for Single Family and Duplex Dwellings is ten feet (10').

(2) See Section 15-2.15-4 special requirements for Multi-Unit Dwellings.

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

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

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

(3) A window well or light well projecting not more than four feet (4') into the Rear Yard.

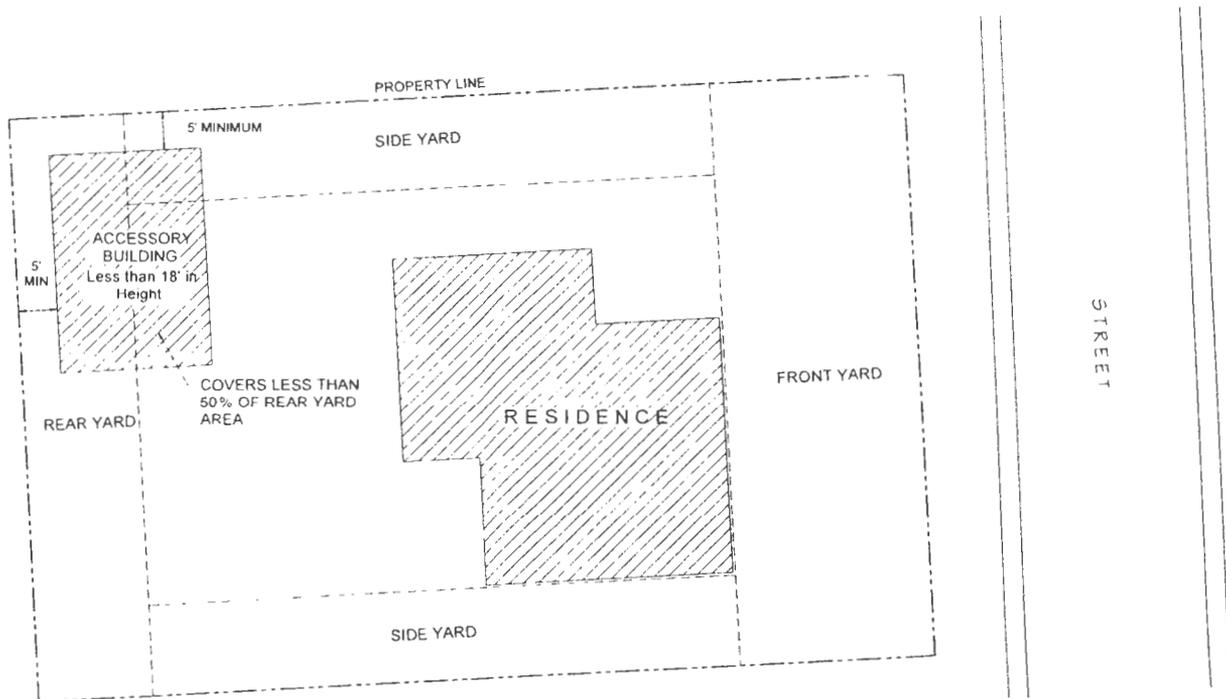
(4) A roof overhang or eave projecting not more than three feet (3') into the Rear Yard.

(5) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building, not more than eighteen feet (18') in Height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development

Director may approve minor deviations to the Height and stepping requirements based on Site specific review.⁹

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

⁹A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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(2) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a detached Accessory Building not greater than eighteen feet (18') in Height, located at least five feet (5') behind the front facade of the Main Building is three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(5) See Section 15-2.15-4 Special Requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) A Bay window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) A window well or light well projecting not more than four feet (4') into the Side Yard.

(4) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

(5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in Height above Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.¹⁰

(8) A driveway leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

¹⁰A Fence greater than six feet (6') in Height requires a Conditional Use Permit

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(9) Paths or steps connecting to a City stairway or path.

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in Height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.15-4. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty feet (20'). All new Front Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining Setbacks. See Front Yard Exceptions, Section 15-2.15-3(D).

(B) **REAR YARD.** The Rear Yard for a Triplex, or Multi-Unit Dwelling is fifteen

feet (15'). See Rear Yard Exceptions, Section 15-2.15-3(F).

(C) **SIDE YARD.** The minimum Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Side Yard Exceptions, Section 15-2.15-3(H).

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. This Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

15-2.15-5. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than twenty-eight feet (28') from Existing Grade. This is the zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the zone Height.

(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

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(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

(4) A church spire, bell tower, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the zone Height, but may not contain Habitable Space above the zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

15-2.15-6. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.15-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use, subject to an Administrative Permit.

No permit may be issued unless the following criteria are met:

(A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Community Development Director may waive the parking requirement for Historic Structures if the Applicant proves that:

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(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(J) The use complies with Section 15-1-10, Conditional Use Review.

15-2.15-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. An Applicant must submit a Site plan and written description of the event, addressing the following:

(A) Notification of adjacent Property Owners.

(B) No violation of the City Noise Ordinance, Title 6.

(C) Impacts on adjacent residential uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

15-2.15-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.15-10. SIGNS.

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

15-2.15-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.

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- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; Section 15-3-3(D); LMC Chapter 9
- Lighting. Chapter 9; Section 15-3 - 3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9-6.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3 -6.(A)(B).

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.16 - RECREATION COMMERCIAL (RC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

- (A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) limit new Development on visible hillsides and sensitive view Areas,
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and to adjacent Areas,

- (G) minimize architectural impacts of the automobile,
- (H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- (I) promote Park City’s mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- (J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Duplex Dwelling
 - (3) Triplex Dwelling
 - (4) Secondary Living Quarters
 - (5) Lockout Unit¹

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.16 Recreation Commercial
 (RC) District 15-2.16-2

- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home
Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group⁴
- (12) Child Care Center
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure
with four (4) or fewer spaces
- (20) Salt Lake City 2002 Winter
Olympic Games Olympic
Legacy Displays⁵

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling
- (2) Group Care Facility

²See LMC Chapter 8.19,
Supplemental Regulations for Accessory
Apartments

³Nightly Rentals do not include the
Use of dwellings for Commercial Uses

⁴See LMC Chapter 14 for Child Care
Regulations

⁵Olympic Legacy Displays limited to
those specific Structures approved under the
SLOC/Park City Municipal Corporation
Olympic Services Agreement and/or
Olympic Master Festival License and placed
on the original Property set forth in the
services agreement and/or Master Festival
License.

- (3) Public and Quasi-Public
Institution, Church, and
School
- (4) Essential Municipal Public
Utility Use, Facility, Service,
and Structure
- (5) Telecommunications
Antenna⁶
- (6) Satellite Dish Antenna,
greater than thirty-nine inches
(39") in diameter⁷
- (7) Raising, grazing of horses
- (8) Cemetery
- (9) Hotel, Major
- (10) Timeshare Project and
Conversion
- (11) Timeshare Sales Office
- (12) Office, General⁸
- (13) Office, Moderate⁸
- (14) Office and Clinic, Medical⁸
- (15) Financial Institution without
drive-up window⁸
- (16) Minor Retail and Service
Commercial⁸
- (17) Retail and Service
Commercial, personal
improvement⁸
- (18) Transportation Service⁸
- (19) Neighborhood Market,
without gasoline sales⁸

⁶See LMC Chapt. 8.30,
Supplemental Regulations for
Telecommunication Facilities

⁷See LMC Chapter 8.25,
Supplemental Regulations for Satellite
Receiving Antennas

⁸As support Use to primary
Development or Use, subject to provisions
of LMC Chapter 10, Master Planned
Development

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- (20) Cafe or Deli⁸
- (21) Restaurant, General⁸
- (22) Restaurant, Outdoor Dining^{8,9}
- (23) Bar⁸
- (24) Hospital, Limited Care Facility⁸
- (25) Parking Area or Structure with five (5) or more spaces
- (26) Temporary Improvement¹⁰
- (27) Passenger Tramway Station and Ski Base Facility¹¹
- (28) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹¹
- (29) Outdoor Event¹⁰
- (30) Recreation Facility, Public and Private¹²
- (31) Recreation Facility, Commercial¹²
- (32) Entertainment Facility, Indoor¹²
- (33) Commercial Stables, Riding Academy¹²
- (34) Master Planned Developments
- (35) Heliport¹²
- (36) Fences greater than six feet (6') in height from Final Grade

- (40) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³

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

(Amended by Ord. No. 02-38)

15-2.16-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **SINGLE FAMILY AND DUPLEX DWELLINGS.** For Single Family and Duplex Dwellings see Section 15-2.16-5.

(B) **DEVELOPMENT FLOOR AREA RATIO.** For all Development, except Single Family and Duplex Dwellings, the maximum Floor Area Ratio is 1.0, not including underground Parking Structures.

⁹Requires an Administrative Conditional Use Permit

¹⁰Subject to an Administrative Conditional Use Permit

¹¹As part of an approved Ski Area Master Plan

¹²As support uses, subject to provisions of Chapter 10, Master Planned Development

¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

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(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). See Section 15-2.16-5 for Front Yard requirements for Single Family and Duplex Dwellings.

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

- (1) A Fence or wall not more than four feet (4') in height. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
- (3) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.
- (4) A roof overhang, eave, or cornice projecting not more than three feet (3') into the Front Yard.
- (5) Sidewalks and pathways.
- (6) A driveway leading to a garage or Parking Area. No portion of a Front Yard except for approved driveways, allowed Parking Areas,

and sidewalks may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

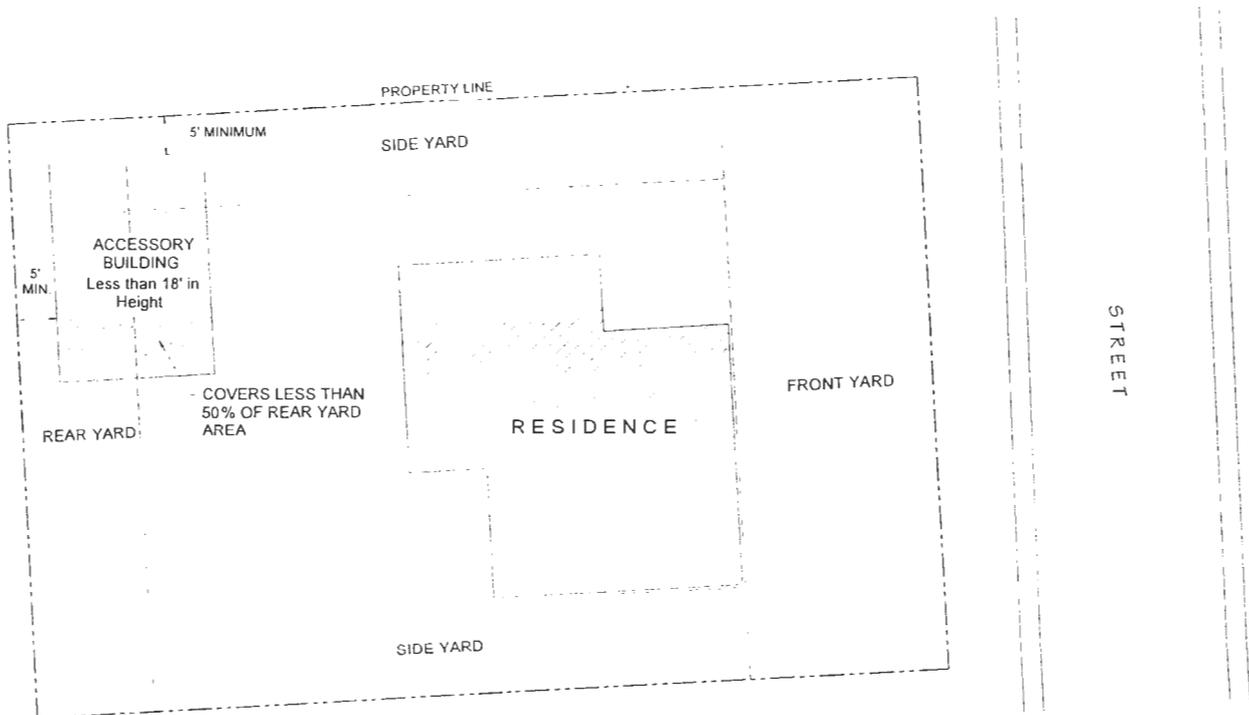
(E) **REAR YARD.** The minimum Rear Yard is ten feet (10'). See Section 15-2.16-5 for Rear Yard requirements for Single Family and Duplex Dwellings.

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

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) A window well or light well projecting not more than four feet (4') into the Rear Yard.
- (4) A roof overhang or eave projecting not more than three feet (3') into the Rear Yard.
- (5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.

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(6) A detached Accessory Building not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fences or wall not more than six feet (6') in height. A

retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the height and stepping

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requirements based on Site specific review.¹⁴

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10'). See Section 15-2.16-5 for Side Yard requirements for Single Family and Duplex Dwellings.

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) A window well or light well projecting not more than four feet (4') into the Side Yard.

(4) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

(5) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) A Fence or wall not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹¹

(8) A driveway leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

¹⁴A Fence greater than six feet (6') in height requires a Conditional Use Permit

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

(10) Screened mechanical equipment, hot tub, or similar Structure provided it is located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **OPEN SPACE**. On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to Transferred Development Right (TDR) Open Space. This is in addition to any Open Space required as part of a Master Planned Development. TDR Open Space may be either Natural or Landscaped Open Space.

15-2.16-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height. See Section 15-2.16-5 Building Height for Single Family Dwellings and Duplexes.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS**. To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) An Antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) A church spire, bell tower, and like architectural feature, subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski Lift or Tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.

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(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 02-38)

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

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

The following minimum Lot and Site requirements apply to Single Family and Duplex Dwellings in the RC District:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line.

(B) **BUILDING ENVELOPE - RC DISTRICT.** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur.

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

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

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

(2) Exceptions to the Building Pad Area are subject to Community Development Department approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines; and

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(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT - RC DISTRICT.** The maximum Building Footprint of any Single Family or Duplex Dwelling shall be calculated as follows:

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

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

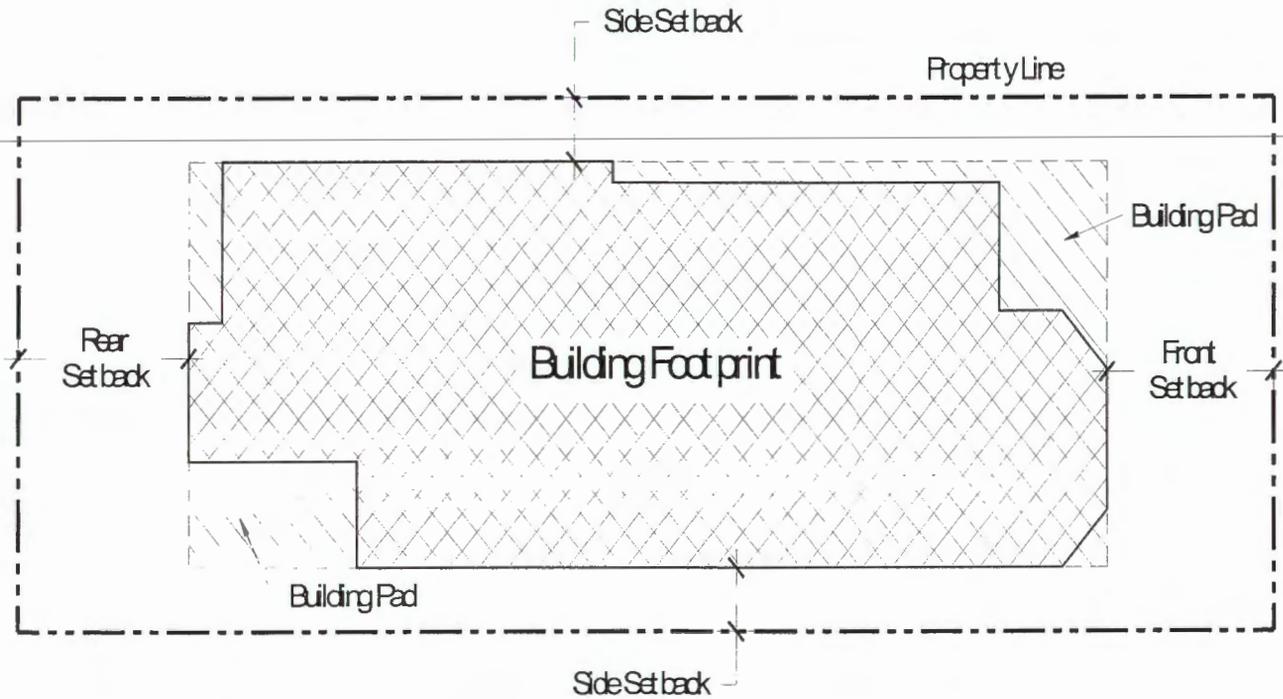
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See Table 15-2.16- below for a schedule equivalent of this formula.

TABLE 15-2.16

Lot Depth, </= ft.	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

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

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

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

(1) A Fence or wall not more than four feet (4') in height. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

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

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(3) A deck, porch, or Bay Window not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) A roof overhang, eave or cornice projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

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

(G) REAR YARD EXCEPTIONS.

The Rear Yard must be open and free of any Structure except:

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

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

(3) A window well or light well projecting not more than four feet (4') into the Rear Yard.

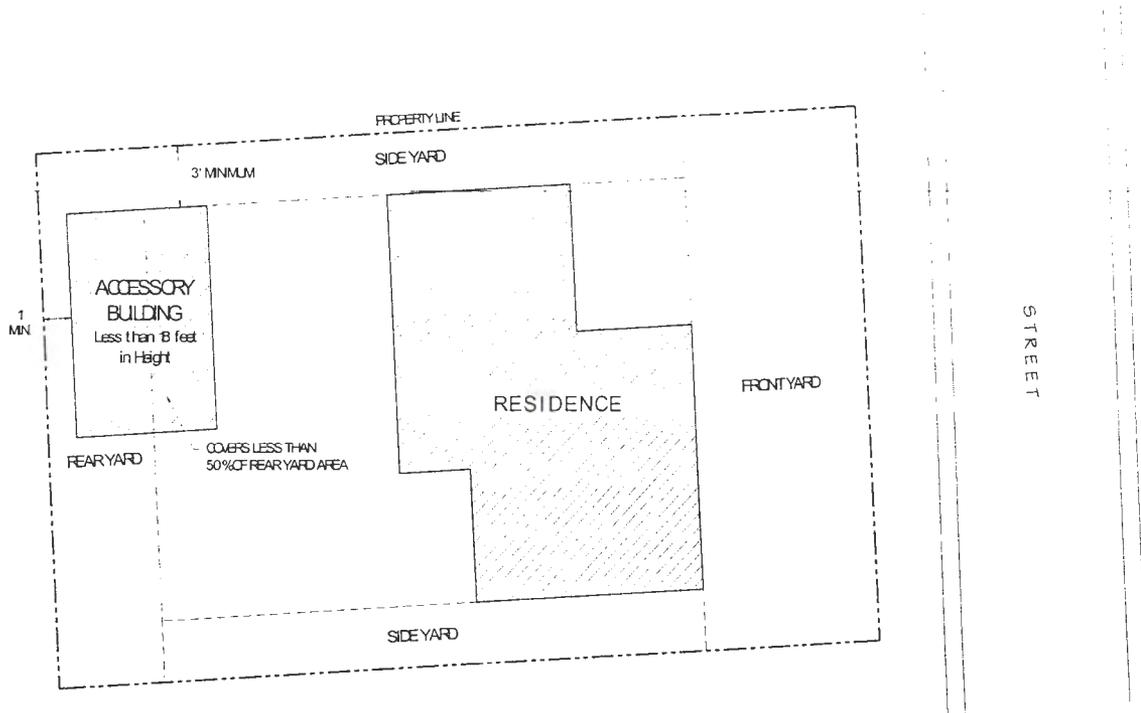
(4) A roof overhang or eave projecting not more than two feet (2') into the Rear Yard.

(5) A window sill, belt course, cornice, trim, or other ornamental

feature projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure may not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:

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

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) A Fence or wall not more than six feet (6') in height.¹⁵

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) SIDE YARD.

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16 above.

(2) Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(3) On Corner Lots, any Yard which faces on a Street may not have a Side Yard less than five feet (5').

¹⁵A Fence over six feet (6') in height requires a Conditional Use Permit

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(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

- (1) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹⁶
- (1) A window sill, belt course, trim, cornice, or other ornamental feature projecting not more than six inches (6") into the Side Yard.
- (2) A roof overhang or eave projecting not more than two feet (2') into the Side Yard.¹⁷
- (3) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.¹⁴
- (2) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹¹
- (3) A window well or light well projecting not more than four feet (4') into the Side Yard.¹¹

¹⁶Applies only to Lots with a minimum Side Yard of five feet (5')

¹⁷Applies only to Lots with a Side Yard of five feet (5') or greater.

- (4) A roof overhang or eave projecting not more than two feet (2') into the Side Yard.¹¹
- (5) A window sill, belt course, trim, cornice, or other ornamental feature projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.
- (7) A Fence or wall not more than six feet (6') in height.¹⁸
- (8) A driveway leading to a garage or approved Parking Area.
- (9) Pathway or steps connecting to a City staircase or pathway.
- (10) A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side Yard Setback of three feet (3').
- (11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

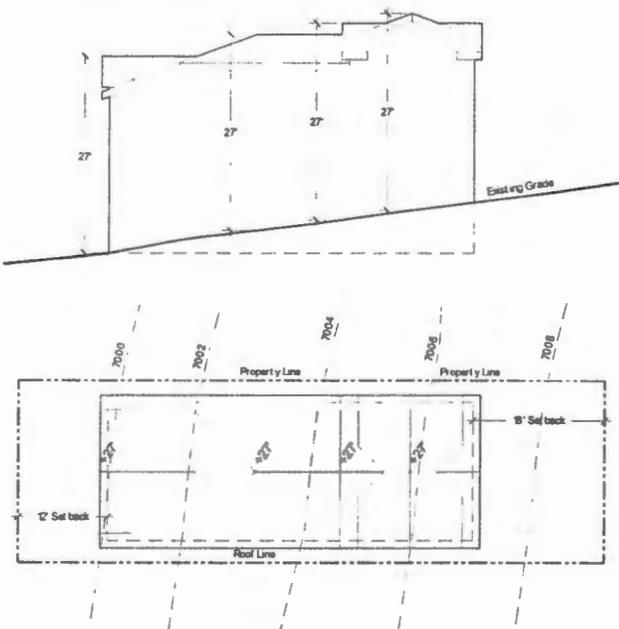
¹⁸A Fence over six feet (6') in height requires a Conditional Use Permit.

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(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(L) **BUILDING HEIGHT.** No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measure shall not include approved window wells.



(M) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the Zone Height.

(3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Community Development Department may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement.

15-2.16-6. EXISTING HISTORIC STRUCTURES.

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

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

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

15-2.16-7. ARCHITECTURAL REVIEW.

(A) **ALL DEVELOPMENT.** Prior to the issuance of Building Permits for any Conditional or Allowed Use, the Community Development Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(B) SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE HISTORIC AREAS.

- (1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:
 - (a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and
 - (b) Any residential Development that is located along or Accessed off of Park Avenue.
- (2) The Community Development Department shall review the proposed plans for Compatibility with the Historic District Design Guidelines.
- (3) Appeals of departmental determinations of compliance with the Historic District Design Guidelines are heard by the Historic District Commission.

15-2.16-8. PARKING REGULATIONS.

- (A) Tandem Parking is allowed for Single Family and Duplex Dwellings in the RC District.
- (B) Common driveways are allowed along shared Side Lot Lines to provide Access to parking in the rear of the Main

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Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of such a shared drive.

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

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

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

(D) A Parking Structure may occupy below Grade Side and Rear Yards if the Structure maintains all Yards above Grade.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas. The minimum width for a driveway is twelve feet (12'). The driveway shall lead to an approved garage or Parking Area.

(F) Turning radii are subject to review by the Community Development Department as to function and design.

15-2.16-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and

cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.16-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Community Development Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

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(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

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 (RC) District 15-2.16-18

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use Permit. The Use must also comply with Section 15-1-10, Conditional Use Review. An Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City's Noise Ordinance, Title 6.

(c) Impacts on adjacent residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

15-2.16-10. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.16 Recreation Commercial
 (RC) District 15-2.16-19

with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental room(s).

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Community Development Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-10, Conditional Use Review.

15-2.16-11. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

(1) waste removal/odors;

(2) drainage and runoff;

(3) bedding materials;

(4) flies; and

(5) feed/hay

15-2.16-12. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.16 Recreation Commercial
 (RC) District **15-2.16-20**

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 9.

15-2.16-13. SIGNS.

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

15-2.16-14. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; Section 15-3 -3.(D); LMC Chapter 9.
- Lighting. Section 15-3- 3.(C); LMC Chapter 9.
- Park City Sign Code. Title 12.

- Architectural Design. LMC Chapter 9.
- Snow Storage. Chapter 15-3 -3.(E)
- Historic District Commission. LMC Chapter 4.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.17 - REGIONAL COMMERCIAL OVERLAY (RCO)
DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.17-1. PURPOSE.

To allow for regional Commercial Uses on Properties not otherwise zoned for Commercial Uses. This overlay zone affords the Owner the option to apply for commercial Development and use on lands affected by the overlay zone. In the event the application for Commercial Use is denied, the underlying zoning governs permissible Development of the Property.

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Lockout Unit¹
- (3) Accessory Apartment²

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group³
- (9) Accessory Building and Use
- (10) Conservation Activity
- (11) Agriculture
- (12) Parking Area or Structure with four (4) or fewer spaces
- (13) Recreation Facility, Private
- (14) Allowed Uses in the Underlying Zoning District

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling⁴
- (2) Group Care Facility⁴
- (3) Child Care Center⁴
- (4) Public and Quasi-Public Institution, Church and School⁴

³See LMC Chapter 14 for Child Care Regulations

⁴Subject to provisions of Chapter 10, Master Planned Developments

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 Overlay (RCO) District 15-2.17-2

- | | |
|--|---|
| <ul style="list-style-type: none"> (5) Essential Municipal Public Utility Use, Facility, Service, and Structure⁴ (6) Telecommunication Antenna⁵ (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁶ (8) Plant and Nursery stock products and sales⁴ (9) Bed and Breakfast Inn⁴ (10) Boarding House, Hostel⁴ (11) Hotel, Minor⁴ (12) Hotel, Major⁴ (13) Timeshare Sales Office, off-site⁴ (14) Office, General⁴ (15) Office, Moderate Intensive⁴ (16) Office, Intensive⁴ (17) Office and Clinic, Medical⁴ (18) Financial Institution, with and without drive-up window^{4, 7} (19) Retail and Service Commercial, Minor⁴ (20) Retail and Service Commercial, personal improvement⁴ (21) Retail and Service Commercial, Major⁴ (22) Transportation Service⁴ (23) Retail Drive-Up Window⁷ | <ul style="list-style-type: none"> (24) Neighborhood Convenience Commercial⁴ (25) Commercial, Resort Support⁴ (26) Gasoline Service Station⁴ (27) Cafe, Deli⁴ (28) Restaurant, General⁴ (29) Restaurant, Outdoor Dining⁸ (30) Outdoor Event⁸ (31) Restaurant, Drive-up window⁷ (32) Bar⁴ (33) Hospital, Limited Care Facility⁴ (34) Hospital, General⁴ (35) Parking Area or Garage with five (5) or more spaces⁴ (36) Temporary Improvement⁸ (37) Passenger Tramway Station and Ski Base Facility⁴ (38) Ski tow rope, ski lift, ski run, and ski bridge⁴ (39) Recreation Facility, Public⁴ (40) Recreation Facility, Commercial⁴ (41) Entertainment, Indoor⁴ (41) Master Planned Developments⁴ (42) Heliport⁴ |
|--|---|

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

⁵See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁷See Section 15-2.18-5 criteria for drive-up windows

⁸Requires an Administrative Conditional Use Permit

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 Overlay (RCO) District 15-2.17-3

15-2.17-3. PROCEDURE FOR COMMERCIAL DEVELOPMENT OPTION.

An Applicant may apply for the commercial Development option by submitting an application to the Planning Department. Application for the commercial Development option will be reviewed by the Planning Commission as a Master Planned Development (MPD). The Planning Commission shall consider all factors set forth in LMC Chapter 10, and shall also consider the criteria listed below in Section 15-2.17-4 to determine whether implementation of the commercial Development option is warranted.

Appeals of Planning Commission decisions are heard by the City Council.

15-2.17-4. CRITERIA FOR COMMERCIAL DEVELOPMENT OPTION.

An application for the commercial Development option under this section must meet the following minimum standards:

- (A) The minimum Lot size is five (5) acres. Each proposal must include one commercial anchor, a minimum of 30,000 square feet in size, and a maximum of 65,000 square feet.
- (B) The Planning Commission may approve, disapprove, or approve with modifications a request for an increase in the allowable Building Height of some or all of the Buildings in the Development by up to

twenty-five percent (25%) of the Zone Height of the underlying zone.

The City Council may grant a Height exception upon recommendation from the Planning Commission.

Standards for review of any Height exception Areas follows:

- (1) The visual impacts of the Structure on existing Structures.
- (2) Potential shadows, loss of solar Access, air circulation, view corridors, or ridge line intrusion.
- (3) Traffic, circulation, and adjacent Open Space.
- (4) Compatibility of the proposed Building with adjacent Buildings.
- (5) Landscaping, buffer Areas, and other physical separations to mitigate and buffer the Building from adjacent uses.
- (6) The Side Yard between Building(s), adjacent Streets and alleys and their relationship to pedestrian traffic and Open Space.
- (7) Provision of more than the required sixty percent (60%) Transferred Development Right (TDR) Open Space within the project.

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(8) Reduction of the Height of other Buildings or portions of a Building to a point that is lower than the underlying zone Height.

(9) Provision of exemplary architecture, high quality materials and finishes, and in general, a superior plan and project results.

(10) No net increase in the allowable square footage or Building volume above Grade over what is possible under the zone Height.

(C) An anchor of at least 30,000 square feet is required to be built first.

(D) Good internal circulation with limited Access to arterial Streets.

(E) Buffering the Frontage Protection Zone with extensive landscaping and berms.

(F) Screened parking.

(G) An extensively landscaped buffer is required between commercial Development and adjacent residential uses.

The Planning Commission may determine the size of buffer depending on proposed uses and proposed buffer design. The Planning Commission may require the buffer be constructed and landscaped prior to the remainder of the construction.

(H) Compliance with all requirements of LMC Chapter 10, Master Planned Development (MPD) review process and criteria.

(I) Architecture that is consistent with the Park City Architectural Design Guidelines in LMC Chapter 9 and is Compatible with the community and neighborhood.

(J) Submission of a sign plan at the time of Master Planned Development application in accordance with the City Sign Code, Title 12.

(K) The Site plan for the Master Planned Development must take into consideration significant natural features such as existing vegetation, wetlands, Stream channels and ridge lines. Development must occur outside of these sensitive Areas.

(L) Submission of a lighting plan at the time of Master Planned Development application in accordance with LMC Chapter 9.

(M) Enhanced pedestrian and bicycle circulation.

(N) Enhanced public plazas and Open Space Areas.

(O) Fully Screened service and delivery areas. Fully Screened dumpster locations. No service, delivery, or dumpster activities shall occur adjacent to residential uses.

15-2.17-5. PLANNING COMMISSION FINDINGS.

To approve an application for use of the commercial Development option, the Planning Commission must find that:

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.17 Regional Commercial
 Overlay (RCO) District 15-2.17-5

- (A) The proposal is consistent with the criteria set forth in Section 15-2.17-4, and LMC Chapter 10.
- (B) The proposal is in the best interest of the City and is located in an appropriate location.
- (C) The proposal adequately mitigates potential impacts on adjacent Properties and land uses.
- (D) The proposal complies with all applicable criteria of the Sensitive Lands Ordinance and the Frontage Protection Zone.

15-2.17-6 CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require a Conditional Use Permit Review to consider traffic impacts on surrounding Streets and compliance with Section 15-1-10, Conditional Use Review. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Arca.

15-2.17-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

- (A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

- (B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

- (C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

- (D) The rooms are available for Nightly Rental only.

- (E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

- (F) Food service is for the benefit of overnight guests only.

- (G) No Kitchen is permitted within rental rooms.

- (H) Parking on-Site at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive use.

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Overlay (RCO) District** **15-2.17-6**

(I) The use complies with Section 15-1-10, Conditional Use Review.

15-2.17-8. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.17-8(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor uses may be allowed by the Community Development Department upon the issuance of an Administrative Conditional Use Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING:**
Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public

Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The use is on private Property or leased public Property, and does not diminish parking or landscaping.

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Overlay (RCO) District 15-2.17-7

(b) The use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, and canoe storage or display is on private Property and not in

Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

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 Overlay (RCO) District 15-2.17-8

(b) No violation of the City Noise Ordinance, Title 6.

Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

(c) Impacts on adjacent residential uses.

15-2.17-10. SIGNS.

(d) Proposed plans for music, lighting, Structures, electrical, signs, etc.

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

(e) Parking demand and impacts on neighboring Properties.

15-2.17-11. RELATED PROVISIONS.

(f) Duration and hours of operation.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 9; Section 15-3.3(D).
- Lighting. LMC Chapter 9; Section 15-3 .3.(C).
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9.
- Snow Storage. Section 15-3 .3.(E)
- Parking Ratio Requirements. Section 15-3.6.(A)(B).

(g) Impacts on emergency Access and circulation.

15-2.17-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and uses, as well as offices, Business and personal services, and limited residential uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City’s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to

the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Secondary Living Quarters
 - (2) Lockout Unit¹

¹Nightly rental of Lockout Units requires Conditional Use Permit

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- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home
Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group³
- (9) Child Care Center
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock
production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical
- (22) Financial Institution without
a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service
Commercial, Minor
- (25) Retail and Service
Commercial, Personal
Improvement
- (26) Retail and Service
Commercial, Major
- (27) Cafe or Deli
- (28) Restaurant, General
- (29) Hospital, Limited Care
Facility

- (30) Parking Area or Structure
with four (4) or fewer spaces
- (31) Parking Area or Structure
with five (5) or more spaces
- (32) Recreation Facility, Private

(B) CONDITIONAL USES.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public
Institution, Church, and
School
- (7) Essential Municipal Public
Utility Use, Facility, Service,
and Structure
- (8) Telecommunication Antenna⁴
- (9) Satellite Dish Antenna,
greater than thirty-nine inches
(39") in diameter⁵
- (10) Timeshare Project and
Conversion
- (11) Timeshare Sales Office, off-
site within an enclosed
Building
- (12) Financial Institution with a
Drive-up Window⁶

²See LMC Chapter 8.19,
Supplemental Regulations for Accessory
Apartments

³See LMC Chapter 14 for Child Care
Regulations

⁴See LMC Chapter 8.30,
Supplemental Regulations for
Telecommunication Facilities

⁵See LMC Chapter 8.25,
Supplemental Regulations for Satellite
Receiving Antennas

⁶See Section 2-18-6 for Drive-Up
Window review

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- (13) Retail and Service Commercial with Outdoor Storage
- (14) Retail and Service Commercial, Auto Related
- (15) Transportation Service
- (16) Retail Drive-Up Window⁷
- (17) Gasoline Service Station
- (18) Restaurant and Cafe, Outdoor Dining⁸
- (19) Restaurant, Drive-up Window⁷
- (20) Outdoor Event⁸
- (21) Bar
- (22) Sexually Oriented Businesses⁹
- (23) Hospital, General
- (24) Light Industrial Manufacturing and Assembly
- (25) Temporary Improvement⁸
- (26) Passenger Tramway and Ski Base Facility
- (27) Ski tow rope, ski lift, ski run, and ski bridge
- (28) Commercial Parking Lot or Structure
- (29) Recreation Facility, Public
- (30) Recreation Facility, Commercial
- (31) Indoor Entertainment Facility

- (32) Master Planned Development with moderate housing density bonus¹⁰
- (33) Master Planned Developments¹⁰
- (34) Heliport
- (35) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
- (36) Fences greater than six feet (6') in Height from Final Grade

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

15-2.18-3. LOT AND SITE REQUIREMENTS.

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

(A) **FRONT YARDS.** The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking is at the rear of the Property or under ground. The Frontage Protection Overlay Zone (FPZ)

⁷See Section 2-18-6 for Drive-Up Window review

⁸Requires an Administrative Conditional Use Permit.

⁹See Section 2-17-8 for additional criteria.

¹⁰Subject to provisions of LMC Chapter 10, Master Planned Development

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requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20.

(B) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

- (1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in Height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) A roof overhang, eave, or cornice projecting not more than three feet (3') into the Front Yard.
- (4) Sidewalks and pathways.
- (5) A deck, porch, or Bay Window not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
- (6) A driveway leading to a garage or Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3-3

General Parking Area and Driveway Standards.

- (7) Circular driveways meeting all requirements stated in Section 15-3-4.

