



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
September 23, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regular City Council meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Thursday, September 23, 2021. To participate virtually, follow the public meeting information at www.parkcity.org.

NOTICE OF ELECTRONIC MEETING AND HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting based on the Mayor's Determination: As Mayor, I hereby determine that conducting the Park City Council meeting at an anchor location presents a substantial risk to the health and safety of those who may be present. This is a precautionary change in the meeting format for the safety of the public and City employees. It is based on evolving circumstances and the latest reports from the Center for Disease Control and Prevention. Public comments can be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record, but will not be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org

WORK SESSION

4:00 p.m. - Discuss the Future Empire Creek Water Flow

[Empire Creek Staff Report](#)

[Exhibit A: Map of Empire and Silver Creeks](#)

[Exhibit B: Estoppel Letter - PCMC to Division of Water Rights](#)

[Exhibit C: Cost, Water, and Energy Alternatives Comparison](#)

5:00 p.m. - Drought and Water Conservation Update

[Drought and Water Conservation Staff Report](#)

[Exhibit A: Summary of Water Conservation Program](#)

[Exhibit B: Public Drought Preparation Steps List](#)

[Exhibit C: Parks and Golf Drought Response and Long-Term Consequences](#)

[Exhibit D: Weber Basin WCD Model Ordinance](#)

[Exhibit E: Graphics](#)

[Exhibit F: Conservation Program Infographic](#)

[Exhibit G: Current Landscape Requirements](#)

5:30 p.m. - Parley's Canyon Fire Incident Summary - Deputy Fire Chief Pete Emery

5:50 p.m. - Break

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communication Report

1. Community Development Improvements Update
[Community Development Improvements Staff Report](#)

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from September 2, 2021
[September 2, 2021 Minutes](#)

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Professional Service Agreement in a Form Approved by the City Attorney's Office with Fehr & Peers Transportation Consultants for the Rail Trail Master Planning in an Amount Not to Exceed \$151,538
[Rail Trail Contract Staff Report](#)
[Exhibit A: Fehr & Peers Rail Trail Master Plan Scope of Work](#)
2. Request to Authorize the City Manager to Execute a Construction Agreement in a Form Approved by the City Attorney's Office with TerraWorks Inc., for the Park City Cemetery Cremation Garden Phase 1 Project in an Amount Not to Exceed \$59,667
[Cremation Garden Phase One Staff Report](#)
[Exhibit A: Terraworks Bid Proposal](#)
[Exhibit B: Cremation Garden Design](#)
[Exhibit C: Cremation Garden Product Sample](#)

VI. NEW BUSINESS

1. COVID-19 Update from the Summit County Health Director, Dr. Phil Bondurant
(A) Public Input
2. Consideration to Adopt Resolution 22-2021, a Resolution Recognizing October 2021 as Domestic Violence Awareness Month in Park City
(A) Public Input (B) Action
[Domestic Violence Awareness Month Staff Report](#)

Exhibit A: Domestic Violence Awareness Month Resolution

3. Consideration to Approve Ordinance 2021-36, an Ordinance Approving The Crescent Condominiums First Amended, Amending Unit B, Located at 633 Park Avenue, Park City, Utah
(A) Public Hearing (B) Action
[633 Park Ave Plat Amendment Staff Report](#)
[Exhibit A: Ordinance](#)
[Exhibit B: Existing Plat](#)
[Exhibit C: Proposed Plat](#)
[Exhibit D: Project Intent and HOA Approval](#)
4. Consideration to Approve Ordinance 2021-37, The Gigaplat Replat, First Amended and Restated, Located at 1915 Prospector Avenue, Park City, Utah
(A) Public Hearing (B) Action
[1915 Prospector Ave Plat Amendment Staff Report](#)
[Exhibit A: Ordinance](#)
[Exhibit B: Existing Plat](#)
[Exhibit C: Proposed Plat](#)
5. Consideration to Approve Ordinance No. 2021-38, an Ordinance Amending Primarily Residential Zoning Districts in the Land Management Code Sections § 15-2.1-2; § 15-2.2-2; § 15-2.3-2; § 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2; § 15-2.15-2; § 15-15-1; and § 15-15-2, and Enacting Section 15-4-7.1, Internal Accessory Dwelling Units - Enacting Stopgap Amendments for Internal Accessory Dwelling Units to Prepare for State Preemption of Certain Accessory Apartment Regulations that are Effective October 1, 2021
(A) Public Hearing (B) Action
[Internal Accessory Dwelling Units Code Amendments Staff Report](#)
[Exhibit A: Ordinance No. 2021-38](#)
[Exhibit B: Ordinance No. 94-4](#)
[Exhibit C: Ordinance No. 02-07](#)
[Exhibit D: Ordinance No. 07-49](#)

VII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Public comments can be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record, but will not be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Clint McAfee

Submitting Department: Public Utilities

Item Type: Work Session

Agenda Section:

Subject:

4:00 p.m. - Discuss the Future Empire Creek Water Flow

Suggested Action:

Discuss whether Council would like to pursue an alternative that would replace water currently being discharged into Empire Creek from Judge Tunnel using other City water sources.

Attachments:

[Empire Creek Staff Report](#)

[Exhibit A: Map of Empire and Silver Creeks](#)

[Exhibit B: Estoppel Letter - PCMC to Division of Water Rights](#)

[Exhibit C: Cost, Water, and Energy Alternatives Comparison](#)



City Council Staff Report

Subject: Future Empire Creek Water Flows
Author: Clint McAfee
Department: Public Utilities
Date: September 23, 2021
Type of Item: Work Session

Recommendations

Receive an update on the existing plan to divert water currently being discharged into Empire Creek from Judge Tunnel. Though the decision was made several years ago by a previous Mayor and City Council, discuss the scope of any additional public outreach efforts and timing desired by Council on this topic.

At the July 31, 2014, City Council meeting, Council authorized the City to enter into a Stipulated Compliance Order for treatment of the Judge and Spiro Tunnels, between Park City Municipal Corporation and the Utah Division of Water Quality. Links to the meeting documents are here: ([Link to July 31, 2014 SCO staff report, see page 131](#)) ([Link to minutes for July 31, 2014 Council Meeting, see page 5](#)). To implement the Compliance Order, all Judge Tunnel water will be diverted to the new 3Kings Water Treatment Plant (WTP) no later than 2024. In 2014, the City completed the Judge Tunnel Pipeline which will convey Judge water to 3Kings WTP. Exhibit A is a map showing these elements.

Community and Council members have been inquiring recently about whether there is an opportunity to continue to have Judge Tunnel flows remain in the creek untreated. Unfortunately, this is not allowed under the Utah Division of Water Quality Stipulated Compliance Order. Water coming out of the Judge Tunnel must be treated before it could be returned to Empire Creek.

Background

Park City is required to comply with stream water standards for Judge by January 1, 2024, and later for Spiro Tunnel. Additionally, for these water sources to be used as drinking water sources, they must comply with drinking water standards. In 2014 Park City completed the Judge Tunnel Pipeline, which will convey Judge water to the future 3Kings WTP under construction near the Spiro Tunnel and the Silver Star Development. Once completed, 3Kings WTP will treat water from Judge and Spiro Tunnels in compliance with drinking water and stream water requirements, and Judge will no longer discharge to Empire Creek. See Exhibit A for a map that includes Silver Creek and its tributary, Empire Creek.

Prior to the construction of the Judge Tunnel Pipeline, an Environmental Assessment (EA) ([link to EA here](#)) was completed as a condition of accepting federal funds for the project. One of the many areas studied in the EA was the historical flow contribution to Empire Creek and Silver Creek from Judge Tunnel. The elimination of the Judge Tunnel contribution to Empire Creek was evaluated and determined that the reduced

flow to Silver Maple Claims (SMC) Wetlands, which are the wetlands east of Prospector Park, needed to be mitigated. As a result, a mitigation plan was agreed to, and Park City will augment the flow to SMC Wetlands under certain conditions. The mitigation plan, created in conjunction with Fish and Wildlife Service, BLM, EPA, and Park City, is a low-cost, no-pumping plan to add water to these wetlands. The mitigation plan can be found on page 255 of the EA (see link above). The EA did not identify other impacts or required mitigation related to the reduction of flow in Empire Creek and Silver Creek.

Additionally, in 2013 Park City confirmed the plan to divert Judge water to 3Kings WTP and to implement the SMC Wetland mitigation plan with the Utah Division of Water Rights. Exhibit B is an estoppel letter from Park City to the Division of Water Rights.

Also, in 2013, after decades of using water from Judge Tunnel for drinking water, the City temporarily stopped using this water source until 3Kings WTP is completed, which will allow the resumption of use of this source for drinking water. During this temporary period, Judge Tunnel is discharging to Empire Creek. Normally, Empire Creek flows seasonally and dries up during dry times of the year. No later than January 1, 2024, all water from Judge Tunnel will be conveyed to the new 3Kings WTP for drinking water use, and Empire Creek will return to its historic ephemeral nature. Partial Judge diversions will begin as soon as the Fall of 2022.

At the July 31, 2014, City Council meeting, Council authorized the City to enter into a Stipulated Compliance Order for treatment of the Judge and Spiro Tunnels between Park City Municipal Corporation and the Utah Division of Water Quality. Links to the meeting documents are here: ([Link to July 31, 2014 SCO staff report, see page 131](#)) ([Link to minutes for July 31, 2014 Council Meeting, see page 5](#)). The 2014 staff report includes the following language: *"It is important to highlight that the diversion of Judge Tunnel water has resulted in an increased flow of water in the drainage channel which will continue until infrastructure to convey and treat Judge Tunnel is complete. At the completion of this construction, and the corresponding deadline per the SCO, water will no longer be discharged into Empire Canyon from Judge Tunnel and the drainage channel will return to its historic condition as an ephemeral drainage channel. In 2013, as part of a plan to convey Judge Tunnel water to a future treatment facility near the existing SWTP or QJWTP, Council approved the construction of a pipeline running from Judge Tunnel to the existing SWTP site."*

Additional links to past staff reports:

Judge Tunnel Pipeline: [Link to August 15, 2013 staff report, see page 145](#)

2018 Amended SCO: [Link to November 8, 2018 ASCO staff report](#)

The execution of the SCO in 2014 and the Amended SCO in 2018 was very beneficial to the City, but as stated above and in the linked staff reports, it resulted in the future elimination of the temporary water contribution to Empire Creek from Judge Tunnel. Park City does not have an obligation to add water to Empire Creek.

Alternatives

There are two general alternatives after Judge is diverted to 3Kings WTP for Council to consider: 1) do not pump water for discharge to Empire Creek and implement the SMC Wetland Mitigation plan as conceived and 2) pump water from other City water sources and discharge to Empire Creek. See Exhibit C for a side-by-side conceptual cost and electrical comparison of these alternatives.

Alternative 1 – Do Not Pump Water into Empire Creek- This remains the Public Utilities Department’s recommendation.

The current plan is to divert 100% of the water draining from Judge Tunnel to the new 3Kings WTP no later than January 1, 2024. Partial diversions will begin as early as late 2022 or early 2023. Once Judge is fully diverted, the SMC Wetland Mitigation Plan will be implemented, and Park City will begin discharging water into SMC Wetlands from the Pace Homer Ditch, which runs parallel to, and above the wetlands. Water will enter the wetlands near the Prospector Park. Once a new diversion from the Ditch to the wetlands is constructed, water flowing into these wetlands does not require pumping. The sections of Silver Creek and Empire Creek upstream of the wetlands will have less water. Empire Creek will return to an ephemeral (seasonal) creek and could dry up during dry parts of the year as it did before 2013.

Alternative 2 – Pump and Discharge Water into Empire Creek

This alternative involves using other City water sources to replace the water from Judge Tunnel in Empire Creek. This alternative requires new infrastructure, ongoing operational cost and electrical demand, permitting, and likely the permanent allocation of water for this purpose. Use of drinking water for creek flow would require treatment as stream water quality standards are stringent and can sometimes exceed drinking water standards. Use of raw water from the Weber River would not likely require treatment as the discharge of this water could be exempt from the Clean Water Act under the Water Transfers Rule.

For this analysis, the amount of water pumped to Empire Creek in Alternative 2 would be 600 gallons per minute, or 1.3 cubic feet per second, or 1,000,000 gallons per day. The actual average flow rate from Judge Tunnel is 900 gallons per minute.

To put 1,000,000 gallons of water into perspective, it is about the same volume of water applied to each golf course in Park City per day or 1.5 Olympic swimming pools. This volume of water weighs about 8,340,000 pounds which is about the same as 1,700 Ford F-150’s. This volume of water would be treated and then pumped up the mountain every day to discharge into Empire Creek and allowed to run back to the Weber River and eventually to Willard Bay if not diverted by downstream users.

The Mayor and City Council should provide direction to staff regarding the scope of any additional public outreach efforts and timing desired on this topic.

Exhibits

Exhibit A – Map of Empire and Silver Creeks

Exhibit B – Estoppel letter from Park City to Utah Division of Water Rights

Exhibit C – Cost, water, and energy comparison of Alternative 1 and 2

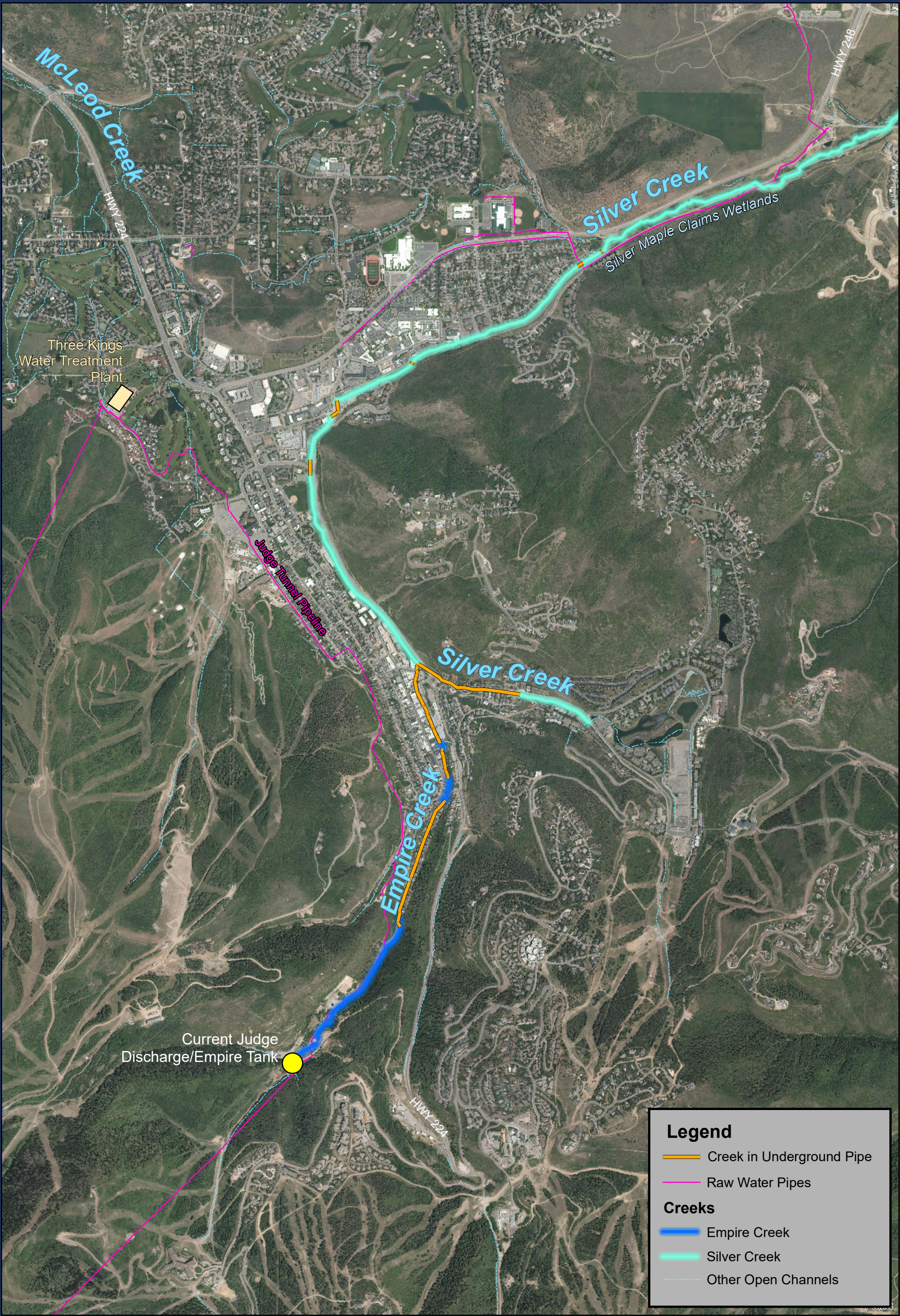
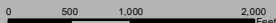


Exhibit A – Empire and Silver Creeks

The Information depicted in this map is for general reference only, and represents approximate locations of features. Park City Municipal disavows any responsibility for the accuracy, correctness, or completeness of the information provided.

Park City Public Utilities
1053 Iron Horse Dr.
Park City, UT 84060 435-615-5335
9/17/2021
SP2021-014





Water Department

January 22, 2013

Ross Hansen
Department of Natural Resources Division of Water Rights
PO Box 146300
Salt Lake City, Utah 84114-6300

Dear Mr. Hansen:

I wanted thank you, Gary Brimley, and Kent Jones for taking the time to meet with Tom Daley and myself on January 15, 2013 to discuss water rights associated with the Judge Tunnel. I would also like to summarize the discussion and outcome of that meeting for our records.

As part of a compliance plan to meet Division of Drinking Water and Division of Water Quality regulations, Park City is planning a project that will result in the diversion of 100% of the water originating from the Judge Tunnel. Under current conditions, a portion of the water from Judge Tunnel is diverted to the ditch near the Judge Tunnel Portal in order to properly operate and maintain the City's water system.

Park City Municipal owns water rights 35-2714, 35-3340, and 35-4704, all of which allow diversions from the Judge Tunnel. These three water rights were included in Park City Municipal's Silver Creek Consolidated Change Application, and therefore the total Judge Tunnel flow can be diverted into the proposed project without filing a change application and without interfering in any way with downstream users. This is something with which the Division of Water Rights has agreed and again confirmed at our January 15 meeting.

Park City will also be using water under various water rights to deliver a small amount of water from an existing irrigation ditch to the Silver Maple Claims Wetlands as part of a mitigation plan. Park City will add this water at the upstream (west) end of the wetlands through existing infrastructure.

I appreciate your continued understanding and support of Park City Municipal's operations and all of Park City Municipal's staff remains committed to a productive and positive relationship with your office.

Please contact me if you have any questions or concerns. I can be reached at 435-615-5339 or at clint.mcaffee@parkcity.org.

Sincerely,

PARK CITY MUNICIPAL CORPORATION

A handwritten signature in blue ink, appearing to read "Clint McAfee".

Clint McAfee, P.E.
Water Manager, Park City Municipal Corporation

Quinn's Water Treatment Plant Metal Building
January 7, 2010
Page 2

Cc

Kent L. Jones, State Engineer

Gary Brimley, Division of Water Rights

Thomas A. Daley Sr., Deputy City Attorney, Park City Municipal Corporation

Exhibit C - Empire Creek Alternatives Conceptual Cost and Energy Requirements

	Alternative 1	Alternative 2.1	Alternative 2.2
Infrastructure Cost			
Silver Maple Claims Mitigation Plan	\$100,000		
Raw Pipe from 3Kings to Empire Tank			\$15,000,000
Pump Station from 3Kings to Empire Tank			\$10,000,000
Treatment Facility		\$25,000,000	
Total Infrastructure	\$100,000	\$25,000,000	\$25,000,000
Annual Operational Cost			
Operations and Maintenance	\$20,000	\$500,000	\$250,000
raw water pumping		\$0	\$190,000
drinking water pumping		\$350,000	
Total Operational	\$20,000	\$850,000	\$440,000
Water from drinking sources (acre feet)			
	0	1,000	1,000
Electricity Use (kWh)			
2019 Water Power Use	12,135,485		
Power required to pump to Empire Creek		4,380,000	2,400,000
Annual Increase in Electricity Use		36%	20%

Alternative 1 - Do not add water to Empire Creek. Implement approved Silver Maple Claims Mitigation Plan.

Alternative 2.1 - Add water to Empire Creek from the City's drinking water system.

Alternative 2.2 - Add water to Empire Creek from the City's raw water system.

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Jason Christensen

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section:

Subject:

5:00 p.m. - Drought and Water Conservation Update

Suggested Action:

Attachments:

[Drought and Water Conservation Staff Report](#)

[Exhibit A: Summary of Water Conservation Program](#)

[Exhibit B: Public Drought Preparation Steps List](#)

[Exhibit C: Parks and Golf Drought Response and Long-Term Consequences](#)

[Exhibit D: Weber Basin WCD Model Ordinance](#)

[Exhibit E: Graphics](#)

[Exhibit F: Conservation Program Infographic](#)

[Exhibit G: Current Landscape Requirements](#)



City Council Staff Report

Subject: Drought and Conservation Update
Author: Jason Christensen
Department: Public Utilities
Date: September 23, 2021
Type of Item: Administrative

Recommendation

Confirm direction on additional conservation actions, specifically a rate adjustment, further regulating the water efficiency of new construction, as a step towards incentives to convert existing landscaping.

Background

2021 Exceptional Drought

- 2021 was a difficult water year
 - Thayne's snowpack was poor, but not the worst recently observed. In 2012 and 2015 snowpack was lower.
 - The real driver was the dryness of Utah soil resulting in much of the snowpack returning to the soil instead of continuing as runoff. (See figure 1 in exhibit E).
 - These factors combined resulted in an exceptional drought, requiring emergency declarations from the Governor, water right cuts, and historically low reservoir levels.
 - Park City's investment in water conservation, water sources, and drought response helped manage this year.

Difference between Conservation and Drought Response

- Conservation
 - Efficient use of water resources to meet community objectives.
 - [Park City's Conservation Plan](#) was adopted October 13, 2020 and contains the City's goals for conservation, as well as metrics that demonstrate the community's efforts. A summary of our conservation program is exhibit A to this staff report. An infographic with our conservation program is exhibit F.
- Drought Response
 - A reduction of water demand to match water supply during periods of drought or reduced supply.
 - The City has adopted municipal code that governs [Drought Ordinance And Levels](#).
 - The drought ordinance was last deployed in 2007.

- The City increased messaging through social media, increased the urgency of Water Report action requests, and participated in print and radio media pieces. A more complete list is included as exhibit B to this staff report.

Drought Response Metrics

- City
 - Parks reduced water consumption by 32% over 2020¹.
 - Parks raised mow height, decreased fertilization, hand watered trees, tried to prevent weeds from moving in, and focused efforts on turf used for programs and park reservations.
 - If drought continues Parks would turn off more systems and increase hand watering of trees, reduce new planting and identify areas for xeric conversions.
 - A more detailed outlined of the steps taken and the long term outlook for Parks is available in exhibit C.
 - Golf reduced water consumption by 23% YTD over 2020².
 - Golf reduced irrigation and increased the height of the rough.
 - The longer drought restrictions continue the more likely the overall health, appearance and playability of the golf course will be negatively affected
 - A more detailed outlined of the steps taken and the long term outlook for Golf is available in exhibit C.
- Community

	% Change YTD over 2020 ³	Million Gallons Used YTD
Single-Family Residential	7% Reduction	255.113
Multi-Family Residential	1% Increase	104.912
Irrigation	28% Reduction	64.479
Commercial	18% Increase	182.36

- Three notes on Commercial Accounts
 - Many commercial accounts also have an irrigation account. This means for those locations decreases in outdoor water usage show up under the Irrigation account header.

¹ Billed May, June, July usage compared 2020 to 2021.

² Consumption through August 10th, 2021.

³ Consumption through August 18th, 2021.

- The general pattern we see with Commercial water usage is that it increases as other economic indicators increase and decreases as they decrease. E.g. “In most cases, the increase in tax revenues matches an immediate increase in demand for services by our residents and visitors.” September 2nd, 2021 [Sales tax staff report](#).
- The 2020 social distancing and shutdown of businesses likely is a confounding variable that shows up most for commercial accounts.
- Drought Declaration Not Hit
 - A drought declaration is triggered when demand hits 85% of available supply. 70% was the highest demand to supply ratio day and was hit on July 9th 2021. Based on this a drought declaration was not required. (See figure 2 in Exhibit E.)

What if Drought Continues?

- Existing resources performed well in 2021, suggesting they will perform well in 2022.
- The [3 Kings Water Treatment Plant](#) will come online in 2023
 - This will bring Judge and Spiro back into the drinking water system.
 - This will decrease the supply/demand ratio by increasing supply.
- The highest ratio seen in 2021 was 70% of available supply, leaving meaningful head room before the drought ordinance would be triggered.
- Staff will continue recommending watering every third day, while educating on ordinance that limits outdoor irrigation to, at most, every other day.
- Staff will continue to lead by example at City owned Parks and Golf Courses.
- Staff will evaluate and make recommendations as to whether the City can continue to commit to selling surplus water to Weber Basin Water Conservancy District.