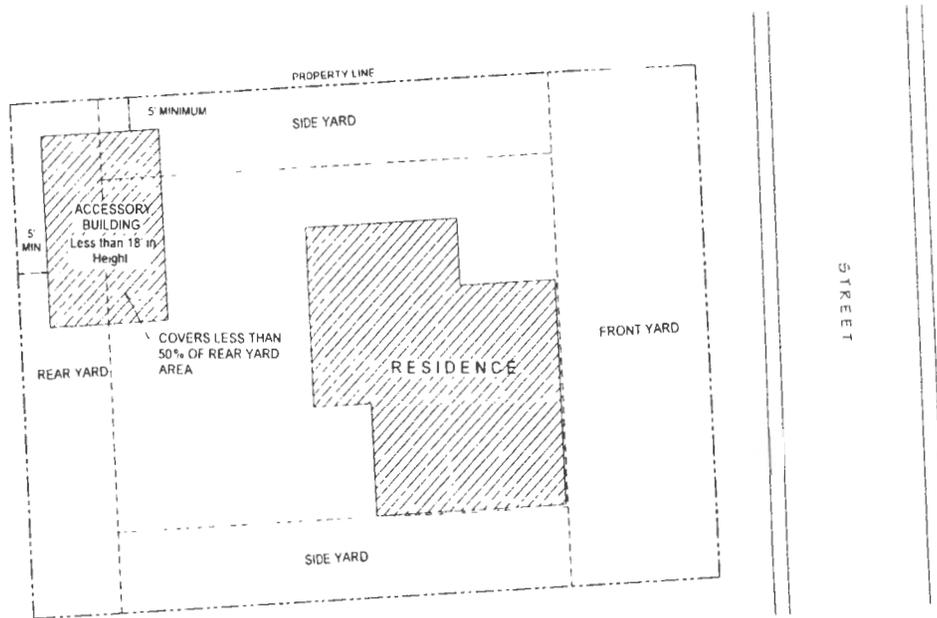
(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

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

- (1) A Bay Window or chimney not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) A window well or light well projecting not more than four feet (4') into the Rear Yard.
- (3) A roof overhang or eave projecting not more than three feet (3') into the Rear Yard.
- (4) A window sill, belt course, cornice, trim and other ornamental feature projecting not more than six inches (6") into the Rear Yard.
- (5) A detached Accessory Building not more than eighteen feet (18') in Height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:

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15-2.18-5



(6) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building and meeting all landscaping requirements stated in Section 15-3-3.

(7) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(8) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.¹¹

(9) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(E) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10').

¹¹A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in Height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

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

(1) A Bay Window or a chimney not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) A window well or light well projecting not more than four feet (4') into the Side Yard.

(3) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

(4) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Side Yard.

(5) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) An awning over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.¹²

(8) A driveway leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

¹²A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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(9) Paths or steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(G) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(H) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in Height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 45, and 46, and parking Lots A through K as shown on the Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed 2.0. All uses within a Building, except enclosed Parking Areas, are subject to the Floor Area

Ratio. Parking Lots A - K must have no use other than parking and related uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS**. In the Prospector Square Subdivision, Lots 2 to 38, Front, Side and Rear Yards may be reduced to zero feet (0') except for commercial Lots within the Frontage Protection Zone. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection Streets.

15-2.18-4. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than thirty-five feet (35') from Existing Grade. This is the zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS**. To allow for pitched roofs and to provide usable space within the Structure, the following Height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the zone Height.

(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with the Uniform Building Code (UBC).

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(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

(4) A church spire, bell tower, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 9, may extend up to fifty percent (50%) above the zone Height, but may not contain Habitable Space above the zone Height. Such exception requires approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

15-2.18-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.18-6. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require special Conditional Use Permit (CUP) to consider traffic impacts on surrounding Streets. The

Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.18-7. SEXUALLY ORIENTED BUSINESSES.

The purpose and objective of this Section is to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses or their location in Areas deleterious to the City, and to prevent inappropriate exposure of such Businesses to the community. This Section is to be construed as a regulation of time, place, and manner of the operation of these Businesses, consistent with the United States and Utah State Constitutions.

(A) LOCATION OF BUSINESSES, RESTRICTIONS. Sexually Oriented Businesses, are Conditional Uses.

No Sexually Oriented Business may be located:

(1) within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;

(2) within three hundred feet (300') of any residential zoning boundary; or

(3) within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

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(B) **MEASUREMENT OF DISTANCES.** For the purposes of this Section, distances are measured as follows:

(1) The distance between any two Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.

(2) The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park, library, cemetery, or religious institution.

(3) The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.

(C) **DEFINITIONS.** Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings

set forth in the Municipal Code of Park City, Section 4-9-4.

15-2.18-8. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Permit. No permit may be issued unless the following criteria are met:

(A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

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(H) Parking is on-Site at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(I) The use complies with Section 15-1-10, Conditional Use Review.

15-2.18-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.18-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor uses may be allowed by the Community Development Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance, Title 6.
- (f) No use after 10:00 p.m.

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(f) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations are subject to the following criteria:

- (a) The use is on private Property or leased public Property, and does not diminish parking or landscaping.
- (b) The use is only for the sale of food or beverages in a form suited for immediate consumption.
- (c) The use is Compatible with the neighborhood.
- (d) The proposed service station does not impede pedestrian circulation.
- (e) The proposed service station does not impede emergency Access or circulation.
- (f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, and canoes is subject to the following criteria:

- (a) The Area of the proposed bicycle, kayak, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
- (b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
- (c) No more than a total of fifteen (15) pieces of equipment may be displayed.
- (d) Outdoor display is only allowed during Business hours.

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(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music requires an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent residential uses.
- (d) Proposed plans for music, lighting, Structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

15-2.18-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

15-2.18-11. SIGNS.

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

15-2.18-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.

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- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.
- Parking. Section 15-3.
- Landscaping. Title 14; Section 15-3 -3.(D); LMC Chapter 9.
- Lighting. Section 15-3 -3.(C); LMC Chapter 9.
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9.
- Snow Storage. Section 15-3 -3.(E).
- Parking Ratio Requirements. Section 15-3 -6.(A)(B).



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.19 - LIGHT INDUSTRIAL (LI) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

- (A) allow light industrial and manufacturing uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,
- (B) allow Conditional Uses to mitigate potential impacts,
- (C) accommodate complementary and supporting uses such as parking, child care, retail, offices, group care, and recreation facilities, and
- (D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Accessory Apartment¹
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting
- (6) Child Care, Family
- (7) Child Care, Family Group²
- (8) Child Care Center
- (9) Agriculture
- (10) Plant and Nursery Stock
- (11) Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

¹See LMC Chapter 8.19, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 14 for Child Care Regulations

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- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Child Care Center
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna³
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁴
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Office and Clinic, Medical

- (14) Financial Institutions with Drive-Up Window⁵
- (15) Retail and Service Commercial with Outdoor Storage
- (16) Retail and Service Commercial, Auto-Related
- (17) Transportation Services
- (18) Retail Drive-Up Window⁵
- (19) Gasoline Service Station
- (20) Café or Deli
- (21) Restaurant, General
- (22) Restaurant, Outdoor Dining
- (23) Restaurant, Drive-Up Window
- (24) Outdoor Event⁶
- (25) Bar
- (26) Hospital, General
- (27) Light Industrial Manufacturing and Assembly Facility
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁶
- (30) Passenger Tramway Station and Ski Base Facility
- (31) Ski tow rope, ski lift, ski run, and ski bridge
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial
- (34) Entertainment Facility, Indoor
- (35) Commercial Stables, Riding Academy

³See LMC Chapter 8.30, Supplemental Regulations for Telecommunication Facilities

⁴See LMC Chapter 8.25, Supplemental Regulations for Satellite Receiving Antennas

⁵See Section 2.19-8 for Drive-Up Window review criteria

⁶Subject to Administrative Conditional Use Permit.

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- (36) Master Planned Developments⁷
- (37) Heliports
- (38) Commercial Parking Lot or Structure
- (39) Temporary Sales Office, in conjunction with an active Building permit.
- (40) Fences greater than six feet (6') in Height from Final Grade.

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

15-2.19-3. COMMUNITY REQUIREMENTS.

Applicants must demonstrate the following:

- (A) The Industrial Use will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside of the Building.
- (B) Open yards used for storage or parking may not adjoin any public Right-of-Way and must be fully Screened from public Rights-of-Way and adjoining Properties.
- (C) Underground Utilities are provided.

15-2.19-4. REVIEW CRITERIA FOR RESIDENTIAL USES.

A landscaped buffer Area is required to separate residential uses from existing or

potential industrial uses. This buffer Area must be a minimum of fifty feet (50') wide to provide adequate Screening, buffering, and separation of these uses. The fifty foot (50') requirement may be divided between two adjoining Properties. In the case where one Property is already Developed, the adjoining Property must provide a buffer Area sufficient to meet the fifty foot (50') requirement. A detailed landscape plan must be submitted by the applicant and approved by the Planning Commission and Staff prior to Conditional Use approval. The landscape plan must demonstrate that the fifty foot (50') buffer Area effectively Screens and buffers the existing and future residential uses from existing or future industrial uses. In some cases additional Off-Site landscaping may be necessary to adequately mitigate impacts of these incompatible uses.

15-2.19-5. LOT AND SITE REQUIREMENTS.

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

Minimum Lot and Site requirements are as follows:

- (A) **OPEN SPACE.** At least thirty percent (30%) of the total Site Area, shall be Transferred Development Right (TDR)

⁷Subject to provisions of LMC Chapter 10, Master Planned Development.

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Open Space and may not be use for Streets, roads, driveways, or Parking Areas.

(B) **LOT SIZE.** The minimum Lot Area is 10,000 square feet. The minimum Lot width is fifty feet (50').

(C) **FRONT YARD.** The minimum Front Yard is thirty feet (30').

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

- (1) A Fence or wall not more than four feet (4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in Height from Final Grade, not including any required handrails, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) A roof overhang, eave, or cornice projecting not more than three feet (3') into the Front Yard.
- (4) Sidewalks and pathways.
- (5) A deck, porch, or Bay Window not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(6) A driveway leading to a garage or Parking Area. No portion of a Front Yard except for driveways and/or allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3.3 General Parking Area and Driveway Standards.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

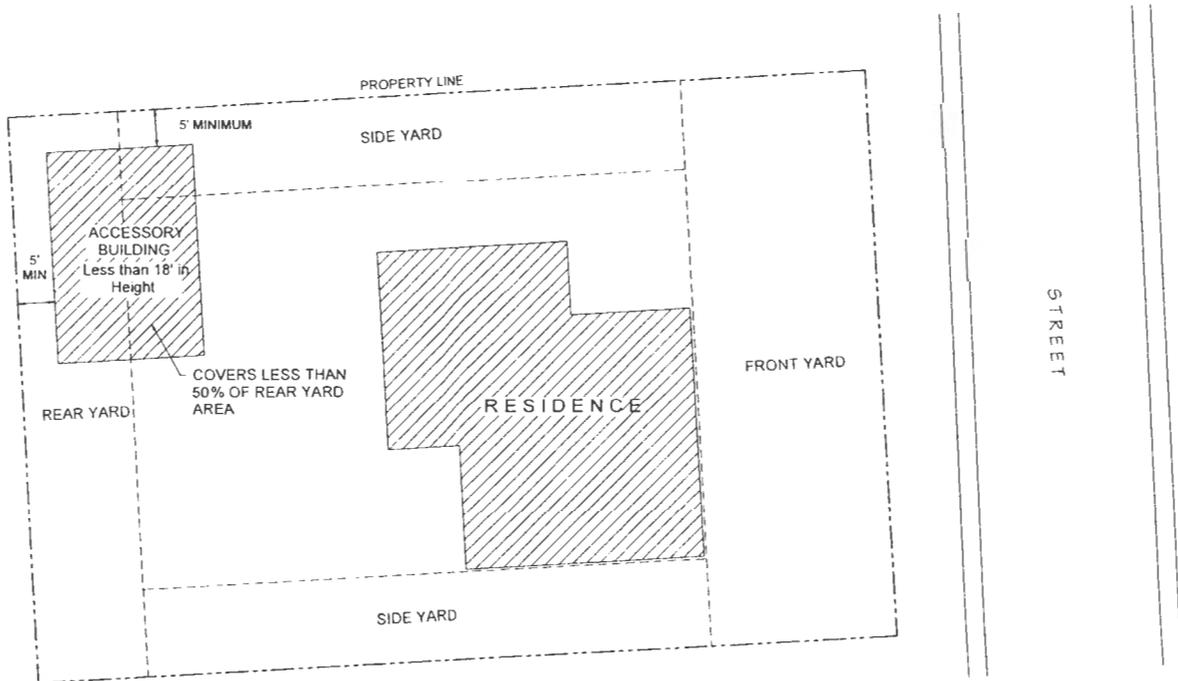
(E) **REAR YARD.** The minimum Rear Yard is ten feet (10').

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

- (1) A Bay Window or chimney not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) A light well or window well projecting not more than four feet (4') into the Rear Yard.
- (3) A roof overhang or eave projecting not more than three feet (3') into the Rear Yard.
- (4) A window sill, belt course, cornice, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.

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(5) A detached Accessory Building not more than eighteen feet (18') in Height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



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(6) Hard-Surfaced Parking Area subject to the same location requirements a detached Accessory Building meeting all landscaping requirements stated in Section 15-3.3.

(7) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(8) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.⁸

(9) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade provided it is located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARDS.**

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

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

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) A Bay Window or a chimney not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) A window well or light well projecting not more than four feet (4') into the Side Yard.

(3) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

⁸A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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(4) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Side Yard.

(5) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) An awning over a doorway or window projecting not more than three feet (3') into the Side Yard.

(7) A Fence or wall not more than six feet (6') in Height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in Height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the Height and stepping requirements based on Site specific review.⁹

(8) A driveway leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths or steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

15-2.19-6. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than thirty feet (30') from Existing Grade. This is the zone Height.

(A) BUILDING HEIGHT

EXCEPTIONS. To allow for pitched roofs and provide usable space within the Structure, the following Height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the zone Height.

(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with the Uniform Building Code (UBC).

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the Height of the Building.

⁹A Fence greater than six feet (6') in Height requires a Conditional Use Permit.

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(4) A church spire, bell tower, and like architectural features subject to the Architectural Guidelines in LMC Chapter 9, may extend up to fifty percent (50%) above the zone Height, but may not contain Habitable Space above the zone Height. Such exceptions require approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the zone Height.

15-2.19-7. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 9.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.19-8. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require a Conditional Use Permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.19-9. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate its view from nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and architectural review. All Structure's must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

The loading and unloading of goods must take place entirely on the Site. Loading Areas must be Screened from general public view. All loading Areas shall be shown on the plans prepared for Conditional Use Permit and architectural review.

15-2.19-10. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use subject to a Conditional Use review. No Conditional Use Permit may be issued unless the following criteria are met:

(A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of

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rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is provided on-Site at a rate of one (1) space per rentable room.

(I) The use complies with Section 15-1-10.

15-2.19-11. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage, and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section

does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.19-11(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor uses may be allowed by the Community Development Department upon issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

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(e) No music or noise in excess of the City Noise Ordinance, Title 6.

(f) No use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.



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(d) Outdoor display is only allowed during business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use Permit. The use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent residential uses.
- (d) Proposed plans for music, lighting, Structures, electrical, signs, etc.
- (e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

15-2.19-12. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and
 - (5) feed/hay

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15-2.19-13. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria, LMC Chapter 9.

15-2.19-14. SIGNS.

Signs are allowed in the Limited Industrial (LI) District as provided in the Park City Sign Code, Title 12.

15-2.19-15. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 8.7.
- Accessory Apartment. LMC Chapter 8.19.
- Satellite Receiving Antenna. LMC Chapter 8.25.
- Telecommunication Facility. LMC Chapter 8.30.

- Parking. Section 15-3.
- Landscaping. Title 14; Section 15-3 -3.(D); LMC Chapter 9
- Lighting. Section 15-3 -3.(C); LMC Chapter 9
- Historic District Commission. LMC Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 9.
- Snow Storage. Section 15-3 -3.(E)
- Parking Ratio Requirements. Section 15-3 -6.(A)(B).

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.20 - FRONTAGE PROTECTION ZONE (FPZ)

Chapter adopted by Ordinance No. 00-51

15-2.20-1. PURPOSE.

The purpose of the Frontage Protection Zone (FPZ) is to:

- (A) preserve Park City’s scenic view corridors,
- (B) preserve and enhance the rural resort character of Park City’s entry corridor,
- (C) provide a significant landscaped buffer between Development and highway uses,
- (D) minimize curb cuts, driveways and Access points to highways,
- (E) allow for future pedestrian and vehicular improvements along the highway corridors.

15-2.20-2. FRONTAGE PROTECTION OVERLAY ZONE.

The Frontage Protection Zone (FPZ) is an overlay zone, as shown on the Official Zoning Map. The FPZ includes those Properties with frontage on, and within one

hundred feet (100') of the Right-of Way line of the following Streets:

- (A) Park Avenue, SR 224, from 15th Street north to the City Limits,
- (B) Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,
- (C) Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and
- (D) Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.

15-2.20-3. USES.

All Uses, including Allowed and Conditional uses, must be consistent with the underlying Zoning District. Any Structure or use within the FPZ is also subject to specific review criteria, including Conditional Use Permit review, as stated in this Section, and Entry Corridor Protection criteria as stated in Sections 15-2.20-4 and 15-2.20-5.

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15-2.20-4. LOT AND SITE REQUIREMENTS.

Lot and Site Requirements and Building Heights for all Development Activities and uses within the Frontage Protection Zone must be consistent with the underlying Zoning District and are subject to the following additional requirements:

(A) Regardless of the zone Setback and Yard requirements, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way.

(B) All Construction Activity, including Signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use Permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 9.

(C) Minor remodels and facade improvements for existing Structures within the FPZ may require an administrative Conditional Use Permit with approval by the Community Development Department.

(D) Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the FPZ may require an administrative Conditional Use Permit with approval by the Community Development Department.

(E) To minimize curb cuts, driveways, and Access to Park City's primary highways and Streets, Access to Property in the FPZ

shall be from existing City Streets when possible, rather than direct highway Access. Common driveways between adjoining projects shall be used when possible.

Driveways must be placed where they create the least interference with through traffic on highways.

(F) The Community Development Department shall review all proposals for pedestrian and bicycling pathways and trails through the FPZ. Open Space, preservation of view corridors, protection and enhancement of Sensitive Lands such as wetlands and meadows, and buffer Areas shall be considered in the review.

All Fences in the FPZ must be one of the following styles:

- (1) Wooden rail,
- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined by the Community Development Department, not including chain link fencing.

15-2.20-5. ENTRY CORRIDOR PROTECTION OVERLAY (ECPO).

(A) **INTENT.** To maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City shall comply with

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the requirements of this section. The Entry Corridor Protection Overlay (ECPO) is a subzone within the FPZ.

(B) **APPLICABILITY TO PROPERTY WITHIN EXISTING PARK CITY LIMITS.** The regulations contained in this subzone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City city limits including:

- (1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,
- (2) Utah State Highway 224 south of Prospect Avenue, and
- (3) Utah Highway 248 east of Wyatt Earp Way.

(C) **APPLICABILITY TO FUTURE ANNEXED PROPERTIES.** Upon submission of an annexation petition, the Community Development Department shall identify relevant entry corridors for designation by the City Council. Open vistas and meadows shall be identified and maintained to the maximum extent feasible.

(D) **ACCESS/TRAFFIC.** Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing City Streets that join with the corridor roadways rather than direct roadway Access. Common driveways between adjoining Properties shall be encouraged. Whenever direct

driveway Access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

(E) **SETBACKS.**

(1) A Setback in the Entry Corridor Protection Overlay shall be established by the Community Development Department based upon a visual assessment of the Property. However, in no case shall the Setback be less than one hundred feet (100') from the nearest entry roadway Right-of-Way. In Areas where open meadow vistas are considered important, the required Setback may be increased significantly. The one hundred foot (100') standard is intended to be more appropriate for Properties currently within the City limits. Upon annexation request, the appropriate Setback will be determined based upon a Site specific visual analysis.

(2) Building Setbacks in the Entry Corridor Protection Overlay shall vary from Structure to Structure with any one Lot or Development. Setbacks shall also vary from those on adjoining roadway-oriented Property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment provided for in Section 1-2-1.

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(3) Agricultural or stock Fences shall be allowed in the Setback subject to approval by the Community Development

Department. See Fencing, Section 15-2.20-5(H).

(F) **PARKING LOTS**. Parking Lots must be located to the rear or sides of Buildings to the maximum extent feasible.

(G) **BERMS/EARTHWORK SCREENING**. All earthen berms and earthwork Screening must be Graded and planted in such a manner so as to permit views of primary uses on the Site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

(H) **FENCING**. All Fences in the ECPO must be of one of the following styles:

- (1) Wooden rail,
- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined by the Community Development Department, not including chain link Fencing.

(I) **BUILDING HEIGHT**. No Building within the ECPO shall exceed the following Height limits, as defined in Chapter 15 of this Title:

(1) Twenty feet (20') if the entry corridor Setback is less than one hundred fifty feet (150').

(2) Twenty five feet (25') if the entry corridor Setback is greater than one hundred fifty feet (150') but less than two hundred feet (200').

(3) Up to the maximum Height allowed by the underlying zone if the Setback is two hundred feet (200') or greater.

In addition, Buildings may be required to be stepped back to preserve and enhance important views.

(J) **PEDESTRIAN FACILITIES**. Trails and sidewalks shall be provided in all ECPO Developments in accordance with the Park City Trails Master Plan. Trails and sidewalks may occupy Setback Areas.

(K) **LANDSCAPING/VEGETATION PROTECTION**. A landscaping plan shall be required for all ECPO Developments, and all Significant Vegetation protection shall be undertaken pursuant to LMC Chapter 9.

(L) **DESIGN STANDARDS**. All Development within the ECPO shall comply with the design standards contained in LMC Chapter 9.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.21 - SENSITIVE AREA OVERLAY ZONE (SLO)
REGULATIONS

Chapter adopted by Ordinance No. 00-51

15-2.21-1. PURPOSE.

The purpose of the Sensitive Lands Overlay (SLO) is to:

- (A) require dedicated Open Space in aesthetically and environmentally sensitive Areas;
- (B) encourage preservation of large expanses of Open Space and wildlife habitat;
- (C) cluster Development while allowing a reasonable use of Property;
- (D) prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
- (E) protect and preserve environmentally sensitive Areas.

15-2.21-2. OVERLAY REVIEW PROCESS.

The overlay review process has four primary steps:

- (A) **SENSITIVE AREA DETERMINATION.** Applicants for Development must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, and wildlife habitat Areas and provide at time of application a sensitive Area analysis.
- (B) **APPLICATION OF OVERLAY ZONE REGULATIONS.** Regulatory standards apply to the type of sensitive Area delineated.
- (C) **SITE DEVELOPMENT SUITABILITY REVIEW.** Staff shall review the sensitive Area analysis and delineation of sensitive lands. Staff shall report to the Applicant and the Planning Commission those appropriate Areas for Development.
- (D) **HARDSHIP RELIEF.** If the Applicant demonstrates that the regulations would deny all reasonable use of the Property, the Planning Commission may modify application of these regulations to provide the Applicant reasonable use of the Property.

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15-2.21-3. SENSITIVE AREA OVERLAY ZONE ORDINANCE PROVISIONS.

(A) SENSITIVE AREA ANALYSIS AND DETERMINATION. Any Applicant for Development must produce a sensitive lands analysis performed by a qualified professional(s) that identifies and delineates all the following features and conditions:

(1) SLOPE/TOPOGRAPHIC MAP. A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to landsliding, and all significant Steep Slopes¹ in the following categories:

- (a) greater than fifteen percent (15%), but less than or equal to thirty percent (30%);
- (b) greater than thirty percent (30%) but less than or equal to forty percent (40%); and
- (c) Very Steep Slopes, greater than forty percent (40%).

¹Slope determinations shall be made upon areas with a rise of at least twenty-five feet (25') vertically and a run of fifty feet (50') horizontally.

(2) RIDGE LINE AREAS. A map depicting all Crests of Hills and Ridge Line Areas.

(3) VEGETATIVE COVER. A detailed map of vegetative cover, depicting the following:

- (a) deciduous trees;
- (b) coniferous trees;
- (c) gamble oak or high shrub; and
- (d) sage, grassland, and agricultural crops.

The Community Development Department may require a more detailed tree/vegetation survey if the Site has unusual or Significant Vegetation, stands of trees, or woodlands.

(4) DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS. Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.

Typical Vantage Points are:

- (a) Osguthorpe/McPolin Barn

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- (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) Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
- (i) Highway 224, ½ mile south of the intersection with Kilby Road

(5) **WETLANDS.** A map depicting all wetlands established by using the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, dated January 10, 1989. Although the *Federal Manual* may change in the future, the City will use this referenced manual as a basis for wetlands determination.

(6) **STREAM CORRIDORS.** A map depicting all stream corridors defined by their ordinary high-water marks.

(7) **WILDLIFE HABITAT AREAS.** A map depicting all wildlife habitat Areas, as defined by the Wildlife Habitat Report, see Section 15-2.21-3.(B)(8).

(B) **ADDITIONAL INFORMATION AND STUDY REQUIREMENTS.** The Community Development Department may require the Applicant to submit the following information, as applicable:

(1) **VISUAL ASSESSMENT.** A visual assessment of the Property from Vantage Points designated by the Community Development Department, depicting conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

(2) **SOIL INVESTIGATION REPORT.** A soil investigation report, including but not limited to shrink-swell potential, water table elevation, general soil classification and suitability for Development, erosion potential, hazardous material analysis, and potential frost action.

(3) **GEOTECHNICAL REPORT.** A geotechnical report, which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential slide and other high-hazard Areas such as mine shafts and avalanche paths.

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(4) **ADDITIONAL SLOPE INFORMATION.** If the size of the proposed Development and visual sensitivity of the Site dictate, the Community Development Department may require the Applicant to submit a Slope/topographic map depicting contours at an interval of two feet (2').

(5) **FIRE PROTECTION REPORT.** A fire protection report that identifies potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the State Forester's Wildlife Hazards and Residential Development Identification Classification and Regulation Report and the Summit County Wildfire Plan.

(6) **HYDROLOGICAL REPORT.** A hydrological report, information on groundwater levels, drainage channels and systems, and base elevations in flood plains.

(7) **WETLAND/STREAM CORRIDOR RESOURCE EVALUATION.** A Wetland/Stream Corridor resource evaluation, including a delineation of wetland and Stream Corridor boundaries and a determination of resource significance.

(8) **WILDLIFE AND HABITAT REPORT.** A report

prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines that describes the following:

(a) The ecological and wildlife use characterization of the Property explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;

(b) the existence of wildlife movement corridors;

(c) the existence of special habitat features, including Key nesting Sites, feeding Areas, calving or production Areas, use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and Areas of high terrestrial or aquatic insect diversity.

(d) Areas inhabited by or frequently utilized by any species identified by state or federal agencies as "threatened" or "endangered".

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(e) the general ecological functions provided by the Site and its features;

(f) potential impacts on these existing wildlife species that would result from the proposed movement.

(C) **SENSITIVE AREA DETERMINATION.** The Community Development Department shall delineate all sensitive Areas on the parcel, including Steep Slope Areas, Ridge Lines Areas, entry corridors, wetlands and Stream Corridors, and wildlife movement corridors and habitat Areas.

(D) **DENSITY TRANSFER.** Whenever land within the Sensitive Area Overlay Zone is subject to more than one density transfer provision, the more restrictive provision shall apply.

(E) **ANNEXATIONS.** Every annexation must provide a sensitive Area analysis.

15-2.21-4. SENSITIVE AREA REGULATIONS - SLOPE PROTECTION.

The following Slope protection provisions apply in the Sensitive Area Overlay Zone:

(A) **PROHIBITIONS.** No Development is allowed on or within fifty vertical feet (50') in elevation of Very Steep Slopes, Areas subject to landsliding, and other high-hazard geological Areas.

(B) **GRADED OR FILLED SLOPES.** The Applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger Building Sites shall be kept to a minimum and avoided to the maximum extent feasible. Except for ski Slopes, Graded or filled Slopes shall be limited to a 3 to 1 Slope or less. All Graded Slopes shall be recontoured to the natural, varied contour of surrounding terrain.

(C) **BENCHING OR TERRACING.** Benching or terracing to provide additional or larger Building Sites is prohibited.

(D) **STREETS AND ROADS.** Streets and roads, proposed for Steep Slopes may not:

(1) cross Slopes of thirty percent (30%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross Slopes greater than thirty percent (30%) if the Community Development Director and the City Engineer concludes that such Streets or roads will not have significant adverse visual, environmental, or safety impacts.

(2) Streets and roads proposed to cross Slopes greater than ten percent (10%) are allowed, subject to the following:

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay
Zone (SLO) Regulations 15-2.21-6

(a) Proof that such Street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and

(b) Such Street and road design follows contour lines to preserve the natural character of the land, and are Screened with trees or vegetation.

(3) Cutting and filling is minimized and revegetated.

(E) **RETAINING WALLS**. The use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.

(F) **LANDSCAPING AND REVEGETATION**. An Applicant must commit to landscaping or revegetating exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in revegetation. Fill soil must be of a quality to support plant growth.

(G) **PRIVATE DEVELOPMENT DESIGN STANDARDS**. All Development on Steeps Slopes shall comply with the design standards set forth in LMC Chapter 9.

(H) **OPEN SPACE AND DENSITY ON DELINEATED PORTIONS OF SITES WITH STEEP SLOPES GREATER THAN FIFTEEN PERCENT (15%) BUT LESS THAN OR EQUAL TO FORTY PERCENT (40%)**. In addition to the specific Development regulations set forth above, the following regulations apply:

(1) **OPEN SPACE**. Seventy-five percent (75%) of the Steep Slope Area must remain as Open Space.

(2) **DEVELOPABLE LAND**. Twenty-five percent (25%) of the Steep Slope Area may be Developed in accordance with the underlying zoning subject to the following conditions:

(a) **MAXIMUM DENSITY**. The maximum density on Developable Land within a Steep Slope Area is governed by the underlying zoning and proof that the proposed density will not have a significant adverse visual or environmental affect on the community.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay
Zone (SLO) Regulations 15-2.21-7

(b) LOCATION OF DEVELOPABLE LAND. The Developable Land in a Steep Slope Area is that Area with the least visual and environmental impacts. The Applicant must provide a visual and environmental analysis considering the visual impact from key Vantage Points, potential for Screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar Site design criteria. Based upon such analysis, the Community Development Department may require the Applicant to Site the Developable Land pursuant to one or more of the following techniques:

- (i) Clustered Development, or
- (ii) dispersed Development, or
- (iii) transfer of density to the least sensitive portions of the Site.²

(c) DENSITY TRANSFER. Upon proof of a sensitive Site plan, the

Applicant may transfer up to twenty-five percent (25%) of the densities from the Open Space portion of the Site to the Developable Land.

(d) SUITABILITY DETERMINATION. The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this Chapter if the Applicant proves:

- (i) The Density is Compatible with that of adjacent Properties.
- (ii) The Architectural Detail, Height, building materials, and other design features of the Development are Compatible with adjacent Properties.

²Development shall be Sited to preserve the open meadow vistas.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay
Zone (SLO) Regulations 15-2.21-8

(iii) The Applicant has adopted appropriate mitigation measures such as landscaping, Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.

(1) the sensitive Area Open Space set aside is sufficient for the Development, and

(2) sufficient neighborhood and TDR Open Space is set aside within the Developable Land to serve residents of the Development.

(3) in no case shall less than twenty percent (20%) of the Developable Land be set aside for TDR Open Space.

(I) OPEN SPACE AND DENSITY ON VERY STEEP SLOPES.

(1) **REQUIRED OPEN SPACE.** One hundred percent (100%) of the Very Steep Slope Area shall remain in Open Space. No vegetation within fifty vertical feet (50') in elevation of the Very Steep Slope Area shall be disturbed.

(2) **TRANSFER OF DENSITY.** Up to ten percent (10%) of the densities otherwise allowed in the zone may be transferred to other portions of the Site, including delineated sensitive Areas. The density transfer shall be subject to a Suitability Determination.

(J) MASTER PLANNED DEVELOPMENT (MPD) TDR OPEN SPACE REQUIREMENTS. The Planning Commission at master plan or subdivision approval, may reduce the TDR Open Space requirements upon a determination that:

(K) DENSITY BONUSES. In addition to the density transfers permitted pursuant to this Section, the Community Development Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferrable densities if the Applicant:

(1) offers to preserve Open Space to ensure the long-term protection of a significant environmentally or visually sensitive Area in a manner approved by the City; or

(2) provides public Access as shown on the Trails Master Plan; or

(3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay
Zone (SLO) Regulations 15-2.21-9

15-2.21-5. SENSITIVE AREA REGULATIONS - RIDGE LINE AREA PROTECTION.

(A) **INTENT.** The intent of these provisions is to ensure that Development near Ridge Line Areas blends with the natural contour of these land forms. Significant Ridge Line Areas should be retained in a natural state, and Development should be Sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated Vantage Points.

(B) **MINIMUM SETBACK.** No Structure or other appurtenant device, including mechanical equipment may visually intrude on the Ridge Line Area from any of the designated vantage points as depicted herein.

(C) **OPEN SPACE AND DENSITY.** The following regulations apply to all Ridge Line Areas in the Sensitive Overlay:

(1) **OPEN SPACE.** One hundred percent (100%) of the Ridge Line Area shall remain in Open Space.

(2) **DENSITY TRANSFER.** The Planning Commission may transfer up to twenty-five percent (25%) of the densities otherwise allowed in the Ridge Line Area to Developable Land. The density transfer shall be subject to a suitability determination as set forth below:

(a) **SUITABILITY DETERMINATION.** The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this Chapter if the Applicant proves:

(i) The density is Compatible with that of adjacent Properties.

(ii) The Architectural Detail, Height, materials, and other design features of the Development in the receiving Area are Compatible with adjacent Properties.

(iii) The Applicant has adopted appropriate mitigation measures such as landscaping, Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.

(D) **DENSITY BONUSES.** In addition to the density transfers permitted pursuant to this Section, at MPD or subdivision review. The Community Development Department

**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay
Zone (SLO) Regulations** **15-2.21-10**

may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferrable densities if the Applicant:

- (1) offers to preserve open space to ensure the long-term protection of a significant environmentally or visually sensitive Areas in a manner approved by the City; or
- (2) provides public Access for trails, as shown on the Trails Master Plan; or
- (3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

15-2.21-6. SENSITIVE AREA REGULATIONS - WETLANDS AND STREAM PROTECTION.

- (A) **INTENT.** The following requirements and standards have been developed to promote, preserve, and enhance wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.
- (B) **JURISDICTION.** All Significant Wetlands and Stream Corridors are regulated as provided below.
- (C) **PROHIBITED ACTIVITIES.** No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within Significant Wetlands and significant Stream

Corridors and their respective Setbacks, except as may be expressly allowed herein.

(D) BOUNDARY DELINEATIONS.

The Applicant must commission a Park City Municipal Corporation Wetland and Stream Corridor delineation by a qualified professional, approved by the Community Development Director.

- (1) Wetlands shall be established using the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, dated January 10, 1989.
- (2) Stream Corridors shall be delineated at the Ordinary High Water Mark as defined in Section 15-15.

(E) DETERMINATION OF SIGNIFICANCE.

- (1) **WETLAND CRITERIA.** A wetland delineated pursuant to the *1989 Federal Manual* is significant if it meets the following criteria:
 - (a) **SIZE.** All wetlands that occupy a surface Area greater than 1/10 acre or are associated with permanent surface water.
 - (b) **LOCATION.** All wetlands that are adjacent to, or contiguous with, a Stream Corridor.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay Zone (SLO) Regulations **15-2.21-11**

(2) **STREAM CORRIDOR.**
All Stream Corridors are significant. Stream Corridors are not irrigation ditches.

(F) **SETBACKS.** The following Setbacks are required:

- (1) Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland edge.
- (2) Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.
- (3) Setbacks from irrigation ditches shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.

(G) **RUNOFF CONTROL.** All projects adjacent to wetlands must apply Best Management Practices for both temporary and permanent runoff control to minimize sediment and other contaminants.

(H) **HABITAT RESTORATION PROJECTS.** The Community Development Department may approve wetland and Stream Corridor restoration and enhancement projects if the project plan has been reviewed by a qualified professional, approved by the appropriate state and federal agencies, and performed under the direct supervision of a Qualified Professional.

(I) **LMC MASTER PLANNED DEVELOPMENT (MPD) OPEN SPACE REQUIREMENTS.** The Planning Commission may reduce the sixty percent (60%) MPD Open Space requirement in the Developable Land if the Planning Commission determines that:

- (1) Open Space set aside is sufficient to provide adequate natural Open Space for the entire Development;
- (2) sufficient TDR Open Space remains within the Developable Land to serve residents of the Development.
- (3) At least twenty percent (20%) of the Developable Land is TDR Open Space.

15-2.21-7. WILDFIRE REGULATIONS.

The following table shall be used to determine exemption from the wood roof prohibition. The rating column applies to each of the categories of Slope, aspect, fire department response time, and vegetation.