Recommended Additional Conservation Options

- Rates
 - Proposed Goal
 - Increase the cost of water per unit and decrease the base rate revenue and in a way that is revenue neutral.
 - Increase the cost of water for “excessive irrigation,” above a ¼ acre for Single Family Residential accounts.
 - Process
 - The Budget team is currently building a rate model that will allow:
 - Staff to evaluate and identify the limits of such a change.
 - Evaluate and recommend rate changes for next Fiscal Year that support this goal.
 - Outcome

- Will present Council with rate option or options that support this goal for Fiscal Year 2023.
- Adopt community standards for use of turf grass
 - Define aesthetics of the community and define community supported uses of water.
 - The Snyderville Basin Planning Commission is [taking up](#) a similar [issue](#).
 - Adopt a landscaping ordinance for new construction consistent with those standards.
 - Planning staffer Rebecca Ward has outlined the City's current Water Wise Landscaping Regulations as Exhibit G.
 - Staff is currently reviewing Weber Basins Model Conservation Ordinance. Exhibit D
 - As a bonus, adoption of this model ordinance will allow residents to tap "cash for grass" mow strip program using Weber Basin funds.
 - Such an ordinance will likely have staffing impacts that may require budget approvals as part of the Fiscal Year 2023 budget.
 - Propose options to incentivize updating landscaping to meet these standards, such as "cash for grass." This will likely have a financial impact and need to be proposed as part of the Fiscal Year 2023 budget.

Exhibits

- A Summary of Water Conservation Program
- B List of Drought Preparation Steps Taken in 2021
- C Parks and Golf Drought Response and Long-term Consequences
- D Weber Basin Model Water Conservation Ordinance
- E Graphics
- F Conservation Program Infographic
- G Current Water Wise Landscaping Regulations

Exhibit A

Active Ongoing Projects

1. Water rate structure
 - a. Tier based water rates.
 - b. Water pricing designed to discourage excessive water use.
2. Water loss reduction program
 - a. A target of less than 20% system loss by 2030.
3. WaterSmart Mailer
 - a. This mailer goes out to all customers 6 times a year. It provides two recommended actions a recipient can take to reduce water usage. The report cycles through a library of communications to keep the information fresh. A recommendation can provide data that breaks down usage, provide facts on the impact outdoor irrigation has on their bill, it can educate on every other day watering, or provide information on rebates.
 - b. The mailer goes out 6 times a year, 4 times during the summer and once in the winter and once in the spring.
4. WaterSmart Website
 - a. Provides a customer's hourly consumption data.
 - b. Contains a library of 140 conservation activities.
 - i. These are filtered and displayed only if relevant to the user. Also the user's actual data is used to calculate a dollar and gallons per month value for each of the conservation actions. The user can let us know when they begin a conservation action and when they complete it.
 - c. Leak Alerts
 - i. Single Family and Irrigation Accounts
 1. Alerts are automatically sent by email when hourly usage occurs that meets the definition of a leak.
 - a. This is an opt out program.
 - d. Usage Alerts
 - i. Available for all account types.
 - ii. A user may set thresholds and alerts (to be received by email, text, and phone) to help manage water usage. The system sends reminders if on track, under, or over a user's goal.
5. Rebates/Incentives
 - a. Utahwatersavers.com
 - i. Smart Irrigation Controller
 1. \$75.
 - ii. Toilets
 1. \$100 per toilet.
 - b. Slowtheflow.org
 - i. Irrigation water checks.
 - c. Rain Barrels
 - i. \$25 per barrel
6. Ongoing Restrictions
 - a. Watering prohibited from 10:01 am – 6:59 pm.
 - b. Watering restricted to every other day at most.
 - i. Optional Water every third day program is available.
 - c. Water Waste is prohibited.
7. Partnership with Weber Basin Water Conservancy District
 - a. Conservation Garden

- b. Landscaping Classes
- 8. Memberships
 - a. Utah Water Conservation Forum
 - b. Alliance for Water Efficiency

Exhibit B

Date	Action
6/1/2021	Water Conservation June 1 Mailer
6/2/2021	Water Barrels Sales
6/3/2021	Town Lift Publication
6/7/2021	Banner Park City Website with Drought Emergency
6/8/2021	Social Post (Town Lift Article)
6/9/2021	Social Post (Water at Night)
6/10/2021	Water Report with drought messaging for all customers
6/11/2021	Social Post (Conservation Post)
6/11/2021	Social Post (Check for Leaks)
6/11/2021	Parks Water Reduction Decision
6/14/2021	Clint spoke with WBWCD and Mountain Regional in regards conservation and Gov. direction to ensure efforts are aligned
6/14/2021	KPCW Water Interview Piece Jason
6/15/2021	Social Post (Water every third day)
6/21/2021	Every third day message in City Newsletter
6/28/2021	Social Post (Prioritize Watering)
6/29/2021	Coffee with Council Water Conservation and Drought
7/1/2021	Drought Emergency Educational Stages Mailer
7/1/2021	Consumer Confidence Report (Conservation and Drought Sections)
6/15/2021-9/1/202	KPCW Conservation Ads Radio (Watering Ordinance)
7/1/2021	Social Post (Golf Course Reduced Watering)
7/7/2021	Social Post (Smart Controller Rebate)
7/9/2021	Social Post (Parks Irrigation Technology)
7/10/2021	Additional Water Report w/ drought message for all customers.
7/21/2021	Social Post (Prioritize Watering)
7/22/2021	Social Post (Parks Mowing Tip)
7/28/2021	Social Post (Flowers on Main watering)
8/2/2021	Drought Tools Mailer
8/2/2021	Social Post (Check for leaks video)
8/7/2021	Social Post (Salt Lake Tribune Article)
8/10/2021	Home Water Report Mailer
8/18/2021	Social Post (Golf 23% Reduction)
8/25/2021	Social Post (70% of Water Supply)

8/26/2021 Social Post (Water Supply Education)

Exhibit C

Golf

Actions this year

- Raised height of rough from 2 inches to 3 inches.
- Reduced water usage from 100% to 70% for the rough and driving range programs.
- Reduced water usage from 100% to 80% for the fairways program.
- Reduced water usage from 100% to 95% on greens and tee's programs.
- Made adjustments to individual stations to reduce the amount of water usage per station.
- Shut off irrigation computer during rain events and waited to turn it back on until the course needed water.
- Thayne's buffer strips have been turned off for the majority of the summer.
- Experimenting with wetting agents to see if we can reduce the amount of water we use to irrigate.

Long-Term

This year we were able to still maintain the golf course to our standards. The rain storms that we had in August really helped our overall health of the turf, trees and playability of the golf course.

If we were to continue reducing the amount of water that is needed to irrigate the golf course over a period of years the overall health of the golf course would decline. Areas of high compaction would become unplayable, loss of turf would begin due to high cart traffic, greens would dry out and become unplayable, trees would become stressed and more susceptible to disease and pests. Weeds would begin to move in and take over the turf. This would lead to fewer rounds played causing serious financial loss to the golf course.

Our plan moving forward is to continue with the mindset of conserving water. We will continue to monitor the turf and make adjustments as needed. We will also keep experimenting with the wetting agents to see if we can find an option that is cost effective and helps us reduce water usage.

Parks

Actions this year

- Staff raised mowing heights and decreased fertilization to assist grass transition into dormancy.
- Deep watering trees by hand and using soaker hoses. Additionally, we recognized that stressing our landscaping's would encourage weeds to move in and we've taken steps help control them.
- Field testing hydrating surfactants for better drought tolerant turf is underway.

- Isolating sprinkler zones to help with recreation programs and park reservations areas to further reduce non active areas.

Long-term

If we see this drought continue, we are prepared to take additional steps, which could include discontinuing of mowing all together in many locations.

- Turning off systems and increasing our hand watering of trees.
- Reduce new plantings where possible.
- Further identify areas for xeriscape programs.

We have a solid program in place, and we feel we can provide a balance for the community and visitors while conserving water.

Exhibit D

WATER EFFICIENT LANDSCAPE ORDINANCE

ORDINANCE NUMBER <CITY ORDINANCE NUMBER>

Section 1. Preamble

- A. Whereas, water is an increasingly scarce resource, of limited supply, and are subject to ever increasing demands;
- B. Whereas, it is the policy of <CITY NAME> to promote the conservation and efficient use of water and to prevent waste of this valuable resource;
- C. Whereas, <CITY NAME> recognizes that landscapes provide areas for active and passive recreation;
- D. Whereas; landscape design, installation, maintenance and management can and should be water efficient;
- E. Whereas, <CITY NAME> desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient;
- F. Whereas, <CITY NAME> can accomplish these goals by adopting this ordinance; and,
- G. Whereas, <CITY NAME> has the authority to adopt this ordinance pursuant to Utah Code Annotated (2010) § 10-3-702, and hereby exercises its legislative powers in doing so.

Section 2. Ordaining Clause

Be it ordained by the <CITY NAME>, that the Water Efficient Landscape Ordinance, Number <CITY ORDINANCE NUMBER>.

Section 3. Title, Water Efficient Landscape Requirements

- A. An ordinance amending the Zoning Code of the City of <CITY NAME> so as to add a Water Efficient Landscape Ordinance of minimum landscape requirements. This ordinance shall be referred to as "<CITY NAME> City Water Efficient Landscape Ordinance".

Section 4. Purpose

The City Council has found that it is in the public interest to conserve the public's water resources and to promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for designing, installing and maintaining water efficient landscapes throughout the City.

Section 5. Definitions

The following definitions shall apply to this ordinance:

Applied Water: The portion of water supplied by the irrigation system to the landscape.

Bubbler: An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow. Used to prevent pollution or contamination or the water supply due to

the reverse flow of water from the secondary irrigation system.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Established Landscape: The point at which plants in the landscape have developed significant root growth into the soil.

Establishment Period: the first year after installing the plant in the landscape.

Evapotranspiration (ET): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month or year.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation System Audit: an in-depth evaluation of the performance of an irrigation system that includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation Landscaped Area: All portions of a development site to be improved with plantings and irrigation. Natural open space areas shall not be included in the irrigated landscape area.

Irrigation Efficiency: the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Education Package: A package that is intended to inform and educate water users in the City about water efficient landscapes. This package should include a listing of water conserving plants, certified landscape designers, landscape architects, certified irrigation designers, and certified irrigation contractors. Information regarding the City's water rates, billing format for water use and commitment to water conservation may also be included.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Localscapes®: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see www.Localscapes.com).

Maximum Applied Water Allowance (MAWA): the upper limit of annual applied water for the established landscaped area as specified in Section 8. It is based upon the area's reference evapotranspiration, a plant adjustment factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the MAWA.

Microclimate: The climate of a very small restricted area that is different from the surrounding area. These areas include shade areas, sun areas, and areas protected by surrounding structures.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Plant Adjustment Factor: A reference evapotranspiration factor, also referred to as a crop coefficient which is a value to indicate water needs of various plant types for optimum growth or yield. It is a factor to provide acceptable appearance and function of the plant.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rehabilitated Landscaping: Altering, repairing, or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance, etc.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Smart Automatic Irrigation Controller: An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil moisture conditions.

Special Landscape Area: (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing grass species with full root structures that are maintained as mowed grass.

Waste of Water: shall include, but not necessarily limited to:

1. The use of water for any purpose, including outdoor irrigation, that consumes, or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, discharges into the sewer system, or is allowed to run into the gutter or street.
2. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate health or safety hazards.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Section 6. Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private commercial and industrial development projects, developer-installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Section 7. Landscape Design Standards

A. Plant Selection.

1. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
2. Areas with slopes greater than 25% shall be landscaped with deep-rooting, water- conserving plants for erosion control and soil stabilization.
3. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not a mass planting of any type of plant material requiring uniform overhead spray irrigation.

Note: Please see Exhibit A for a list of recommended plants for various landscape situations and conditions (not a comprehensive list).

- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum three (3) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
 1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;
 3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
 4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
 5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
 6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Section 8. Irrigation Design Standards

- A. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All

controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be setup to operate in “smart” mode.

- B. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- C. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
- D. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four (4) inches in height to avoid blockage from lawn foliage.
- E. Sprinklers shall have matched precipitation rates with each control valve circuit.
- F. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- G. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- H. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30 mesh screen and shall be cleaned and maintained by the property owner on a regular basis.
- I. Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.
- J. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation or other environmental conditions not suitable for irrigation.
- K. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.
- L. Meter Installation: Meters shall be specified by the <CITY NAME> for the particular installation and shall report instantaneous flow in gallons per minute (gpm) and totalized flow in gallons via encoded register output. <DEFINE INSTALLATION REQUIREMENTS INCLUDING METER MANUFACTURER AND ENCLOSURE DEPTHS ETC>
- M. AMR Transmitters: Each meter shall be fitted with an AMR transmitter with integral connector. <DEFINE AMR TRANSMITTER AND INSTALLATION REQUIREMENTS>

Each new development or rehabilitated landscape that uses primary potable water for landscape irrigation must provide a water budget calculation to demonstrate a Maximum Applied Water Allowance (MAWA) for the new landscape or development. For parcels using secondary water,

the MAWA is determined by the secondary water provider based on parcel size and is referred to as an allocation.