Wildfire Hazard Severity Scale:

RATING	SLOPE	VEGETATION
1	< - 10	Pinion/Juniper
2	10.1-20%	Grass/Sagebrush
3	>20%	Mountain brush/ softwoods

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Zone (SLO) Regulations** **15-2.21-12**

Prohibition/Exemption Scale:

RATING	WOOD ROOF PROHIBITION
< = 11	Wood roofs are allowed
> = 12	Wood roofs are prohibited

STEP 1: Find the rating for Slope and vegetation from the Wildfire Hazard Severity Scale table and choose whichever rating is highest.

STEP 2: Add 9 to that rating, this is the weather factor for Park City. The result is the total rating.

STEP 3: Find the total rating in the Prohibition/Exemption Scale above to determine whether wood roofs may be allowed on the specific Lot.

15-2.21-8. DEVELOPMENT APPROVALS FOR SKI AREA CONSTRUCTION AND EXPANSION.

(A) **CONSULTATION.** The Developer must submit a plan detailing the location, alignment and scope of the undertaking. If the Community Development Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No Development shall occur until after the consultation meeting and any required approvals have been granted.

(B) **MITIGATION.** The Community Development Director must review the proposed project and after consultation may

request the Developer to prepare alternatives for consideration and to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the Maximum Extent Feasible, the Developer must design the ski facilities to preserve the natural character of the sensitive Area. The mitigation plan must also address revegetation disturbed Areas and temporary and permanent erosion control measures.

15-2.21-9. WILDLIFE AND WILDLIFE HABITAT PROTECTION.

(A) **INTENT.** The following requirements and standards have been developed to promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.

(B) **JURISDICTION.** All Sensitive or Specially Valued Species, including all species identified by state or federal agencies as “threatened” or “endangered” are regulated as provided below:

(1) PROTECTION OF WILDLIFE HABITAT AND ECOLOGICAL CHARACTER.

(a) **CONSTRUCTION TIMING.** Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-Site and adjacent natural Areas.

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Zone (SLO) Regulations 15-2.21-13

(b) SENSITIVE AND SPECIALLY VALUED SPECIES. If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.

(c) CONNECTIONS. If the Development Site contains existing natural Areas that connect to other Off-Site natural Areas, to the Maximum Extent Feasible the Development plan shall preserve such natural Area connections. If natural Areas lie adjacent to the Development Site, but such natural Areas are not presently connected across the Development Site, then the Development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing

wildlife movement between natural Areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.

(d) WILDLIFE CONFLICTS. If wildlife that may create conflicts for future occupants of the Development are known to exist in Areas adjacent to or on the Development Site, then the Development plan must include provisions to minimize these conflicts to the extent reasonably feasible.

Title 15, Chapter 3
Off-Street Parking

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 3 - OFF-STREET PARKING

Chapter adopted by Ordinance No. 00-25

CHAPTER 3 - OFF-STREET PARKING.

15-3 -1. PURPOSE.

The purpose of this Chapter is to:

- (A) specify Parking Area and Access drive standards for all Development within the City;
- (B) specify Parking Ratio requirements for specific land use categories to ensure adequate and not excessive parking is provided for the use.
- (C) provide solutions to mitigate impacts of parking and vehicular oriented Development;
- (D) provide for safe and efficient parking for people with disabilities; and
- (E) provide for convenient and safe motorcycle and bicycle parking to encourage and facilitate alternative modes of transportation.

15-3 -2. REQUIREMENT.

An Applicant must provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles at the time a Building is erected or enlarged.

If any land, Structure, or use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking for the new use as is required by this Chapter. Required parking must be on-Site unless the Planning Commission allows such parking on adjacent or nearby deed restricted Lots.

15-3 -3. GENERAL PARKING AREA AND DRIVEWAY STANDARDS.

Off-Street parking shall meet the following standards:

(A) GRADING AND DRAINAGE.

- (1) Parking Areas must be Graded for proper drainage with surface water diverted to keep the Parking Area free of accumulated water and ice.

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15-3-2

(2) Adequate control curbs must be installed to control drainage and direct vehicle movement.

(3) Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.

(4) Driveways must not exceed a fourteen percent (14%) Slope.

(5) Drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements.

(B) **SURFACING.** Parking Areas and driveways must be Hard-Surfaced, maintained in good condition, and clear of obstructions at all times. See Required Yard Exceptions in Chapter 2 for further drive and parking requirements in specific zoning districts.

(C) **PARKING AREA LIGHTING.** Low-pressure or high pressure sodium light sources are the only allowed light sources for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to Buildings for the purposes of lighting Parking Areas with five (5) or more spaces shall be prohibited. Light levels should be

designed with minimum light trespass off-Site by using a cut-off Luminaire that is Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

(1) **MAXIMUM LIGHT DISTRIBUTION.** For uniformity in lighting and prevention of shadows, an average horizontal illuminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the maximum allowed.

(2) **POLE HEIGHT/ WATTAGE/ DESIGN/ HEIGHT.** Luminaire mounting Height must be, measured from the Parking Lot or driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Community Development Department and/or the Planning Commission. The maximum Height shall only be allowed at the review and approval of the Community Development Department with specific findings. The determination shall be based on:

- (a) review of the Site plan,
- (b) proposed land uses,
- (c) surrounding land uses,
- (d) Parking Area size,
- (e) Building mass,

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(f) location of the Site with respect to other lighting sources,

(g) impacts on the adjacent Properties,

(h) topography of Site, and

(i) other Site features.

Poles higher than sixteen feet (16') are appropriate only for Parking Areas exceeding two hundred (200) stalls and not in close proximity to residential Areas.

(3) PARKING AREA WATTAGE/DESIGN STANDARD.

(a) The Luminaire for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.

(b) The Luminaire for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.

(c) Wood fixtures and fixtures mounted on wooden poles are encouraged. They must be naturally stained or painted in earth tones. If metal fixtures or poles are

used they should be black, dark brown or earth tone.

(d) The base of the pole shall be treated with paint, stain, stucco or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape Areas.

(4) UNDERGROUND PARKING GARAGE

ENTRYWAYS. Light sources within the first thirty feet (30') of an open garage entryway must be high-pressure sodium light sources with partially shielded fixtures.

(5) SUBMISSION

REQUIREMENTS. An Application for Development with Off-Street parking must contain the following:

(a) plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;

(b) description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required;

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(c) photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the Site.

(6) **NON-CONFORMANCE.** All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The Applicant must bring such fixtures into compliance with this Code with any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

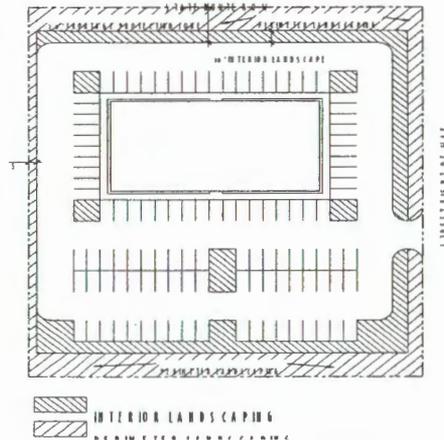
(D) **PARKING AREA LANDSCAPING.** Landscaping for Parking Areas is considered Landscaped Open Space.

(1) **SIZE OF PARKING AREA.** For purposes of this Section, a Parking Area is defined as five spaces or more. Underground parking or Parking Structures are excluded from the provisions of this Section except Screening.

(2) **CALCULATION OF PARKING AREA.** The Parking Area includes all spaces, aisles, and drives, as defined by the top-back of curb or edge of pavement.

(3) **INTERIOR LANDSCAPING REQUIREMENTS IN THE GENERAL COMMERCIAL (GC), REGIONAL COMMERCIAL OVERLAY (RCO) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICTS.** Each Parking Area in the GC, RCO and LI Districts must have an Interior Landscaped Area equivalent to twenty percent (20%) of the total Parking Area, including drive aisles. Parking Areas with fewer than fifty (50) spaces must have an Interior Landscaped Area equivalent to ten percent (10%) of the Parking Area. Ten feet (10') of Perimeter Landscaping may count towards the Interior Landscaped Area.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the landscape Area width may be granted by the Community Development Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.



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Building Foundation Landscaping does not count towards Interior Landscaping Area.

NON-CONFORMANCE. All landscaping lawfully installed, that does not meet these requirements is considered non-conforming landscaping. The Applicant must bring such landscaping into compliance with this Code with any change in use that increases the Parking Ratio requirements for the Site.

(4) INTERIOR LANDSCAPING. Parking should generally be located to the rear of Buildings or Screened so it does not dominate the Streetscape. In the design of large Parking Areas, bays of stalls shall generally be separated by landscaping to break up the mass of Hard-Surface paving. The Parking Area must be designed to provide adequate snow storage in winter.

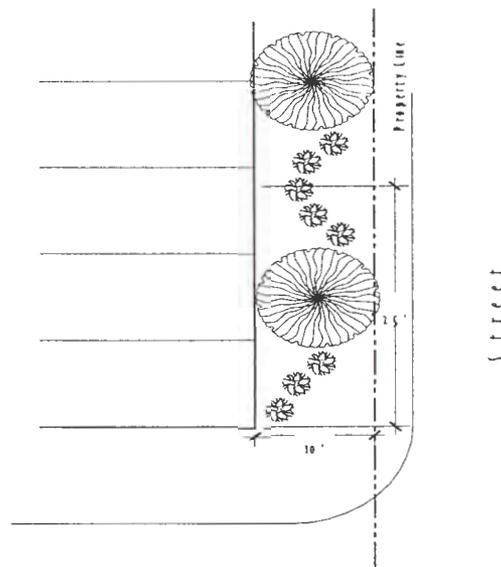
Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the landscape Area width may be granted by the Community Development Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

(5) PERIMETER LANDSCAPING. Unless a driveway exception is used, unenclosed Parking Areas shall

generally include landscaping on all perimeter Property Lines. This provision shall not be required in zoning districts that allow zero Lot Line Development, or within the Historic District Zones, unless required as part of an approved Master Planned Development.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the Landscape Area width may be granted by the Community Development Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

The Applicant shall generally maintain a minimum of one (1) tree and five (5) shrubs per twenty-five linear feet (25') of Landscaped Area. Trees and shrubs may be clustered as part of good design.



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The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty feet (30') in width, abutting the Street.

(6) **SNOW STORAGE.** Snow storage Areas may be included in the Interior or Perimeter Landscaped Areas if they are landscaped to accommodate snow storage.

(7) **STORM WATER DETENTION/ POLLUTION CONTROL.** Landscaped Areas used for storm water detention and pollution control may count towards the landscaping requirements.

(8) **CLEAR VIEW OF INTERSECTION.**

(a) Corner Lots. No landscape obstruction is allowed in excess of two feet (2') in Height above Street Grade within the Sight Distance Triangle. A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(b) Driveway Access. The same criteria as used on corner lots apply to driveway Access except that the triangular Area is defined by

the intersection of the road Right-of-Way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at points twenty-five feet (25') from their intersection.

(E) **SNOW STORAGE.** Where parking availability will be affected by weather conditions, the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area; including, Parking Spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface Lot in a usable, readily accessible location. Landscaping of these Areas shall accommodate snow removal and storage on-Site.

(F) **PARKING SPACE DIMENSIONS.**

(1) Parking Spaces must be nine feet (9') wide by eighteen feet (18') long. The City Engineer may approve minor variations in Parking Space dimensions.

(2) ADA Parking Space width requirements vary and shall be consistent with current Uniform Building Code standards.

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(3) Compact spaces with dimensions of nine feet (9') wide by sixteen feet (16') long may be provided. These spaces are not Code spaces for the purpose of satisfying parking requirements.

(G) **STREET ACCESS AND CIRCULATION.** Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles, must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted Tandem Parking, Parking Spaces shall be independently accessible and unobstructed.

Applicants for all Drive-up or Drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the Right-of-Way.

(H) **DRIVEWAY WIDTHS AND SPACING.**

(1) **DRIVEWAY WIDTHS.** The following driveway width dimensions are required. Additional driveway standards for the Historic District are outlined in Section 15- 3 -8 of this Chapter. Minor variations in driveway widths may be approved by the City Engineer.

PROPOSED USE	MINIMUM WIDTH	MAXIMUM TOTAL WIDTH
RESIDENTIAL Single-Family Duplex Shared Driveways	10'	27'
RESIDENTIAL Multi-Unit, 5 or more Parking Spaces	18'	30'
COMMERCIAL Requiring 5 or more Parking Spaces	24'	30'
COMMERCIAL Requiring 4 or fewer Parking Spaces	18'	30'

(2) **SPACING.** A minimum of seventy-five feet (75') Spacing between major commercial driveways is recommended. Shared use of commercial drives is strongly recommended.

A minimum of fifteen feet (15') Spacing between Single-Family driveways is required if the Lot frontage is sufficient. In the Historic District a minimum of ten feet (10') Spacing between driveways is recommended. Shared driveways are strongly recommended.

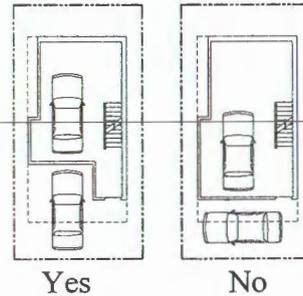
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The center line of intersections of the driveways of major traffic generators entering from opposite sides of roadway must be either perfectly aligned or offset by a minimum of one hundred and fifty feet (150').

The City Engineer may approve minor Spacing deviations. Access must be spaced as follows:

STREET CLASSIFICATION	MINIMUM SPACING BETWEEN DRIVEWAYS	MINIMUM SPACING FROM INTERSECTION
LOCAL	15'	25'
COLLECTOR OR	50'	75'
ARTERIAL	75'	150'
HISTORIC DISTRICT	7.5'	10'

(I) **TANDEM SPACES.** Parking designs which necessitate parking one vehicle behind another are permitted only for Single Family Dwellings, Accessory Apartments, and Duplex Dwellings in all zoning districts. In any zoning district where the Front Yard is twenty feet (20') or less, both Parking Spaces must be perpendicular to the Street, unless there is an adequate landscaped buffer between the Street and Parking pad, subject to review by the Community Development Department.



(J) **CLEAR VIEW OF INTERSECTING STREETS.** In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in Height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8)

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(K) **SIGNS.** Refer to the Park City Sign Code, Title 12, for specific requirements for all signs associated with parking and drives.

15-3 -4. SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.

(A) **SINGLE FAMILY RESIDENCES AND DUPLEXES.**

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(1) **SINGLE GARAGES.** In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet (11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep.

(2) **CIRCULAR DRIVEWAYS.** Circular driveways are permitted for Single Family and Duplex Dwellings provided they lead to and from a legally located garage or carport, subject to the following conditions:

- (a) Such drives shall be hardsurfaced.
- (b) Such drives shall be a minimum of fifteen feet (15') and a maximum of twenty-four feet (24') in width.
- (c) There shall be a Landscaped Area at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.
- (d) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.

(e) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property.

(B) **PARKING AREAS WITH FIVE (5) OR MORE SPACES.**

- (1) All Parking Lots shall maintain the required Front and Side Yard as would be required for any Structure.
- (2) Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a residential use, the Applicant must Screen the Lot or drive.
- (3) Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24').
- (4) Driveways must be at least ten feet (10') from any intersecting Right-of-Way.

The City Engineer may approve minor spacing and width deviations.

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(C) PARKING GARAGES AND STRUCTURES.

(1) STRUCTURED PARKING REQUIREMENTS. Parking within a fully enclosed Parking Structure where the weather does not affect the availability of Spaces requires the following:

- (a) Twenty-four foot (24') minimum aisle width, for 90° layout;
- (b) Adequate circulation to ensure that each required Space is readily accessible as well as usable. Column and wall locations must be specifically addressed in terms of automobile and pedestrian circulation and maneuvering.
- (c) Light sources within the first thirty feet (30') of a Parking Structure opening must be high pressure sodium or compact fluorescent light sources with Partially Shielded fixtures.

15-3 -5. DRIVEWAY STANDARDS FOR PRIVATE DRIVEWAYS WITHIN PLATTED, UNBUILT CITY STREETS.

The following standards apply to driveways within platted but unbuilt Streets.

- (A) The driveway shall not exceed ten percent (10%) Slope.
- (B) Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.
- (C) The driveway must be paved with asphalt or concrete.
- (D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.
- (E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.
- (F) The driveway construction requires a Conditional Use Permit, Section 15-1-10.
- (G) An Encroachment Permit for the driveway is required.
- (H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

15-3 -6. PARKING RATIO REQUIREMENTS FOR SPECIFIC LAND USE CATEGORIES.

- (A) **RESIDENTIAL USES.** Off-Street parking shall be provided for each land use

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as listed in this section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each use, or combination of uses, applies to each Dwelling Unit within the Structure. Specific uses, and their parking ratio requirements are also shown below: Also refer to 15-15 Definitions, for clarification of uses.

RESIDENTIAL PARKING RATIO REQUIREMENTS		
USE	PARKING RATIO (NUMBER SPACES)	
Accessory Apartment	1 per bedroom	
Lockout Unit in Single Family and Duplex Dwellings	1 per bedroom	
Single Family Dwelling	2 per Dwelling Unit	
Duplex Dwelling	2 per Dwelling Unit (4 total)	
Triplex Dwelling	2 per Dwelling Unit (6 total)	
Multi-Unit Dwelling	Apartment/Condominium not greater than 650 sf floor Area	1 per Dwelling Unit
	Apartment/Condominium greater than 650 sf and less than 1000 sf floor Area	1.5 per Dwelling Unit

	Apartment/Condominium greater than 1,000 sf and less than 2,500 sf floor Area	2 per Dwelling Unit
	Apartment/Condominium 2,500 sf floor Area or more	3 per Dwelling Unit
Dormitory	1 per 200 sf floor Area devoted to accommodations	
Boarding House, Hostel,	1 per 2 beds; and 1 per manager's unit	
Secondary Living Quarters	1 per bedroom in addition to requirements for primary residence	
Guest House	1 per Unit	

(B) **NON-RESIDENTIAL USES.** In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply: Also refer to 15-15 Definitions, for clarification of uses.

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
USES	PARKING RATIO REQUIREMENT (NUMBER SPACES)
Group Care Facility	1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater

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Child Care Center	1 per on-duty staff per shift and 1 per 6 children
Public and Quasi-Public Institution, church and school; Public Utility Uses; and Cemetery	1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sf of floor Area, whichever is greater
Auditorium and Assembly Hall	1 space per every 5 seats
Bed and Breakfast Inn	1 space per bedroom
Hotel, Minor and Major	1 space per room or suite, and 1 space per 200 sf of separately leasable commercial space
Offices, General	3 spaces per 1,000 sf of leasable floor Area
Offices, Intensive	5 spaces per 1,000 sf of leasable floor Area
Office and Clinic, Medical	5 spaces per 1,000 sf of leasable floor Area
Hospital, Limited Care	1 space per 2 beds
Hospital, General	3 spaces per bed
Automobile Sales/Rental	1 space per vehicle plus one space per employee
Financial Institution, with and without drive-up	3 spaces per 1,000 sf of net leasable floor Area
Retail & Service Commercial, Minor, Personal Service	3 spaces for each 1,000 sf of net leasable floor Area

Retail & Service Commercial, Major	5 space for each 1,000 sf of net leasable floor Area
Retail & Service, outdoor storage	3 spaces per 1,000 sf of inside net leasable floor Area
Retail & Service, Auto Related and Gas Stations	5 spaces per 1,000 sf of net leasable floor Area
Shopping centers or complexes of multi-tenant retail spaces	3.5 spaces per 1,000 sf of leasable floor Area, excluding corridors and service Areas not related to individual tenant retail spaces
Convenience Store, Support Commercial Uses	5 spaces per 1,000 sf of net leasable floor Area
Cafe/Deli	3 spaces per 1,000 sf of net leasable floor Area
Restaurant, Standard and Bar	1 space for every 100 sf of net leasable floor Area, including kitchen Areas
Restaurant, Outdoor Dining	Based on Site specific review at the time of CUP
Restaurant, With Drive-up	15 per 1,000 sf of net leasable floor Area

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Light Industrial and Wholesale establishments	1 for every 2 employees in the largest shift plus 1 space for each vehicle used in conducting the business and wholesale, storage uses at 1 per 1,000 sf of floor Area and light manufacturing at 2.5 per 1,000 sf of floor Area
Temporary Improvement	1 per employee plus 2 guest spaces
Tramway Station/ Ski Base Facility	See Chapter 8.20
Recreation Facility, Private or HOA	Minimum of 1 space per 4 persons maximum rated capacity
Recreation Facility, Public	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area, or 1 per 3 persons rated capacity depending on type of facility
Indoor Entertainment, Theater	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area depending on type of facility
Commercial Outdoor Recreation and Stables, Riding Academy	1 space per 3 persons maximum rated capacity
Master Planned Developments	As determined by Planning Commission based on proposed uses
Mining Operations	2 spaces per 3 employees

Airports/Heliports	As determined by the Planning Commission. based on traffic generation study
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(C) **CALCULATION OF SPACES.** If a project incorporates two uses, the use requiring higher number of Parking Spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.

15-3 -7. PARKING IN MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS.

(A) In Master Planned Developments and in review of Conditional Use Permits, the initial parking requirement is determined by referring to the requirements for the use and the underlying zone. The Planning Commission may reduce this initial parking requirement to prevent excessive parking and paving. The Applicant must prove by a Parking Study that the proposed parking is adequate. The Parking Study must analyze whether:

- (1) parking uses will overlap,
- (2) commercial spaces within the project will serve those residing within the project rather than the general public,
- (3) or other factors that support the conclusion that the project will generate less parking than this Code would otherwise require.

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(B) Master Planned Developments with a parking demand of eight (8) or fewer Parking Spaces may not reduce required parking under any circumstance.

(C) See LMC Chapter 10, Master Planned Developments, for Parking Area Landscaping Requirements for MPD's.

15-3 -8. PARKING IN THE HISTORIC DISTRICT.

(A) To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.

(B) Common Parking Structures are allowed as a Conditional Use where it facilitates:

- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
- (2) the reduction, mitigation or elimination of garage doors at the Street edge.

(C) A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade.

(D) Driveways between Structures are allowed in order to eliminate garage doors

facing the street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(E) Turning radii are subject to a review by the Community Development Department as to function and design.

15-3 -9. BICYCLE PARKING REQUIREMENTS.

(A) New construction of, and additions to existing commercial or industrial Structures or Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles.

(B) For Developments generating a parking demand of greater than fifteen (15) bicycle Parking Spaces, the number and location of bike racks and storage shall be determined by the CDD, based on the land use and Site specific criteria such as Site design, parking layout, location of entrances, and proximity to public transit.

(C) **EXCEPTION.** These standards shall not apply to existing Structures that have been built with zero Setbacks or when such facilities would negatively impact Access, circulation, or snow removal.

(D) Bicycle spaces must accommodate bicycle storage medium security racks, in which both the bicycle frame and the wheels may be locked by the user. The spaces must be designed to prevent damage to the bicycle

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and to facilitate easy and secure storage without interference from or to adjacent bicycles. Bicycle racks or lockers must be anchored and be of solid construction, resistant to rust, corrosion, hammers and saws.

(E) Bicycle spaces must be Compatible with the surrounding Buildings and with surrounding Street furniture.

(F) Such facilities must be located in convenient, highly-visible, active, well-lighted Areas but shall not interfere with pedestrian movements and snow storage.

15-3 -10. OFF-STREET LOADING SPACES.

(A) Except in the Historic District Zones, every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.

(B) Except in the Historic District Zones, loading docks and loading Areas must be Screened from adjoining Property and public Right-of-Way.



Title 15, Chapter 4
Supplemental Regulations



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS

Chapter adopted by Ordinance No. 02-07

**CHAPTER 4 - SUPPLEMENTAL
 REGULATIONS.**

15-4 -1. PURPOSE.

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

**15-4 -2. FENCES, WALLS,
 BERMS, AND/OR HEDGES.**

(A) Fences, walls, berms and hedges may be erected or allowed within the buildable Area. Any Fence or wall greater than six feet (6') in height requires administrative Conditional Use approval and a Building Permit. Fences, walls, berms, and hedges shall not exceed four feet (4') in height within any required Front Yard or Street Side Yard and shall not exceed six feet (6') within any required Rear Yard or interior Side Yard. Where a Fence or wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

(B) **RESTRICTIONS ON**

MATERIALS. Chain link Fences are prohibited in all zones with the following exceptions which must be approved by the Community Development Director.

- (1) For recreational facilities such as tennis courts,
- (2) As temporary vegetation protection during construction as directed by the Community Development Department.
- (3) Chain link Fences may be permitted in other circumstances by the Community Development Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

(C) Berms may be constructed no higher than six feet (6') subject to the following:

- (1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.

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(2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander their entire length.

15-4 - 3. HOME OCCUPATION.

A Home Occupation is a permitted Accessory Use, conducted and carried on entirely within a dwelling by Persons residing in the dwelling, which Use is clearly incidental and secondary to the Use of the dwelling for dwelling purposes and does not change the residential character thereof.

Only those Persons making the home their primary residence may be employed in a Business operated from that home.

A Home Occupation shall not include the on-Site sale of goods or merchandise except those which are produced on the premises, or those that are clearly Incidental Retail Sales, and shall not involve the Use of any outdoor yard space to conduct the Business, with the exception of permitted agricultural and horticultural products. Activity outside of the Buildings, related to the Home Occupation, that is not normally associated with a residential Use is not permitted.

The Use of mechanical equipment shall be limited to small tools whose Use shall not generate noise, vibration, smoke, dust, heat, glare, or odors perceptible beyond the premises of the dwelling.

The total Area used for the Home Occupation shall be limited to no more than one-half (1/2) of the floor Area of the first floor and shall not change the residential

character of the Building. This does not require the Home Occupation to occupy only the first floor.

Outdoor storage of equipment, materials, and supplies associated with a Home Occupation is prohibited. Storage of equipment, materials, and supplies associated with a Home Occupation, within a garage, shall not displace required Off-Street parking.

There shall be no exterior advertising of Home Occupation Businesses on the premises by window displays or signs.

No traffic may be generated by such Home Occupation in a volume that creates a need for parking greater than that which can be accommodated on the Site consistent with the residential parking requirements or which is inconsistent with the normal parking usage of the district.

(A) A Home Occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (1) arts and crafts studio;
- (2) culinary products kitchen or studio;
- (3) dressmaking or millinery work;
- (4) professional office;
- (5) home office for insurance or real estate sales or telemarketing; or

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- (6) teaching and tutoring.
- (B) A Home Occupation shall not be interpreted to include the following:
 - (1) animal hospital;
 - (2) long term care facility;
 - (3) restaurants, bars, cafes and other general commercial retail Uses;
 - (4) Bed and Breakfast Inns; or
 - (5) Child Care or Group Care Facilities.

15-4 - 4. SECONDARY LIVING QUARTERS.

Secondary Living Quarters are a permitted Accessory Use in all Districts except the IIRL, IIR-1, HR-2, and ROS, unless previously approved by a Master Planned Development. Any request for Secondary Living Quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to Building Permit or Certificate of Occupancy issuance:

- (A) **SIZE.** The maximum size for Secondary Living Quarters shall be 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.
- (B) **PARKING.** One (1) on-Site Parking Space for each Secondary Living Quarter shall be provided in addition to the

underlying parking requirement. Tandem Parking is allowed.

(C) **SINGLE UTILITY METERS.** The main dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens.

(E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

(F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited. Secondary Living Quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar Uses.

15-4 -5. LOCKOUT UNITS.

Lockout Units are a Conditional Use in the HRL District and are an Allowed Use in all other Zoning Districts, except in the ROS, POS, SF, and LI Districts where they are not permitted. A Lockout Unit is an Area of a dwelling with a separate exterior Access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly Rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

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15-4-6. GUEST HOUSES.

Guest Houses are a Conditional Use in Zoning Districts where they are permitted and must be reviewed against the Conditional Use permit regulations in LMC Chapter 15-1-10. Guest Houses are only permitted on Lots of one (1) acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, POS, RCO, GC, or LI Zoning Districts. Guest Houses may be attached or detached from the Main House and may not be sold or leased separate from the Main House. Prior to Building Permit or Certificate of Occupancy issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the Main House, shall be recorded at the County Records Office.

15-4 - 7. ACCESSORY APARTMENTS.

The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the community. While preservation of the single family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety. Accessory Apartments are subject to the following criteria:

(A) CRITERIA FOR USE.

(1) **SIZE.** Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum Floor Area of 1,000 square feet and shall be no

less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the Floor Area of a Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

(a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

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(c) **Historic District Zones.** One (1) tandem Parking Space for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(iii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.

(3) **APARTMENTS PER LOT.** No more than one (1) Accessory Apartment may be located on a Lot.

(4) **REQUIREMENTS FOR REVIEW.** The Applicant for an Accessory Apartment must submit a

floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.

(5) **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.

(6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.

(7) **DEED RESTRICTION.** A deed restriction "Notice to Purchaser" must be filed with the County Recorder which states:

"A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____.

_____ This permit does not run with the land and is automatically invalidated by the sale or transfer of this Property. Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner.

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Prospective purchasers who intend to reside in one of the units on the Property may apply with the Planning Department for an Accessory Apartment permit. If the Apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted. The Owner shall strictly adhere to the prohibition of the Use of the accessory Structure as a Nightly Rental.

(8) **NIGHTLY RENTALS.** Accessory Apartments are intended for long term rental of thirty (30) days or more and may not be used for Nightly Rentals.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and Notification requirements established in LMC Chapter 15-1-12 (E).

(B) **REGULATED USE REVIEW.** The Community Development Department shall review Accessory Apartments in those zones where the Apartments are a Regulated Use. This includes all Zoning Districts where Accessory Apartments are an Allowed Use and not a Conditional Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Community Development Department shall approve a permit if the requested Accessory Apartment complies with the criteria for Use in Section 15-4-7 (A), established herein.

The Regulated Use permit shall be subject to the one year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Community Development Department for non-compliance with the criteria of this Chapter. The permittee may appeal the determination to the Board of Adjustment which will evaluate the Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(C) **CONDITIONAL USE REVIEW.** In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Commission shall approve a permit if the requested Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in LMC Chapter 15-1-10 have been mitigated. The Conditional Use permit shall be subject to the one year review outlined in Section 15-4-7(D).

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(1) **PERMIT REVOCATION.**

The Accessory Apartment permit may be revoked by the Community Development Department for non-compliance with the criteria of this Chapter and any additional conditions of approval. The permittee may appeal the determination to the Board of Adjustment which will evaluate the Community Development Department's determination of permit non-compliance and decide if permit revocation should occur.

(D) **ONE YEAR REVIEW.** Both regulated Use permits and Conditional Use permits for Accessory Apartments shall be subject to a one (1) year review by the Community Development Department. The review shall occur one (1) year after issuance of the Accessory Apartment permit. If no complaints have been filed and the Community Development Department finds that the Owner and tenants are complying with the conditions of the permit, then the permit may be extended until ownership of the Property is transferred. If complaints have been filed, the Community Development Department shall ensure that the Owner of the Property is complying with the requirements of the Accessory Apartment permit.

(E) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-conforming Accessory Apartments may be approved by the Community Development Department provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7 (A). If the existing Accessory Apartment does not

meet the criteria as specified, the Planning Commission shall review the Use. Permits for non-conforming Accessory Apartments shall be subject to the one (1) year review provisions of Section 15-4-7 (D). The Planning Commission shall approve the request only if the following findings can be made:

- (1) The Apartment contains no more than two (2) Bedrooms;
- (2) One (1) Parking Space per Bedroom is provided for Use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements;
- (3) One (1) unit is Owner-occupied; and
- (4) Impacts of the Use can be mitigated.

15-4-8. GROUP CARE FACILITIES.

(A) **PURPOSE.** To ensure that Group Care Facilities do not have an adverse impact on the character of adjacent neighborhoods and to ensure that issues of public safety, traffic and parking are mitigated, permitting of these facilities is governed by the following regulations. The intent of these regulations is to locate such Group Care Facilities where the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facilities; where the Site can accommodate adequate Off-Street parking; where the Structures are designed to be

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Compatible with the character of the adjacent neighborhood; and where the type of Use, activities, and services provided by the Group Care Facility are substantially consistent with the activities otherwise permitted in the district.

(B) **PERMIT REQUIRED.** All Group Care Facilities require a Conditional Use permit prior to occupancy. A business license and Certificate of Occupancy for the Group Care Facility is also required. No Certificate of Occupancy will be issued by the City for a Group Care Facility until the Applicant has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having proper jurisdiction.

Family foster homes are exempt from these regulations, provided that the maximum number of foster children in any given home shall not exceed four (4).

Child Care homes and facilities are regulated in Section 15-4-9.

Elder care homes are exempt from these regulations, provided that the maximum number of elderly Persons receiving care, protection and supervision in any such home shall not exceed four (4) at any given time.

Dependent on the review criteria herein, the maximum permissible number of residents, excluding supervisors, is eight (8) in the R-1, HRC and HCB Zoning Districts; twelve (12) in the RCO, GC, and LI Zoning Districts; and six (6) in all other Districts where Group Care Facilities are a Conditional Use.

The minimum separation requirement between any other Group Care Facility shall be 750 feet. The Planning Commission may permit two (2) such facilities to be located closer than 750 feet if they are separated by a physical barrier, including without limitation an arterial Street or State Highway, a commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the separation requirement shall be allowed only after the Commission has determined that the barrier and the resulting separation are adequate to protect the City and neighborhood from any detrimental impacts resulting from an excessive concentration of Group Care facilities in any one (1) vicinity. The Planning Department maintains a map and notebook showing the location of such Group Care Facilities.

(C) **REVIEW CRITERIA.** The Community Development Department shall review all Group Care Facilities Applications and forward them to the Planning Commission. The Planning Commission shall consider the following criteria, in addition to all criteria listed in LMC Chapter 15-1-10, Conditional Use permit review:

- (1) Whether the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.
- (2) Whether the Group Care Facility has made on-Site accommodations for all parking and circulation requirements.

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- (3) Whether the architectural design of the facility is Compatible with the character of the adjacent neighborhood.
- (4) Whether the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities otherwise permitted in the district. No Person shall make a Group Care Facility available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the Property of others. This determination that an individual poses a direct threat to the health and safety of others or a risk of substantial physical damage to Property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled Persons.
- (5) Whether there are other such facilities located within 750 feet of the proposed location.
- (D) **NOTICE.** A notice of any Group Care Facility Conditional Use permit granted by the City, and any conditions imposed upon such facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the Property upon which the Group Care Facility is permitted.

- (E) **PROHIBITED.** Group Care Facilities are prohibited in the HRL, POS, and ROS Zoning Districts.

15-4-9. CHILD CARE AND CHILD CARE FACILITIES.

- (A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage the provision of Child Care which meets the fluctuating needs and demands of the City's residents, employees, and employers. Health and safety, convenience, compatibility, affordability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.
- (B) **IN-HOME BABYSITTING.** In-home babysitting includes the provision of Child Care for four (4) or fewer children within a dwelling, and within commercial Buildings outside of residential zones. In-home babysitting shall be permitted in all Zoning Districts. In-home babysitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted Accessory Use. Standard Building and zoning regulations shall be complied with.
- (C) **FAMILY CHILD CARE.** Family Child Care is a small scale Child Care home which includes the provision of Child Care for up to eight (8) children within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen (18) if

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they are cared for in the same Area of the Structure as that designated for Family Child Care.

Family Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

(1) PERMITS REQUIRED.

Family Child Care homes shall be permitted in all Zoning Districts subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home, and either an Administrative Permit issued by the City Planning Director or a Conditional Use permit issued by the Planning Commission. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Community Development Department.

Family Child Care in Multi-Unit Dwellings, such as Apartments, Condominiums, and townhouses, requires a Conditional Use permit issued by the Planning Commission. Family Child Care requires a Conditional Use permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) REVIEW CRITERIA.

Prior to the issuance of either an Administrative Permit or a Conditional Use permit, all Family Child Care homes are subject to the following requirements:

(a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) **Drop-off/Pick-up Area.** Two (2) drop-off/pick-up Parking Spaces must be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

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(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) **Play Area Size and Location.** Minimum indoor and outdoor play Areas are regulated by the State, but in no case shall there be a structured play Area measuring less than 240 square feet. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Signs.** All signs must conform to the Park City Sign Code requirements of the specific Zoning District. In single family zones, no signs will be permitted for a Family Child Care home.

(f) **Primary Residence.** If Child Care is provided in a residential Structure, the Structure must be the primary residence of the primary care provider and the residential character of the house and its Lot shall be maintained. If required by the State, a second care provider, who is not a resident of the home, may be employed at the residence.

(g) **Multi-Unit Dwellings.** Family Child

Care in Multi-Unit Dwellings is a Conditional Use, subject to the review criteria for Conditional Use permits stated in LMC Chapter 15-1-10 with review and approval by the Planning Commission. Family Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground Areas are on private Property and not within Common Areas, or unless the Applicant receives approval from the Homeowner's Association for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(D) **FAMILY GROUP CHILD CARE.**

Family Group Child Care is a medium scale Child Care home which includes the provision of Child Care for nine (9) to sixteen (16), inclusive. Family Group Child Care must be provided within the provider's primary residence and shall include the provider's own children under the age of eighteen (18) if they are cared for in the same Area of the Structure as that designated for Family Group Child Care.

Family Group Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

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All Child Care that does not take place in the primary residence of the primary care provider is considered by the State to be a Child Care Center or an hourly Child Care Center. Therefore, all Family Child Care and Family Group Child Care by the definitions herein, shall occur within the primary residence of the primary care provider. All other Child Care is regulated as a Child Care Center, including all Child Care in commercial Businesses, etc.

(1) **PERMITS REQUIRED.**

Family Group Child Care homes require a Conditional Use permit in all residential Districts and require an Administrative Permit issued by the Community Development Department in all other Zoning Districts. Family Group Child Care within Multi-Unit Dwellings, that are not within residential Zoning Districts, also require a Conditional Use permit. Family Group Child Care homes are subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home.

Family Group Child Care requires a Conditional Use permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) **REVIEW CRITERIA.**

Prior to the issuance of either an Administrative Permit or a Conditional Use permit, all Family Group Child Care homes are subject to the following requirements:

(a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) **Drop-off/Pick-up Area.** Four (4) drop-off/pick-up spaces must be provided. For Family Group Child Care homes with ten (10) or fewer children, not including the care providers own children, three (3) drop-off/pick-up spaces may be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

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(d) **Density.** No more than one (1) Family Group Child Care home may be permitted on any one (1) Street or within any 300 foot radius, whichever Area is less, and no more than two (2) Family Group Child Care homes may be located in any one (1) 500 foot radius Area. Family Child Care homes and other Child Care operations which are not regulated shall not be included in these Density calculations. Also, Family Group Child Care homes in commercial zones, such as the RCO, GC, LI, HRC, HCB shall not be subject to these Density restrictions.

(e) **Play Area Size and Location.** An outdoor play Area of at least 360 square feet shall be provided on-Site, with an additional 40 square feet for each additional child over a minimum of nine (9). Additional indoor play Areas are regulated by the State. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(f) **Screening.** Screening for all play Areas in residential zones is required. Screening may consist of an opaque Fence, berm, dense

shrubbery, or similar, subject to Community Development Department approval.

(g) **Structure Inspection Required.** The Structure shall conform to UBC requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the Applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional requirements may be required before a Family Group Child Care permit can be issued.

(h) **Neighborhood Meeting.** Prior to permit issuance for a Family Group Child Care home in a residential zone, a neighborhood meeting, under the direction of the Community Development Department, shall be held to discuss the proposed facility with Property Owners within 300 feet of the subject Parcel, subject to standard notification requirements. The hearing gives the Child Care provider an opportunity to understand neighborhood concerns and to consider operational policies or make reasonable modifications to the Site plan to mitigate impacts of the Use.

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(i) **One Year Review.**
 All Conditional Use permits for Family Group Child Care homes shall receive a one (1) time review by the Planning Commission one (1) year following permit issuance. The review request shall be placed on the Consent Agenda of the Planning Commission. However, the staff may determine to place the item under new business if it is determined that there have been excessive problems related to this Use which justify further discussion by the Planning Commission. Such decision shall be based on staff observation and/or public input received during the past year of operation alleging the following:

(i) The Use consistently generates more parking demand than can be handled within fifty feet (50') of the Property on the same side of the Street.

(ii) The Use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.

(iii) Patrons of the Family Group Care home have consistently violated traffic laws.

(iv) The Family Group Child Care home does not conform to Code defined standards.

If the Planning Commission finds that the Family Group Child Care home meets all Code defined standards and that there have been no excessive problems related to its Use, the Use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the Applicant of specific concerns and require a second review in one (1) year.

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(j) **Multi-Unit Dwelling.** Family Group Child Care in a Multi-Unit Dwelling is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground Areas are on private Property and not within Common Areas, or unless the Applicant receives approval from 100% of the Owners for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(E) **CHILD CARE CENTER.** A Child Care Center is a Child Care facility in which the provision of Child Care for five (5) or more children occurs in a place other than the care providers primary residence and for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis. See previous sections for regulation of Child Care provided within a care providers primary residence, such as Family Child Care and Family Group Child Care.

Child Care Centers, including hourly Child Care Centers, are regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Child Care Center is an Allowed Use in all non-residential Districts except the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate-40 (E-40), and the Regional Commercial Overlay (RCO) Districts. In these Districts a Conditional Use permit is required. A Child Care Center may be located within a residential District with a Conditional Use permit, pursuant to LMC Chapter 15-1-10.

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.

The Planning Commission shall consider, as part of the Conditional Use permit review, in addition to the criteria stated in LMC Chapter 15-1-10, the architectural Compatibility of the proposed Child Care Center and shall also consider the following location criteria and Site requirements during the review process.

(1) **LOCATION CRITERIA.**

For projects within a residential neighborhood, the Planning Commission shall consider the following guidelines for locating Child Care Centers.

(a) Traffic onto local roads within a Subdivision is discouraged. Location of Child Care Centers is encouraged such that the Center can be conveniently accessed from existing arterial and Collector Roads.

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(b) Location on the periphery of the Subdivision or neighborhood is preferable to location within the center of the Subdivision.

(c) The Child Care Center is adjacent to a school, library, house of worship, or other traditional neighborhood facility with large landscaped Areas or playing fields.

(d) The Child Care Center is conveniently Accessed by public transportation.

(e) The Subdivision or multi-family project was designed to accommodate a Child Care Center.

(2) **SITE REQUIREMENTS.**

(a) **Parking.** At least one (1) Parking Space shall be provided for each on-duty staff person per shift and one (1) space for every six (6) children cared for.

(b) **Circulation.** An on-Site vehicle turnaround, or separate entrance and exit points, and passenger loading Area must be provided.

(c) **Fencing.** An opaque Fence six feet (6') in height must be installed around all

designated play Areas. Dense shrubbery may compensate for Fencing requirements provided that the Lot is secured according to State regulations. If the Lot is adjacent to open fields or playgrounds, a less opaque Fencing material may be used with Planning Commission approval, but chain link Fencing shall not be used.

(d) **Play Areas.** No structured Area for active play or play Structures may be located in a Front Yard. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Density.** No more than one (1) Child Care Center shall be permitted in any one (1) residential Subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet (300') to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other child care operations which are not regulated shall not be included in Density calculations.

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(f) **Lot Size and Configuration.** The minimum Lot Area for a Child Care center with more than sixteen (16) children shall be 12,000 square feet. The Lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play Areas which are contiguous to the Structure.

(g) **Setbacks.** Standard Setbacks shall be observed except that Child Care Centers located in residential Districts shall provide at least eighteen foot (18') Side Yards and twenty five foot (25') rear yards.

(h) **Play Area within Setbacks.** No more than fifty percent (50%) of the State Code required play Area may be within the standard Setback Area of the Lot as defined in the underlying zone unless the Setback Area is adjacent to perpetual open space or playing fields.

(i) **Signs.** One (1) small sign, either free-standing or wall mounted, may be

permitted for a Child Care Center. The sign must be no larger than six square feet (6 sq. ft.) Setback at least ten feet (10') from the Property Line and must conform to all other criteria of the Park City Sign Code.

(j) **Exceptions.** The Planning Commission may grant an exception to these Site requirements if it can be shown that the impact of the Child Care Center on traffic circulation or on adjacent Properties will not be increased if the exception is granted.

15-4 -10. TIMESHARE PROJECTS.

(A) **INFORMATION TO BE FILED WITH TIMESHARE PROJECT APPLICATIONS.** The Developer of any Timeshare Project other than a Timeshare Conversion shall file with the Planning Department the following information as part of a Building Permit Application:

- (1) The proposed duration of Timeshare Intervals.
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.

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(4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the Timeshare Project and/or units.

(5) The name, address, and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Community Development Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change

in name, address or phone number of the central contact Persons shall be filed with the Community Development Department and the Park City Business Licensing Division.

(7) Whether the Developer plans to offer resale assistance and/or exchange program affiliation to Timeshare Interval purchasers.

(8) A description of the methods to Guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Project.

(9) Any other information that the Developer or Community Development Department deems reasonably necessary to the consideration of the project.

(B) DENIAL OF NEW TIMESHARE PROJECTS. The creation of new Timeshare Projects is a Conditional Use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in LMC Chapter 15-1-10, as well as specific criteria stated in Section 15- 4-11, Timeshare Conversion, except that the consent of the unit Owners is required only in the case of a conversion of an existing Structure.

The Applicant shall also demonstrate that there are no adverse effects on City services, or City finances through the loss of sales tax

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revenue, or adverse affect on the Use of convention and meeting space.

15-4 -11. TIMESHARE CONVERSION.

(A) TIMESHARE CONVERSION.

Developers of Timeshare Conversions shall file with the Community Development Department the following information as part of a Conditional Use permit Application:

- (1) The proposed duration of Timeshare Intervals, which shall not be less than seven (7) days.
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or

Agency Agreement for the maintenance and operation of the Timeshare Project and/or Timeshare Units.

(5) The name, address and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Community Development Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Community Development Department and the Park City Business Licensing Division.

(7) A list of all Owners of the Property being converted, or if the Property has previously been divided into separately owned units, Dwelling Units or Lots, a list of all Owners of such units, Dwelling Units or Lots. This list shall be prepared by a title company or licensed abstractor.

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(8) A plan showing in reasonable detail the means by which the Timeshare Conversion will comply with the Park City parking requirements for Timeshare Projects, including the purchase of any necessary additional Property.

(9) Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water Use resulting from the change in Use.

(10) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements from not less than sixty five percent (65%) of the Owners of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

(11) Any other information that the Developer or Community Development Department deems reasonably necessary to the consideration of the project.

(B) **CONDITIONS FOR CONVERSION APPROVAL.** In determining whether, and under what conditions, to issue a Conditional Use permit for Timeshare Conversions, the City

shall review the following conditions and considerations and approve the project if:

(1) Timeshare Conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to Timeshare Uses being exempt from sales tax. The cumulative effect of the subject project and other Timeshare Projects may be considered.

(2) Timeshare Conversion will have no serious adverse effect on traffic circulation and parking.

(3) The Applicant's ability to Guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Conversion.

(4) Whether an office of the managing Agent or agency is located locally or within the Timeshare Conversion and the impact that may cause.

(5) Timeshare Conversion will have no serious adverse effect on meeting space, convention Business and Nightly Rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

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(6) Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of Application.

(7) Compliance with the Park City Uniform Building Code and other Park City Building Department regulations in force at the time of Application.

(8) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the Timeshare Conversion.

(9) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements of not less than Owners of sixty five percent (65%) of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

(10) The Structure proposed for conversion is in substantial compliance with the Building codes and fire codes adopted by Park City.

(C) **DENIAL OR APPROVAL**. The City may approve or deny the request for

Timeshare Conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Community Development Department, subject to ratification by the Planning Commission, or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.

(D) **OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT**. In

determining whether, and under what conditions to issue a Conditional Use permit for an off-premises timeshare contacting location, the Community Development Department may consider:

(1) The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the Area.

(2) The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.

(3) Whether the off-premise contacting can be confined to a completely enclosed Building.

(4) Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of Application, and compliance with the Business licensing provisions of Park City.

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(5) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed premises of another Person with the consent of that Person. No Conditional Use permit is required under these circumstances.

(E) TIMESHARE CONVERSIONS.

Existing projects, properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to Timeshare Projects as defined in LMC Chapter 15-15-1 without first obtaining a Conditional Use permit as required by this Chapter. A Conditional Use permit must be obtained for the conversion of each separate project or Property being converted.

15-4 -12. CONDOMINIUM CONVERSION.

Existing Structures shall not be converted to Condominium ownership without first receiving the review and recommendation of the Community Development Department, City Attorney, and record of survey plat approval from the City. Required Public Improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The Structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

15-4 -13. PLACEMENT OF SATELLITE RECEIVING ANTENNAS.

(A) **PURPOSE.** To ensure that Satellite Receiving Stations do not have an adverse impact on aesthetic values and public safety in residential, commercial and industrial Areas, and the Historic District, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such Antenna and equipment where they are least visible from Public Streets and public Areas and, to the extent possible, provide Screening from adjacent Property Owners.

(B) **PERMIT REQUIRED.** The installation of Satellite Receiving Stations, unless otherwise provided in this ordinance, shall be deemed a permitted Use. It shall be unlawful to install any Satellite Receiving Station greater than two feet (2') in diameter without first having obtained a Building Permit from the City. Plans of such Satellite Receiving Station shall be submitted with each Application for a Building Permit, which shall include a Site plan indicating the height, color, location, Setbacks, foundation detail, landscaping, and Screening and such plan shall be subject to approval by the Community Development Department.

(C) **INSTALLATION STANDARDS.** The following standards apply to the installation of a Satellite Receiving Station that is greater than two feet (2') in diameter:

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(1) **HEIGHT.** Ground-mounted receiving stations shall be limited to a maximum height of ten feet (10') above Grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished Grade beneath the apparatus, with the apparatus set in its operating position. Finished Grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

(2) **SETBACKS.** Satellite Receiving Stations installed on the ground must maintain all normal Building Setbacks applicable to the zone in which the station is located.

If Setbacks are not specified for the Development, Setbacks for the underlying zone must be met. The Community Development Director may vary Setback requirements if the most effective Screening can be achieved by placing the station within one of the required Setbacks.

(3) **LOCATION.** All ground based receiving stations shall be located behind the front facade of the Main Building on the Site. Stations may be allowed in the Front Yard Area if it can be shown that no other reasonable locations are available and that Site specific conditions including steep Grades, dense vegetation, or other natural features which serve to Screen the receiving station exist on the Site. A Satellite Receiving Station may be located in

the Front Yard Area only upon written approval by the Community Development Department Director.

(4) **SCREENING.** Each Satellite Receiving Station mounted on the ground shall be Screened from ground view from Public Streets, Rights-of-Way, parks and golf courses through the addition of vegetative and non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening may also be required for adjacent Property Owners. Screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the Property. When initially installed, Screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the Satellite Receiving Station, and low level Screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the Site. A security shall be required to be posted to ensure installation of required Screening. The security shall be 125% of the estimated cost of the Screening.

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(5) **MATERIALS AND COLOR.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a dark neutral color and satellite dish Antennas shall be of a wire mesh material. Variations may be reviewed by the Community Development Department. Highly reflective materials shall not be permitted.

(6) **ROOF OR WALL-MOUNTED.** Roof or wall-mounted Satellite Receiving Stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any Public Street, and maintain normal Setbacks.

Satellite Receiving Stations on flat roofs may be approved if they are Screened by the addition of architectural features which integrate with the characteristics of the Structure and are not located on the portion of the roof fronting on any Public Street. The receiving station and Screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for Architectural Details such as chimneys, vents, or similar Structures. Roof or wall-mounted receiving stations in the Historic District may be approved by the Historic District Commission (HDC) providing no other feasible location exists and they meet the criteria of

this section. The HDC shall review all Applications for receiving stations and shall consider Screening materials, integration into the Structure, visibility, size of the receiving station and such other factors as deemed necessary by the HDC to achieve Compatibility of the receiving station with the architecture and aesthetics of the Historic District.

(7) **CABLES TO BE UNDERGROUND.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather than installed overhead. Wires or cables attached flush with the surface of a Building or the Structure of the receiving station are the only exceptions.

(8) **MULTI-FAMILY DEVELOPMENT.** One (1) Satellite Receiving Station greater than two feet (2') in diameter shall be allowed per project. A second receiving station may be allowed upon written approval by the Community Development Department Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station shall be required as part of the permit Application filed with the City.

(D) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants

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may address the location of Satellite Receiving Stations within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants which might be more restrictive than this ordinance. Applicants for permits for the installation of Satellite Receiving Stations are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Owner's Association or Management Committee, the Applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station within the Common Area has been granted as a part of the permit Application filed with the City.

(E) **PENALTY.** Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of Satellite Receiving Stations, the Business license of the contractor or vendor shall forfeit upon the second conviction within any one (1) calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

15-4 -14. TELECOMMUNICATION FACILITIES.

The intent of this section is to ensure that telecommunications facilities are

Compatible with the unique characteristics of each Zoning District of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications facilities and related equipment where they are least visible from Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent Property Owners. The installation of these devices is governed by the following regulations.

(A) **PERMIT REQUIRED.** The installation of telecommunication facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Park City Building Permit process. It shall be unlawful to install any telecommunication facility without first having a Conditional Use permit and Building Permit from the City.

(B) **DEFINITIONS.**

(1) **ANTENNA.** A device that transmits and/or receives telecommunications and/or radio signals for telecommunications.

(2) **ANTENNA, DRIVE TEST.** A temporary Antenna which is used for field testing of telecommunications signals and possible locations but does not provide telecommunications to customers.

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(3) **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.

(4) **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.

(5) **ANTENNA, ROOF MOUNTED.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(6) **ANTENNA, TEMPORARY.** An Antenna used for a time period of less than thirty (30) days.

(7) **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.

(8) **CO-LOCATION.** The location of telecommunication facility on an existing Structure, tower or Building in a manner that

precludes the need for that telecommunications facility to be located on a free-standing Structure of its own.

(9) **EQUIPMENT SHELTER.** A cabinet or Building used to house equipment for Telecommunications Facilities.

(10) **STEALTH TELECOMMUNICATIONS FACILITY.** A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(11) **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.

(12) **TELECOMMUNICATIONS FACILITY.** A Telecommunications facility consists of Antenna, Equipment Shelters and related Structures used for transmitting and/or receiving telecommunications and/or radio signals.

(13) **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.

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(C) SUBMITTAL REQUIREMENTS.

A complete Application shall include all elements of the proposed telecommunications facility and shall produce all information required by the telecommunications facility Application. Applicants shall provide the following submittal requirements.

(1) Each Applicant shall present documentary evidence regarding the need for telecommunications facilities within the City. This information shall identify the Applicant's existing telecommunications facilities and coverage Areas to demonstrate the need for the proposed telecommunications facility within the City.

(2) An Applicant proposing to erect a new telecommunications facility shall provide documentary evidence that a legitimate attempt has been made to locate the new telecommunications facility on existing Buildings or Structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing Buildings or Structures or co-location Sites in the radio frequency coverage Area for the proposed telecommunications facility. Efforts to secure such locations shall be documented through correspondence between the Applicant and the Property Owner(s) of the existing Buildings, Structures or co-location Sites.

(3) Applicants proposing to construct new telecommunications facilities shall document the locations of all of the Applicant's existing telecommunications facilities that provide telecommunications within the City, as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing telecommunications facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential telecommunications facility locations in relation to the Applicant's existing telecommunications facilities.

(4) Each Application shall include a Site location alternative analysis describing the location of other Sites considered for the proposed telecommunications facility, the availability of those Sites, the extent to which other Sites do or do not meet the Applicant's telecommunications needs and the reason why the subject Site was chosen for the proposed telecommunications facility. The analysis shall address the following issues:

(a) How the proposed location and telecommunications facility relate to the object of providing full telecommunications services within the City Area;

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(b) How the proposed telecommunications facilities relates to the location of the Applicant's existing telecommunications facilities that provide telecommunications within and near the City;

(c) How the proposed telecommunications facility relates to the Applicant's anticipated need for additional telecommunications facilities that provide telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed telecommunications facility and indicating its view from at least five (5) locations around and within one (1) mile of the proposed telecommunications facility will be most visible.

(D) COMPLIANCE WITH OTHER LAWS. Telecommunications facilities shall comply with applicable Federal Aviation Administration and Federal

Communications Commission regulations available. Evidence of substantial compliance must be submitted prior to the issuance of a Building Permit for a telecommunications facility.

(E) NOT ESSENTIAL SERVICES. Telecommunications facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(F) CONDITIONAL USE REVIEW PROCESS. A Conditional Use permit is required for all telecommunications facilities. The Community Development Department shall review all telecommunications facility Applications and forward the Applications to the Planning Commission. The Planning Commission shall review an Application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all Applications shall comply with LMC Chapter 15-1.10(c) which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within 300 feet (300') of the proposed telecommunications facility. If there are no occupied Properties within 300 feet (300'), notice shall be given to the closest, registered home Owners association.

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- (2) **CONSENT AGENDA REVIEW.** Applications meeting the Consent Agenda Review criteria will be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing on the same date or a later meeting of the Planning Commission at the Applicant's discretion.
- (3) **PUBLIC HEARING.** Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.
- (G) **SITE REQUIREMENTS.**
- (1) **SETBACKS.** The placement of telecommunications facilities on a Lot shall comply with the Setbacks of the underlying zone as stated herein. Telecommunications facilities shall comply with the Setbacks for main Structures and shall not be determined accessory Structures.
- (2) **HEIGHT.** The telecommunications facilities shall comply with the basic height requirement, as stated in LMC Chapter 15-2, for the zone in which it is placed. The height shall be measured from the Grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply:
- (a) Roof Mounted Antenna, placed on a flat roof, may extend up to ten feet (10') above the existing Structure, provided that the Antenna Setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.
- (b) Roof mounted Antenna, placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure.
- (3) **USE OF PROPERTY.** The telecommunications facility shall be an ancillary Use on the Lot on which it is placed. The Lot shall contain a separate principal Use.
- (4) **DESIGN.**
- (a) Equipment Shelters located outside of an existing Building shall require a public hearing in front of the Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.

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(b) Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth telecommunications facilities shall be designed in a manner to blend with the existing and natural environment.

(c) Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

(d) Freestanding Antennas and wall mounted Antennas shall be mounted a maximum of twelve inches (12") from the wall or pole.

(H) **SITE DISTURBANCE.** Any Application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed telecommunications facility. The Community Development Department shall determine the Limits of

Disturbance and may require mitigation for loss of Significant Vegetation.

(I) **ZONING RESTRICTIONS.** Unless otherwise required within this Section, Applications for Antennas shall be permitted and reviewed as follows:

(1) **FREESTANDING ANTENNA.**

(a) **Prohibited.** Any Antenna located on Historic Structures and all freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and POS zones. Freestanding Antenna on new Structures within the ROS zone are also prohibited.

(b) **Consent Agenda Review.** Freestanding Antenna located in RDM, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any freestanding Antenna located on existing poles in the ROS zone.

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(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any roof mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Roof mounted Antenna within the RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Roof mounted Antenna located in HRL, HR-1, HR-2, IIRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones.

(3) **WALL MOUNTED ANTENNA.**

(a) **Prohibited.** Any wall mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Wall mounted Antennas located within the RD, RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.**

All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones.

(4) **Enclosed Antenna.**

(a) **Prohibited.** Any Enclosed Antenna located within a Historic Structure or within the POS zone.

(b) **Consent Agenda Review.** Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, and LI may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** The location of enclosed Antenna which require an increase in height or exterior wall modification to the existing Structure.

(J) **TECHNICAL NECESSITY**

EXCEPTION. If the Application does not meet the criteria as stated in Section F, G, H and I, the Applicant may apply to the Board of Adjustment for a Technical Necessity Exception. The Board of Adjustment shall review the Application as a Variance pursuant to LMC Chapter 15-10 and shall require the Applicant to provide any additional technical information in order to

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approve the variance including the following:

- (1) A written explanation describing the surrounding topography, Structures, vegetation and other factors which make the proposed telecommunications facility technically necessary for telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation telecommunications facilities co-location is both permitted and encouraged. Co-location on a Lot may be permitted by the Planning Commission if all Setbacks, design and landscape requirements are met for each telecommunications facility. The Application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

- (1) Structural capacity of the Antenna towers;
- (2) Geographic telecommunications Area requirements;
- (3) Mechanical or electrical incompatibilities;
- (4) Inability or ability to locate equipment on existing Antenna towers; and

- (5) Any restriction or limitation of the Federal Communication Commission that would preclude the shared Use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the telecommunications facility Application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused telecommunications facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of telecommunications facilities within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforce ability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of telecommunications facilities are advised to

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determine what private land Use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the home Owner's association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit Application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for temporary Antennas only in conjunction with a special event licensed under Municipal Code Title 4, Chapter 8. A temporary Antenna permit Application must be submitted to the Community Development Department. The Application will be administratively reviewed by the Community Development Department based on the following criteria:

(1) **TIME.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as stated in the Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, and LI.

(4) **PERMISSION.** Temporary Antenna permit Applications shall be accompanied by written permission from the Property Owner.

If the above criteria are met, the Planning Department shall grant a temporary Administrative Permit for the facility.

(P) **TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.**

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in Use for a drive test shall not be left standing for a period greater than one (1) day. Drive tests shall be limited to testing functions only and shall not be used for telecommunications services to customers. Drive tests on City Property also require Planning Department approval and execution of the City's standard drive test agreement.

(Ordinance No. 02-47)

15-4 -15. OUTDOOR DISPLAY OF WORKS OF ART.

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain public and City-owned Properties are available for the display of art that promotes

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the visual interest, and economic vitality of Park City's Historic, a resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere.

(B) **REVIEW CRITERIA.** The outdoor display of works of art on City-owned Property shall be reviewed by the Planning, Engineering, and Building divisions for compliance to the following criteria:

- (1) The display must comply with the height and setback requirements of the Zoning District where it is located.
- (2) The display must comply with the height and setback requirements of the Zoning District where it is located.
- (3) The display must comply with all applicable Building Codes.
- (4) In cases where the City is not the owner of record of the work of art displayed, the City accepts no liability in cases of damage or theft of the art.
- (5) No sale price may appear on the work of art. however, the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one square foot (1 sq. ft.), may be attached to the work or its support base.

(6) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(l) Lighting.

(C) **CITY COUNCIL REVIEW.** Upon compliance with all criteria set forth in this section, the City Council shall review and take final action on all requests for the outdoor display of works of art on City-owned Property. The City Council may seek a recommendation on requests for the outdoor display of works of art on City-owned Property from the Planning Commission, arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking final action. The City and the Applicant shall execute all necessary agreements prior to installing any approved public art on City-owned public Property.

(Amended by Ord. No. 03-13)

15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.

Prior to the issuance of a permit for any temporary Structure, tent, or vendor the following requirements shall be met:

(A) **APPLICATION.** An Application must be submitted to the Community

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Development Department including the following information:

(1) **GENERAL**

DESCRIPTION. Overview of proposed activity. Include hours of operation, anticipated attendance, Use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.

(2) **SITE PLAN.** To scale indicating in detail how the proposal will comply with the UBC. Should indicate the location of the tent on the Property and distances from Property Lines and other Structures. A separate plan for the interior of any tent is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling etc. A snow removal plan will be included.

(3) **STRUCTURAL INFORMATION/**

CALCULATIONS. For all temporary Structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire rating, etc. must be submitted.

(4) All applicable fees.

(B) **REVIEW CRITERIA- PUBLIC PROPERTY (OWNED BY THE CITY).**

(1) Lease agreement with Park City required.

(2) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

(3) The Use must meet all applicable Uniform Building Code (UBC) requirements.

(4) The Applicant shall adhere to all applicable City and State licensing ordinances.

(C) **REVIEW CRITERIA-PRIVATE PROPERTY.**

(1) The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.

(2) The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.

(3) The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.

(4) The Use shall not violate the City Noise Ordinance.

(5) The Use and all signing shall comply with the Municipal Sign and Lighting Codes.

(6) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

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(7) The Use shall not violate the Uniform Building Code (UBC).

(8) The Applicant shall adhere to all applicable City and State licensing ordinances.

15-4 -17. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.

All Lots shall have a front, two (2) sides and a rear Setback with the following exceptions and clarifications. See illustration at end of section.

(A) Development on Corner Lots shall have two (2) front Setbacks. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary should border the Rear Yard, the Owner or Developer may specify which is the Rear Yard.

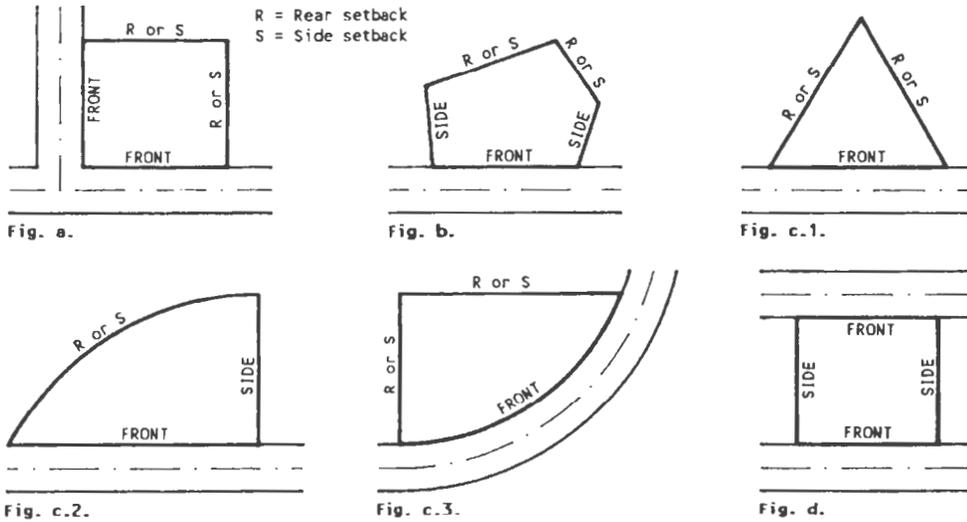
(B) Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Developer or Owner.

(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one (1) side is clearly opposite the front, the rear Setback must be opposite the front Setback. If it is not clear where side and rear Setbacks should be, the Developer or Owner may choose which is side and which is rear.

(D) On those Lots which border a Street on both the back and front, both sides must have a front Setback.

(E) Any Lots which are not specified in this section shall have Setbacks determined by the Community Development Department.

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15-4 -18. PASSENGER TRAMWAYS AND SKI BASE FACILITIES.

(A) **CONDITIONAL USE.** The location and Use of a Passenger Tramway, including a ski tow or ski lift, is a Conditional Use. The location of base and terminal facilities for the Passenger Tramway is a Conditional Use in all zones where the Use may be considered.

(B) **CONDITIONAL USE REVIEW.** Conditional Use permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

- (1) **OWNERSHIP OF LIFTWAY.** The Applicant owns or controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is

established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration. Ownership or control of portions of the Liftway which cross over Public Streets may be demonstrated by a written permit or license to cross the Street, signed by the governmental entity which has jurisdiction over the Street crossed.

Any combination of ownership and leasehold interests that gives the Applicant possession and control over the entire course of the Liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the Applicant

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standing to apply for the Conditional Use.

(2) **WIDTH.** The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet (10') on each side of the Liftway regardless of the configuration of the passenger-carrying elements.

(3) **BASE OR TERMINAL FACILITIES.** The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-I or HRL Zones. Mid-loading and unloading points are allowed in the HR-I and HRL Zones.

(4) **CROSSING OF PUBLIC ROADS.** The Applicant must show that all components of the Passenger Tramway and any components of the Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions which might be

imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.

(5) **UTILITY CLEARANCE.** The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility lines which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.

(6) **PARKING AND TRAFFIC PLANS.** The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic which could be generated by the Passenger Tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that parking would be provided.

The traffic and parking plan may be included in the neighborhood Impact Analysis.

The parking requirements and impacts of a Passenger Tramway will vary within the zones depending

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upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining Properties .

- (7) **LIFTWAY SETBACK.** The minimum Setback between the Liftway and any existing dwelling shall be eight feet (8'), in addition to the width of the Liftway itself. This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.
- (8) **STATE REGULATION.** Any Passenger Tramway constructed under a Conditional Use permit is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The Applicant is expected to involve the State in the planning process to the extent necessary to inform the Commission of state requirements in order to

avoid the imposition of inconsistent requirements by the State and the Planning Commission.

- (9) **PUBLIC PURPOSE SERVED.** The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment Area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.

- (C) **STATUS OF LAND WITHIN LIFTWAY.** Owners of Lots or other land which is burdened by the easement for the Liftway are entitled to count the land within the Liftway for calculation of open space for improvement of that Property. Normal Setback and Side Yard requirements apply from the Lot line or Property boundary.
- (D) **STRUCTURES WITHIN LIFTWAY.** Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the Owner of the Liftway. The

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Owner of a Lot or other Property which is subject to the Liftway easement may build within the confines of the easement, provided however that all construction within the easement is a Conditional Use which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(E) **PRESERVATION OF HISTORIC STRUCTURES**. It is the policy of the City to protect and preserve Historic Structures within the City. The Applicant for the Passenger Tramway must provide a study which catalogues any Structures within the Liftway easement and identifies their Historic value, and indicates whether the Structure will be removed to accommodate the tram. The Applicant must also show what alternatives have been considered for the protection and preservation of those Structures, such as making improvements of structural or fire safety systems or relocation of the Structures.

Title 15, Chapter 5
Architectural Review



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 5 - ARCHITECTURAL REVIEW

Chapter adopted by Ordinance No. 02-07

CHAPTER 5 - ARCHITECTURAL REVIEW

15-5 -1. POLICY AND PURPOSE.

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

ownership patterns, and a unified architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment. It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

15-5 -2. HISTORIC DISTRICT.

All Uses within the Historic District, both permitted and conditional, are subject to design review by the Community Development Department for compliance with the Architectural Guidelines adopted by the City Council in a resolution of June 16, 1983. Those guidelines are incorporated into this Code by reference, but may be revised from time to time by resolution of

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the City Council. Design review is initially performed by the Community Development Department, with a right of appeal to the Historic District Commission (HDC). Review by the Historic District Commission is limited to matters of design compliance, with all functional review of Conditional Uses performed by the City staff. Decisions regarding design review may be reviewed by the City Council in the manner described in LMC Chapter 15-1.

15-5 -3. CONDITIONAL USE REVIEW.

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

15-5 -4. PERMITTED USE REVIEW.

Permitted Uses in all zones outside the Historic District are subject to design review by the Community Development Department, with a right of appeal by the Planning Commission. The standards of review are set forth in this Code, and design review standards in the Park City Design Guidelines are adopted by resolution of the City Council, provided that the guidelines are consistent with the provisions of this Code.

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

(A) **PROHIBITED ARCHITECTURAL STYLES AND MOTIFS.** The following architectural styles and motifs are prohibited in Park City:

- (1) A-frame Structures;
- (2) Geodesic dome Structures;
- (3) Mediterranean motifs;
- (4) Tudor or mock tudor, half timbering;
- (5) "Swiss" chalets;
- (6) Highly ornate victorian;
- (7) Rustic frontier;
- (8) Colonial;
- (9) Nouveau-Chateau, French Provincial, Fairy Tale or Castle. Tower features and turrets may be allowed if roofs are not conical and if the roof line is integrated into the main Structure. Round exterior walls are permitted but not as semi-detached round rooms, i.e., a round room may not exceed 270 degrees;
- (10) Other historical or period design motifs that have a strong connection or association with other regions, or which have no historical connection with Park City;

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(11) New Structures designed to imitate Historic Structures built in Park City or elsewhere, unless the project complies with the Historic District Architectural Guidelines.

(12) **Exemption.** The above provisions addressing tudor, victorian, and colonial styles and tower elements shall not apply in the Prospector Park Subdivision.

(B) PROHIBITED SIDING

MATERIALS. The following materials have proved to be unsuitable for Use in Park City due to the extreme climate, or because their appearance is such that the values of adjoining or abutting Properties are adversely affected:

- (1) Thick shake shingles;
- (2) Ceramic tiles;
- (3) Slump bloc, weeping mortar;
- (4) Plastic or vinyl siding;
- (5) Used brick;
- (6) Simulated stone or brick, cultured stone or brick, synthetic stone products, pre-cast stone or concrete imbedded with stone fragments;
- (7) Lava rock, clinkers;
- (8) Asphalt or hardboard siding;
- (9) Plywood siding;

(10) Aluminum siding is generally not considered an appropriate material. The Planning Commission may, however, consider requests for the Use of aluminum siding. The design of the Structure shall be consistent with the Park City Design Guidelines. The Applicant will be required to bring a sample of the type and color of siding to be approved by the Planning Commission. When aluminum siding is approved by the Planning Commission, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard of polystyrene foam;

(11) **Exemption.** In Prospector Village, Park Meadows and Prospector Park Subdivisions, aluminum and vinyl siding may be permitted for new Single Family Dwellings when such Structures are located in Areas predominately developed with Structures utilizing the same types of materials.

In order to avoid architectural styles which are foreign to Park City, particularly Mediterranean, southwestern, or adobe, Building designs which include large, unbroken expanses of stucco will not be approved. Stucco must be of earth tones; white or pastel colors are prohibited.

(C) DESIGN ORNAMENTATION.

Architectural design in Park City has historically been simple. Highly ornate Buildings are inconsistent with the architectural patterns of the community, and due to the close proximity of one

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Development to another, inconsistent ornamentation may become unsightly and detract from Property values. To add architectural interest to Buildings, special ornamental siding materials may be used, provided that no more than twenty five percent (25%) of any facade of the Building is covered with ornamental siding. Examples of ornamental siding, provided for information purposes only and not as a limitation, are as follows:

- (1) Fish scale cut shingles;
- (2) Half-timbered stucco;
- (3) Match-sticked wood or other inlays.