The Maximum Applied Water Allowance shall be calculated using the following equation:

$$\text{MAWA} = (\text{ETo}) (0.62)(1.15)[(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.

0.62 = Conversion Factor (to gallons)

1.15 = Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

ETo values can be obtained directly from the USU Climate Center where a data base of weather data from local stations is collected, analyzed, and stored. If you cannot find the ET data you need, please contact the City.

Additional details and examples of calculations are found in Appendix A

Section 9. Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall provide water-efficient landscaping to prospective home buyers, such as the Locascapes design style when the landscape is installed by the homebuilder/developer. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall install water-efficient landscaping, such as the Locascapes design style. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
- C. New Construction homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
- D. Model homes shall include an informational brochure on water-efficient landscaping or Locascapes. Locascapes brochures can be obtained from the City Planning Department.
- E. When buyers or owners are installing their own landscaping on new home construction, a time frame for landscaping to be completed shall be 18 months from the time of occupancy to complete the front yard and no more than three years to complete the total landscape.

Section 10. Prohibition on Restrictive Covenants Requiring Uniform Plant Material Irrigated with Spray Irrigation

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - 1. Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 40% of the landscaped area; or
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Section 11. Landscapes in Commercial, Industrial, and Institutional Developments

- A. Commercial, industrial and institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 15% of the total landscaped area, outside of active recreation areas.

Section 12. Documentation for Commercial, Industrial, and Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.
- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
 - 1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 - 2. Property lines and street names;

3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 4. Existing trees and plant materials to be removed or retained;
 5. Scale: graphic and written;
 6. Date of Design;
 7. Designation of a landscape zone, and
 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 4. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Section 13. Plan Review, Construction Inspection, and Post-Construction Monitoring for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.
- D. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the City.

- E. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Section 14. Prohibited Watering Practices

Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.

Section 15. Enforcement, Penalty for Violations

The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this Ordinance.

Any consumer who violates any provisions of this Ordinance shall be issued a written notice of violation. This notice shall be affixed to the property where the violation occurred. The notice will describe the violation and order that it be corrected, cured or abated immediately or within times specified by the City. Failure to receive a notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a citation.

Section 16. Effective Date

This ordinance shall be effective as of <EFFECTIVE DATE>.

Dated: _____	<u><CITY NAME></u>
	By: _____
	Its: _____ Mayor
[Municipal Recorder Attestation and Seal]	

Appendix A

The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are examples only but are real ETo values from Weber Basin's weather station and should be substituted for

actual ETo values for your specific city. For actual irrigation scheduling, automatic smart irrigation controllers are required and shall use current reference evapotranspiration data (most of which is part of each controller company's supporting weather network) or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Layton Utah with an irrigated landscape area of 20,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, or recreational areas). To calculate MAWA, the annual reference evapotranspiration value for Layton is 32.8 inches as documented from the Weber Basin weather station data.

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

1.15= Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF) typical for cool season turf

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$\text{MAWA} = (32.8 \text{ inches}) (0.62) (1.15) [(0.8 \times 20,000 \text{ square feet}) + (0.3 \times 0)] = \mathbf{374,182 \text{ gallons per year}}$$

(or 1.15 AF/yr)

(2) In this next hypothetical example, the landscape project in Ogden Utah has the same ETo value of 32.8 inches and a total landscape area of 15,000 square feet. Within the 15,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

$$\begin{aligned} \text{MAWA} &= (32.8 \text{ inches}) (0.62) (1.15) [(0.8 \times 15,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})] \\ &= 20.34 \times [12,000 + 600] \text{ gallons per year} = \mathbf{280,696.8 \text{ gallons per year}} \text{ (or .86 AF/year)} \end{aligned}$$

Exhibit E

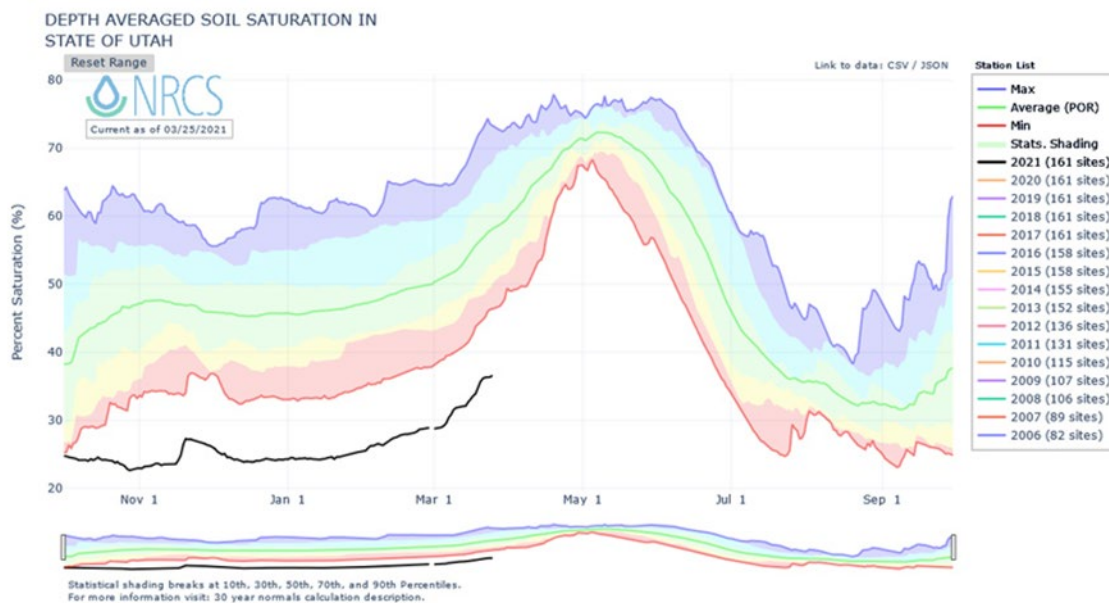


Figure 1 Soil Moisture Graphic

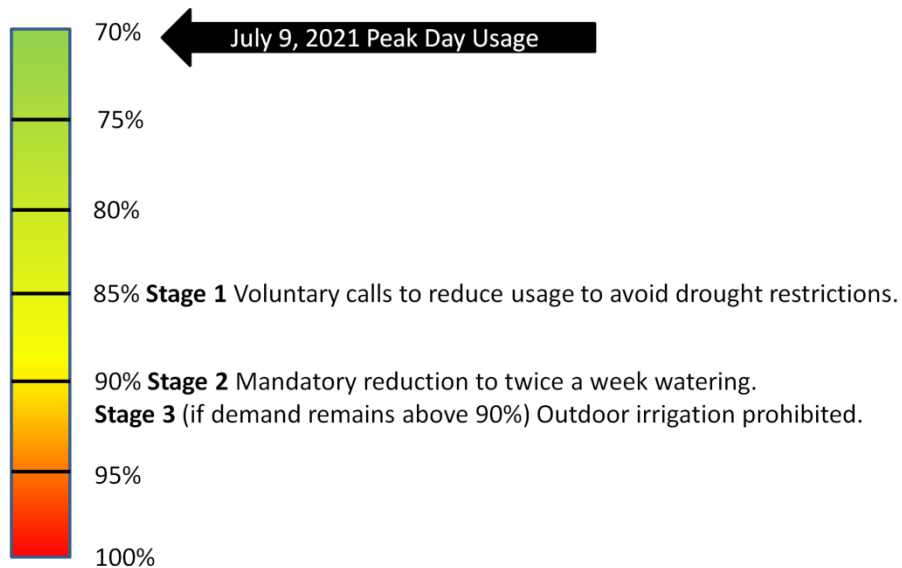
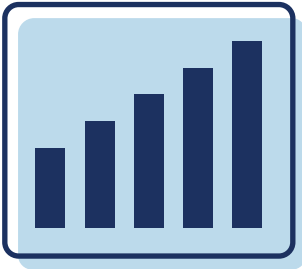


Figure 2 Drought Stage Graphic

WATER CONSERVATION

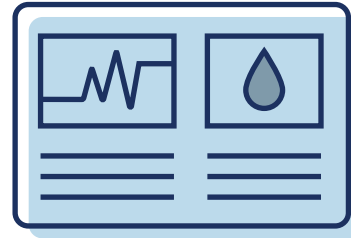
IN PARK CITY



WATER RATE STRUCTURE

Tier based water rates

Water pricing designed to discourage excessive water use

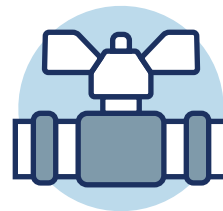
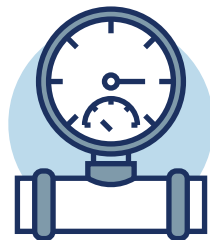


WATERSMART MAILER

6x a year with recommendations to reduce water usage

WATER LOSS REDUCTION PROGRAM

A target of less than 20% system loss by 2030



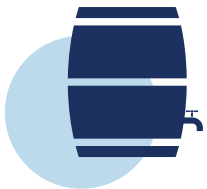
ONGOING RESTRICTIONS

Watering prohibited from 10:01 am – 6:59 pm.

Watering restricted to every other day at most.

Water Waste is prohibited.

REBATES/INCENTIVES



Utahwatersavers.com
Slowtheflow.org
Rain Barrels

WATERSMART WEBSITE



A customer's hourly consumption data.

A library of 140 conservation activities.



PARTNERSHIP WITH WEBER BASIN WATER CONSERVANCY DISTRICT

- Conservation Garden
- Classes

MEMBERSHIPS

Utah Water Conservation Forum
Alliance for Water Efficiency



LEAK ALERTS

Single Family and Irrigation Accounts

USAGE ALERTS

Available for all account types.



Exhibit G

Current Water Wise Landscaping Regulations

A Strategic Pillar of Vision 2020 is Environmental Leadership, in part, to address water scarcity. The Park City General Plan recommends land use regulations to help reduce water use through efficient infrastructure and landscaping requirements. Community Planning Strategy 5.3 is to adopt new landscaping requirements in the Land Management Code to decrease water utilization and preserve the native landscape.

On May 30, 2019, the City Council adopted [Ordinance No. 2019-30](#), amending the Land Management Code (LMC) to update landscaping regulations regarding Water Wise Landscaping—landscaping that reduces the need for supplemental irrigation, including xeriscaping and hydrozoning, a landscaping technique that collocates plants, trees, and shrubs that have similar water needs.

During the building permit phase, applicants submit a complete plant list and irrigation plan that indicates the percentage of landscaping that is irrigated, the type of irrigation, and hydrozones. Municipal Code [Section 14-1-5](#) outlines approved plant materials and trees and highlights those that are considered fire wise.

Landscaped areas must have a WaterSense labeled smart irrigation controller.¹ The irrigation controller must automatically adjust the frequency and duration of irrigation in response to changing weather conditions and be equipped with automatic rain delay or rain shut-off capabilities.

Irrigated lawn areas are limited to a maximum percentage of the Limits of Disturbance Area on each lot:

Lot Size	Maximum Law Area allowed in the Limits of Disturbance Area
Greater than one acre	25%
0.5 to one acre	35%
0.1 to 0.49 acres	45%
Less than 0.10 acres	No Limitation

¹ WaterSense is a voluntary Environmental Protection Agency (EPA) partnership program that identifies water-efficient products that meet the EPA's criteria for efficiency and performance.

Artificial turf is allowed in limited quantities on decks, pathways, recreation, and play areas, or as limited landscaping material where vegetation is unsuccessful. Artificial turf must be installed to allow for drainage.

Property owners [can apply for a rebate](#) up to 50% of the paid water impact fee within two years of payment of the fee and six months of the installation of drought tolerant landscaping. (Municipal Code [Section 11-13-7\(G\)](#)).

There are Opportunities to Further Reduce Water Use for Landscaping

Preservation of Significant Vegetation – The Municipal Code of Park City requires preservation of significant vegetation, defined as trees six inches in diameter or greater measured 4 ½ feet above ground, groves of small trees, and clumps of oak or maple covering 50 square feet or more measured at the drip line. The Planning Director may approve removal of significant vegetation, but the property owner is required to replace it with equivalent vegetation in type and size. The code could be amended to consider water needs of significant vegetation and to allow for replacement with native and drought tolerant species.

Preservation of Historic Landscaping – Properties within the Historic Zoning Districts are required to retain existing landscaping features that contribute to the character of a historic site. The code could be amended to consider water needs of species and to allow for replacement with native and drought tolerant species.

Consideration of Land Use Type – The current landscaping regulations apply to all land uses without distinguishing landscaping needs for recreational uses, commercial uses, and residential uses. The code could be updated to address each land use and could further restrict turfgrass for residential and commercial properties while allowing for more turfgrass for recreational uses.

Consideration of Site-Specific Features – Best practices for site-specific features like steep slopes could be included in the Steep Slope Conditional Use Permit review and for properties within the Sensitive Land Overlay. Grading plans showing that irrigation and rainfall remains within property lines could be required.