(D) **NUMBER OF EXTERIOR WALL MATERIALS.** Different exterior siding materials add interest to a Building, and to the community as a whole, however, the Use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining Properties. Exterior walls of any Building may be sided with up to three (3) different materials per Building, but no more than three (3) materials may appear on any one (1) wall, including ornamental siding. Trim shall not be counted as a siding material, but ornamentation is counted as a siding material. If trim covers more than ten percent (10%) of a side of the Building, it shall be counted as a siding material on that side.

(E) **ROOFING MATERIALS.** Because of the steep Grade changes within Park City, and the fact that residents and

visitors are frequently in a position to look down on the City from the adjoining mountains, the appearance of roofs in Park City is of more significance than in other communities. Some roof types do not perform well in Park City's harsh climate. In addition, the Area's dry climate creates a high potential for wildland fires which makes the Use of wood roofs unsafe in some Areas. For these reasons, the following roof types are prohibited in Park City:

- (1) Untreated aluminum or metal, except that copper may be used;
- (2) Reflective materials;
- (3) Brightly colored roofing such as bright red, blue, yellow, green or similar colors are highly visible. Exception: Green is allowed if it is determined that its hue, color, chroma and other attributes of color are similar to other earth tone colors currently approved in Park City. In no case shall the color be determined to be bright or highly reflective or towards the yellow tones of the color spectrum;
- (4) Wood shingles, including fire retardant, prohibited only in wildland interface zones. Wood roofs may be allowed on additions to existing Structures with wood roofs. In addition, wood roofing may be allowed on later phases which continue the specific design of existing projects and where the original phase has wood roofing.

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Existing non-conforming Structures must comply with this section when the Structure's roof is replaced;

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

(F) **ROOF SHAPES.** The following roof shapes are prohibited in Park City because they either do not perform well in the harsh climate, or tend to detract from the value of adjoining Property:

- (1) Mansard or fake mansard roofs;
- (2) Gambrel roofs;
- (3) Curvalinier roofs;
- (4) Domed roofs;
- (5) Geodesic domes;
- (6) Conical roofs;
- (7) A-frame or modified A-frame roofs.

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

(G) **SKYLIGHTS AND SOLAR PANELS.** Any skylight or other translucent roof material which allows the transmission of light from the interior of the Building to the exterior shall be designed as follows:

- (1) The feature is limited to no more than twenty-five percent (25%) of the roof Area;
- (2) The design shall facilitate the Use of natural light in to the Building and any light emitted from the feature shall be shielded from adjacent Properties;
- (3) The feature may not be the highest point of the Structure; and
- (4) The feature shall be designed to fit as flush as possible with the roof. In no case shall the feature exceed two feet (2;) above the roof plan.
- (5) Solar panels shall be designed so as to be incorporated in the roof plan or architectural feature to the best extent possible.

(H) **WINDOW TREATMENTS.** Windows other than rectangular windows may be used as accents and trim, but arched, rounded, or Bay Windows as the primary window treatment are prohibited. Untreated aluminum or metal window frames are prohibited. Small pane colonial style windows are not allowed.

(I) **LIGHTING.**

- (1) **PURPOSE.** The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign

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i. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;

ii. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings, including section where required;

iii. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.

Additional information may be required elsewhere in the laws of this jurisdiction upon

Application for the required permit.

b. **Lamp or Fixture Substitution.** On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed to be changed after the permit has been issued, a change request must be submitted to the Community Development Department for approval. Adequate information to assure compliance with this Code must be provided and the request must be received prior to substitution.

(5) **SHIELDING.** All non-exempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Chapter below.

a. **Historic District Shielding and Fixture Exemption.** Fixtures in the HR-1, HR-2, HCB, and HRC Zoning Districts that replicate a Historic fixture shall be permitted to be installed without partial shields with the approval of the Community Development Director. All fixtures shall be filtered and refractors that direct the light downward shall be installed if the bulb is exposed.

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and Business identification. Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

With the exception of Americans with Disabilities Act lighting requirements, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

(2) CONFORMANCE WITH APPLICABLE CODES. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the Building Code, the Electrical Code, and the Sign Code under the appropriate permit and inspection. When discrepancies in these Codes exist, the most restrictive shall apply.

(3) APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION. The provisions of this Code are not intended to prevent the Use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing he/she finds that:

- a. The alternative provides approximate equivalence to the applicable specific requirement of this Code;
- b. The alternative is otherwise satisfactory and complies with the intent of this Code; or
- c. The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

(4) SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE.

- a. The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting fixtures and Light Source will comply with this Code. The submission shall contain the following:

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Historic fixtures that are fifty (50) years or older and contribute to the architectural and cultural character of the Historic District are exempt from these requirements. Architectural features on Historic Structures may be illuminated with fully shielded fixtures.

(6) WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS. Wattage, fixture and Light Source requirements as outlined in Table 1 below apply to all zones throughout the City:

Table 1

Light Source	Fully Shielded	Partially Shielded	Watt (Maximum Per Fixture)
High Pressure Sodium ¹		x	50
Low Pressure Sodium		x	55
Metal Halide ²	x		1000
Low Voltage/ Halogen ³		x	50
Compact Fluorescent		x	75

Other Sources: As approved by the Community Development Director

Note: "x" indicates the required standard.

¹ This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

² Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

³ Low voltage/halogen sources are permitted in landscaping lighting only.

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(7) **GAS STATION CANOPIES.** Gas station canopies may not exceed an average horizontal illuminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy.

(8) **AREA LIGHTING - BUILDING CANOPY AND SOFFIT, WALL MOUNTED.** Area, stand alone or wall mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. The horizontal illuminance level along the sidewalk or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.

(9) **CONSTRUCTION SITES.** All commercial construction Sites shall submit a lighting plan as part of the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.

(10) **LANDSCAPE LIGHTING.** The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings.

a. **Pathway Lighting.** Two types of lights can be

selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall be low voltage. The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.

b. **Highlighting, Backlighting.** Only low voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is 0.6 Horizontal Foot Candles from the Light Source. Up-lighting is prohibited.

c. **Moonlighting.** Low voltage systems may be placed in trees or on Buildings to give the effect of moonlight. Lights must be down-directed and partially shielded. A maximum Foot Candle permitted at ten feet (10') is 0.25 Horizontal Foot Candle from the Light

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Source. Up-lighting is prohibited.

(11) RECREATIONAL LIGHTING. Because of their unique requirements for nighttime visibility and their limited hours of operation, baseball diamonds, playing fields, tennis courts and ski area runs may Use the Light Source permitted under Table 1 above with the following conditions and exceptions:

a. The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in the LMC.

b. All fixtures used for event lighting shall be fully shielded as defined in Section (4) herein, or be designed or provided with sharp, cutoff capability, so as to minimize up-light, spill light and glare.

c. Recreational lighting shall be turned off within thirty (30) minutes of the

completion of the last game, practice, or event. In no case shall recreational lighting occur after 11:00 p.m.

(12) RESIDENTIAL LIGHTING.

a. All exterior lights on porches, garage doors or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass in to the night sky. Lights shall be directed at walkways or entries and shall not be directed into the night sky.

b. High-pressure sodium fixtures are the recommended Light Source. Compact fluorescent are also permitted.

c. Bare bulb light fixtures such as flood or spotlights are not permitted.

d. Lighting exterior Building features for architectural interest is prohibited.

e. Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.

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f. Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.

(13) **SEASONAL DISPLAY OF LIGHTS.** Seasonal restrictions apply to the HCB, GC, LI and IIRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the 31st of March. Displays should be turned off at midnight. Any color of lights may be used, however, the lights shall not be used to create advertising messages or signs, e.g. spelling out the name of a Business is prohibited.

(14) **OUTDOOR DISPLAY LOTS.** Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

- a. All fixtures shall be Fully Shielded as defined in LMC Chapter 15-15.
- b. The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.

c. Display lighting shall be turned off within thirty (30) minutes of closing of the Business. Any lighting used after 11 p.m. shall be used as security lighting. Security lighting shall be required to be motion sensitive not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

(15) **PROHIBITIONS.** The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

(16) **OTHER EXEMPTIONS.**

a. **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this chapter are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

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b. **Fossil Fuel Light.**
All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

(17) TEMPORARY EXEMPTION.

a. **Requests.** Any Person may submit a written request to the Community Development Director for a temporary exemption. A temporary exemption request shall contain the following information:

- i. Specific exemption or exemption request;
- ii. Type and Use of outdoor light fixtures involved;
- iii. Duration of time for requested exemption;
- iv. Total wattage;
- v. Proposed location on Site;
- vi. Description of event or reason for need of exemption; and
- vii. Other data as deemed necessary to adequately review and made a determination on the request.

b. **Approval; Duration.** The Community Development Department shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Community Development Department shall approve the request if it finds that the exemption is necessary for public safety, security or other public necessity and the exemption does not materially subvert the purpose of this Chapter.

If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Community Development Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this Chapter is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

c. **Denial/Appeal.** If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in LMC Chapter 15-1.

(J) **TRASH ENCLOSURES.** In addition to County health standards, the following trash enclosure design standards shall apply:

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(1) Trash and storage Areas shall be Screened by landscaping, Fencing, berms or other devices integral to overall Site and Building design;

(2) Trash and storage enclosures shall be constructed of materials that are Compatible with the proposed or existing Building and with surrounding Structures;

(3) Trash and storage Areas shall be well maintained including prompt repair and replacement of damaged gates, Fences and plants;

(4) Openings of trash enclosures shall be oriented away from public view or Screened with sturdy gates wide enough to allow easy Access for trash collection, where practical;

(5) The consolidation of trash Areas between Businesses and the Use of modern disposal techniques is encouraged.

(6) **Exception.** These standards shall not apply to existing Structures that have been built with zero Setbacks or when such enclosures would negatively impact Access, circulation, or snow removal efforts.

(K) MECHANICAL EQUIPMENT.

All electrical service equipment and sub-panels and all mechanical equipment, including but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility

companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure.

15-5-6. PERMITTED DESIGN FEATURES.

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

15-5-7. EXCEPTIONS.

In some cases, the Community Development Director may vary from these standards if warranted by unusual or unique circumstances. In Single-Family Subdivisions, the Community Development Department will consider the predominant architectural style and materials in the neighborhood to determine Compatibility. This may result in variation from the strict interpretation of this section and may be granted by the Community Development Department.

15-5-8. FACADE LENGTH AND VARIATIONS.

(A) Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall

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be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in the Building Height, or a combined change in Building Facade and Building Height totaling ten feet (10').

(B) Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.

(C) The special facade and volume requirement of the Historic District are found in LMC Chapter 15-2 and in the Historic District Architectural Design Guidelines.

(D) The facade length and variation requirements apply to all sides of a Building.

15-5-9. SENSITIVE LAND REVIEW.

Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone regulations, LMC Chapter 15-2.21.

Title 15, Chapter 6
Master Planned Developments

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

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

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

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

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

15-6 -2. APPLICABILITY.

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

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

MPDs are not allowed in Historic Zones, with the exception of HR-1 zoned Parcels that are not part of the original Park City Survey, which may be considered for affordable housing MPDs consistent with Section 15-6-7.

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15-6 -3. USES.

A Master Planned Development can only contain Uses which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When properties are in more than one Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-15.

15-6 -4. PROCESS.

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

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with Sections 15-1-12 and 15-1-19, Notice Matrix, of this Code.

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

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.

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For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

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

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

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

Planning Commission. The Public Hearing will be noticed in accordance with Sections 15-1-12 and 15-1-19, Notice Matrix, of this Code. 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.

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

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

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

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- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developer's agreement to pay all specified impact fees; and
- (7) The form of ownership anticipated for the project and a specific project phasing plan.

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

(H) LENGTH OF APPROVAL.

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences,

the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) MPD MODIFICATIONS.

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

(J) SITE SPECIFIC APPROVALS.

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

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum

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

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

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

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

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

Setbacks within the project may be varied from those otherwise required in the zone,

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but must meet minimum Uniform Building Code requirements.

(C) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in Section 15-15 with the exception of the General Commercial (GC) District wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space 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 pedestrian Areas, increased landscape material sizes, transit improvement, pedestrian plazas, pedestrian way/trail linkages, and public art.

(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.

(D) **OFF-STREET PARKING.** 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:

- (1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- (2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
- (3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
- (4) 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 guaranteed by Use covenant and deed restriction.
- (5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

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- (6) Provisions for overflow parking during peak periods.

The Community Development 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.

(E) **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. The Applicant will be required to request a Site specific determination and bears 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;
- (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; and

- (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.

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.

- (F) **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:

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(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 refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(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.

(G) **LANDSCAPE AND STREET SCAPE**. 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

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tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 5- Architectural Review.

(H) **SENSITIVE LANDS COMPLIANCE.** All MPDs 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, subject to the applicability as defined in Section 15-15 of this Code.

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

(J) **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.

15- 6- 6. REQUIRED FINDINGS/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 of this Code;
- (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;
- (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

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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.

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 finding of this section shall apply to Affordable Housing projects, except for those listed below.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density up to twenty (20) dwelling units per acre. The Unit Equivalent formula will be applied.

(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

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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. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. 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 in the adopted affordable housing resolution in effect at the time of Application.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. In general, one (1) Unit Equivalent equates to 2000 square feet of residential floor Area and 1000 square feet of commercial floor Area. For purposes of calculating residential Unit Equivalents, the following table shall apply:

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Configuration	Unit Equivalent Value
Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or One Bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00
Single Family Residence	1.00

(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 will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, 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, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses, see definition of Support Commercial Use, without the Use of a Unit

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Equivalent for commercial space. Any support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, up to five percent (5%) of the total floor Area may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total floor Area will be counted as commercial Unit Equivalents. Any square footage which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses do not require the use of Unit Equivalents.

(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 Gross 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 those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms
- Administrative offices
- Hallways and circulation
- Elevators and stairways
- Back of house Uses

(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

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winter resort do not require the use of a Unit Equivalent. These Uses include 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
- Ski school/day care facilities
- Instruction facilities
- Ticket sales
- Equipment/ski check
- Circulation and hallways

Title 15, Chapter 7
Subdivision General Provisions



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7 - SUBDIVISION GENERAL PROVISIONS

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7 - SUBDIVISION
GENERAL PROVISIONS.**

15-7-1. ENACTMENT.

In order that land may be subdivided, or Lot lines adjusted in accordance with these purposes and policy, these Subdivision regulations are hereby adopted.

15-7-2. PURPOSE.

The purpose of the Subdivision regulations is:

- (A) To protect and provide for the public health, safety, and general welfare of Park City.
- (B) To guide the future growth and Development of Park City, in accordance with the General Plan.
- (C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Resubdivisions, and Lot Line Adjustments,

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in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

- (I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Re-subdivision, or Lot Line Adjustment,
- (J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,
- (K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and
- (L) To provide for open spaces through the most efficient design and layout of the land, including the use of flexible density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the density of land as established in the Land Management Code of Park City.

15-7-3. POLICY.

(A) It is hereby declared to be the policy of Park City to consider the Subdivision of land and the subsequent Development or amendment of the Subdivision plat, or the adjustment of Lot lines therein, as subject to the control of Park City pursuant to the

official General Plan of Park City for the orderly, planned, efficient, and economical Development of Park City.

(B) Land to be subdivided or resubdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, resubdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(C) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.

15-7-4. AUTHORITY.

(A) By authority of ordinance of the City Council of Park City (hereinafter referred to as "City Council") adopted pursuant to the powers and jurisdictions vested through Chapter 5, Title 57 and Chapter 9, Title 10 of the Utah Code, Annotated (1953, as amended) and other applicable laws,

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statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Resubdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Resubdivision or Lot Line Adjustment shall be considered to be entirely or partially undeveloped if:

- (1) the plat, Subdivision, Resubdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or
- (2) the plat, Subdivision, Resubdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit, on the partially or entirely undeveloped land and the zoning regulations, either bulk or use, for the district in which the Subdivision is located, have been changed subsequent to the original final plat,

Subdivision, Resubdivision, or Lot Line Adjustment approval.

15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.

(A) **INTERPRETATION.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) **CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.**

(1) **PUBLIC PROVISIONS.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

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(2) PRIVATE PROVISIONS.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) **SEVERABILITY.** If any part or provision of these regulations or application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other Persons or circumstances. The City

Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

15-7-6. CONDITIONS.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public use Area contained in a Subdivision plat, as provided in Section 10-9-808 through 10-9-810 of the Utah Code Annotated (1953) as amended.

15-7-8. VARIANCES.

Refer to Section 15-10-9 herein regarding variance procedures.

15-7-9. SAVING PROVISION.

These regulations shall not be construed as abating any action now pending under, or by

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virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any Person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

15-7-10. ENFORCEMENT.

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

(A) No Owner, or Agent of the Owner, of any Parcel of land located in a proposed Subdivision shall transfer or sell any such Parcel before a plat of such Subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

(B) The Subdivision of any Lot or any Parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. However, the City may approve metes and bounds descriptions for purposes of Lot Line Adjustments, resolving conflicting boundary descriptions, and the recombination of historically platted Properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described

Subdivisions shall be subject to all of the requirements contained in these regulations.

(C) No Building permit shall be issued for the construction of any Building or Structure located on a Lot or plat subdivided or sold in violation of the provisions of these regulations.

15-7-11. VIOLATIONS AND PENALTIES.

Any Person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

(A) CIVIL ENFORCEMENT.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a Building, structure or premises, and these remedies shall be in addition to the penalties described above.

15-7-12. AMENDMENTS.

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the Subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner prescribed by law and outlined in the Land Management Code.

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15-7-13. RESERVATIONS AND APPEALS.

Upon the effective date of these regulations according to law, any ordinances conflicting with the terms herein, including the Subdivision Ordinance of Park City, Utah, adopted September 20, 1979, as amended, are hereby repealed, except as to such sections expressly retained herein.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.1 - SUBDIVISION PROCEDURES

Chapter adopted by Ordinance No. 01-17

CHAPTER 7.1 - SUBDIVISION PROCEDURES.

15-7.1-1. JURISDICTION.

These Subdivision regulations shall apply to all Subdivisions or Resubdivisions of land, and to Lot Line Adjustments, as defined herein, located within the corporate limits of Park City.

Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

15-7.1-2. PROCEDURE

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

(A) The Owner, Applicant and/or Developer or his/her Agent submit an application for Subdivision to the Planning

Commission through the Park City Planning Department;

(B) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Community Development Director under proper authority; and

(C) The approved Subdivision Plat is filed with the County Recorder.

15-7.1-3. CLASSIFICATION OF SUBDIVISIONS.

(A) **SUBDIVISION.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

(1) **MINOR SUBDIVISION.** A Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

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(a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. GENERAL PROCEDURE.

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

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

(1) **PHASING PLAN REQUIREMENTS.** A phasing plan shall include:

(a) The number of units or Parcels to be developed in each phase and the timing of each phase.

(b) The timing of construction of public improvements and Subdivision amenities to serve each phase.

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(c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT.** If the Subdivision is in an Area covered by an approved Master Planned Development which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

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

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

15-7.1-5. PRELIMINARY PLAT.

(A) **PREAPPLICATION REQUIREMENTS.** Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

(B) **APPLICATION PROCEDURE AND REQUIREMENTS.** Prior to subdividing land in a manner which requires a Preliminary Plat, an Owner of the land or his representative shall file an application for approval of a Preliminary Plat. The application shall:

- (1) Be made on a form available at the office of the Planning Department and determined complete. A complete application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

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

(C) **REVIEW OF PRELIMINARY PLAT.** The Staff shall consider and render a report to the next available regular meeting of the Planning Commission concerning the Preliminary Plat. The Planning Department staff shall transmit the Preliminary Plat for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all the reports

submitted by the officials and agencies concerning the Preliminary Plat and shall submit a report for proposed action to the Planning Commission for the next available regular meetings. Once an application is received, the Staff will work diligently to review the application, as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within ninety (90) days of receipt of a complete application. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an application is filed as to the projected time frame.

(D) **PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT.**

The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration the requirements of the Subdivision Ordinance and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, location of mine or geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet unsubdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council.

(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same

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manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL.**

After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat.

(G) **PUBLIC IMPROVEMENTS.** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all

special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.**

The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval by submitting a request in writing to the Planning Department. The Planning Commission shall review all requests for time extensions of approvals.

(I) **ZONING REGULATIONS.** Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code; rendering the plat nonconforming as to bulk or use,

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provided the final approval is obtained within the one (1) year period.

15-7.1-6. FINAL SUBDIVISION PLAT.

(A) **APPLICATION PROCEDURE AND REQUIREMENTS.** Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an application for approval of a final Subdivision Plat. The application shall:

- (1) Be made on forms available at the Planning Department and determined complete. A complete application shall include all elements of the Subdivision and shall produce all information required by the Subdivision application.
- (2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if

any corporations are involved, a copy of the resolution legally empowering the Applicant to make the application.

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

(B) **PLANNING COMMISSION AND CITY COUNCIL REVIEW.** After considering the final Subdivision Plat, the Planning Commission shall recommend approval or disapproval of the Subdivision application and set forth in detail any conditions to which the approval is subject, or the reasons for disapproval. In the final resolution the City Council shall stipulate the period of time when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

(C) **SUBMISSION AND REVIEW.** Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review

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has indicated that all requirements of the ordinance have been met.

(D) **VESTED RIGHTS.** Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final Plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

(E) **LOT LINE ADJUSTMENTS.** The Community Development Department may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

- (1) the Owners of both Lots demonstrate, to the satisfaction of the Community Development Director that:
 - (a) no new developable Lot or unit results from the Lot Line Adjustment;
 - (b) all Owners of Property contiguous to the

adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public Right-of-Way, consent to the Lot Line Adjustment;

- (c) the Lot Line Adjustment does not result in remnant land;
- (d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;
- (e) the Lot Line Adjustment does not result in violation of applicable zoning requirements;
- (f) neither of the original Lots were previously adjusted under this section;
- (g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

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(h) the Community Development Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

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

15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.

(A) SIGNING OF PLAT.

(1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.

(2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all

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

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

(B) RECORDING OF PLAT.

(1) It shall be the responsibility of the Developer's licensed title company to file the original mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

(C) SECTIONALIZING MAJOR SUBDIVISION PLATS. Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section

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or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.



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MAINTENANCE OF IMPROVEMENTS

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.2 - ASSURANCE FOR
COMPLETION AND MAINTENANCE
OF IMPROVEMENTS.**

15-7.2-1. IMPROVEMENTS.

(A) COSTS OF IMPROVEMENTS.

All required improvements shall be made by the Applicant, at his expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

**(B) ESCROW DEPOSITS OR
LETTERS OF CREDIT FOR LOT
IMPROVEMENTS.**

(1) ACCEPTANCE OF ESCROW FUNDS. Whenever, by reason of the season of the year any Lot improvements required by the Subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit

in an amount to be determined by the City Engineer for the cost of said improvements. The performance Guarantee covering such Lot improvements shall remain in full force and effect.

(2) PROCEDURES ON ESCROW FUND. All required improvements for which escrow monies or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the Developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the Developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Official, the Building Official may request the City Council to authorize the City to proceed to contract out the work for the installation of the necessary improvements in a sum not

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to exceed the amount of the escrow deposit or letter of credit. At the time of the issuance of the certificate of occupancy for which escrow monies/letters of credit are being deposited with the Building Official, the Applicant shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the Developer.

(C) TEMPORARY

IMPROVEMENTS. The Applicant shall build and pay for all costs of Temporary Improvements required by the Planning Commission or City Engineer and shall maintain same for the period specified. Prior to construction of any temporary facility or improvement, the Developer shall file with the City a separate suitable Guarantee, in accordance with the Land Management Code, for temporary facilities, which Guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

(D) DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS.

(1) The Planning Commission may recommend that the City Council defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its

judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible Grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the Applicant shall pay his share of the costs of the future improvements to the City government prior to the signing of the final Subdivision Plat, or the Applicant may post a Guarantee insuring completion of said improvements upon demand of the municipality.

(E) INSPECTION OF IMPROVEMENTS.

(1) **GENERAL PROCEDURE AND FEES.** The Planning Commission in consultation with or upon the advice of the City Engineer or Community Development Director, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The Applicant shall, in accordance with the City's fee resolution, pay to the City an inspection fee and the Subdivision Plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such

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fee has been paid. These fees shall be due and payable upon demand of the City and no Building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance Guarantec, the Applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the Developer shall first obtain a Notice to Proceed from the Community Development Director or his designee.

(F) MAINTENANCE OF IMPROVEMENTS.

(1) The Applicant shall be required to maintain all improvements on the individual subdivided Lots and provide for snow removal on Streets and sidewalks until acceptance of said improvements by the City Council. If there are any certificates of occupancy on a Street not dedicated to the City, the City may on twelve (12) hours notice plow the Street or effect emergency repairs and charge

same to Applicant. The City will not normally accept water improvements or Street improvements or assume responsibility for either general maintenance or snow removal until over fifty percent (50%) of the Lots within the Subdivision are built upon.

(2) The Applicant shall be required to file a maintenance Guarantee with the City, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all Lot improvements on the individual subdivided Lots for a period of one (1) year after the date of their acceptance by the City and dedication of same to the local municipality.

(G) COMPLETION OF

IMPROVEMENTS. Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other improvements, i.e: storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc., including Lot improvements on the individual Lots of the Subdivision as required, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on

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the Property and public improvements thus dedicated.

(H) CERTIFICATE OF SATISFACTORY COMPLETION.

Subject to maintenance provisions contained in Section 15-7.2-1(F), the City will not accept dedication of required improvements, or release or reduce a performance Guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the Applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and Grade of all public improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a title policy or other acceptable evidence has been furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

(I) FAILURE TO COMPLETE IMPROVEMENT. For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the

approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the Community Development Department may thereupon declare the Guarantee to be in default and require that all the improvements be installed regardless of the extent of the Building Development at the time the Guarantee is declared to be in default.

15-7.2-2. PERFORMANCE GUARANTEE.

The City Council in its discretion may waive the requirement that the Applicant complete and dedicate all Public Improvements prior to the signing of the Subdivision Plat, and that, as an alternative, the Applicant may post an acceptable Guarantee, in accordance with Section 15-7.2-1(B) of the Land Management Code, at the time of application for final Subdivision approval in an amount estimated by the City Engineer and City Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of Guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance Guarantee shall also secure all Lot improvements on the individual Lots of the Subdivision as may be required. Such performance Guarantee shall comply with all statutory requirements and shall be satisfactory to the

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City Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code. The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the ordinance approving the final Subdivision Plat and shall be incorporated in the Guarantee and shall not in any event exceed two (2) years from date of final approval.

Such Guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The Community Development Director may, upon proof of difficulty, recommend to the City Council extension of the completion date set forth in such Guarantee for a maximum period of one (1) additional year. The City Council may at any time during the period of such Guarantee accept a substitution of principal or sureties.

(A) PERFORMANCE GUARANTEE TO INCLUDE LOT IMPROVEMENTS.

The performance Guarantee shall include an amount to Guarantee completion of all requirements contained in Section 15-7.2-2 of these regulations including, but not limited to, soil preservation, Final Grading, Lot drainage, landscaping, lawn-grass seeding, removal of debris and waste, Fencing, and all other Lot improvements required by the Planning Commission.

Whether or not a certificate of occupancy has been issued, at the expiration of the performance Guarantee, the City may enforce the provisions of the Guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

(B) REDUCTION OF PERFORMANCE GUARANTEE. A performance Guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance Guarantee be reduced below twenty-five percent (25%) of the principal amount until completion.

(C) GOVERNMENTAL UNITS. Governmental units to which these Guarantees and contract provisions apply may file in lieu of said contract or Guarantees a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.

(D) RECORDATION OF PLAT REQUIRED PRIOR TO GUARANTEE.

In the event the Applicant's ability to post an acceptable Guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other federal law or regulations, the City Council may authorize plat approval and recordation upon receipt from the Applicant of an executed and acknowledged agreement signed by all Owners of fee, leasehold, contract and security interests in the subject Property, in the form of a restrictive covenant that the Applicant will not sell, lease or otherwise convey any Lot, Parcel or portion of a Lot of the subject Property unless he shall first as a condition precedent thereto, satisfy the foregoing requirements of Section 15-7.2-1(B)(1) or 15-7.2-2. The agreement shall be in recordable form, shall specifically provide

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that the encumbrance created shall be deemed to be a covenant running with the land, binding on Applicant's successors and assigns, to install or Guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the Guarantee requirements of Section 15-7.2-2 have not been complied with within one hundred twenty (120) days of the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the Applicant or his successors with the provisions of Section 15-7.2-1(G) or 15-7.2-2 hereof.

15-7.2-3. ACCEPTANCE OF DEDICATION OFFERS.

Acceptance of formal offers of dedication of Streets, public Areas, easements, and parks shall be by ordinance of the City Council. The approval by the Planning Commission of a Subdivision Plat shall not be deemed to constitute or imply the acceptance by the City Council of any Street, easement, or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

15-7.2-4. ISSUANCE OF BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY.

(A) **PERFORMANCE GUARANTEE.**

Where a performance Guarantee has been required for a Subdivision, no certificate of occupancy for any Building in the

Subdivision shall be issued prior to the completion of the improvements and dedication of same to the City, as required in the Planning Commission's and City Council's final approval of the Subdivision Plat.

(B) **IMPROVEMENTS.**

(1) The extent of utilities and Street improvements shall be adequate for emergency response and vehicular Access by the prospective occupant and by police and fire equipment, prior to the issuance of any Building permit. The Developer shall at the time of the dedication submit monies in escrow or an acceptable letter of credit to the City in a sum determined by the City Engineer for the necessary final improvement of the Street.

(2) No Building permits shall be issued for the final ten percent (10%) of Lots in a Subdivision, or if ten percent (10%) be less than two (2) for the final two (2) Lots of a Subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the local government.

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(C) CONSUMER PROTECTION
LEGISLATION AND CONFLICTS OF
INTEREST STATUTES.

(1) No Building permit or certificate of occupancy shall be granted or issued if a Developer or his authorized Agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the Lot or Parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

(2) With respect to said Lot or Parcel of land, in the event a Building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

(3) Any violation of a federal, state, or local consumer protection law, including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" law; state

Subdivision disclosure act or conflict of interest statute, law, or ordinance, shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 15-1-14 hereof.



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.3 - REQUIREMENTS FOR IMPROVEMENTS,
RESERVATIONS, AND DESIGN

Chapter adopted by Ordinance No. 01-17

CHAPTER 7.3 - REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN.

15-7.3-1. CONFORMANCE TO APPLICABLE RULES AND REGULATIONS.

(A) LAWS, RULES AND ADOPTED POLICY STATEMENTS. In addition to the requirements established herein, all Subdivision Plats shall comply with the following law, rules, adopted policy statements and regulations, unless otherwise approved by City Council:

- (1) All applicable statutory provisions.
- (2) The Land Management Code, Sensitive Area Overlay Zone regulations, Uniform Building and related Codes, and all other applicable laws of the appropriate jurisdictions.
- (3) The Official Streets Master Plan, General Plan, Official Zone Map, Trails Master Plan, public

utilities plans, and Capital Improvements Program of the local government, including all Streets, trails, drainage systems, and parks shown on the Official Map or Master Plan as adopted or amended for the Subdivision.

(4) The special requirements of these regulations and any rules of the Health Department, Park City Fire Service District, Snyderville Basin Sewer Improvement District (SBSID), and/or appropriate state agencies.

(5) The rules of the Utah Department of Transportation if the Subdivision or any Lot contained therein abuts a state highway or connection Street.

(6) The Park City Design Standards, Construction Specifications, and Standard Drawings and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

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(7) All pertinent standards contained within the planning guides published by the Mountainlands Association of Governments.

(B) **PLATS STRADDLING MUNICIPAL BOUNDARIES.** Whenever a Subdivision is proposed across land under county jurisdiction, the Planning Commission shall require the annexation of the Property involved. In general, neither Lot lines nor roads shall be laid out so as to cross municipal boundary lines.

(C) **SELF-IMPOSED RESTRICTIONS.** If the Owner places restrictions on any of the land contained in the Subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Subdivision Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney.

(D) **RESTRICTIONS DUE TO CHARACTER OF THE LAND.** Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are

formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for uses as shall not involve such a danger.

(E) **PLAT APPROVAL WITHHELD.** Plat approval may be withheld if a Subdivision is not in conformity with the above guides or policy and purposes of these regulations established in Section 15-7 of this Code.

15-7.3-2. GENERAL SUBDIVISION REQUIREMENTS.

(A) **SUBDIVISION NAME.** The proposed name of the Subdivision and all roadways contained therein shall not duplicate, or too closely approximate, the name of any other Subdivision or Street in the Area covered by these regulations or in Summit County, Utah. The City Council shall have final authority to designate the name of the Subdivision and to select Street names.

(B) **MONUMENTS.** The Applicant shall place permanent reference monuments in the Subdivision as required herein or as otherwise approved by the City Engineer.

(1) Monuments shall be constructed in accordance with the Park City Design Standards, Construction Specifications, and Standard Drawings.

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(2) All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the Final Plat unless a performance Guarantee is established in accordance with the provisions of this code.

(C) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** A separate plan which addresses Limits of Disturbance and vegetation protection during construction and revegetation of disturbed Areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

(D) **RIDGE LINE DEVELOPMENT.** Ridges shall be protected from Development which would be visible on the skyline from the designated Vantage Points in Park City.

(E) **OPEN SPACE.** Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state. Open space Areas will be the maintenance responsibility of the homeowners.

(F) **ROADS AND UTILITY LINES.** Roads and utility lines should be designed to work with the Existing Grade and cut and fill Slopes should be minimized. Roads and utilities should be placed so that disturbance of Significant Vegetation is minimized.

(G) **DRAINAGE WAYS.** Existing natural drainage ways should be maintained, enhanced and designed around Structures

(H) **SOIL CONDITIONS.** Consideration must be given to soil conditions and ground water existence and may include appropriate Setbacks or restrictions.

(I) **TRAILS AND SIDEWALKS.** Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other Properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall master plan. In most cases, the homeowners are required to maintain the trails.

(J) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** Limits of Disturbance or Building Pad lines shall be shown on the Preliminary and Final Plats if the staff determines that there is Significant Vegetation on the Site or if it is important to clearly designate future Building locations. "Significant Vegetation" includes large trees of six inch (6") caliper or greater, groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip lines.

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Limits of Disturbance or Building Pad lines with definitions as approved by the Staff must be reflected on the Final Plat. Because Limits of Disturbance or Building Pad lines are sometimes varied by the Community Development Director, the plat will not reflect the final location of the limits.

(K) **TOP SOIL PRESERVATION AND FINAL GRADING**. No certificate of occupancy shall be issued until Final Grading has been completed in accordance with the approved final Subdivision Plat and the Lots recovered with top soil with an average depth of at least six inches (6") which shall contain no particles over two inches (2") in diameter over the entire Area of the Lot, except that portion covered by Buildings or included in Streets, or where the Grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential Lots or used as spoil, but shall be redistributed so as to provide at least six inches (6") of cover on the Lots and at least four inches (4") of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting. Also see Section 15-7.2. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

(L) **ARCHITECTURAL STANDARDS**. Architectural standards will be required to be developed which will address Building design and finish materials. Guidelines should include consistency of roof pitch, roofing materials, siding materials, colors, porch details, window types and similar provisions.

(M) **WATER-BODIES AND WATER-COURSES**. If a tract being subdivided contains a water body, or portion thereof, Lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent Lots. The Planning Commission upon the recommendation of the Community Development Director may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five percent (25%) of the minimum Area of a Lot required under the Land Management Code may be satisfied by land which is under water. Where a watercourse separates the buildable Area of a Lot from the Street by which it has Access, provisions shall be made for installations of a culvert or other Structure, of a design approved by the City Engineer.

(N) **FIRE SPRINKLING**. Interior and exterior fire sprinkler systems may be required of all projects, whether single family or multi-family. This determination is based upon an analysis of the size of Structures, vegetation surrounding the Structures and location of the project as it relates to Fire District response time.

15-7.3-3. GENERAL LOT DESIGN REQUIREMENTS.

(A) **LOT ARRANGEMENT**. The Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing Building permits to build on all Lots in compliance with the Uniform Building Code, the Land Management Code, and in

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providing reasonable driveway Access to Buildings on such Lots from an approved Street.

(B) **BUILDING SITES**. Building Sites or envelopes shall be designed which minimize disturbance of existing vegetation. In designating Building envelopes, consideration should be given to minimum separations between Structures.

(C) **SQUARE FOOTAGE**. Maximum dwelling or unit square footage may be required. Limited Building Heights may also be required for visually sensitive Areas.

(D) **LOT DIMENSIONS**. In general, Side Lot Lines shall be at right angles to Street lines, or radial to curving Street lines, unless a variation from this rule will give a better Street or Lot plan. Dimensions of Corner Lots shall be large enough to allow for erection of Buildings, observing the minimum Front Yard Setback from both Streets. Depth and width of Properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the Off-Street parking and loading facilities required for the type of use and Development contemplated, as established in the Land Management Code.