Landscaping requirements like bioswales could be outlined for properties within flood zones. Also, requiring bioswales for parking areas may help with storm water run-off.

Graywater Use – Community Planning Strategy 6.7 of the General Plan states the City should investigate opportunities to encourage graywater infrastructure in existing and future developments. This must be coordinated with the State and the County Health Department.

The Summit County Health Department is evaluating a graywater program, re-use of wastewater from bathtubs, showers, bathroom sinks, and washing machines (excluding water from toilets, kitchen sinks, dishwashers, and garage floor drains, which are

considered blackwater). If Summit County institutes a graywater system, the City could revisit existing codes to identify areas where graywater use may be encouraged.

Plant List – The recommended plant list could be updated to include water-wise turfgrass. Plants that are not classified as water wise could be removed.

Clarifying Limits of Disturbance – The Limits of Disturbance is the designated area for construction activity. Many plats reviewed and recommended by the Planning Commission and approved by the City Council include Limits of Disturbance for each lot. Property owners often request landscaping outside of the Limits of Disturbance. The Land Management Code could be clarified to prohibit landscaping that requires irrigation outside of the Limits of Disturbance.

Wildland Urban Interface Regulations – The overlap between the Wildland Urban Interface regulations and landscaping regulations could be evaluated to ensure they are aligned.

Planning Department Website – The Planning Department could create a webpage to provide an overview of landscaping requirements and to link to helpful resources for water wise landscaping.

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Work Session

Agenda Section:

Subject:

5:30 p.m. - Parley's Canyon Fire Incident Summary - Deputy Fire Chief Pete Emery

Suggested Action:

Attachments:

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Casandra Courtillet

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section:

Subject:

Community Development Improvements Update

Suggested Action:

Informational

Attachments:

[Community Development Improvements Staff Report](#)

City Council Staff Communication Report

Subject: Community Development Improvements Update
Author: Casandra Courtillet, Deputy Chief Building Official
Gretchen Milliken, Planning Director
John Robertson, City Engineer
Michelle Downard, Resident Advocate
Department: Building, Planning, Engineering and Executive
Date: September 23, 2021
Type of Item: Informational

Summary

This staff communication report provides an update on process improvements in response to the permitting task force's feedback.

Task Force Background

By Council direction, a task force was developed to provide recommendations to improve and balance regulation and historic preservation with livability and practical design. The improvements listed below are a direct result of the task force meetings and discussions.

More background information was provided in the March 5, 2020 [staff report](#).

Implemented Improvements

- **Building Department website** - May 2021 updates provide expanded information of building permit and inspection processes.
- **Homeowners Association (HOA) webpage** – May 2021 updates provide expanded information for HOA notification process.
- **Soil Ordinance webpage** – May 2021 updates provide expanded information for this process.
- **Wildland Urban Interface (WUI) Code webpage** – May 2021 updates include new webpage providing WUI Code information.
- **Limits of Disturbance (LOD) Policy** – The LOD Inspection Guide clarifies the fencing requirement.
- **Concurrent processing** – Team Review provides 14-day permit processing.
- **Plan Review Status** – Improved communication provided through permit software and Team Review staff, where applicants receive notifications and status updates via email and by phone.
- **Final and 4-Way Inspection Checklist** – The Building Inspection Process Guide describes all building inspections.
- **Landscape Permit clarification** – Required when related to building or structure construction.
- **Historic District Grant Program** – Reinstated the financial incentive program, for the repair of historic structures and sites, of eligible projects.
- **Setback & Zoning Guide** – Created a guide explaining how to look up zoning, setbacks, and recorded plats for properties.

Improvements Currently Underway:

- **Additional Communication** – Staff is working to have code and policy updates published regularly in the Park City newsletter and website.
- **Translated information** – Staff is working to provide Spanish versions of building permit and inspection informational documents.
- **Owner Associations** – Staff is working with owner associations to simplify the registration and notification processes.
- **Historic District Design Review (HDDR)** – A weekly project review process and checklist to guide applicants through the HDDR process.
- **Online Planning Application Process** – An online application platform for all land use applications with templates to guide applicants through the process.
- **Sample Plat Template** – A plat guide to help applicants navigate City and County requirements to and expedite the plat review and redlining process.

Summary:

The Community Development Team continues to improve customer service and provide more predictable permitting processes. This task force update and list of improvements are a summary of our efforts that benefit property owners, contractors, architects, and staff efficiency.

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Minutes

Agenda Section:

Subject:

Consideration to Approve the City Council Meeting Minutes from September 2, 2021

Suggested Action:

Attachments:

[September 2, 2021 Minutes](#)



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

September 2, 2021

The Council of Park City, Summit County, Utah, met virtually in open meeting on September 2, 2021, at 4:15 p.m. in the City Council Chambers.

Council Member Henney moved to close the meeting to discuss property, litigation and advice of counsel at 4:15 p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, and Worel

EXCUSED: Council Member Doilney

CLOSED SESSION

Council Member Doilney moved to adjourn from Closed Meeting at 4:35 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

WORK SESSION

Discuss the Downtown Trash and Diversion RFP Scope:

Luke Cartin, Environmental Sustainability Manager, and Jonathan Weidenhamer, Economic Development Manager, presented this item. Cartin reviewed the current trash contract had been extended a few times, but there were no waste diversion goals within it. Some challenges were trash volume increases, the location, and amount of storage facilities along Main Street. He explained the City's Environmental Leadership goals included recycling and green waste and indicated the community's businesses had voiced this was important to them as well. Cartin indicated the Historic Park City Alliance (HPCA) agreed to increase year-round trash pickup to address the overflow problem. He proposed a 10-year contract, with progressively green goals identified for each year of the contract.

Weidenhamer stated the City was working on the contract in conjunction with the Business District Trash Subcommittee. Also, Jennifer Wesselhoff, Chamber of Commerce President, supported trash diversion programs and thought they aligned with

1 the sustainable tourism programs in the community. He indicated trash diversion didn't
2 appear to be a big cost. Council Member Gerber asked how common a 10-year contract
3 was, and what would happen if there was a problem mid-contract. Weidenhamer stated
4 he would recommend starting with a six-year contract to make sure both parties were in
5 sync. Mayor Beerman stated there was a lot of monitoring and refining in this plan and
6 he asked who would be over that process. Cartin stated the vendor would be
7 responsible for clear billing that showed what was being done. Council Member Henney
8 asked about the role of Waste Management. Cartin stated they were a big player on the
9 Wasatch Front. Republic and other waste haulers that worked this region were
10 participating in diversion and they would be interested in this contract. Council Member
11 Henney stated Waste Management had a company philosophy that garbage was a
12 mine and they were mining. He thought garbage was a great mine that could be sold
13 and/or recycled. Cartin stated there was a challenge in Summit County, in that the
14 landfill had less than 30 years of life. But these were some solutions that could extend
15 that life.

16
17 Council Member Worel asked what the process was, to which Weidenhamer stated he
18 would release the Request for Qualifications (RFQ) in a few weeks, receive the
19 proposals by October, and set the award for October with the contract beginning
20 November 1st. Council Member Henney asked if the contract would start a broader
21 recycling effort throughout the community. Cartin stated the HPCA trash bid was the
22 flagship to the community initiative. There would be an education piece and some sub-
23 strategies for community-wide zero waste. He would come back to Council to discuss a
24 balance of waste, parking, and snow storage. Council Member Henney noted Summit
25 County's residential solid waste contract would expire next year and the County Council
26 was working on a new strategy too. He asked if this was an opportunity to add
27 additional services to this contract. Cartin stated there was an opportunity to add green
28 waste, glass, and more to the contract. The goal was to solidify the baseline and then
29 add the opt-in services. Council Member Henney asked Council to consider a service
30 contract with Recycle Utah for the additional service of clearly marking recycle and trash
31 dumpsters in order to eliminate confusion.

32
33 Wesselhoff stated she was pleased with the survey results from businesses and the
34 priority they gave to green waste and recycling. The Chamber supported the business
35 community's sustainable goals. She discussed the Chamber's Sustainable Tourism
36 Pillars, along with their management plan and strategy, and believed the City and
37 Chamber were aligned.

38
39 **Discuss a Master License Agreement for Small Wireless Facilities in City Right-of-**
40 **Way:**

41 John Robertson, City Engineer, presented this item and presented slides on wireless
42 towers. He noted the macro towers were not being discussed for the City. He reviewed
43 the passage of Senate Bill 189 in 2018. As a result, the City received requests for small

1 wireless facilities in 2019. Staff began to draft documents and brought this issue to
2 Council in July, 2020. The community expressed concern about potential health effects
3 that could occur from having these towers. He stated the City could not deny a request
4 on the basis of health, but it could require regular reports on the radio frequencies that
5 emitted from the towers. He stated there were four documents staff prepared in the
6 materials packet: the ordinance, the master license agreement, the design standards,
7 and the permitting application.

8
9 Robertson noted the permitting process would ensure the applicant was in compliance
10 with federal and state requirements, with pole heights and with radio frequencies. He
11 stated the City would require poles that would be similar to the design of the current
12 light poles on the City rights-of-way, although they would be about five feet higher.

13
14 Council Member Worel asked what the required insurance would cover, to which Tom
15 Daley, Deputy Attorney, stated the liability insurance would cover the cost of
16 equipment/infrastructure if it was damaged in the right-of-way. Council Member Gerber
17 indicated there were already towers on top of buildings around town, and asked if the
18 City could require a fee since it was on public property. Robertson stated companies
19 that had towers on buildings would pay a fee for those locations. Daley stated the City
20 could not charge a fee that exceeded a reasonable cost since the cell companies
21 needed to afford it to provide service to the population. He noted the State Legislature
22 laid out the fee language, along with fee caps. Council Member Henney was
23 disappointed the City had no choice in the approval of these cell towers. He thanked
24 staff for their efforts of staying on top of the issue. He indicated the concern was health
25 and he asked if the Health Board had discussed radio frequencies. Council Member
26 Worel stated the board had not discussed this issue, but she would pass along the
27 suggestion to the board chair.

28
29 Mayor Beerman asked if the cell tower could be hidden in the street banners and not on
30 the top of the poles, to which Robertson stated the banners would block the
31 transmission. Council Member Gerber asked if technology would continue to advance
32 so the appearance would improve in the future. Robertson stated the City could not
33 delay approvals until a better design was available. Daley stated the Federal
34 Communications Commission (FCC) prohibited a moratorium on approvals. Mayor
35 Beerman asked if exceptions could be made for the Historic District. Daley indicated
36 there was latitude for better placement in certain districts. Council Member Doilney
37 thought the City could set a high bar for cell tower placement that was in line with the
38 high bar set for standards Citywide. Council Member Worel asked if the City had liability
39 if cell towers were proved to cause health issues. Daley stated there was no precedent,
40 so he couldn't say, but normally the City's liability was very limited. Mayor Beerman
41 thought the middle depiction of a cell tower on a light pole would be acceptable, but he
42 thought the depiction on the far right was awful.

Mayor Beerman opened the meeting for public input.

Tana Toly stated she researched how other cities prevented the cell boxes in neighborhoods, and noted groups were having success by requiring setbacks and other restrictions. She encouraged the City to research ways to prevent the 5G cell boxes in neighborhoods and to communicate and discuss the issues with the community.

Daley stated outside counsel was used to create the City documents, and the City knew the limits in prohibiting the antennas from being installed. Council Member Henney asked if other states had more tools to prevent the cell towers. Daley stated this was a federal and state law, and he was not aware that setbacks or other restrictions had succeeded. There was a lot online about cell towers, but nothing about 5G.

Alex Butwinski indicated his 4G phone worked fine and he didn't see the need for 5G. Robertson indicated 4G would be obsolete after a while.

Christian Hendrickson, Attorney for Verizon Wireless, stated he sent a letter with revisions to the Master License Agreement (MLA) to Council. He wanted to clarify Verizon wasn't part of the process in developing the City documents. He worked with different cities to help get good cell reception for the community, tourists, and emergency service providers. He thought some of the MLA language could be amended to be more compliant with applicable laws. The bond requirement seemed to be excessive, especially since there was an insurance requirement. He stated he looked forward to being part of the process as the documents continued to be worked on.

Mayor Beerman closed the public input portion of the meeting.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Excused

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communication Reports:

1. No Dumping Stormdrain Decals:

2. Park Silly Sunday Market Mid-Season Report:

3. Budget Monitoring Staff Report - July 2021:

Council Member Henney requested the staff communication reports be mentioned during Council meetings so the community would know Council was aware of the reports. Mayor Beerman reviewed the staff reports. He asked what was driving the increased revenues in the budget reports. Council Member Henney noted there was a lot of diversity on Main Street and he hoped that would translate to vibrancy and a thriving business district. He thought the main benefit of diversity was that people felt safe, welcomed and accepted. Council Member Joyce noted the Transient Room Tax (TRT) increased 137% and he thought the revenue increase was due to tourism. Mayor Beerman was amazed these were numbers for June, since June was usually half of the numbers for July annually. Dias noted there was an increase in online sales as well. Council Member Joyce thought it would be interesting to see if the percentage of primary residents was increasing.