(E) **DOUBLE FRONTAGE LOTS AND ACCESS TO LOTS**.

(1) **DOUBLE FRONTAGE LOTS**. Lots fronting two (2) Streets, except a Corner Lot, shall be avoided.

(2) **ACCESS FROM MAJOR AND SECONDARY ARTERIAL STREETS**. Lots shall not, in general, derive Access exclusively from an arterial or collector Street as defined in the Streets Master Plan. Where driveway Access from an arterial or collector Street may be necessary for several adjoining Lots, the Planning Commission may require that such Lots be served by a combined Access drive in order to limit possible traffic hazard on such Streets. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or Collector Roads.

(F) **LOT DRAINAGE**. Lots shall be laid out so as to provide positive drainage away from all Buildings in accordance with the Uniform Building Code and individual Lot drainage shall be coordinated with the general storm drainage pattern for the Area. Drainage shall be designed so as to avoid concentration of storm drainage water from any Lot to adjacent Lots.

(G) **LANDSCAPING**. The amount of Area available for formal landscaping will be restricted. Outside irrigation creates a significant water demand and irrigated Areas may be limited.

(H) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION**. A plan for vegetation protection during construction and revegetation after construction will also be required. A security will be required to be posted to ensure compliance with the Limits of Disturbance plan.

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(1) All construction activity must be contained within the Limits of Disturbance line, with the balance of the Parcel remaining undisturbed. Access to the Limits of Disturbance Area should be along the planned driveway.

(2) Building Pad lines may be specified on some plats instead of Limits of Disturbance. If Building Pad lines are designated, no part of the new construction may lie outside of the Building Pad line; however, construction disturbance may extend as far as ten feet (10') beyond the Building Pad line. Access to the Building Pad should be along the planned driveway or utility corridors.

(3) The Community Development Director has the authority to vary the platted Limits of Disturbance or Building Pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the Limits of Disturbance boundary result in an increase in the amount of buildable Area. Applications for a variation in the Limits of Disturbance or Building Pad line are available in the Planning Office.

(4) Limits of Disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.

(I) **REVEGETATION, SEED AND SOD.** All disturbed Areas on Lots shall be topsoiled and revegetated in accordance with Section 15-7.2 of the Land Management Code. At a minimum, seed shall be sown at not less than four pounds (4 lbs.) to each one-thousand square feet (1000 sq. ft.) of land Area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All Lots shall be seeded from the roadside edge of the unpaved Right-of-Way back to a distance of twenty-five feet (25') behind the principal residence on the Lot. No certificate of occupancy shall be issued until respreading of soil and seeding of lawn has been completed; except that between October 15 and April 15, the Applicant shall submit an agreement in writing signed by the Developer and/or the Property Owner, with a copy to the Building Official, that respreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section and leave a cash escrow or letter of credit for performance in such amount as shall be determined by the Building Official in accordance with the Land Management Code. Sod may be used to comply with any requirement of seeding set forth herein.

(J) **DEBRIS AND WASTE.** Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind

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shall be buried in any land, or left or deposited on any Lot or Street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a Subdivision, nor shall any be left or deposited in any Area of the Subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

(K) **FENCING.** Each Applicant and/or Developer shall be required to furnish and install Fences wherever the Planning Commission determines upon the recommendation of the Community Development Director that a hazardous condition may exist. The Fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the Final Plat. No certificate of occupancy shall be issued until said Fence improvements have been duly installed.

15-7.3-4. ROAD REQUIREMENTS AND DESIGN.

(A) **LAYOUT REQUIREMENTS.**

(1) **GENERAL LAYOUT REQUIREMENTS.**

(a) Roads shall be graded and improved and conform to the Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved as to design and specifications by the City Engineer, in accordance with

the construction plans required to be submitted prior to Final Plat approval. Prior to Final Plat approval the Public Works Director and the Community Development Director shall make the determination as to whether each Street is to be public or private. Such status shall be shown on the plat.

(b) The rigid rectangular gridiron Street pattern need not necessarily be adhered to, and the use of curvilinear Streets, Cul-de-sacs, or U-shaped Streets shall be encouraged where such use will result in a more desirable layout.

(c) In business and industrial Developments, the Streets and other Access ways shall be planned in connection with the grouping of Buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering Areas, and walks and parking Areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

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(d) Proposed Streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary for the coordination of the layout of the Subdivision with the existing layout or the most advantageous future Development of adjacent tracts.

(2) FRONTAGE ON AND ARRANGEMENT TO IMPROVED ROADS.

(a) No Subdivision shall be approved unless the Area to be subdivided has Frontage on and Access from an existing Street on the Streets Master Plan unless such Street is an existing state or county highway; or a Street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's office. Such Street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance Guarantee required under these Subdivision regulations, with the width and Right-of-Way required by these Subdivision

regulations or the Streets Master Plan.

Wherever the Area to be subdivided is to utilize existing road Frontage, such road shall be suitably improved as provided hereinabove.

(b) All Streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated Rights-of-Way as established in the Streets Master Plan.

(c) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land uses.

(3) ROAD ARRANGEMENT IN RELATION TO TOPOGRAPHY.

(a) Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of Lot appearance and to discourage through traffic. All Streets shall be arranged so as to obtain as many as possible of the

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Building Sites at, or above, the Grades of the Streets. Grades of Streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. A combination of steep Grades and curves shall be avoided. Specific standards are contained in the Design Standards.

(b) Minor or local Streets shall be laid out to conform as much as possible to the natural topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of Streets necessary to provide convenient and safe Access to Property.

**(4) ROAD DESIGN
CONSIDERING BLOCKS.**

(a) Blocks shall have sufficient width to provide for two (2) tiers of Lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major Streets, railroads, or water ways.

(b) The lengths, widths, and shapes of blocks shall be such as are appropriate for

the locality and the type of Development contemplated, but block lengths in residential Areas should not exceed one thousand two hundred feet (1,200') or twelve (12) times the minimum Lot Width required in the zoning district, nor be less than four hundred feet (400') in length. Wherever practicable, blocks along major arterial and collector Streets shall be not less than one thousand feet (1,000') in length.

(c) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, and/or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten feet (10') wide, may be required by the Planning Commission through the center of blocks more than eight hundred feet (800') long where deemed essential to provide circulation or Access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for the prospective use.

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(5) ACCESS TO ARTERIAL OR COLLECTOR STREETS.

Where a Subdivision borders on or contains an existing or proposed arterial or collector, the Planning Commission may require that Access to such Streets be limited by one of the following means:

(a) The Subdivision of Lots so as to back onto the arterial or collector and front onto a parallel local Street; no direct Access shall be provided from the primary arterial or collector, and Screening shall be provided in a strip of land along the rear Property Line of such Lots.

(b) A series of Cul-de-sacs, U-shaped Streets, or short loops entered from and designed generally at right angles to such a parallel Street, with the rear lines of their terminal Lots backing onto the arterial or Collector Road.

(6) CONSTRUCTION OF DEAD-END ROADS.

The arrangement of Streets shall provide for the continuation of principal Streets between adjacent Properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the

adjacent Property is undeveloped and the Street must be a dead-end Street temporarily, the Right-of-Way shall be extended to the Property Line. A temporary turnabout shall be provided on all temporary dead-end Streets, with the notation on the Subdivision Plat that land outside the normal Street Right-of-Way shall revert to abutters whenever the Street is continued. The Planning Commission may limit the length of temporary dead-end Streets in accordance with the design standards of these regulations.

(a) **Dead-End Roads, Permanent.** Where a road does not extend to the boundary of the Subdivision and its continuation is not required by the Planning Commission for Access to adjoining Property, its terminus shall normally not be nearer to such boundary than fifty feet (50'). However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A Cul-de-sac turnaround shall be provided at the end of a permanent dead-end Street in accordance with the Design Standards, Construction Specifications, and Standard Drawings.

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For greater convenience to traffic and more effective police and fire protection, permanent dead-end Streets shall, in general, be limited in length to six hundred and fifty feet (650').

(B) **ROAD NAMES.** The Developer, upon consent of the Planning Commission and City Council, shall name all roads at the time of preliminary or final approval. The local postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Summit County, Utah so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

(C) **ROAD REGULATORY SIGNS.** The Applicant shall erect or post acceptable Guarantees ensuring each road sign required by the City Engineer at all road intersections. All road signs shall be installed before issuance of certificates of occupancy for any residence on the Streets approved.

Street name signs are to be placed at all intersections within or abutting the Subdivision, the type and location of which to be approved by the City Engineer. Street signs shall be designed according to Park City Design and Specification Standards.

(D) **STREET LIGHTS.** Installation of Street lights shall be required and shall be placed by the Developer in accordance with Park City Design and Specification

Standards and shall be approved by the City Engineer.

(E) **RESERVE OR PROTECTION STRIPS.** The creation of reserve or protection strips may be permitted adjacent to a proposed Street in such a manner as to deny Access from adjacent Property to such Street, provided such a strip is clearly shown on both the preliminary and final Subdivision Plat.

(F) **ROAD DESIGN STANDARDS.**

(1) **GENERAL.** In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory Access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining Properties, the design standards for roads are hereby required to be in compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings, the Streets Master Plan, or as may otherwise be determined by the Planning Commission.

(2) **ROAD SURFACING AND IMPROVEMENTS.** After sewer and water utilities have been installed by the Developer, the Applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent

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regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains, and bridges.

All road pavement, shoulders, drainage improvements and Structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, City Engineer, or City Council, and shall be incorporated into the construction plans required to be submitted by the Developer for plat approval.

(3) **EXCESS RIGHT-OF-WAY.** Right-of-Way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth Slopes. Such Slopes shall not be in excess of three (3) to one (1), unless specifically approved by the City Engineer.

(G) INTERSECTION DESIGN STANDARDS.

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new Streets at an angle within ten degrees (10°) of perpendicular is required. An oblique Street should be curved approaching an intersection and

should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) Streets shall intersect at any one point unless specifically approved by the Planning Commission.

(2) Proposed new intersections along one side of an existing Street shall, wherever practicable, coincide with any existing intersections on the opposite side of such Street. Street jogs with center line offsets of less than one hundred and fifty feet (150') shall not be permitted, except where the intersected Street has separated dual drives without median breaks at either intersection. Where Streets intersect major Streets, i.e: arterial or collectors, their alignment shall be continuous. Intersections of major Streets shall be at least eight hundred feet (800') apart.

(3) Minimum curb radius at the intersection of two (2) local Streets shall be at least twenty feet (20'), and minimum curb radius at an intersection involving a collector Street shall be at least twenty-five feet (25'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

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(4) Intersections shall be designed with a flat Grade wherever practical. In hilly or rolling Areas, at the approach to an intersection, a leveling Area shall be provided having not greater than a two percent (2%) Slope for a distance of sixty feet (60'), measured from the nearest Right-of-Way line of the intersecting Street.

(5) Where any Street intersection will involve earth banks or existing vegetation inside any Corner Lot that could create a traffic hazard by limiting visibility, the Developer shall cut such ground and/or vegetation, including trees, in connection with the Grading of the public Right-of-Way to the extent deemed necessary to provide an adequate sight distance.

(6) The cross Slopes on all Streets, including intersections, shall be three percent (3%) or less.

(H) **BRIDGES.** Bridges of primary benefit to the Applicant, as determined by the Planning Commission, shall be constructed at the full expense of the Applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the Applicant as determined by the Planning Commission, will be fixed by special agreement between the City Council and the Applicant.

(I) **ROAD DEDICATIONS AND RESERVATIONS.**

(1) **NEW PERIMETER STREETS.** Street systems in new Subdivisions shall be laid out so as to eliminate or avoid new perimeter half-Streets. The Planning Commission may authorize a new perimeter Street where the Applicant or Developer improves and dedicates the entire required Street Right-of-Way width.

(2) **WIDENING AND REALIGNMENT OF EXISTING ROADS.** Where a Subdivision borders an existing narrow road or when the Streets Master Plan indicates plans for realignment or widening a road that would require use of some of the land in the Subdivision, the Applicant shall be required to improve and dedicate at his expense such Areas for widening or realignment of such roads. Such Frontage roads and Streets shall be improved and dedicated by the Applicant at his own expense to the full width as required by these Subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code.

15-7.3-5. DRAINAGE AND STORM SEWERS.

(A) **GENERAL REQUIREMENTS.** The Planning Commission shall not recommend for approval any plat of Subdivision which does not make adequate provision for storm or flood water runoff channels or catch basins. Plans shall be

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reviewed for compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every Lot and block. On-Site storm runoff detention is generally required.

(B) NATURE OF STORM WATER FACILITIES.

(1) **LOCATION.** The Applicant may be required by the Planning Commission, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the Subdivision. Such drainage facilities shall be located in the road Right-of-Way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

(2) ACCESSIBILITY TO PUBLIC STORM SEWERS.

(a) Underground Storm sewer systems shall be constructed throughout the Subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.

(b) If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the Developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance Guarantee required for the Subdivision Plat.

(3) ACCOMMODATION OF UPSTREAM DRAINAGE AREAS. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage Area, whether inside or outside the Subdivision.

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The Developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed Development permitted by the Land Management Code. The City Engineer must review and approve the design.

(4) EFFECT ON DOWNSTREAM DRAINAGE AREAS. The City Engineer shall also require the Developer's qualified engineer to study the effect of each Subdivision on existing downstream drainage facilities outside the Area of the Subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the Development of the Subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the Subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission and City Engineer shall determine. No Subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

(5) AREAS OF POOR DRAINAGE. Whenever a plat is submitted for an Area which is

subject to flooding, the Planning Commission upon recommendation of the City Engineer, may approve such Subdivision provided that the Applicant fills the affected Area of said Subdivision to an elevation sufficient to place the elevation of Streets and Lots at a minimum of twelve inches (12") above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such Subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any Structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development in Areas of extremely poor drainage is discouraged.

(6) FLOOD PLAIN AREAS. The Planning Commission may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the Area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the Subdivision of any portion of the Property which lies within the flood plain of any stream or drainage course.

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These flood plain Areas should be preserved from any and all destruction or damage resulting from clearing, Grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

(C) DEDICATION OF DRAINAGE EASEMENTS.

(1) GENERAL REQUIREMENTS. Where a Subdivision is traversed by a watercourse, drainage way, channel,

or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. The existing drainage will be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(2) DRAINAGE EASEMENTS.

(a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road Rights-of-Way, perpetual unobstructed easements at least twenty feet (20') in width for such drainage facilities shall be provided across Property outside the

road lines and with satisfactory Access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(b) When a proposed drainage system will carry water across private land outside the Subdivision, appropriate drainage rights must be secured and indicated on the plat.

(c) The Applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City Engineer.

(d) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in Areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of Lots to be utilized for average density procedure nor for computing the Area requirement of any Lot.

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15-7.3-6. WATER FACILITIES.

(A) GENERAL REQUIREMENTS.

(1) Necessary action shall be taken by the Applicant to extend or create a water-supply system for the purpose of providing water-supply capable of providing domestic water use and fire protection.

(2) Where a public water main is accessible, the Applicant and/or Developer shall install adequate water facilities, including fire hydrants, subject to the specifications of the State and City. All water mains shall be at least eight inches (8") in diameter.

(3) Water main extensions shall be approved by the City Engineer and the Public Works Director.

(4) To facilitate the above, the location of all fire hydrants, all water and storage supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance Guarantee to be furnished by the Developer.

(5) Prior to approval of the Subdivision Plat by the City Engineer, a determination shall be made by the Public Works Director and Community Development Director as to the location and extent

of facilities to be maintained by Park City. Private facilities may be required to be so noted on the plat.

(B) FIRE HYDRANTS. Fire hydrants shall be required for all Subdivisions. Fire hydrants shall be located no more than one thousand feet (1,000') apart and within one hundred and fifty feet (150') of any Structure and shall be approved by the City Fire Marshall and City Engineer in accordance with Uniform Fire Code. In some instances, the City and Fire District may determine that due to wild-land fire potential, hydrants will be required to be located no more than three hundred feet (300') apart. To eliminate future Street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a Street shown on the Subdivision Plat.

15.7.3-7. SEWER FACILITIES.

(A) GENERAL REQUIREMENTS.

The Applicant shall install sanitary sewer facilities in manner prescribed by the Snyderville Basin Sewer Improvement District (SBSID) construction standards and specifications. All plans shall be designed in accordance with their rules, regulations, and standards. Necessary action shall be taken by the Applicant to extend sanitary sewer service for the purpose of providing sanitary sewer facilities to the Subdivision.

(B) RESIDENTIAL AND NONRESIDENTIAL SUBDIVISIONS.

Sanitary sewer facilities shall connect with the public sanitary sewer at sizes required by the Sewer District. No individual disposal

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system or treatment plants, private or group disposal systems, shall be permitted. Sanitary sewer facilities, including the installation of laterals in the Right-of-Way, shall be subject to the SBSID's specifications, rules, regulations, and guidelines.

15-7.3-8. SIDEWALKS, HIKING TRAILS, BIKE PATHS, AND HORSE TRAILS.

(A) REQUIRED IMPROVEMENTS.

- (1) Sidewalks shall be included within the dedicated non-pavement Right-of-Way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road Right-of-Way may be preferable due to snow removal concerns.
- (2) Concrete curbs are required for all roads where sidewalks are required by these regulations or where required in the discretion of the Planning Commission.
- (3) Sidewalks shall be improved as required in Section 15-7.3-4(F)(2) of these regulations.
- (4) Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of Site disturbance, permit efficient drainage, and provide safe Access.

(5) Hiking trails, bike paths, and horse trails shall be provided by the Developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial Areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to Section 15-7.2 of this Code.

15-7.3-9. UTILITIES.

(A) **LOCATION.** Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new Subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on Park City's Streets and water personnel in the opinion of the Public Works Director and Community Development Director. Underground service connections for water and sewer shall be installed to the Street Property Line of each platted Lot at the expense of the Applicant and/or Developer, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

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(B) EASEMENTS.

(1) Easements centered on Rear Lot Lines shall be provided for private and municipal utilities; such easements shall be at least ten feet (10') wide. Proper coordination shall be established by the Applicant and/or Developer between the applicable utility companies for the establishment of utility facilities and easements to adjoining Properties.

(2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the Rear Lot Lines, perpetual unobstructed easements at least ten feet (10') in width shall be provided along Side Lot Lines with satisfactory Access to the road or Rear Lot Lines. All easements shall be indicated on the plat.

(3) Where necessary to ensure proper Access and maintenance, easement widths shall be increased as required by the City Engineer. Easements for water lines shall be a minimum of thirty feet (30') wide.

playgrounds or other recreation purposes in locations designated on the Master Plans or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate Access for the particular purposes envisioned by the Planning Commission. The Area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The Developer will also be required to install improvements to the recreation Areas. These improvements will be built to City specifications.

When recreation Areas are required, the Planning Commission shall determine the number of acres to be reserved from the following formula which has been prepared: providing one (1) acre of recreation Area for every one hundred (100) Single Family Dwelling units or commercial Lots and one (1) acre per two hundred (200) Multi-Unit Dwellings. This calculation equates to four hundred thirty seven square feet (437 sq. ft.) per Single Family Dwelling unit or commercial Lot and two hundred eighteen square feet (218 sq. ft.) per Multi-Unit Dwelling. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications.

15-7.3-10. PUBLIC USES.

(A) PARKS, PLAYGROUNDS, AND RECREATION AREAS.

(1) **RECREATION STANDARDS.** The Planning Commission, in its review of each Major or Minor Subdivision, shall require that land be reserved and improvements installed for parks and

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The Planning Commission may refer such proposed reservations to the City official or department in charge of parks and recreation for recommendation. The Developer shall dedicate all such recreation Areas and facilities to the City as a condition of final Subdivision Plat approval.

(2) **MINIMUM SIZE OF PARK AND PLAYGROUND RESERVATIONS.** In general, land reserved for recreation purposes shall have an Area of at least one (1) acre. When the percentages from the above formula would create less than one (1) acre, the Planning Commission may require that the recreation Area be located at a suitable place on the edge of the Subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an Area of less than one-third (1/3) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its Area. This smaller amount will be accepted only when it is on the edge of the Subdivision or when the staff feels that the reduced size will result in a usable recreation Site. Where recreation land in any Subdivision is not reserved, or the land reserved is less than required in Section 15-7.3-10(A)(1) the provisions of Section 15-7.3-10(A)(4) shall be applicable.

(3) **RECREATION SITES.** Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the Developer to the City standards required by the Planning Commission, which improvements shall be included in the performance Guarantee. The Planning Commission may refer any Subdivision proposed to contain a dedicated park to the City official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the City for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

(4) **ALTERNATIVE PROCEDURE FOR SUBDIVISIONS OF FEWER THAN 30 LOTS.** Subdivisions, including commercial Subdivisions, with fewer than thirty (30) Lots would result in a land Area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case the Developer shall pay an "in lieu of" fee in those cases where the "in-lieu" fee is specifically approved by or required by the Planning Commission. Fees shall be paid on a per unit rate and be based upon fair market value as indicated in the Park City adopted Fee Schedule.

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(5) **APPLICABILITY TO LAND UTILIZING AVERAGE DENSITY.** Any Subdivision Plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes. If no further Area, other than the Area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Section 15-7.3-10(A)(4). If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by Section 15-7.3-10(A)(4).

(6) **OTHER RECREATION RESERVATIONS.** The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a Developer from reserving other land for recreation purposes in addition to the requirements of this section.

(B) **OTHER PUBLIC USES.**

(1) **PLAT TO PROVIDE FOR PUBLIC USES.** Except when an Applicant utilizes a Master Planned Development concept in which land is set aside by the Developer as required by the provision of the Land Management Code, whenever a tract to be subdivided includes a school, recreation uses, or other public use as

indicated on the Master Plan or any portion thereof, such space shall be suitably incorporated by the Applicant into his Preliminary Plat. After proper determination of its necessity by the Planning Commission and the appropriate City official or other public agency involved in the acquisition and use of each such Site and a determination has been made to acquire the Site by the public agency, the Site shall be suitably incorporated by the Applicant into the preliminary and Final Plats.

(2) **REFERRAL TO PUBLIC BODY.** The Planning Commission shall refer the Preliminary Plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate Areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and Area of the Parcel to be acquired and an estimate of the time required to complete the acquisition.

(3) **NOTICE OF PROPERTY OWNER.** Upon receipt of an affirmative report, the Planning Commission shall notify the Property Owner and shall designate on both the Preliminary and Final Plats that Area proposed to be acquired by the public body.

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15-7.3-11. PRESERVATION OF NATURAL FEATURES AND AMENITIES.

(A) **GENERAL.** Existing features which add value to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from Development which would be visible on the sky line from prominent Areas in Park City. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that disturbance is limited. Existing features such as water courses, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the Subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of Grade. The preliminary plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the Street side of each Lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15-7.3-12. NONRESIDENTIAL SUBDIVISIONS.

(A) **GENERAL.** If a proposed Subdivision includes land that is zoned for commercial or industrial purposes, the layout of the Subdivision with respect to

such land shall make such provision as the Planning Commission may require.

A nonresidential Subdivision shall also be subject to all the requirements of Site plan approval set forth in the Land Management Code. Site plan approval and nonresidential Subdivision Plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential Subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as are required by the Planning Commission, and shall conform to the proposed land use and standards established in the General Plan, Streets Master Plan, Land Management Code, and Park City Design Standards, Construction Specifications, and Standard Drawings.

(B) **STANDARDS.** In addition to the principles and standards in these regulations, which are appropriate to the planning of all Subdivisions, the Applicant shall demonstrate to the satisfaction of the Planning Commission that the Street, Parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial Parcels shall be suitable in Area and dimensions to the types of industrial Development anticipated.

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(2) Street Rights-of-Way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be placed thereupon.

(3) Special requirements may be imposed by the City with respect to Street, curb, gutter, and sidewalk design and construction.

(4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.

(5) Every effort shall be made to protect adjacent residential Areas from potential nuisance from a proposed commercial or industrial Subdivision, including the provision of extra depth in Parcels backing up on existing or potential residential Development and provisions for a permanently landscaped buffer strip when necessary.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.4 - SPECIFICATIONS FOR DOCUMENTS
TO BE COMPLETED

Chapter adopted by Ordinance No. 01-17

CHAPTER 7.4 - SPECIFICATIONS FOR DOCUMENTS TO BE COMPLETED.

15-7.4-1. PRELIMINARY PLAT.

The Preliminary Plat shall show the following:

(A) **GENERAL.** The Preliminary Plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one inch (1") equals one hundred feet (100'), may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four inches by twenty-six inches (24" x 26"). It should be noted that the map prepared for the Preliminary Plat may also be used during the preparation of the final Subdivision Plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(B) **NAME.**

- (1) Name of Subdivision if Property is within an existing Subdivision.
- (2) Proposed name if not within a previously platted Subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Summit County, Utah.
- (3) Name of Property if no Subdivision name has been chosen. This is commonly the name by which the Property is locally known.
- (4) Name, address, including telephone number, or the professional Person(s) responsible for Subdivision design, for the design of public improvements, and for surveys.
- (5) Names of new Streets, subject to the approval by the Planning Commission.

(C) **OWNERSHIP.** Name and address, including telephone number, of legal Owner or Agent of Property, a Property report, and citation of last instrument conveying title to

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each Parcel of Property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference.

(1) Citation of any existing legal Rights-of-Way or easements affecting the Property.

(2) Existing covenants on the Property, if any.

(3) Name and address, including telephone number, of the professional Person(s) responsible for Subdivision design, for the design of public improvements, and for surveys.

(D) **DESCRIPTION.** Location of Property by government Lot, section, township, range and county, graphic scale, north arrow, and acres.

(1) Location of Property Lines, existing easements, burial grounds, mine or known geologic hazards, railroad Rights-of-Way, water courses, and existing wooded areas or trees six inches (6") or more in diameter, measured four feet (4') above ground level, groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip line; location, width, and names of all existing or platted Streets or other public ways within or immediately adjacent to the tract; names of adjoining Property Owners from the latest assessment rolls within three hundred feet (300') of

any perimeter boundary of the Subdivision.

(2) Location, sizes, elevations, and Slopes of existing sewers, water mains, culverts, and other underground Structures within the tract and immediately adjacent thereto; existing permanent Building and utility poles on or immediately adjacent to the Site and utility Rights-of-Way.

(3) Approximate topography, at the same scale as the Preliminary Plat with at least five foot (5') contour intervals.

(4) The approximate location and widths of proposed Streets.

(5) Preliminary proposals for connection with existing municipal water supply and District sanitary sewer systems; preliminary provisions for collecting and discharging surface water drainage.

(6) The approximate location, dimensions, and Areas of all proposed or existing Lots.

(7) The approximate location, dimensions, and Areas of all Parcels of land proposed to be set aside for park or playground use or other public use, or for the use of Property Owners in the proposed Subdivision.

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(8) The location of temporary stakes to enable the Planning Commission to find and appraise features of the Preliminary Plat in the field.

(9) Whenever the Preliminary Plat covers only a part of an Applicant's contiguous holdings, the Applicant shall submit, at the scale of no more than two hundred feet (200') to the inch, a sketch in pen or pencil of the proposed Subdivision Area, together with its proposed Street and trail system, and an indication of the probable future Street and drainage system of the remaining portion of the tract.

(10) A vicinity map showing Streets and other general Development of the surrounding Area. The Preliminary Plat shall show all school and improvement district lines with the zones properly designated.

(11) A plan designating Limits of Disturbance for each Parcel and for Subdivision improvements, such as utilities and roads.

(E) **FEATURES.**

(1) The location of Property with respect to surrounding Property and Streets, the names of all adjoining Property Owners of record or the names of adjoining Developments, the names of adjoining Streets.

(2) Citation of any existing legal Rights-of-Way or easements affect the Property.

(3) Existing covenants on the Property, if any.

(4) The location and dimensions of all boundary lines of the Property to be expressed in feet and decimals of a foot.

(5) The location of existing Streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, Buildings, parks, cemeteries, drainage ditches, or bridges.

(6) The location and width of all existing and proposed Streets and easements, alleys, trails, and other public ways, and easement and proposed Street Rights-of-Ways and Building Setback lines.

(7) The location, dimensions, and Areas of all proposed or existing Lots.

(8) The location and dimensions of all Property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

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(9) The name and address of the Owner or Owners of land to be subdivided, the name and address of the Applicant and/or Developer if other than the Owner, and the name of the land surveyor.

(10) The date of the map, approximate true north point, scale, and title of the Subdivision.

(11) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground.

(12) Indication of the use of any Lot, single family, two-family, multi-family, townhouse, and all use other than residential proposed by the Applicant.

(13) All Lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.

(14) The following notation shall also be shown:

- (a) Explanation of drainage easements, if any.
- (b) Explanation of Site easements, if any.
- (c) Explanation of reservations, if any.

(15) Any restrictions or requirements necessary to ensure solar Access shall be defined.

(16) All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat or on accompanying engineering plans.

(17) A plan designating Limits of Disturbance or Building Pads and utilities corridors and connections for each Parcel and for Subdivision improvements, such as utilities and roads.

15-7.4-2. CONSTRUCTION PLANS.

(A) **GENERAL.** Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than inch equals fifty feet (50'), and map sheets shall be of the same size as the Preliminary Plat. The following shall be shown:

- (1) Profiles showing existing and proposed elevations along left and right edge of road, and center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred feet (100') of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all Streets.

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(2) The Planning Commission may require, upon recommendation by the City Engineer, where Steep Slopes exist, that typical cross-sections of all proposed Streets be shown.

(3) Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, Rights-of-Way, manholes, and catch basins; the locations of Street trees, Street lights, and Street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or Structures.

(4) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing Streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, railroads, Buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the Subdivision, and each tree with a diameter of six inches (6") or more, measured four feet (4') above ground level; groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to

the drip line. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the Park City Engineer's or U.S.G.S. datum plane. If the Subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high-water mark of such water ways.

(5) Topography at the same scale as the Preliminary Plat with a contour interval of two feet (2'), referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

(6) All other specifications, details, and references required by the Park City Design Standards, Construction Specifications, and Standard Drawings, including a Site-Grading plan for the entire Subdivision.

(7) Notation of approval as follows:

_____	_____
Owner	Date
_____	_____
Public Works Director	Date
_____	_____
City Engineer	Date

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(8) Title, name, address, signature, and seal of professional engineer, and date, including revision dates.

(9) A Limits of Disturbance and revegetation plan.

diameter, length, and weight per lineal foot of the monuments.

(3) Form for endorsements by the Planning Commission chair, Mayor, City Recorder, City Engineer, and City Attorney.

15-7.4-3. FINAL SUBDIVISION PLAT.

(A) **GENERAL.** The final Subdivision Plat shall be presented in india ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the Planning Commission, as shown on the Preliminary Plat. The Preliminary Plat may be used as the final Subdivision Plat if it meets these requirements and is revised in accordance with the Planning Commission's resolution. All revision dates must be shown as well as the following:

(1) Notation of any self-imposed restrictions, and locations of any Building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.

(2) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend. The legend for metal monuments shall indicate the kind of metal, the

(B) **PREPARATION.** The final Subdivision Plat shall be prepared by a land surveyor licensed by the State of Utah.

Title 15, Chapter 8

Annexation

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 8 - ANNEXATION

Chapter adopted by Ordinance No. 03-01

CHAPTER 8 - ANNEXATION.

15-8-1. PURPOSE.

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and Development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer Areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State law.

In meeting the goals of Park City's annexation policy plan, contained herein, the Community Development Department and City Council shall strive to avoid gaps between or overlaps with the expansion Area of other municipalities; consider the population growth projections for Park City and adjoining Areas for the next twenty (20) years; consider current and projected costs of infrastructure, urban services, and

necessary public facilities; facilitate full Development of Areas within Park City; expand infrastructure, services, and facilities into the Area being considered for inclusion in the expansion Area when practical and feasible; consider, in conjunction with Park City's General Plan, the need over the next twenty (20) years for additional land suitable for residential, commercial, and industrial Development; consider the reasons for including agricultural lands, forests, recreation Areas, and wildlife management Areas in Park City; and be guided by the following principals:

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

(A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries or school districts adjacent to school districts whose boundaries follow City boundaries, and along the boundaries of other taxing entities;

(B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;

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- (C) To facilitate the consolidation of overlapping functions of local government;
- (D) To promote the efficient delivery of services; and
- (E) To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable. This Chapter shall be considered Park City's annexation policy plan and declaration.

This Chapter hereby incorporates by reference all standards required and suggested by Sections 10-2-401 et. seq. of the Utah Code, Annotated, 1953, as amended.

15-8-2. GENERAL REQUIREMENTS.

The following specific requirements are hereby established for annexation to Park City:

- (A) Property under consideration of annexation must be considered a logical extension of the City boundaries.
- (B) Annexation of Property to the City must be consistent with the intent and purpose of this Chapter and the Park City General Plan.

(C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

(D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

(E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

(F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed Areas:

- (1) Police protection;
- (2) Snow removal on Public Streets, subject to standard City snow removal policies;
- (3) Street maintenance on existing Streets, provided that such Streets have been constructed or reconstructed to City Street standards or are acceptable to the City Engineer and City Council;
- (4) Planning, zoning, and Code enforcement;

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- (5) Availability of municipal sponsored parks and recreational activities and cultural events and facilities;
- (6) Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows.
- (G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the Applicant(s). The City shall determine timing and capacity of extending water and sewer to the proposed annexation Area.
- (H) Before considering requests for annexation, the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, usable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, Affordable Housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Area shall also be considered.
- (I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexations may occur as a means of retaining those lands in a natural state.
- (J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area as defined by Exhibit A.
- (K) In general, the City does not favor annexation of territory which should be located within another municipality nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.
- (L) Annexations that expand the resort and/or tourist economy, provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and/or community facilities are preferred.

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15-8-3. PROPERTY OWNER INITIATION OF ANNEXATION.

When initiated by a Property Owner, the process for annexation shall be as follows:

(A) The Property Owner or Owners shall submit to the City a petition for annexation. The petition shall meet the criteria and shall be in the form as established by the City and in compliance with State law as set forth in Sections 10-2-401, 402, and 403 of the Utah Code, Annotated, 1953, as amended.

(1) The petition shall contain signatures of Property Owners representing a majority of the private land Area and at least one third (1/3) of the value of all private real Property within the Area proposed for annexation.

(2) If the Area is within an Agriculture protection Area created under state law Title 17, Chapter 41, Agriculture Protection Area, then the petition must cover one hundred percent (100%) of the private land Area within the Area proposed for annexation.

(3) If the Property is owned by a public entity other than the federal government, the petition shall be signed by the Owner of all of the publicly owned Property within the Area proposed for annexation.

(4) Said petition shall designate up to five (5) of the petitioners as sponsors, one (1) of whom shall be designated as the contact sponsor.

The mailing address of each sponsor shall be included in the petition.

(B) Attached to and as part of the petition shall be an accurate certified survey plat of the Property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the Property to be annexed.

(C) There shall also be attached to the annexation petition a statement as to the anticipated timetable for Development, if applicable, of the Property being annexed.

(D) If the proposed Property is intended for Development, the petition for annexation shall include Complete Applications for a Master Planned Development (MPD) and a preliminary Subdivision plat. The petition shall state the requested zoning designation(s), and shall show the proposed Zoning District lines on the plans. Impact mitigation considerations in the annexation agreement will be based on the Density permitted under the requested or applied zone requirements.

(E) Except in the case of POS or ROS zoning, zoning requests are subject to review and consideration of the Planning Commission for a recommendation, with final approval by the City Council concurrent with public hearings on the proposed annexation.

(F) There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or

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historically utilized on the Property to be annexed, and a statement from the water Owner(s) as to the estimated value of the water or the price at which he or she is willing to sell the said water to the City.

(G) The annexation petition shall not propose annexation of any land Area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.

(H) The annexation petition shall not propose annexation of any land Area being considered for incorporation under Utah State law.

(I) On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of the county in which the Property is located and to the chair of the Planning Commission which has review authority or jurisdiction over the said Property.

(J) There shall be attached to the petition a comprehensive review and analysis of surrounding Property. See Section 15-8-5(E).

15-8-4. PROCEDURE FOR PETITION AND ANNEXATION PLATS.

The procedure for processing annexation petitions and plats shall be as follows:

(A) A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder in accordance with Section 10-2-403(2)(C) of the Utah Code,

Annotated, 1953, as amended, together with any other information required by the City staff to enable the staff to prepare an annexation impact report.

(B) Prior to City Council action on the petition, the petition and plat shall be reviewed by the Community Development Director, who shall determine the feasibility of expanding the annexation boundaries and who shall prepare a written recommendation for consideration by the City Council.

(C) If the City Council accepts the annexation petition, the petition shall be delivered to the City Recorder for certification pursuant to Section 10-2-405 of the Utah Code, Annotated, 1953, as amended.

(D) If the annexation petition is certified by the City Recorder, the City Council shall provide for public notice and shall set a hearing as set forth in Section 10-2-406 of the Utah Code, Annotated, 1953, as amended.

(E) The Planning Commission, upon referral from the Community Development Director, shall hold a public hearing and make a recommendation on the annexation proposal, including the recommended zoning, to the City Council.

After receipt of the Planning Commission's recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code, Annotated, 1953, as amended, the City Council shall hold a public hearing on all proposed annexations. After closure of the public hearing, the City Council may either grant or deny the annexation petition;

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historically utilized on the Property to be annexed, and a statement from the water Owner(s) as to the estimated value of the water or the price at which he or she is willing to sell the said water to the City.

Annotated, 1953, as amended, together with any other information required by the City staff to enable the staff to prepare an annexation impact report.

(G) The annexation petition shall not propose annexation of any land Area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.

(B) Prior to City Council action on the petition, the petition and plat shall be reviewed by the Community Development Director, who shall determine the feasibility of expanding the annexation boundaries and who shall prepare a written recommendation for consideration by the City Council.

(H) The annexation petition shall not propose annexation of any land Area being considered for incorporation under Utah State law.

(C) If the City Council accepts the annexation petition, the petition shall be delivered to the City Recorder for certification pursuant to Section 10-2-405 of the Utah Code, Annotated, 1953, as amended.

(I) On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of the county in which the Property is located and to the chair of the Planning Commission which has review authority or jurisdiction over the said Property.

(D) If the annexation petition is certified by the City Recorder, the City Council shall provide for public notice and shall set a hearing as set forth in Section 10-2-406 of the Utah Code, Annotated, 1953, as amended.

(J) There shall be attached to the petition a comprehensive review and analysis of surrounding Property. See Section 15-8-5(E).

(E) The Planning Commission, upon referral from the Community Development Director, shall hold a public hearing and make a recommendation on the annexation proposal, including the recommended zoning, to the City Council.

15-8-4. PROCEDURE FOR PETITION AND ANNEXATION PLATS.

The procedure for processing annexation petitions and plats shall be as follows:

After receipt of the Planning Commission's recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code, Annotated, 1953, as amended, the City Council shall hold a public hearing on all proposed annexations. After closure of the public hearing, the City Council may either grant or deny the annexation petition;

(A) A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder in accordance with Section 10-2-403(2)(C) of the Utah Code,

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provided, however, that protests to an annexation petition shall be dealt with as set forth in Section 10-2-407 of the Utah Code, annotated, 1953, as amended. Denial of or granting the petition under protest is subject to Section 10-2-408 of the Utah Code, Annotated, 1953, as amended.

(G) Once the City Council enacts an ordinance annexing an unincorporated Area or adjusting a boundary all applicable zoning and Land Management Code sections shall apply to the annexed Property.

(H) Within thirty (30) days after enacting an ordinance annexing an unincorporated Area or adjusting a boundary, the City shall:

(1) Record with the County Recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with the annexation plat or map prepared by a licensed surveyor and approved by the City, showing the new boundaries of the affected Area.

(2) File with the Lieutenant Governor of the State of Utah the amended Articles of Incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117 of the Utah Code, Annotated, 1953, as amended.

(3) Comply with the notice requirements of Section 10-1-116 of the Utah Code, Annotated, 1953, as amended.

15-8-5. ANNEXATION PETITION REVIEW.

(A) **STAFF REVIEW TEAM.** After approval of the annexation petition by the City Council, general annexation procedure shall comply with Utah State law; provided, however, that the City Council shall not take Final Action on any petition until the same has been reviewed by the Park City Planning Commission and by the staff review team. For purposes of annexation petition review, the staff review team shall be composed of at least the following, or their designees:

Community Development Director, City Engineer, Planning and Zoning Administrator, Director of Public Works, Fire Marshall, Police Chief, representatives from applicable utility providers, and Park City School District Superintendent.

(B) **ANNEXATION EVALUATION AND STAFF REPORT.** The staff review team will review each annexation and zoning request. The Community Development Department will prepare a staff report with considerations and a staff recommendation to present to the Planning Commission. The staff report shall include an evaluation of the proposed annexation and shall include at least the following information:

(1) The ability to meet the general annexation requirements as stated in Section 15-8-2 herein.

(2) An accurate map of the proposed annexation Area showing the boundaries and Property ownership within the Area, the topography of the Area and major natural features, e.g., drainage, channels, Streams, wooded Areas,

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Areas of high water table, Very Steep Slopes, sensitive Ridge Line Areas, Wildfire/Wildland Interface Zones, and other environmentally Sensitive Lands.

(3) Current and potential population of the Area and the current residential Densities.

(4) Land Uses presently existing and those proposed.

(5) Character and Development of adjacent Properties and neighborhoods.

(6) Present zoning and proposed zoning.

(7) A statement as to how the proposed Area, and/or its potential land Use will contribute to the achievement of the goals and policies of the Park City General Plan.

(8) Assessed valuation of the current Properties.

(9) Potential demand for various municipal services and the need for land Use regulation in the Area, e.g. consideration of the distance from existing utility lines, special requirements for Sensitive Lands review and fire protection in Wildfire/Wildland Interface Zones, location within hazardous soils Areas, and feasibility of snow removal from Public Streets.

(10) The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service Areas.

(11) A specific timetable for extending services to the Area and how these services will be financed.

(12) Potential revenue versus service costs.

(13) An estimate of the tax consequences to residents of the Area to be annexed.

(14) Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.

(15) Location and description of any Historic or cultural resources.

(C) CONDITIONS OF ANNEXATION APPROVAL AND ANNEXATION AGREEMENT. The City has established the following conditions which must be met prior to completion of the annexation, unless the City Council finds that the circumstances of an annexation are such that a condition or conditions do not apply. These conditions shall be applied consistently for each Property; however, unusual or unique circumstances may emerge from time to time where special conditions may be applied. The conditions

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 8 - Annexation

15-8-8

of annexation approval shall be formalized as part of the written annexation agreement. The annexation agreement shall be ratified by the Planning Commission, signed by the City Council and recorded with the Summit County Recorder. The annexation agreement shall include, but is not limited to the following conditions:

- (1) Transfer of usable water rights as established by City policy sufficient to serve the proposed Development.
- (2) Additional improvements as necessary which may be required in order to improve the water system.
- (3) Dedication of necessary Streets, trails, utilities, and Rights-of-Way consistent with the Subdivision standards of this Code.
- (4) Phasing of the project to insure adequacy of public facilities may be required.
- (5) Payment of park land acquisition fees, dedication of open space or conservation Areas, and payment of Development impact fees.
- (6) Provision of Affordable Housing in accordance with the Affordable Housing Resolution 17-99, as in effect at the time of petition.
- (7) Submittal of Site plans and architectural plans for review.
- (8) Flood plain management or preservation of environmentally Sensitive Lands including compliance with the Sensitive Lands Overlay section of the Code.
- (9) Analysis and survey of any Historic and cultural resources located on the Property.
- (10) Analysis of the fiscal impacts of the Development as determined necessary by the City. The fiscal Impact Analysis format, including the revenue and cost assumptions shall be approved by the City. If necessary, the City shall hire qualified experts to perform the fiscal Impact Analysis.
- (11) Fees paid in lieu of satisfying certain conditions, as approved by Council action.
- (12) Comprehensive review of surrounding Property as described below in Section 15-8-5(D).
- (13) Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the project.
- (14) Annexations located within the Quinn's Junction Area Study (QJAS) shall be found to be consistent with the findings and conclusions of the QJAS. Any annexation petition filed prior to the final approval of the QJAS by the City will be stayed pending Final Action on the study.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 8 - Annexation

15-8-9

(D) AMENDMENTS TO THE ANNEXATION AGREEMENT.

Subsequent substantive amendments to the annexation agreement are subject to review and approval by the Planning Commission and City Council with adequate public notice and recordation with the Summit County Recorder.

(E) COMPREHENSIVE REVIEW AND ANALYSIS OF SURROUNDING PROPERTY.

A comprehensive land Use review and analysis of Property surrounding the proposed annexation must be completed and submitted with the annexation petition. This analysis of surrounding Property shall be in sufficient detail for the City to determine the long term community impacts of the proposed annexation on these Properties. This analysis must include, but is not limited to, all Property within one and one-half (1 ½) mile of the boundaries of the proposed annexation. The Community Development Director may modify the study Area one-half (½) mile more or less to achieve a suitable and logical study Area.

The review and analysis of surrounding Property shall be performed by a qualified land Use planner with assistance from other professionals, such as traffic engineers, civil engineers, wildlife biologists, hydrologists, and soils scientists. The City reserves the option of selecting the qualified professionals to perform this analysis with the cost to be paid by the Applicant. The review and analysis shall include, but is not limited to a study of the following:

- (1) Slope, wetlands, vegetation, wildlife habitat, view corridors, existing Historic and cultural

resources, and significant geological features.

- (2) Existing and proposed road systems.

- (3) Existing and proposed utilities and major utility extension plans.

- (4) Location of proposed open space, recreational Areas, and trail systems.

- (5) Existing and proposed land Uses including type and Density of residential Areas.

- (6) Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc.

15-8-6. MUNICIPAL INITIATION OF ANNEXATION.

It shall be the policy of the City to annex Areas meeting all of the following criteria with or without receipt of a petition from the Property Owners:

- (A) The annexation is an island within or a peninsula contiguous to the City;

- (B) The majority of each island or peninsula consists of residential or commercial Development;

- (C) The Area proposed for annexation requires the delivery of municipal-type services; and

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 8 - Annexation

(D) The City has provided most or all of the municipal-type services to the Area for more than one (1) year.

(E) Annexation of the Area is supported by the goals of the Park City General Plan, including open space, land Use, Affordable Housing, recreation, growth management, and economic Development.

Such annexations shall be processed as provided under Section 10-2-418 of Utah Code, Annotated, 1953, as amended, including all noticing and public hearing requirements. This review shall be in addition to the review required in Section 15-8-5 herein.

If written protest to such annexation is timely filed and complies with Section 10-2-418 Subsection (3) of the Utah Code, Annotated, 1953, as amended, the City may not adopt an ordinance annexing the Area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.

15-8-7. EXPANSION AREA BOUNDARY MAP.

(A) The Expansion Area Boundary Map is included as Exhibit A.

(B) The following criteria were used as justification to exclude from the expansion Area Property considered by State definition to be Urban Development:

- (1) Topography and other physical constraints to efficient delivery of basic services.

(2) Overlapping utility providers with services already being provided by others.

(3) Level of existing services and standing of existing roads are below City standards and require expensive upgrades.

(4) Other high fiscal implications to the City.

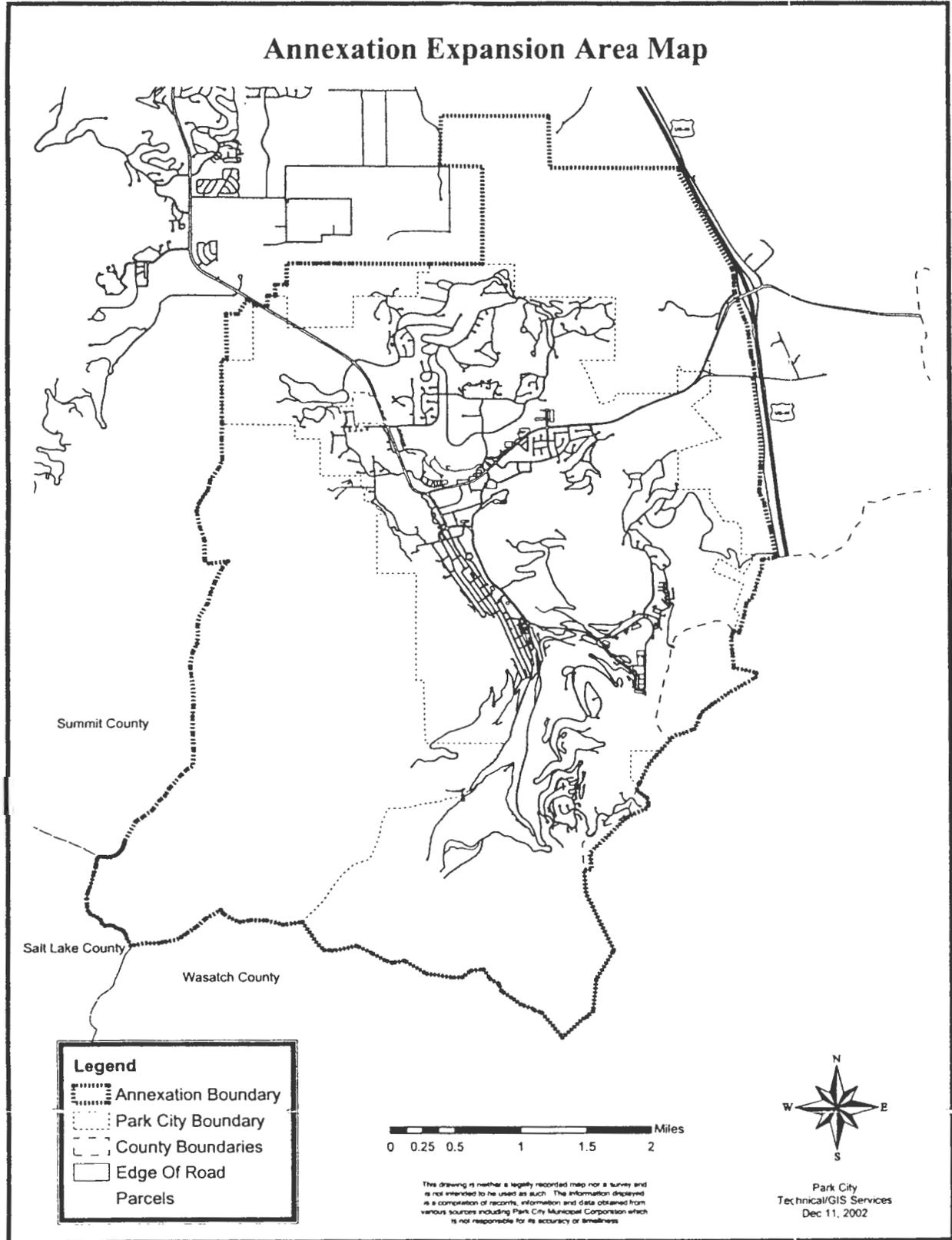
(5) Overlapping school districts, i.e. not in Park City School District.

(6) Overlapping taxing entities and location in Wasatch County.

15-8-8. STATEMENTS FROM "AFFECTED ENTITIES".

Statements from "Affected Entities" are included as Exhibit B.

Annexation Expansion Area Map





Department of Community Development and
Planning
60 North Main Coalville, UT 84017
(435) 336-3117 Fax (435) 336-3046
Michael Barille -Int. Comm. Development Dir.
mbarille@co.summit.ut.us

November 13, 2002

Rick Lewis
Park City Community Dev. Dir.
445 Marsac Ave.
Park City, UT 84068

Dear Mr. Lewis:

I would like to thank you and City Attorney, Mark Harrington for taking the time to inform me on the City's upcoming Annexation Policy Plan process. I understand the time constraints and requirements imposed by state statute. I would also commend the city for the proactive steps being taken to thoroughly investigate potential annexation issues and to involve the public in this process.

I would also like to forward a request for recognition of the other forward thinking and multi-jurisdictional planning efforts that are underway. I am speaking of the Quinn's Junction Area Study that both the City and Summit County have committed to pursuing together. You and I, in conjunction with the joint planning committee, have taken careful steps to build consensus for this project and develop a work program that includes strict provisions for public inclusion in a detailed planning process. It is my hope that the Park City Planning Commission and Council will find a way to formally recognize the Quinn's Junction Study in the Annexation Policy Plan. I would suggest that this could be done in the "Statement of specific criteria" section of the plan. Perhaps consistency with the findings of the completed Quinn's Junction Area Study could become one of the criteria on which future annexation proposals are evaluated. I hope that it will also be made clear that both the County and the City are legally prohibited from considering development proposals in the study area until the study is complete. Finally, if clear reasoning can be provided for an adjustment to the annexation expansion area through the Quinn's Junction Area Study process; I hope that the Park City Planning Staff, Commission and City Council will consider entertaining a process in the future to make the annexation expansion area boundary consistent with the findings of the Quinn's Junction Study. Thanks again for your communication and consideration regarding this important issue of mutual interest.

Very truly yours,

Michael Barille
Interim Director of Community Development



25 North Main Street, Heber City, Utah 84032 • (435) 654-3211
BOARD OF COUNTY COMMISSIONERS

Michael L. Kohler

T. LaRen Provost, Chairman

Ralph L. Duke

November 20, 2002

Chris Larson
Park City Planning Commission
P.O. Box 1480
Park City, Utah 84060

RE: Annexation Policy Plan

Dear Chairman Larson:

I attended the Park City Planning Commission meeting on November 13, 2002 where discussion of the proposed Annexation Policy Plan occurred. I applaud the Commission for moving forward with this important plan. Your Planning staff has been very helpful by providing me with the necessary information and documents to understand the plan.

After reviewing the plan and listening to the comments at your Planning Commission meeting, I want to provide the following comments:

- 1) Wasatch County supports the proposed plan, which includes the Annexation Expansion Area Map provided at the public meeting. This map identified that the future annexation for Park City will be maintained within the Summit County boundaries. I did not observe any potential annexation that would spill over to Wasatch County.
- 2) We are very concerned about Commissioner Jim Berth's comments to extend your Annexation Expansion boundary into Wasatch County to include the Bonanza Flats property. Wasatch County does not support this proposal!! Any proposed annexation of Bonanza Flats would impact access and development of other properties in the vicinity. We recommend that you do not include any suggestion to extend the Park City Boundary into Wasatch County.

Thank you for the opportunity to comment on your proposed Annexation Policy Plan. It is my hope that you will take our comments into consideration when you adopt the proposed plan.

Sincerely,

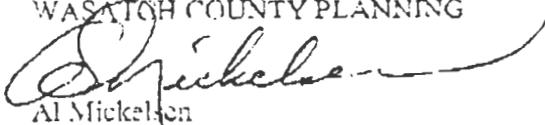
WASATCH COUNTY PLANNING

Al Mickelson
Planning Director

EXHIBIT B





P.O. Box 980127
Park City, UT 84098

December 11, 2002

Kirsten Whetstone, City Planner
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

RE: Park City Annexation Plan
Affected Entity Statement for Snyderville Basin Special Recreation District

Dear Kirsten:

This letter comes in response to the proposed Park City Annexation Expansion Area.

The Snyderville Basin Recreation District Board has reviewed the Annexation Expansion Area Study Map, and the Park City Land Management Code, Chapter 8. The District's attorney, Jerry Kinghorn, has advised the Board on the District's interests as they relate to Park City's Annexation Policy Plan, according to Utah Code Section 10-2-401.5.

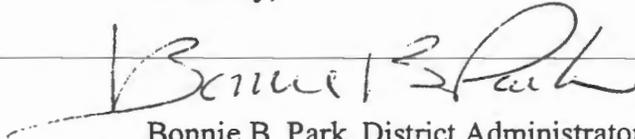
Please accept the following comments as the District's "affected entity" statement.

1. The District's rate for general obligation debt service cannot be changed. Properties within the proposed annexation area have been pledged to Recreation District property taxes to service the debt on bonds issued in 1996, 1997, and 2002. The property may also be subject to general obligation bond property tax levies associated with bonds authorized in November of 2001 for future bond issuance of up to \$4.5 million;
2. Annexed lands would not reduce the tax base for funding of Recreation District operations and maintenance because annexed lands would continue to be in the Recreation District after annexation by Park City.
3. Trails that currently exist, or that may be developed within the proposed annexation area, would continue to be the property of the District. The District generally holds trails in the form of perpetual easements although, on occasion, a license agreement is the form of conveyance.

4. Development impact fees currently paid to the Recreation District would continue to be paid to the District.

Thank you for the opportunity to review the plan. If you have questions about these comments, please contact me at the Recreation District office, 649-1564 x-11

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie B. Park", is written over a horizontal line. The signature is cursive and somewhat stylized.

Bonnie B. Park, District Administrator
Snyderville Basin Special Recreation District

Title 15, Chapter 9

Non-Conforming Uses and
Non-Conforming Structures

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.

15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the use in relation to other uses.

15-9-2. DETERMINATION OF NON-CONFORMING STATUS.

(A) **BURDEN ON OWNER TO ESTABLISH LEGALITY.** The Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.

(B) **DETERMINATION OF STATUS.** The Director of Community Development shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.

15-9-3. AUTHORITY TO CONTINUE.

(A) **CONTINUATION OF NON-CONFORMING USE.** A lawful Non-Conforming Use may continue subject to the standards and limitations of this Chapter.

(B) **CONTINUATION OF NON-COMPLYING STRUCTURE.** A Non-Complying Structure that was lawfully constructed with a permit prior to a contrary change in this Code, may be used and

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 9 - Non-Conforming Uses
 and Non-Conforming Structures 15-9-2

maintained, subject to the standards and limitations of this Chapter.

15-9-4. ABANDONMENT OR LOSS OF NON-CONFORMING USE.

(A) **ABANDONMENT OF NON-CONFORMING USE.** A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Any subsequent use of the Building, Structure, or land must conform with the regulations for the Zoning District in which it is located.

(B) **REBUTTABLE PRESUMPTION OF ABANDONMENT.** The presumption of abandonment may be rebutted upon a showing that during such period:

- (1) any period of discontinued use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the use; or
- (2) the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the use and the Owner has been maintaining the Building, Structure, or land in accordance with the Uniform Building Code; or
- (3) the Owner can demonstrate no abandonment of the use.

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

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

(A) **ENLARGEMENT.** A Non-Conforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site that it did not occupy on the date on which the use became non-conforming. A Non-Conforming Use may be extended through the same Building or Structure provided no structural alteration of the Building or Structure is proposed or made for the purpose of the extension and the parking demand is not increased.

(B) **EXTERIOR OR INTERIOR REMODELING OR IMPROVEMENTS TO BUILDING OR STRUCTURE.** Exterior or interior remodeling or improvements to a Structure containing a Non-Conforming Use shall be allowed provided there is no expansion of the area of the Non-Conforming Use.

(C) **RELOCATION OF BUILDING OR STRUCTURE.** A Building or Structure containing a Non-Conforming Use may not be moved unless the use shall thereafter conform to the regulations of the Zoning District into which the Building or Structure is moved.

(D) **CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OR A CONFORMING USE.** Except as provided in Section 15-9-5.(E) below, no Non-Conforming Use may be changed to another Non-Conforming Use. Whenever any Non-Conforming Use is changed to a conforming

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and Non-Conforming Structures 15-9-3

use, such use shall not later be changed to any Non-Conforming Use.

(E) **HISTORICALLY SIGNIFICANT BUILDINGS EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.** Subject to the criteria below, a Non-Conforming Use located within a Building or Structure designated as historically significant pursuant to LMC Section 4.13 may be changed to another Non-Conforming Use of a similar or less intensive land use type. A Non-Conforming Use which satisfies the criteria provided in Section 15-9-5(E)(4) herein shall be considered a similar or less intensive land use type.

(1) **APPLICATION.**

Application for any Non-Conforming Use must be made upon forms provided by the Community Development Department. Upon filing of a Complete Application, the City shall post the Property indicating that an application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

(2) **NOTIFICATION OF ABUTTING PROPERTY OWNERS.**

Notice shall be provided pursuant to the Notice Matrix in Chapter 1. (See Section 15-1.19)

(3) **BOARD OF ADJUSTMENT HEARING.**

Within thirty (30) working days of

the Community Development Department's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use application. The Board of Adjustment shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application. The Board of Adjustment's decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

(4) **CRITERIA.** The Board of Adjustment shall approve an application to change a Non-Conforming Use to another Non-Conforming Use if the Applicant proves the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to use;

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 and Non-Conforming Structures 15-9-4

(c) The new use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

(F) DAMAGE OR DESTRUCTION OF BUILDING OR STRUCTURE WITH NON-CONFORMING USE. If a Building or Structure that contains a Non-Conforming Use is destroyed fifty percent (50%) or more by fire or natural calamity, is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming use within a complying Structure. If a Building or Structure that contains a Non-Conforming Use is damaged less than fifty percent (50%) by fire or natural calamity, the Non-Conforming Use may be resumed and the Building or Structure may be restored to its original condition, provided such work is started within six months of such calamity, is completed within eighteen (18) months of work commencement, and the intensity of use is neither increased nor changed. The

extent of damage or destruction shall be the ratio of the estimated cost of restoring the Building or Structure to its condition before the damage or destruction to the estimated cost of duplicating the entire Building or Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials (I.C.B.O.).

15-9-6. NON-COMPLYING STRUCTURES.

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

(A) REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

(B) MOVING. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the Zone in which it will be located.

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

If a Non-Complying Structure is destroyed fifty percent (50%) or greater by fire or

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and Non-Conforming Structures 15-9-5

natural calamity, or is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the Zone in which it is located. If a Non-Complying Structure is damaged less than fifty percent (50%) by fire or natural calamity, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of use is not increased. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Structure to its condition before the damage or destruction to the estimated cost of duplication the entire Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials (I.C.B.O.).

15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

15-9-8. APPEALS.

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

Title 15, Chapter 10

Board of Adjustment



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

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

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

15-10-2. TERM OF OFFICE.

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each

year. 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) Variances from the terms of the Land Management Code.

(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 Community Development Department, as provided in Title 15, Chapter 9.

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 15-10-2

15-10-4. GROUND 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 against the member with the Mayor. The Mayor shall provide the member with a public hearing if the member requests one.

15-10-5. ORGANIZATION.

(A) **CHAIRMAN.** The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.

(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 Chairman and at such other times as the Board may determine.

(A) **WITNESSES.** The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall 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.

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 allege that there is an error in any order, requirement, decision or determination of the Land Management Code.

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15-10-3

The appeal must be made in writing and submitted to the Community Development 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. 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 only on the record made before the Historic District Commission or Planning Commission.

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 Community Development 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 of 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

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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.

15-10-9. 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 Community Development 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 district;
- (3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same district;
- (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.

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(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 district.

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

(F) Variances run with the land.

(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a building or other necessary permit within one (1) year of issuance of the

variance, or the variance shall be null and void.

(H) The Board of Adjustment and any other body may not grant use variances.

(I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

15-10-10. PERSONS ENTITLED TO APPEAR.

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the application.

15-10-11. DECISION.

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

15-10-12. VOTE NECESSARY.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any

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such administrative official, board, or commission, or to decide in favor of the Applicant.

15-10-13. JUDICIAL REVIEW OF BOARD DECISION.

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the Board of Adjustment's decision is filed with the City Recorder.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION

*Chapter adopted by Ord. No. 02-07;
 Chapter Amended in Entirety by Ord. No.
 03-34*

**CHAPTER 11 – HISTORIC
 PRESERVATION**

**15-11-1. ESTABLISHMENT OF
 BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of five (5) members.

**15-11-2. TERMS AND
 QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and

such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

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(2) A member living in the Historic District with demonstrated interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIRMAN.** The HPB shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by three (3) of the appointed members, including the Chairman.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chairman may vote at the meetings.

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complimentary, contemporary design and construction through the creation of comprehensive Historic District Design Guidelines, and upset as necessary;

(B) To protect and enhance the City's Historic appeal to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To provide input to City Council towards safeguarding the heritage of the City in protecting Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(E) To promote the private and public Use of Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

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(F) To make recommendations to the City Council on policies and ordinances that may encourage Historic preservation;

(G) To communicate and promote the benefits of Historic preservation for the education, prosperity, and general welfare of the people;

(H) To provide input to staff, Planning Commission, and City Council on matters concerning the overall Development of the City's Historic preservation program;

(I) To make recommendations to the City Council on the Development of, and to administer, all City-sponsored preservation incentive programs;

(J) To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines; and

(K) To review and take action on all determination of Historic preservation Applications submitted to the City.

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for

purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(E) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of Historic preservation.

(F) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

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15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

- (A) Utah Heritage Foundation.
- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community Significance is required based on the level of Significance. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.

The HPB shall promulgate and update as necessary Historic District Design Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be used by the Planning Department staff in reviewing Historic District design review Applications. The Historic District Design Guidelines shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HPB may recommend changes in the Historic District Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

15-11-11. HISTORIC DISTRICT DESIGN REVIEW.

(A) The Planning Department shall review and approve or deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

- (1) The Owner and/or Applicant for any Property shall be required to submit an Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

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(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the

proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.

The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City, which

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substantially comply with the standards of review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.

The Planning Department shall maintain a list of Significant Properties. Any Owner of a Building, Structure or Site may apply for a hearing before the HPB to ascertain Significance of said Property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for a determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical Significance, or insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

(1) The Building, Structure or Site is associated with events or lives of Persons significant to our past; and/or

(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.

(B) **NOTICE.** Prior to taking action on any determination of historical Significance Application, the Planning staff shall provide public notice pursuant to Section 15-1-20 of this Code.

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(C) **DECISION**. If the IIPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(D) **APPEAL**. The Applicant or any party participating in the hearing may appeal the HPB decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-13. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that Structural deterioration,

economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition or removal of a Historic Building, Structure or Site.

All Applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section 15-11-13(A) herein, and forwarded with a recommendation for action to the HPB.

(A) **DETERMINATION OF INSIGNIFICANCE**. If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed is insignificant, the Planning staff may sign-off on the issuance of a Demolition permit.

(B) **DETERMINATION OF SIGNIFICANCE**. If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed does possess Significance, the Applicant shall be required to submit a CAD Application pursuant to Sections 15-11-15 through 15-11-17, as appropriate.

(C) **REMOVAL OR REPAIR OF HAZARDOUS BUILDINGS**. If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 115.1 of the International Building Code, the Chief Building Official may order its removal or repair.

(D) **REQUIREMENT FOR STAY OF DEMOLITION**. In the absence of a finding either of insignificance or of public

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hazard, the Application for Demolition or removal shall be stayed for 180 days.

15-11-14. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant, pursuant to the standards of review set forth in Section 15-11-13(A) herein, may be Demolished or removed without the issuance of a Certificate of Appropriateness (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

15-11-15. PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3'X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the

City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;

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(2) A member appointed at large from Park City who is an attorney at law; and

(3) A member appointed from the Board of Adjustment.

15-11-16. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application, pursuant to the economic hardship criteria set forth in Section 15-11-17(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition or removal of a Significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA**. In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

(1) Purchase date, price and financing arrangements;

(2) Current market value;

(3) Form of ownership;

(4) Type of occupancy;

(5) Cost estimates of Demolition and post-Demolition plans;

(6) Maintenance and operating costs;

(7) Costs and engineering feasibility of rehabilitation;

(8) Property tax information; and

(9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED**. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

(1) Willful or negligent acts by the Owner; or

(2) Purchasing the Property for substantially more than market value at the time of purchase; or

(3) Failure to perform normal maintenance and repairs; or

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(4) Failure to diligently solicit and retain tenants; or

(5) Failure to provide normal tenants improvements.

(D) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to

Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorialization of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL.** The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the

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District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.



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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

15-12-1. PLANNING COMMISSION CREATED.

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council.

15-12-2. TERMS AND ELIGIBILITY OF MEMBERS.

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Monday in February. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

15-12-3. GROUNDS FOR REMOVAL.

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

15-12-4. COMMUNITY REPRESENTATION.

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

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9 of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

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15-12-6. CHAIRMAN.

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one (1) year, but may be re-elected for one (1) succeeding consecutive term. A Person may not serve more than two (2) consecutive terms as Chairman of the Planning Commission. The Chairman may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

15-12-7. STAFF.

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

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Community Development Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-19.

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4 (Open and Public Meetings) of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (D) The names of all citizens who appeared and the substance in brief of their testimony; and
- (E) Any other information that any member requests be entered in the minutes.

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

15-12-12. DECISIONS.

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

15-12-13. QUORUM REQUIREMENT.

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

15-12-14. VOTING.

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chairman Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chairman Pro Tem. Voting to remove an item of business from the consent agenda shall require an affirmative vote of two-thirds of the members present to pass. Other votes shall be a simple majority.

15-12-15. REVIEW BY PLANNING COMMISSION.

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

- (1) City General Plan review and recommendation to City Council;
- (2) Annexation review with recommendation to City Council;
- (3) Land Management Code and zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;
- (8) Review of appeals of Community Development Department decisions;
- (9) Subdivision and record of survey plat and plat amendment review with recommendation to City Council;
- (10) Termination of inactive applications; and

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(11) Sensitive Lands review

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City's General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND ZONING REVIEW.** The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Community Development Department and the Planning Commission as outlined in Section 15-6-4.

(6) **RATIFICATION OF CONDITIONAL USE PERMITS.** The Planning Commission has the authority to review and ratify or overturn all actions of the Community Development Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include

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in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

(7) **CONSENT AGENDA ITEMS.** The following items may be placed on the consent agenda, unless a public hearing is otherwise required:

- (a) Conditional Use permits;
- (b) Plat approvals;
- (c) Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.
- (d) Other items of a perfunctory nature which the Chairman directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from

the consent agenda shall be passed by a vote of two-thirds of the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Developer requests the item be tabled in order to prepare additional information to respond to the Commission's concerns.

(8) **REVIEW OF APPEALS OF COMMUNITY DEVELOPMENT DEPARTMENT DECISIONS.** At any time, the Owner, Applicant, or any non-Owner with standing as defined in Section 15-1-17(D) of this Code may request that Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the Staff level.

(9) **SUBDIVISION AND RECORD OF SURVEY PLAT AND PLAT AMENDMENT REVIEW.** The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

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Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

(10) **TERMINATION OF INACTIVE APPLICATIONS.** See Termination of Projects, Section 15-1-13.

(11) **SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

Title 15, Chapter 13
Not Currently in Use

Title 15, Chapter 14
Planing and Zoning Administration

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND
ENFORCEMENT

Chapter adopted by Ordinance No. 02-07

**CHAPTER 14 - ZONING
ADMINISTRATION AND
ENFORCEMENT.**

**15-14-1. ADMINISTRATION AND
ENFORCEMENT.**

The provisions of this Ordinance shall be administered by the Community Development Department under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Community Development Director shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land Use related ordinances or regulations. The Community Development Director, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a Development is in substantial compliance with this Code, or other enforcement actions taken. The failure of any Person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action. Permits issued in violation of this ordinance shall have no force or effect and Persons

knowingly or negligently Building under improperly issued permits do so at their own risk.

15-14-2. OCCUPANCY PERMIT.

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

15-14-3. INSPECTION.

The City, through its designated officials, shall, upon presentation of evidence of his authority, have the right of Access to any premises at any reasonable hour for the purpose of inspecting all Buildings and Structures during the course of their construction, modification, or repair, and to

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inspect land Uses to determine compliance with the provisions of this Code.

15-14-4. TIME LIMIT.

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

15-14-5. PENALTIES/ ENFORCEMENT.

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

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

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land Uses and affirmative injunctions. The Building Official, Planning Department and other designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be

commenced without the specific authorization of the Council.

(C) **THIRD PARTY ACTIONS.**

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

15-14-6. VIOLATIONS.

Violations of this Code are Class "B" misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the Owner of the Property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

Title 15, Chapter 15

Defined Terms



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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”.

15-15-1.1. **Access.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

15-15-1.2. **Accessory Apartment.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to an existing detached Single-Family Dwelling or detached garage.

15-15-1.3. **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;
- (B) is operated and maintained for the benefit of the principal Use;
- (C) is not a Dwelling Unit; and
- (D) not including Structures that do not require a Building Permit, such as sheds, less than 160 square feet.

15-15-1.4. **Accessory Use.** A land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.

15-15-1.5. **Active Building Permit.** Any Building Permit that has not expired.

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15-15-1.6. **Administrative Permit.** A permit issued by the Community Development Department as specified Use upon proof of compliance with certain criteria.

15-15-1.7. **Affordable Housing.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

15-15-1.8. **Agent.** The Person with written authorization to represent an Owner.

15-15-1.9. **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 fruit packing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

15-15-1.10. **Allowed Use.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

15-15-1.11. **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.

15-15-1.12. **Antenna.** A transmitting or receiving device used in telecommunications that radiates or captures radio, television, or similar communication signals.

15-15-1.13. **Apartment.** A Dwelling Unit within a Multi-Unit Dwelling with

exclusive living, cooking, sleeping and bathroom Areas.

15-15-1.14. **Applicant.** The Owner of the Property that is the subject of the Application, or the Owner's Agent.

15-15-1.15. **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.

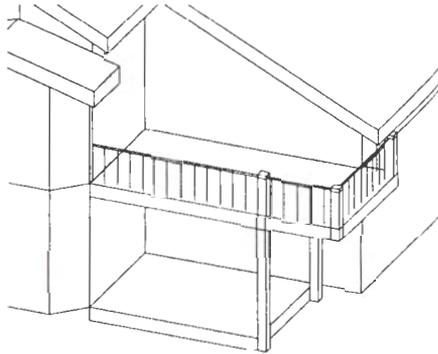
(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

15-15-1.16. **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.

15-15-1.17. **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.