Council Questions and Comments:

Council Member Joyce stated he was concerned about what was happening with COVID within the City and County. There were events such as Park Silly Sunday Market and the Follies, where there wasn't sufficient social distancing, yet the majority of people were not wearing masks. He knew the City took counsel from the County, but he was frustrated with the lack of action in spite of daily increases in COVID cases for the past three months. He asked if the City should take independent action. Mayor Beerman indicated he talked to the Summit County Council and the Health Department and he was told they were monitoring the situation, but they didn't think the numbers were at the point of taking action. Council Member Joyce stated the County went from low transmission to high transmission since June and nothing had been done. Council Member Gerber noted case rates by demographic and indicated businesses were asking for a mask mandate. She thought someone needed to step in and provide guidance.

Council Member Worel recognized these points, and stated the City worked with the Health Department. She asked if Council wanted to separate from the Summit County Council and the Health Department. Council Member Joyce stated the Health Department took a leadership role a year ago, and then the State followed. Now, the transmission rate was increasing and nothing was being done. He preferred that the

County step up and take action. All of Council asked for a discussion. Council Member Worel asked that the discussion take place with Summit County. Council Member Doilney noted the State made it more complicated to take action, but he felt a discussion would be worthwhile. Mayor Beerman asked for a special meeting to discuss this. Dias indicated he would coordinate a date.

Council Member Worel indicated the Friends of the Library was having a book sale this weekend. Voter Rights was launching a new program, "If I ran the City", for 16-29 year-olds to submit a paper on what they would do if they ran the city.

Council Member Gerber stated she attended the Colorado Association of Ski Towns (CAST) meeting with Mayor Beerman, and housing led the conversation. She listed many of the Colorado taxes that helped with affordable housing and the cities' ability to cap nightly rentals. Other topics included greenhouse emissions. She noted the conference would be coming to Park City in October and she hoped outdoor spaces could be utilized. Council Member Gerber also spoke at the Workforce Development conference, and she hoped the City could work with the Chamber to help find workforce for the community.

Council Member Doilney attended a Social Equity Taskforce meeting, and one attendee noticed many residents came across as snarky. He stated there was a lot of diversity on Main Street, but familiar faces were becoming rarer. He hoped the community could be like the younger generation in welcoming all.

Council Member Henney attended the Chamber luncheon and he indicated the Chamber promoted the same community values as the City. Adolf Imoden and Charlie Sturgis were honored at that time. He stated a member of the Planning Commission was concerned there was no City Transportation Plan, and he noted all the Transportation plans that were regularly updated and currently being studied. Council Member Worel stated the Transportation team and the taskforce were working hard on the long and short range transportation plans and it would be reported on at the mid-year retreat. Council Member Joyce indicated the concern was that the City was working on a plan and there wasn't a plan already in place, while planning decisions needed to be made now. Council Member Henney listed several Transportation plans and policies and asked if there should be a joint meeting where the Transportation team could present the plans. Council Member Worel stated there were some plans in progress and staff was working hard to complete the plans. She thought a joint meeting could be beneficial. Mayor Beerman stated some commissioners were looking for policy direction since the General Plan had changed dramatically. He asked Dias and Plane to address the situation.

Mayor Beerman indicated he attended the CAST meeting and housing and climate work was being done. Some peer towns were concerned with workforce and housing

1 shortages. He stated there was some concern in the community about drone deliveries
2 and he suggested an ordinance on drone standards. Mayor Beerman noted the Human
3 Rights MEI scorecard went from a 38 to a 70, which was the highest ranking in the
4 State and he thanked the taskforce that worked on this. He also noted the passing of
5 Robin Sletten, Phyllis Maizlish, Duane Schmidt, mayor of Coalville, and Victor
6 Berriochoa.

7
8 **III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE**
9 **AGENDA)**

10
11 Mayor Beerman opened the meeting for anyone who wished to comment or submit
12 comments to the Council on items not included on the agenda.

13
14 Andre Shoumatoff added to the comment on snarkiness and admitted he was one of
15 those. There were challenges of COVID, social media, and other things, but people
16 were waiting 15 minutes in traffic in the mornings and transit was less effective. He
17 thought there was a misunderstanding in what the City thought it was. It was now next
18 to a metropolitan area. Park City was no longer a small town. Then there was Park City
19 and the part of the county called Park City. Greater Park City residents didn't think the
20 Council supported them. He expressed concern about the zipper merge into town and
21 didn't think it should be there in the first place. Since people couldn't afford to live in
22 town, this was one way to make the commute better. He discussed the towing at
23 Guardsman Pass and thought it was cruel. He stated there was a disconnect between
24 reality and what was occurring in the City.

25
26 Ashlee Cawley, Republic Services, stated she worked with residential contracts and she
27 expressed her appreciation to the City. Republic was excited to see the RFQ and she
28 noted they had sustainable programs.

29
30 Council Member Joyce commented that he communicated with Shoumatoff and he
31 thought there was room for improvement at Guardsman Pass and Bonanza Flat. He
32 asked Dias to have Deters post notices for skiing and parking as the City moved into the
33 winter season. He thought Deters could put that in a report in October.

34
35 Dave Rockwood thanked Council for their work to keep Park City such a wonderful
36 place. He stated the City was changing and the biggest challenge was traffic. He asked
37 why the old Olympic parking lots weren't being used. Mayor Beerman stated park and
38 ride models were being worked on, including one at Quinn's Junction. Most of the
39 Olympic parking lots were not owned by the City.

40
41 Mayor Beerman closed the public input portion of the meeting.

42
43 **IV) CONSIDERATION OF MINUTES**

Consideration to Approve the City Council Meeting Minutes from August 19, 2021:

Council Member Gerber referred to Page Three, Line 38 and clarified she thought a PID policy was needed.

Council Member Henney stated Page Five, Line 20, should read "staff reports" instead of "projects." Also, on Page Eight, Line 12, Pete Emery was the new Deputy Fire Chief.

Council Member Gerber moved to approve the City Council meeting minutes from August 19, 2021 as amended. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

V) NEW BUSINESS

1. Consideration to Approve Ordinance 2021-34, an Ordinance Approving the 1003 Norfolk Avenue Amended Plat, Lot 1 and Lot 2 in Block 16 of Snyder's Addition, Park City, Utah:

Alex Ananth, Senior Planner, presented this item and stated the amendment would combine two lots and remove the internal lot line. She noted Condition of Approval Three was modified and would now state: "The applicant shall enter into an encroachment agreement with the City for the garage prior to recording the plat amendment."

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Joyce moved to approve Ordinance 2021-34, an ordinance approving the 1003 Norfolk Avenue Amended Plat, Lot 1 and Lot 2 in Block 16 of Snyder's Addition, Park City, Utah with the amended Condition of Approval Three. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

2. Consideration to Approve Ordinance 2021-35, an Ordinance Approving the Fairway Village No. 1 First Amended Amending Lot 28, Located at 2587 Fairway Village Drive, Park City, Utah:

Alex Ananth, Senior Planner, presented this item and stated the owner proposed an addition to the structure. She noted other units in the subdivision had completed similar additions.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Henney moved to approve Ordinance 2021-35, an ordinance approving the Fairway Village No. 1 First Amended amending Lot 28, located at 2587 Fairway Village Drive, Park City, Utah. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

3. Consideration to Adopt Resolution 21-2021, a Resolution Authorizing the Issuance and the Sale of \$7,000,000 in the Aggregate Principal Amount of Water Revenue Refunding Bonds for the Series 2012 and 2012B:

Jed Briggs and Erik Daenitz, Budget Department, Clint McAfee, Public Utilities Manager, and Brian Baker, Zions Bank Public Finance, presented this item. Council Member Henney asked if this \$7 million would exceed the current \$7 million already approved or if it was just a refinancing, to which Briggs stated this was just a refinancing. McAfee reviewed a slide showing the major projects that would be financed from this bond and noted they were unchanged from 16 months ago, but staff was taking advantage of refinancing at a lower interest rate.

Briggs stated this bond was part of a 20-30 year plan in Finance. He indicated Council authorized \$160 million in water revenue bonds in FY20. The City already issued \$75.5 million and this October, the other \$65 million would be issued. The maximum maturity date would be 20 years. Baker indicated bond interest rates were very low, at close to 1.6%. Council Member Henney was surprised the rate held steady and asked if the demand for issuance was high. Baker stated not all economies were as strong as Utah's economy. Briggs stated the City would save \$500,000 in interest from refinancing.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Joyce hoped the City would not backload the bonds and thought backloading handcuffed future Councils and that it was bad policy. He asked if there was anything outside the Water Department that could be refinanced to gain similar savings. Baker indicated previously, bonds could be refunded sooner than 10 years, but the Tax Reform Act eliminated that option. Briggs added that the City bonded with regularity and this bond refund would be tied to the new bond in order to save money. McAfee noted the backloaded bonds helped keep water rates from increasing. Briggs stated Finance hoped to keep payments consistent.

Council Member Joyce moved to adopt Resolution 21-2021, a resolution authorizing the issuance and the sale of \$7,000,000 in the aggregate principal amount of Water Revenue Refunding Bonds for the Series 2012 and 2012B. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

4. Consideration to Approve Temporary Artwork for the Arts District:

Jenny Diersen, Special Events Manager, and Jocelyn Scudder, Park City Summit County Arts Council, presented this item. Diersen reviewed the Public Art Board process for recommending this artwork in the Arts District.

Council Member Worel asked what concerns one of the Public Art Advisory Board (PAAB) members had about the artwork. Diersen stated the art was on a panel and they were concerned that a storm would come and knock over the artwork. There were concerns about code compliance, but Diersen stated the art was compliant with the Building Code. Dave Thacker, Building Official, stated Building would make sure the public was safe and the art would meet the minimum standards of the Building and Fire Code. Anchors would be required for the artwork, similar to what was required with Park Silly Sunday Market.

Mayor Beerman opened the meeting for public input.

Alex Butwinski, PAAB member, indicated the board should stay focused on the aesthetics of the art and sometimes they strayed. As far as the artwork approved, everyone was supportive of the aesthetics.

Mayor Beerman closed the public input portion of the meeting.

Council Member Joyce favored putting the public space to use and he appreciated the bilingual approach. Council Member Henney noted the selections were outstanding. He asked if there were artists that didn't get approved. Scudder stated 17 artists applied, but several did not have completed applications. Of the 14 completed applications, 11 were approved.

Council Member Joyce moved to approve temporary artwork for the Arts District. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

5. Consideration to Approve the Historic Park City Alliance Temporary Chalk Art Project on City Property:

Jenny Diersen, Special Events Manager, presented this item and noted this was the fall phase of the program.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Worel moved to approve the Historic Park City Alliance Temporary Chalk Art Project on City property. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

VI) ADJOURNMENT

VII) PARK CITY HOUSING AUTHORITY MEETING

II) ROLL CALL

Attendee Name	Status
Chair Andy Beerman Board Member Max Doilney Board Member Becca Gerber Board Member Tim Henney Board Member Steve Joyce Board Member Nann Worel Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, Secretary	Present
None	Excused

II) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Chair Beerman opened the meeting for anyone who wished to comment or submit comments to the Council on items not included on the agenda. No comments were given. Chair Beerman closed the public input portion of the meeting.

III) NEW BUSINESS

1. Consideration to Approve the Sale of an Affordable Rental Unit in Kings Crown Subdivision, Located at 1271 Lowell Avenue, #B101, Park City, Utah:

1 Rhoda Stauffer, Affordable Housing Specialist, presented this item and stated the
2 developer proposed to sell the employee unit in the market rate building. It was intended
3 for an employee working onsite and the employee living there had requested to buy it.
4 She noted the deed restrictions allowed for the sale of the unit and the CCRs protected
5 the affordability of the unit.

6
7 Board Member Gerber noted the unit had access to all the amenities, but it had the
8 reduced HOA fee, which was nice. She asked if the employee had to remain employed
9 at the site, to which Rory Murphy, the developer, indicated no.

10
11 Chair Beerman opened the meeting for public input. No comments were given. Chair
12 Beerman closed the public input portion of the meeting.

13
14 Board Member Gerber moved to approve the sale of an affordable rental unit in Kings
15 Crown Subdivision, located at 1271 Lowell Avenue, #B101, Park City, Utah. Board
16 Member Worel seconded the motion.

17 **RESULT: APPROVED**

18 **AYES:** Board Members Doilney, Gerber, Henney, Joyce, and Worel

19
20 **IV) ADJOURNMENT**

21
22 With no further business, the meeting was adjourned.

23
24
25

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Heinrich Deters

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the City Manager to Execute a Professional Service Agreement in a Form Approved by the City Attorney's Office with Fehr & Peers Transportation Consultants for the Rail Trail Master Planning in an Amount Not to Exceed \$151,538

Suggested Action:

Attachments:

[Rail Trail Contract Staff Report](#)

[Exhibit A: Fehr & Peers Rail Trail Master Plan Scope of Work](#)



City Council Staff Report

Subject: Rail Trail Master Planning Process
Author: Heinrich Deters
Department: Sustainability
Date: September 23, 2021
Type of Item: Administrative – Award of Contract

Recommendation

Authorize the City Manager to execute a Professional Service Agreement, in a form approved by the City Attorney's Office, with Fehr & Peers Transportation Consultants for the Rail Trail Master Planning process, in an amount not to exceed \$151,538.00.

Background

On April 15, 2020, City Council held a work session and provided direction to enter an interlocal agreement with Utah State Parks over the management and maintenance of the Historic Union Pacific Rail Trail between Bonanza Drive and State Route 248. [April 15, 2021, Staff Report](#)

Discussions between Utah State Parks and Park City Municipal associated with the interlocal agreement have continued for several months, and staff is hopeful of having a final agreement in place for Council to approve this fall.

Analysis

The Transportation Project Management and General Transportation Services Request for Qualifications (RFQ) was taken through a competitive process to identify qualified consultant agencies. Fehr & Peers was the top scoring consultant in the category of "transportation planning." This was based on client reference, insurances and requirements, rate structure, personnel, and relevant qualification and technical responses. The active transportation and recreational planning scope of the services associated with this project is provided in Attachment I.

The services include a community stakeholder group, of which, staff proposes to include the current WALC committee and Council liaison to advise the City. Additionally, numerous open houses, a community survey, and dedicated public meetings are being planned to enhance engagement efforts during scoping phases.

Staff anticipates starting the master planning process in November, which will trigger public engagement efforts to inform the community and finalizing the planning aspects by Spring.

Department Review

Sustainability, Transportation Planning, Executive, and the City Manager have reviewed this report, and their comments have been included.

Funding

Initial funding for the master planning contract will come from Transportation Planning Budget.

Attachments

Exhibit A- Scope of Services

Park City Rail Trail Master Plan

FINAL Scope of Work

August 17, 2021

Executive Summary

The purpose of the Rail Trail Master Plan is to create a vision for the Rail Trail, identifying improvements for the trail itself as well as ways to better connect the trail to the community around it. This will include recommendations for land use, community development, environmental enhancements, mobility improvements, and regulatory next steps. The study area will include the Rail Trail between Bonanza Drive and SR-248 east of US-40, including a quarter-mile buffer along the trail.

This Scope of Work represents tasks to be completed by Fehr & Peers through the Park City Transportation Planning On-Call Pool, to create a Rail Trail Master Plan. Fehr & Peers will be the prime service provider, with support from GSBS Architects and Bowen & Collins as subconsultants.

Task 1: Project Management

Fehr & Peers will coordinate regularly with the Park City Project Manager to ensure the project goes according to scope, schedule and budget. As part of this task, Fehr & Peers will prepare monthly invoices, progress reports, and provide documentation of all meetings associated with this task. Fehr & Peers will meet up to 4 times with a Working Group designated for the project, with representatives from Park City Council, Utah State Parks, Snyderville Basin Recreation District, Mountain Trails Foundation, and other individuals as identified by the Park City Project Manager. This group will provide guidance on opportunities and constraints, public engagement, implementation strategies, and recommendations.

Task 1 deliverables: Meeting minutes, progress reports, and monthly invoices

Task 2: Data Collection

Fehr & Peers will collect the following data:

- GIS data available from Park City, including datasets displayed in the Park City Rail Trail Existing Conditions webmap, as well as GIS data showing current and future on-street and off-street trail locations (including mountain bike trails and equestrian trails as applicable)
- Park City Forward and the Park City General Plan
- Current zoning and ownership
- PSPOA Master Plan Community
- Summit County Active Transportation Plan
- Trail user counts and user splits as available from existing Park City sources
- Public and private trail access points including parking supply
- Potential right-of-way encroachments as observed in the field

- Environmental data associated with UDOT corridor study or previous assessment performed by consultants for PCMC
- Applicable information from State Parks
- General locations of Richardson Flat and Quinn's Junction Park and Ride locations and plans
- Provide for three (3) intercept survey days on the Rail Trail and at varying locations.

As part of this task, Fehr & Peers will organize and facilitate a bike tour of the corridor with the project team, Working Group, and stakeholders to observe conditions in the field and discuss issues.

Task 2 assumptions:

- *GIS data can be provided by Park City staff and does not require generation of new datasets*
- *Trail user counts and splits will be available from Park City and will not require additional data collection*
- *Previous data collected for PCMC by consultants working on the project will be provided by the City*
- *UDOT corridor data will be provided by City*
- *Intercept surveys will be conducted for a four-hour span on three separate days and will require up to 3 staff people for each four-hour span*

Task 3: Identify Corridor Goals

Fehr & Peers will facilitate a discussion with the Park City Project Manager and the Working Group to identify important goals for the Rail Trail corridor in the study area. Park City's currently-adopted planning documents will be used as a starting point for goal statements, and the project team will help the Working Group create a short list of goal statements. These goal statements will be shared with the public and will guide the development of concepts for implementation along the corridor.

Task 3 deliverable: Corridor Goals Technical Memorandum

Task 4: Identify Opportunities and Constraints

Fehr & Peers will facilitate identification of opportunities and constraints along the Rail Trail corridor study area, to form the basis of recommendations for next steps and improvements. The opportunities and constraints analysis will include the following topics:

- Connections (existing and potential) to key destinations within the study corridor, and desire lines for travelers from a range of modes (including pedestrians, cyclists, e-bikes, and mountain bikers)
- Connections (existing and proposed) to Park and Ride locations
- High-level environmental constraints, including:
 - Locations of potential wetlands that may be impacted by trail expansion and new connections
 - Identification of regulatory and/or permitting steps that may be needed to obtain approval for trail regarding wetland impacts
 - Potential hazardous soil conditions that may require mitigation
 - Identification of next steps for regulatory or permitting actions regarding soil conditions
- Opportunities for community development, including:

- o Locations for redevelopment activity or intensification of current development patterns
- o Connections to existing activity nodes and their strengths/weaknesses
- o Identification of potential trailside community activity nodes and their strengths/weaknesses
- o Identification of zoning or development code issues that may need to be addressed to implement corridor vision ideas
- Right of way or property constraints that may affect implementation of potential corridor improvement projects
- Opportunities for additional greening, park spaces, landscaping, or passive placemaking activities
- Opportunities for Silver Creek stream enhancements or changes

This task will conclude with a brief technical memorandum, summarizing the opportunities and constraints, utilizing visual maps and graphics as necessary to communicate salient points.

Task 4 deliverable: Opportunities and Constraints Technical Memorandum

Task 5: Public Outreach

Fehr & Peers will conduct public outreach specific to the Rail Trail Master Plan. This will take the form of a public outreach plan that includes a stakeholder group, two public open houses, and a public user group survey.

Public Outreach Plan

An effective public outreach strategy should educate stakeholders and community members on key issues and objectives, prioritize the community's desires and needs, allow the project team to learn from the community, and create confidence in the planning process in order to achieve public ownership in the final Rail Trail Plan and built projects. To kick-off this task, Fehr & Peers will prepare a public outreach plan in consultation with City staff that seeks to achieve the project's objectives while promoting transparency and strengthening public trust. The Outreach Plan will outline the timing, purposes, potential locations, and potential audience. With feedback from Park City, we will finalize the Outreach Plan. The plan will include:

- Development of intercept surveys to be conducted at three distinct Rail Trail locations
- Two project open houses, which includes Prospector HOAs, residents, PSPOA members, and stakeholder group.
 - o One open house will be held near the beginning of the project, and the other will be held to get feedback on potential recommendations
- Outreach to the LatinX community,

Assumptions

- Park City will provide information and direction on the breadth and depth of their expectations for outreach, including the extent of the community they are hoping to reach, any existing outreach resources and efforts¹, and lessons learned from past outreach efforts.
- Park City will provide a stakeholder list

¹ Including email lists and available social media.

- Park City will conduct notification of open houses through City-managed channels such as KPCW, the Park Record, City social media pages, and other methods
- Fehr & Peers will provide Spanish translation of open house materials and notification content

Deliverables

- Draft and final outreach plan based on one round of revisions.

Stakeholder Group

Based on direction from Park City's Project Manager and the Working Group, our team will create a Stakeholder Group and hold up to three (3) two-hour meetings either in-person, virtual, or a hybrid, depending on current circumstances. This group will be made up of identified stakeholders ranging from residents, local champions, and elected officials to representatives from state and local agencies who are interested in or pivotal to the success of rail-trail projects. These points of contact will be critical to understanding the community priorities and perspectives and anticipating challenges and constraints period to the extent possible. One of the in-person meetings will include the biking tour as referenced in Task 2. Fehr & Peers will also provide up to 3 email updates to this Stakeholder Group during the study process as information becomes available and plans take shape.

Assumptions

- Park City will provide direction on interested parties to include in the stakeholder working group.
- Fehr & Peers will schedule these group meetings, prepare and distribute meeting materials, agendas, and notes, as well as answer questions and lead presentations if required.
- In-person meetings can be hosted by Park City.

Deliverables

- Meeting materials, agendas, and notes.

User Group Survey

Fehr & Peers will develop language for a user group survey to ask interested individuals about improving this trail facility and learn about the potential community and environmental impacts surrounding the trail. This survey will help determine who uses this trail, who would like to use it, and what they want this trail to look like in the future. This content will be provided in an online survey format, with hard copies as requested.

Assumptions

- Park City and the Stakeholder Working Group will jointly work with community officials and local champions to publicize the user group survey

Deliverables

- Fehr & Peers will prepare a summary report of the survey results and findings.

Task 6: Develop Corridor Strategy

Fehr & Peers will lead the development of strategic recommendations for the Rail Trail corridor in the study area. This will include:

Commented [HD1]: Let's just cut the open house and do it in a Council meeting...we have stakeholders who can do stuff....just cutting costs.

- Proposed cross-section dimensions and features
- Current and future activity nodes and land use/community development recommendations
- Proposed connectivity improvements for the modes listed in Task 4
- Proposed infrastructure improvements including bridges, parking areas, ADA accommodations, and roadway crossing improvements
- Additional or parallel trail corridors for varying user types
- Proposed green spaces
- Stream corridor enhancement or variation options
- Proposed connections and routes to existing and proposed Park and Ride locations
- Concept construction cost estimates
- Recommendations per project phasing plan including funding and expenditure prioritization
- Identification of funding gaps and potential funding sources, such as TIF Active, Transportation Alternatives, and other state/local/regional funding sources
- Ongoing maintenance budget for improvements

Assumptions

- PCMC will provide budget costs and data per ongoing maintenance budget
- PCMC will provide unit construction costs from recent previous project

These recommendations will be developed collaboratively with the project team, the PCMC Project Manager, and the Working Group. Recommendations will be targeted to meet the goals identified during Task 3.

Task 7: Draft and Final Corridor Plan

Fehr & Peers will prepare a Draft and Final Corridor Plan for the Rail Trail within the study area. The Corridor Plan will include:

- A brief narrative of the planning process
- Goal statements as identified and approved by the Working Group
- Description of the vision for the Corridor, as outlined in Task 6
- Action item list to implement the recommendations, with responsibilities identified by agency
- Summary of relevant grant programs that could provide funding along with their application timelines

Fehr & Peers will conduct two rounds of Administrative Draft review of the Corridor Plan with the PCMC Project Manager and the Working Group before providing a Final Corridor Plan to PCMC. As part of the approval process, Fehr & Peers will attend up to 3 meetings with Park City Council and/or Planning Commission to support the approval and adoption process. This will include preparation of presentation materials for Council/Commission meetings.

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Ken Fisher

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the City Manager to Execute a Construction Agreement in a Form Approved by the City Attorney's Office with TerraWorks Inc., for the Park City Cemetery Cremation Garden Phase 1 Project in an Amount Not to Exceed \$59,667

Suggested Action:

Attachments:

[Cremation Garden Phase One Staff Report](#)

[Exhibit A: Terraworks Bid Proposal](#)

[Exhibit B: Cremation Garden Design](#)

[Exhibit C: Cremation Garden Product Sample](#)

City Council Staff Report



Subject: Park City Cemetery Cremation Garden Phase 1
Author: Matthew A. Twombly
Department: Sustainability
Date: September 23, 2021
Type of Item: Administrative – Award of Contract

Recommendation

Authorize the City Manager to execute the Construction Agreement on a form approved by the City Attorney's Office with Terraworks Inc., for the construction of the Park City Cemetery Cremation Garden Phase 1 project in an amount not to exceed Fifty-Nine Thousand Six Hundred Sixty-Seven Dollars (\$59,667).