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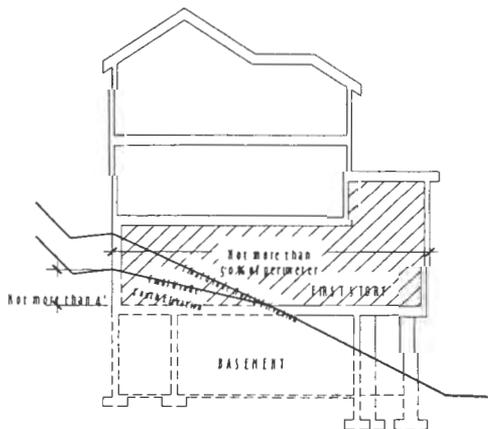
15-15-1.18. **Balcony.** A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. See following illustration:



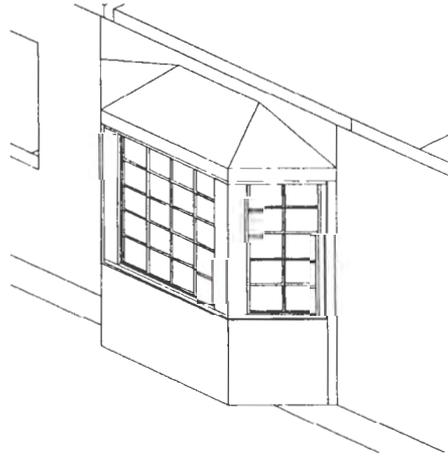
15-15-1.19. **Bakery.** A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

15-15-1.20. **Bar.** A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

15-15-1.21. **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 Section 15-15-1.89 First Story.



15-15-1.22. **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.



15-15-1.23. **Bed and Breakfast Inn.** A Business, located in a dwelling, in which two (2) or more 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.

15-15-1.24. **Bedroom.** A separate room designed for or used as a sleeping room.

15-15-1.25. **Billboard.** A separate room designed for or used as a sleeping room.

15-15-1.26. **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.

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15-15-1.27. **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.

15-15-1.28. **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 Kitchen facilities or meals for boarders not related to the head of the household.

15-15-1.29. **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.

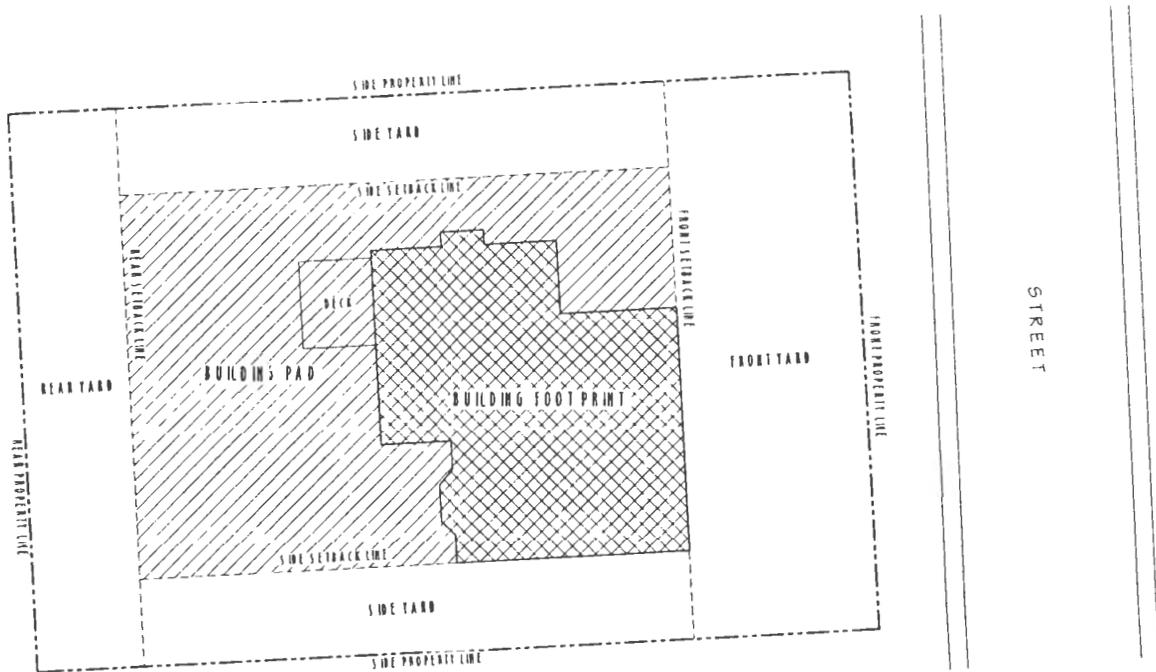
15-15-1.30. **Building Envelope.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

15-15-1.31. **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 stairs, patios, and decks.

15-15-1.32. **Building Pad.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also refer to Section 15-15-1.127 Limits of Disturbance.

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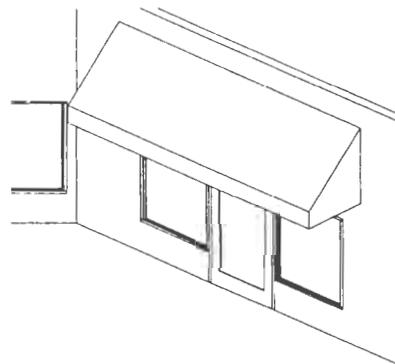
15-15-1.33. **Building Permit.** A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

15-15-1.34. **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.

15-15-1.35. **Café.** A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-

premises but does not have Uniform Building Code (UBC) Commercial Kitchen facilities.

15-15-1.36. **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.



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15-15-1.37. **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.

15-15-1.38. **Certificate of Appropriateness.** A certificate issued by the Building Department in cases of immediate public hazard, the Community Development Department in cases of architectural insignificance, or the Historic District Commission in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or Building having architectural Significance.

15-15-1.39. **Certificate of Economic Hardship.** A certificate issued by the Historic District Commission 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.

15-15-1.40. **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.

15-15-1.41. **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, reciprocative 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 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.

15-15-1.42. **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.

15-15-1.43. **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 Section 15-15-1.204, Site Distance Triangle.

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15-15-7

15-15-1.44. **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.

15-15-1.45. **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.

15-15-1.46. **Code.** The Land Management Code (LMC).

15-15-1.47. **Collector Road.** A road intended to move traffic from local roads to major thoroughways. A Collector Road generally serves a neighborhood or a large Subdivision.

15-15-1.48. **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.

15-15-1.49. **Common Area.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment of the residents.

15-15-1.50. **Common Ownership.** Ownership of the same Property by different Persons.

15-15-1.51. **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.

15-15-1.52. **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.

15-15-1.53. **Condominium.** Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium Ownership Act.

15-15-1.54. **Conservation Activity.** A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 15- Definitions

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15-15-1.55. **Constitutional Taking.** Final Actions(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.

15-15-1.56. **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.

15-15-1.57. **Construction Mitigation Plan.** A written description of the method by which an Owner will ameliorate the adverse impacts of Construction Activity.

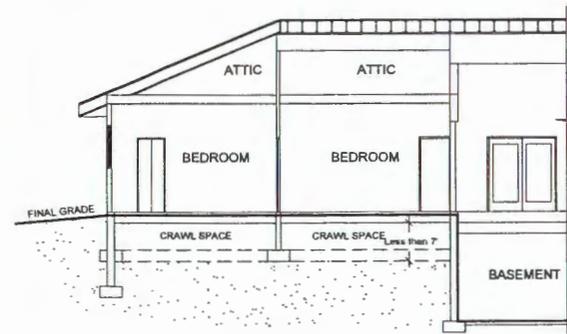
15-15-1.58. **Construction Plan.** The map and drawings showing the specific location and design of the Development.

15-15-1.59. **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 District Commission.

15-15-1.60. **Council.** Members of the City Council of Park City.

15-15-1.61. **Cover, Site.** The Area covered by an impervious surface such as a Structure, deck, pool, patio, walk, or driveway.

15-15-1.62. **Crawl Space.** An 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.



15-15-1.63. **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.

15-15-1.64. **Cul-de-sac.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

15-15-1.65. **Deli or Delicatessen.** A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have Uniform Building Code Commercial Kitchen facilities.

15-15-1.66. **Demolish or Demolition.** Any act or process that destroys in part or in whole a Landmark or Structure.

15-15-1.67. **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

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Dwelling Units and/or non-residential units and the land Area.

15-15-1.68. **Design Guideline.** A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

15-15-1.69. **Developable Land.** That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

15-15-1.70. **Developer.** The Applicant for any Development.

15-15-1.71. **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.

15-15-1.72. **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.

15-15-1.73. **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.

15-15-1.74. **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.

15-15-1.75. **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.

15-15-1.76. **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.

15-15-1.77. **Economic Hardship, Substantial.** Denial of all reasonable economic Use of the Property.

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15-15-1.78. **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 problems cannot function normally on an independent basis. The term does not include a health care facility.

15-15-1.79. **Elevator Penthouse.** The minimum Structure required to enclose the top most mechanical workings of an elevator.

15-15-1.80. **Escrow.** A deposit of cash with the City or approved alternate in lieu of cash held to ensure a performance or a maintenance guarantee.

15-15-1.81. **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.

15-15-1.82. **Facade.**

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

15-15-1.83. **Facade Easement.** A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

15-15-1.84. **Facade Shift.** A change or break in the horizontal or vertical plane of the exterior of a Building.

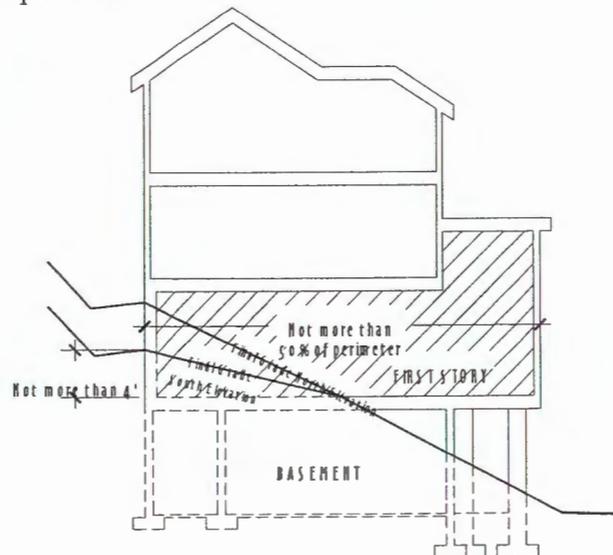
15-15-1.85. **Fence.** A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

15-15-1.86. **Filtered Light Fixture.** Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

15-15-1.87. **Final Action.** The later of the final vote or written decision on a matter.

15-15-1.88. **Final Plat.** A recordable Subdivision or Condominium map.

15-15-1.89. **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.



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15-15-1.90. **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.

15-15-1.91. **Floor Area.**

(A) **Floor Area, Gross.** The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement Areas below Final Grade are not considered Floor Area.

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

15-15-1.92. **Floor Area Ratio (FAR).** The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

15-15-1.93. **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.

15-15-1.94. **Frontage.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

15-15-1.95. **Fully Shielded.** See Section 15-15-1.135(C) Luminaire, Shielded Fully.

15-15-1.96. **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.

¹400 sq. ft. in Historic Districts

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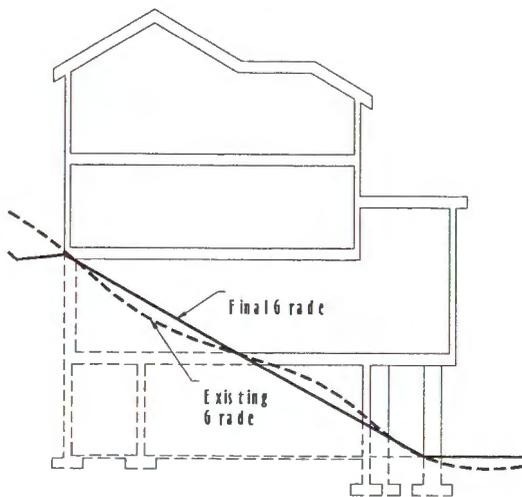
(D) **Garage, Public.** A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

15-15-1.97. **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.

15-15-1.98. **Governing Body.** The City Council of Park City.

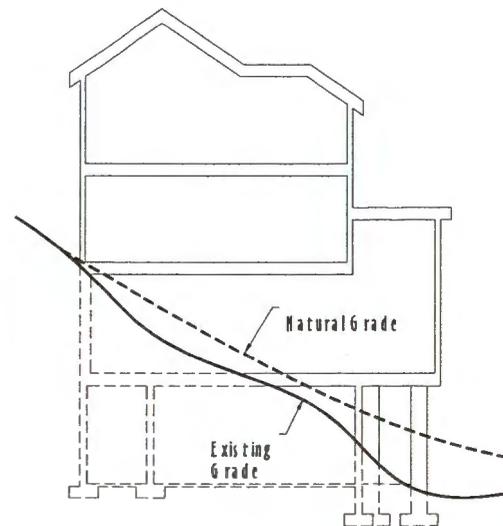
15-15-1.99. **Grade.** The ground surface elevation of a Site or Parcel of land.

(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 Community Development 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 Building after completion of the proposed Development Activity.

15-15-1.100. **Grading.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

15-15-1.101. **Group Care Facility.** A Building or Structure where care, protection, supervision, and limited medical care are

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provided on a regular schedule for up to ten (10) children or adults, including caretakers. May include multiple overnight stays.

15-15-1.102. **Grubbing.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

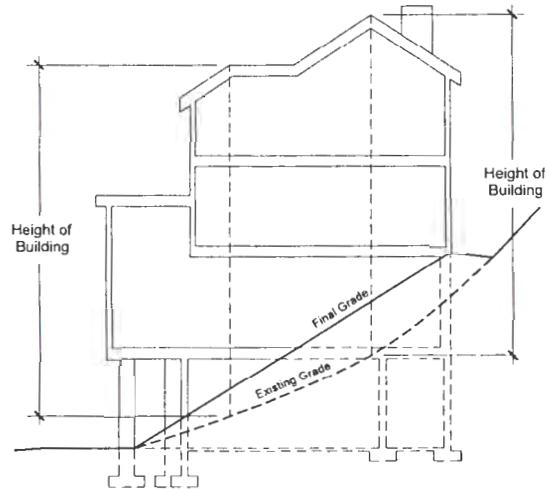
15-15-1.103. **Guarantee.** Any form of security including cash, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City.

15-15-1.104. **Guest House.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents.

15-15-1.105. **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.

15-15-1.106. **Hard-Surfaced.** Covered with concrete, brick, asphalt, or other impervious surface.

15-15-1.107. **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.



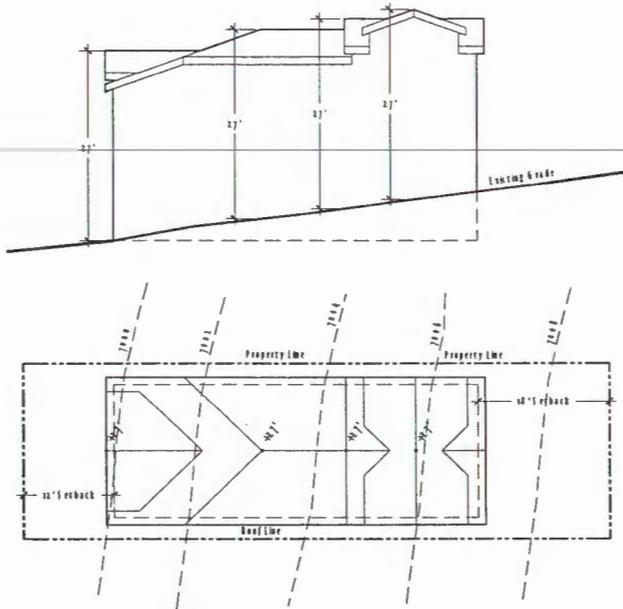
15-15-1.108. **Historic.** That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

15-15-1.109. **Historic Building, Structure, Site or Object.** Any Building, Structure, Site and/or object, as designated by the Historic District Commission to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

15-15-1.110. **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.

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Historic District Building Height

15-15-1.111. **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.

15-15-1.112. **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.

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

15-15-1.113. **Hotel/Motel.** A Building containing sleeping rooms for the occupancy

of guests for compensation on a nightly basis and accessory facilities such as a lobby, meeting rooms, recreation facilities, and group dining facilities. These terms do not include Lockout Units or Bed and Breakfast Inns.

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

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

15-15-1.114. **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.

15-15-1.115. **Hotel Suite.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette.

See Sections 15-15-1.23. **Bed and Breakfast Inn**, 15-15-1.128. **Lockout Unit**, and 15-15-1.28. **Boarding House**.

15-15-1.116. **Impact Analysis.** A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

15-15-1.117. **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

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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.

15-15-1.118. **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.

15-15-1.119. **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.

15-15-1.120. **Kitchen.** An enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

(A) **Kitchen, UBC Commercial.** A Kitchen that is required by the Uniform Building Code (UBC), 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.

15-15-1.121. **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.

15-15-1.122. **Landmark.** A Property, Building, or Structure designated as a "Landmark" by the Historic District Commission (HDC) 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.

15-15-1.123. **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.

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15-15-1.124. **Liftway.** The necessary Right-of-Way, both surface and air space, for the operation of any tram or ski lift.

15-15-1.125. **Liftway Setback.** The minimum allowable distance between the side line of the Liftway and any Structure.

15-15-1.126. **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.

15-15-1.127. **Limits of Disturbance.** The designated Area in which all Construction Activity must be contained.

15-15-1.128. **Lockout Unit.** An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

15-15-1.129. **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°).

15-15-1.130. **Lot Depth.** The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

15-15-1.131. **Lot Line.** Any line defining the boundaries of a Lot.

(A) **Lot Line, Front.** The Property Line dividing a Lot or Parcel from the Right-of-Way of the Street from which Structure takes Access.

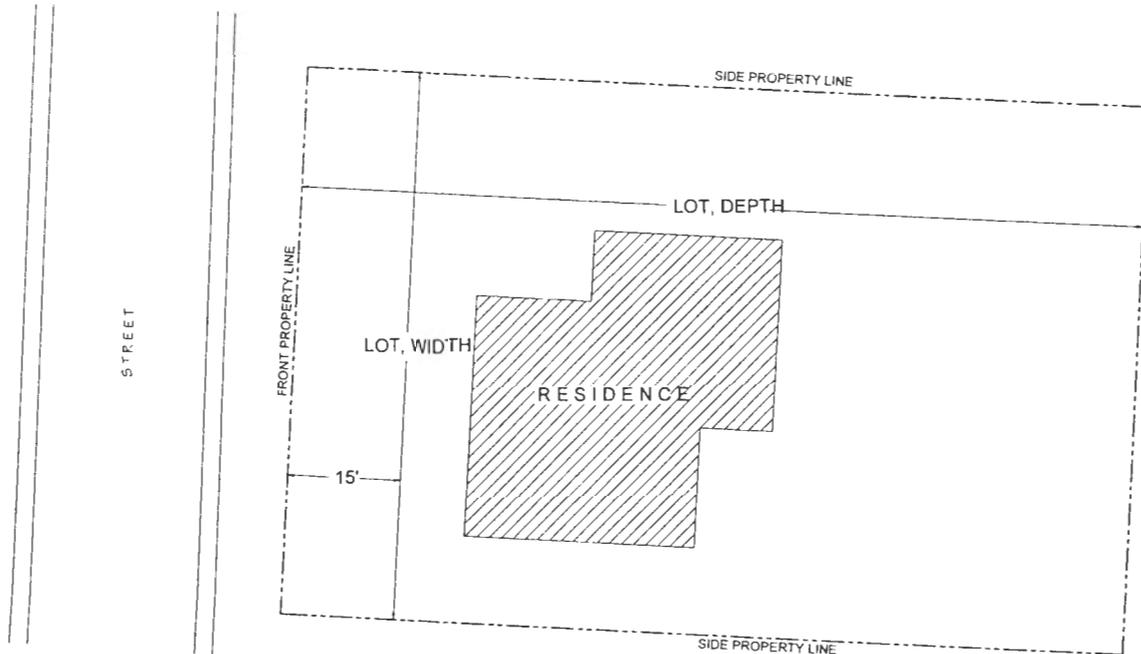
(B) **Lot Line, Rear.** The Property Line directly opposite the Front Lot Line.

(C) **Lot Line, Side.** Any Lot or Parcel line other than a Front or Rear Lot Line.

15-15-1.132. **Lot Line Adjustment.** The relocation of the Property Line between two (2) adjoining Lots.

15-15-1.133. **Lot Width.** The minimum distance between the Side Lot Lines at the Front Yard or Front Building Facade. See the following illustration:

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15-15-1.134. **Lumen.** A measurement of light output or the amount of light emitting from a Luminaire.

15-15-1.135. **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, Shielded, Partially.** 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.

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

15-15-1.136. **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.

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15-15-1.137. **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”.

15-15-1.138. **Model Home.** A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

15-15-1.139. **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.

15-15-1.140. **Nightly Rental.** The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

15-15-1.141. **Non-Complying Structure.** A Structure that:

- (A) legally existed before its current zoning designation; and
- (B) because of subsequent zoning changes, does not conform with the zoning regulation’s Setback, Height restrictions, or other regulations that govern the Structure.

15-15-1.142. **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 with the zoning regulations that now govern the land.

15-15-1.143. **Nursery, Greenhouse.** A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

15-15-1.144. **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 Section 15-15-1.101 **Group Care Facility.**

15-15-1.145. **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.

15-15-1.146. **Off-Street.** Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

15-15-1.147. **Office.**

- (A) **Office, General.** A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately

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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, 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.

(D) **Offices, Medical.** A Business wherein services are performed for the diagnosis and treatment of human patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office does not include an overnight care facility.

15-15-1.148. **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.

15-15-1.149. **Official Zoning Map.** 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.

15-15-1.150. **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.

15-15-1.151. **Open Space.**

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, 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,

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Cluster Plan or other Development plan from which Density is permanently transferred. This Area may be either Natural or Landscaped Open Space.

15-15-1.152. **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.

15-15-1.153. **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.

15-15-1.154. **Outdoor Use**. 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.

15-15-1.155. **Owner**. Any Person, or group of Persons, having record title to the Property sought to be developed or subdivided, and the Owner's Agent.

15-15-1.156. **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.

15-15-1.157. **Parking**.

(A) **Parking Lot, Commercial**. A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

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

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

(D) **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.

15-15-1.158. **Parking Area**. An unenclosed Area or Lot other than a Street used or designed for parking.

15-15-1.159. **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.

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15-15-1.160. **Parking Structure.** A fully enclosed Structure designed and intended for parking.

15-15-1.161. **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.

15-15-1.162. **Person.** An individual, corporation, partnership, or incorporated association of individuals such as a club.

15-15-1.163. **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.

15-15-1.164. **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.

15-15-1.165. **Preliminary Plat.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

15-15-1.166. **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.

15-15-1.167. **Private Club.** See 15-15-1.44, Club, Private.

15-15-1.168. **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.

15-15-1.169. **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.

15-15-1.170. **Property Owner.** See 15-15-1.155, Owner.

15-15-1.171. **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.

15-15-1.172. **Public Use.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

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15-15-1.173. **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.

15-15-1.174. **Quasi-Public Use.** A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

15-15-1.175. **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.

15-15-1.176. **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.

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

15-15-1.177. **Refractive Light Source.** A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

15-15-1.178. **Regulated Use.** A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

15-15-1.179. **Residential Use.** 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.

15-15-1.180. **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.

15-15-1.181. **Restaurant.** A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through.** A Restaurant 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.

15-15-1.182. **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.

15-15-1.183. **Retail and Service.**

(A) **Retail and Service, Commercial-Auto Related.** An

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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 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.

15-15-1.184. **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.

15-15-1.185. **Riding Stable, Commercial.** A Structure and/or Site for horses, ponies, and/or mules, that is rented or used for compensation.

15-15-1.186. **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.

15-15-1.187. **Road.**

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

15-15-1.188. **Road Classification.** The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

15-15-1.189. **Road Right-of-Way Width.** The distance between Property Lines measured at right angles to the center line of the Street.

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15-15-1.190. **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. Olympic Legacy Displays are specifically limited to Olympic way-finding towers, flagpoles, banner poles, and banners.

15-15-1.191. **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.

15-15-1.192. **SBWRD.** Snyderville Basin Water Reclamation District.

15-15-1.193. **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.

15-15-1.194. **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.

15-15-1.195. **Sensitive Land.** Land designated as such by the Sensitive Lands Ordinance and as reflected on the Official Zoning Map.

15-15-1.196. **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.

15-15-1.197. **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.

15-15-1.198. **Setback.** The required minimum distance between a Building Pad and the closest of the following:

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

15-15-1.199. **Sexually Oriented Businesses.** Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

15-15-1.200. **Significance.** The value placed on a Building relating to its architectural or Historical importance.

15-15-1.201. **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.

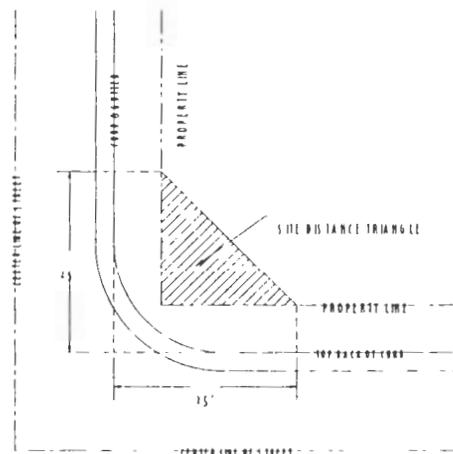
15-15-1.202. **Significant Vegetation.** Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

15-15-1.203. **Single Family Subdivision.** A Development consisting of primarily, although not exclusively, Single Family Dwellings.

15-15-1.204. **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.

15-15-1.205. **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.



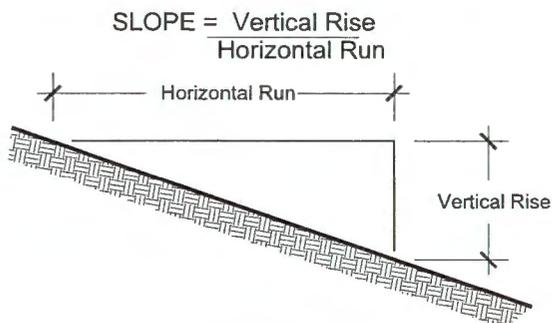
15-15-1.206. **Site Suitability Analysis.** A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

15-15-1.207. **Sketch Plat.** A Sketch 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.

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15-15-1.208. **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%).

15-15-1.209. **Spacing.** Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

15-15-1.210. **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.

15-15-1.211. **Stream Corridor.** The Corridor defined by the Stream's Ordinary High Water Mark.

15-15-1.212. **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.

15-15-1.213. **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.

15-15-1.214. **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".

15-15-1.215. **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 Floor Area of not more than one thousand square feet (1,000 sq. ft.).

15-15-1.216. **Subdivision.** Any land, vacant or improved, which is divided or proposed to be divided into two (2) 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

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Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

(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.

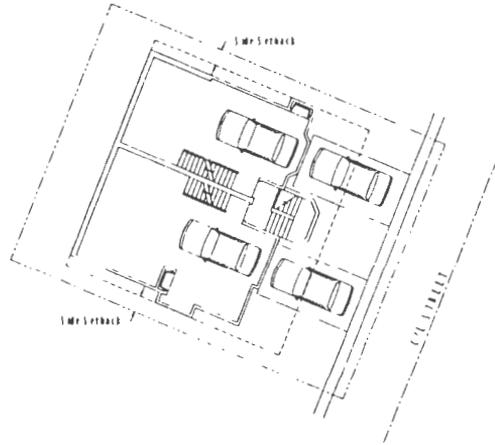
(B) **Subdivision, Minor.** Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the Parcel or adjoining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

15-15-1.217. **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.

15-15-1.218. **Suitability Determination.** A determination by the Community Development Director whether Development at increased Densities due to a Density transfer from a Sensitive Area is Compatible with Development on surrounding or adjacent Property.

15-15-1.219. **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.



15-15-1.220. **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.

15-15-1.221. **Timeshare Conversion.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

15-15-1.222. **Timeshare Estate.** An ownership or leasehold estate in Property devoted to a timeshare fee, including without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership, created by a Timeshare Instrument and the documents by which it is granted.

15-15-1.223. **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

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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.

15-15-1.224. **Timeshare Interval.** A Timeshare Estate or a Timeshare Use.

15-15-1.225. **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.

15-15-1.226. **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.

15-15-1.227. **Timeshare Off-Premises Sales Office.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

15-15-1.228. **Timeshare On-Site Sales Activity.** Timeshare sales activity occurring within a Timeshare Project.

15-15-1.229. **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.

15-15-1.230. **Timeshare Project.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

15-15-1.231. **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.

15-15-1.232. **Timeshare Unit.** That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser.

15-15-1.233. **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, club membership, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the

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documents by which the right of exclusive occupancy is transferred.

15-15-1.234. **Transferred Development Right (TDR) Open Space.** See Section 15-15-1.151(C) Open Space, TDR.

15-15-1.235. **Transportation Services.** A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

15-15-1.236. **UDOT.** Utah State Department of Transportation, an agency that maintains and regulates State Highways.

15-15-1.237. **Uniformity Ratio.** The ratio between the average and minimum light distribution or illuminance across a given Area.

15-15-1.238. **Unit Equivalent.** The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

15-15-1.239. **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.

15-15-1.240. **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:

1. Osguthorpe Barn;
2. Treasure Mountain Middle School;
3. Intersection of Main Street and Heber Avenue;
4. Park City Ski Area Base;
5. Snow Park Lodge;
6. Park City Golf Course Clubhouse;
7. Park Meadows Golf Course Clubhouse;
8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40; and
9. Highway 224, one-half mile south of the intersection with Kilby Road.

15-15-1.241. **Vehicle Control Gate.** Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

15-15-1.242. **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.

15-15-1.243. **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.

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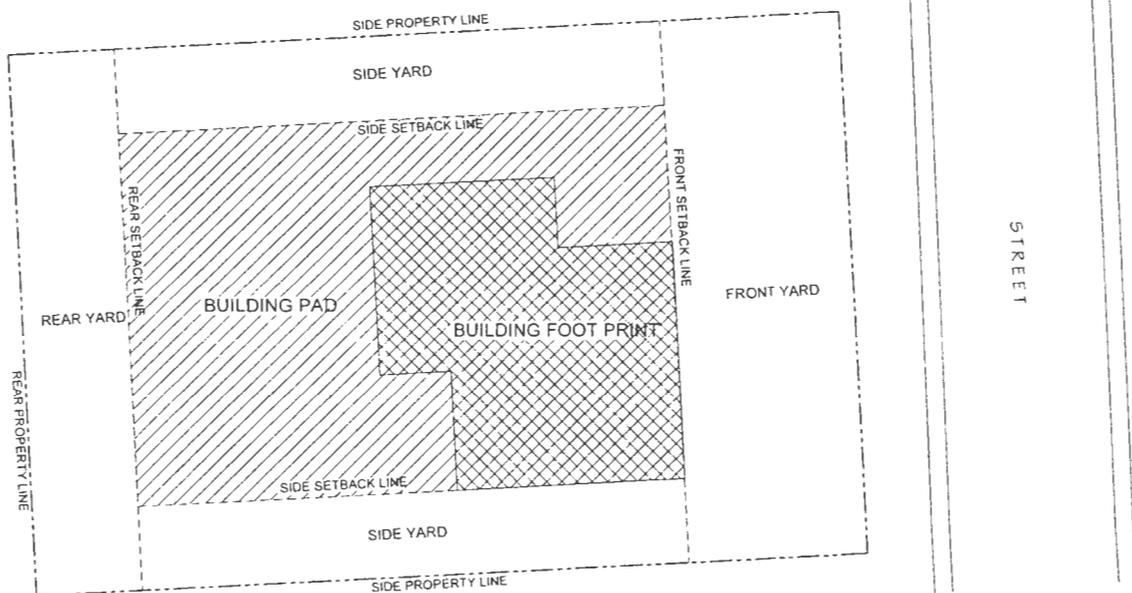
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15-15-1.244. **Yard.**

(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 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:



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15-15-1.245. **Zone Height.** The base Building height permitted in the Zoning District prior to Application of any allowable height exceptions.

15-15-1.246. **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.

15-15-1.247. **Zoning Map, Official.** The map adopted by the City Council depicting the geographic scope of the City's land Use designations.

(Amended by Ord. No. 02-07; Ord. No. 02-38)

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
- Antenna
- Apartment
- Applicant
- Application
- Application, Complete
- Architectural Detail
- Area or Site

-B-

- Balcony
- Bakery
- Bar
- 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
- Clearview of Intersecting Streets
- Club, Private
- Cluster Development
- Code
- Collector Road

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15-15-32

Commercial Use
 Commercial Use, Support
 Commercial Use, Resort Support
 Common Area
 Common Ownership
 Compatible or Compatibility
 Conditional Use
 Condominium
 Conservation Activity
 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
 Developable Land
 Developer
 Development
 Development Agreement
 Development Approval Application
 Disabled Care
 Dwelling, Duplex
 Dwelling, Triplex
 Dwelling, Multi-Unit
 Dwelling, Single Family
 Dwelling Unit

-E-

Economic Hardship, Substantial
 Elder Care
 Elevator Penthouse

Escrow
 Exterior Architectural Appearance

-F-

Facade, Building
 Facade Easement
 Facade Shift
 Fence
 Filtered Light Fixture
 Final Action
 Final Plat
 First Story
 Flood Plain Area
 Floor Area, Gross
 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
 Governing Body
 Grade
 Grade, Existing
 Grade, Natural
 Grade, Final
 Grading
 Group Care Facility
 Grubbing
 Guarantee
 Guest House

-H-

Habitable Space (Room)

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 15- Definitions

15-15-33

Hard-Surfaced
 Height, Building
 Historic
 Historic Building, Structure, Site or Object
 Historic District
 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, UBC Commercial
 Kitchenette

-L-

Landmark
 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, Front
 Lot Line, Rear

Lot Line, Side
 Lot Line Adjustment
 Lot Width
 Lumen
 Luminaire
 Luminaire, Cutoff Type
 Luminaire, Partially Shielded
 Luminaire, Fully Shielded

-M-

Master Planned Development (MPD)
 Maximum Extent Feasible
 Model Home

-N-

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

-O-

Off-Site
 Off-Street
 Office, General
 Office, Intensive
 Office, Moderately Intensive
 Offices Medical
 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
 Owner

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-P-

Parcel
 Parking, Public
 Parking, Residential
 Parking, Shared
 Parking Area
 Parking Lot, Commercial
 Parking Space
 Parking Structure
 Passenger Tramway
 Person
 Planned Unit Development (PUD)
 Porous Paving
 Preliminary Plat
 Preservation Easement
 Private Club
 Property
 Property Line
 Property Line, Front
 Property Owner (see Owner)
 Public Improvement
 Public Use

-Q-
 Qualified Professional
 Quasi-Public Use

-R-
 Recreation Equipment, Outdoor
 Recreation Facilities, Commercial
 Recreation Facilities, Private
 Recreation Facilities, Public
 Refractive Light Source
 Regulated Use
 Residential Use
 Resort Support Commercial
 Restaurant
 Restaurant, Drive-Through
 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
 Sensitive Land
 Sensitive Land Analysis
 Sensitive or Specially Valued Species
 Setback
 Sexually Oriented Businesses
 Significance
 Significant Ridge Line Area
 Significant Vegetation
 Single Family Subdivision
 Site Development Standards
 Site Distance Triangle
 Site Suitability Analysis
 Sketch Plat
 Slope
 Slope, Steep
 Slope, Very Steep
 Spacing
 Stream
 Stream Corridor
 Street
 Street, Public
 Streetscape
 Structure
 Studio Apartment
 Subdivision

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Subdivision, Major
 Subdivision, Minor
 Subdivision Plat
 Substantial Economic Hardship (see
 Economic Hardship, Substantial)
 Suitability Determination

-T-

Tandem Parking
 Telecommunications
 Telecommunications Facility
 Telecommunications Facility, Stealth
 Telecommunications Facility Co-Location
 Telecommunications Facility Equipment
 Shelter
 Telecommunications Facility Technical
 Necessity
 Temporary Improvement
 Timeshare Conversion
 Timeshare Estate
 Timeshare Instrument
 Timeshare Interval
 Timeshare Off-Premises Contacting Activity
 Timeshare Off-Premises Sales Activity
 Timeshare Off-Premises Sales Office
 Timeshare On-Site Sales Activity
 Timeshare On-Site Sales Office
 Timeshare Project
 Timeshare Sales Presentation
 Timeshare Unit
 Timeshare Use
 Transferred Development Right (TDR)
 Open Space
 Transportation Services

-U-

UDOT
 Uniformity Ratio
 Unit Equivalent
 Use
 Use, Intensity of

-V-

Vantage Points
 Vehicle Control Gate

-W-

Wetland, Significant
 Wildfire/Wildland Interface Zone

-Y-

Yard, Front
 Yard, Rear
 Yard, Side

-Z-

Zone Height
 Zoning District
 Zoning Map, Official

(Amended by Ord. No. 02-38)