Background

On November 12, 2020, staff updated the Council regarding the lack of available plots at the Park City Cemetery. Council supported staff's recommendation for hiring a landscape architect to develop a master plan and pursue the development of a cremation garden in the near term. Staff contacted other cemeteries in Heber and the Salt Lake vicinity identifying a handful of architecture firms who had performed similar cremation garden cemetery work and sent out a request for proposals (RFPs). Staff selected EDA Land Planning P.C. and entered into a contract on February 6, 2021.

After the snow melted, EDA surveyed the cremation garden area and developed preliminary concept plans (Exhibit B). These included possible granite features, stone benches, columbariums, and boulders. Based on the concept plans and conceptual cost estimates, staff and the architect developed a two-phased approach to the cremation garden construction, where future sales from phase 1 could offset funding for phase 2. Staff and the architect developed a final design and granite order. Staff bid the construction at the beginning of August, and the granite can be delivered this Fall.

Analysis

Staff advertised the Cemetery Cremation Garden Phase 1 project in the Park Record on August 14th and 18th, 2021, the Utah Legal Notices website, and the City's website. Terraworks Inc., was the only firm to submit a bid proposal on the project.

Staff recommends awarding the contract to Terraworks Inc. and proceed with the Park City Cemetery Cremation Garden Phase 1 project. Due to the late construction, the plantings were deferred until the spring. Staff is hopeful of getting all the groundwork and granite pieces installed this season before significant snowfall. Completion of the first phase - irrigation, planting, and mulch will be completed in the spring. Staff pre-ordered a selection of 22 products for the initial phase to gauge interest for future purchasing. The 22 products will provide roughly 40 internment locations for cremation burial. It is anticipated that these products will be installed this Fall and be available for purchase by Summer 2022.

There are currently six plots remaining for Park City residents in immediate need. Staff anticipates returning to Council this winter to discuss an updated Cemetery Policy and fees associated with the Cremation Garden.

Funding

There is currently approximately \$87,000 budgeted in the Cemetery Improvements CIP account. As you know, we are running out of room to serve Park City residents wanting to honor the life of their loved ones.

Attachments

Exhibit A – Terraworks, bid proposal

Exhibit B – Cremation Garden Design

Exhibit C – Cremation Garden Product Sample

PARK CITY CEMETERY, CREMATION GARDEN PHASE 1

A.	Mobilization (not to exceed 2% of contract price)	\$ <u>1500.00</u>
B.	General Conditions (if any)	\$ <u>1000.00</u>
C.	Cremation Garden Phase 1, Landscape Improvements Plans (EDA Land Planning, Sheets T – L-10.1)	
1.	Demolition/Clearing and grubbing as per sht. L-1.1, complete	\$ <u>2500.00</u>
	Remove Wood Edging	\$ <u>250.00</u>
	Clear and Grub	\$ <u>2250.00</u>
2.	Grading and Drainage as per sht. L-2.1, complete	\$ <u>675.00</u>
	Fine Grading	\$ <u>675.00</u>
3.	Construction items as per sheets L-3.1 - L-4.2, complete	\$ <u>38,842.00</u>
	Relocate Trash Receptacle	\$ <u>70.00</u>
	Wood Landscape Edging	\$ <u>675.00</u>
	Metal Landscape Edging	\$ <u>2232.00</u>
	Gravel Path	\$ <u>1225.00</u>
	Step Stone Path	\$ <u>6500.00</u>
	Concrete Bench pads and Footings	\$ <u>7920.00</u>
	Granite Installation	\$ <u>5820.00</u>
	Niche Boulders Complete	\$ <u>14400.00</u>
4.	Irrigation as per sheets L-5.1 - L-7.1, complete	\$ <u>12,750.00</u>
5.	Planting as per sheets L-8.1 - L-10.1, complete	\$ <u> </u>
	Shrubs and Perennials	\$ <u> </u>
	Sod	\$ <u> </u>
	Mulch	\$ <u> </u>
	SUBTOTAL C	\$ <u>57,267.00</u>

D. Miscellaneous (items not included in above list but identified on the plans for inclusion, if any please specify)

1.	Bond cost	\$ 2150.00
2.	Sign board	\$ 250.00
3.		\$
SUBTOTAL D		\$

TOTAL BASE BID* \$ 59,667.00

The above items shall include all overhead, profit, materials and labor complete. Changes in the work not identified in the following unit prices shall have overhead of not more than 10% and profit of not more than 5% added or deleted as appropriate.

BASE Bid or sum of separate work items for purposes of this contract: Undersigned

agrees to complete the Work for lump sum amount of _____

Fifty nine thousand six hundred sixty seven _____ Dollars
(Amount written in words)

\$ 59,667.00 _____
(Amount numerical)

If there is a conflict between the written and numerical amount, the written amount shall supersede.

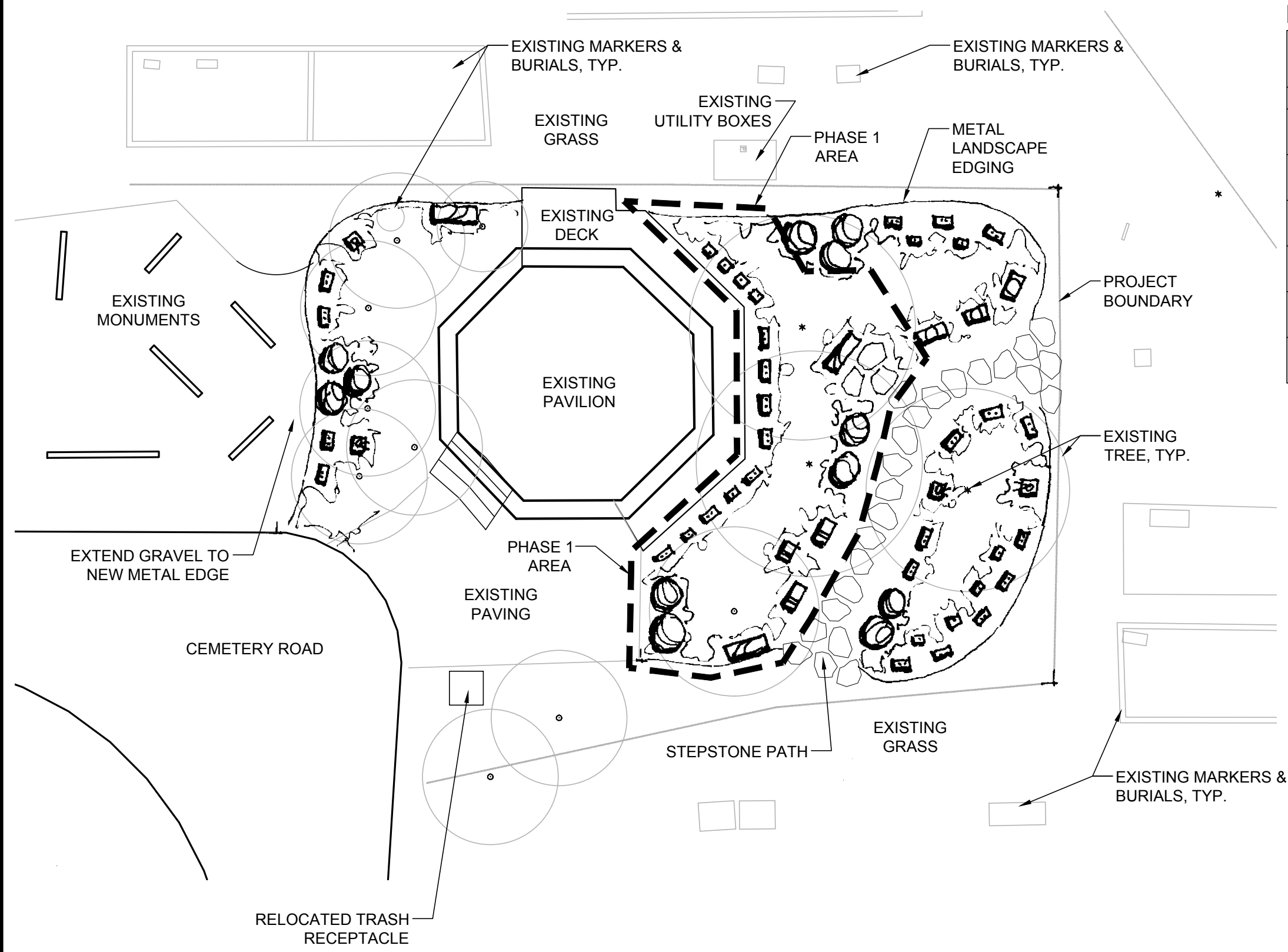
Undersigned agrees to complete Work, except the establishment and maintenance period, as stipulated in the Construction Agreement. The work on this Project shall commence within ten (10) days of receipt of the Notice to Proceed.

Paul Sannar _____
(Typed or Print Name)


(Signature)

TerraWorks Inc. _____

PO BOX 634 Bountiful, Utah 84011-0634
(Name of Corporation, Partnership, or Joint Venture, and legal mailing address)



Legend - Phase 1

SYMBOL	PRODUCT DESCRIPTION	QTY	I.R. PER UNIT	TOTAL I.R.
	PREMIUM COMPANION POST MARKER - TOP LOAD	7	2	14
	PREMIUM INDIVIDUAL POST MARKER - TOP LOAD	6	1	6
	PEAK COMPANION MARKER	2	2	4
	PEAK INDIVIDUAL MARKER	1	1	1
	CREMATION BOULDER	4	2	8
	CREMATION BENCH FOR 4	2	4	8
		22		41



Scale: 1" = 10'
June 10, 2021

CREMATION GARDEN - PHASE 1

PARK CITY CEMETERY

EDA

LAND PLANNING, P.C.

Landscape Architecture
Planning - Urban Design
772 East 3300 South, Suite 110
Salt Lake City, Utah 84106
Ph. 801-924-2296 Fax. 801-924-2297

Cremation Garden Product Examples

Products may vary in color and shape depending on availability and source.



Niche Boulders



Individual & Companion Post



Cremation Bench



Peak Marker

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

COVID-19 Update from the Summit County Health Director, Dr. Phil Bondurant

(A) Public Input

Suggested Action:

Attachments:

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Resolution

Agenda Section:

Subject:

Consideration to Adopt Resolution 22-2021, a Resolution Recognizing October 2021 as Domestic Violence Awareness Month in Park City
(A) Public Input (B) Action

Suggested Action:

Attachments:

[Domestic Violence Awareness Month Staff Report](#)

[Exhibit A: Domestic Violence Awareness Month Resolution](#)



City Council Staff Report

Subject: Domestic Violence Awareness Month

Author: Michelle Kellogg

Department: Executive

Date: September 23, 2021

Type of Item: Legislative

Summary Recommendation

Approve the proposed resolution proclaiming October 2021 as Domestic Violence Awareness Month in Park City.

Executive Summary

Peace House empowers, educates, supports, and shelters victims of family violence and abuse. By building the new campus and expanding services, the Peace House has provided a continuum of care for victims and their children to seek safety and work toward healing and independence. Peace House provides life-saving and life-changing support, helping those affected by abuse not only survive, but truly thrive. Peace House is proud to serve Summit and Wasatch counties for 25 years.

The Opportunity

Domestic violence does not discriminate. It touches all communities regardless of age, race, disability, gender identity or socioeconomic status. In Summit County, there were 228 family fights and domestic disturbances from January, 2020, to August, 2021. Research shows that by creating communities where people are connected, supportive and care for one another, there are fewer incidents of domestic violence.

Supporting Domestic Violence Awareness Month could help increase awareness of services for domestic violence victims, including therapeutic, legal, educational, housing, advocacy, and medical services, and will also provide relevant community programming in Summit County.

Department Review

Legal and Executive Departments

Funding Source

There are no commitments associated with this resolution.

Exhibit

A – Domestic Violence Resolution



Resolution 22-2021

A Resolution Recognizing October 2021 as Domestic Violence Awareness Month in Park City

Whereas, domestic violence remains a pervasive issue across Park City, Summit County, Utah, the United States, and the world with implications for personal and community health; and

Whereas, domestic violence does not discriminate, touching all communities regardless of age, race, disability, gender identity or socioeconomic status; and

Whereas, in Summit County there were 228 family fights and domestic disturbances from January 2020 to August 2021; and

Whereas, in Utah, 1 in 3 women and 1 in 4 men are physically abused by an intimate partner; and

Whereas, in Utah, 42% of adult homicides are domestic violence related; and

Whereas, considering medical expenses, lost productivity, legal costs, and property loss and damage, domestic violence costs victims nearly \$103,767 over their lifetime and collectively costs the United States \$3.6 trillion per year; and

Whereas, research shows that by creating communities where people are connected, supportive and care for one another, there are fewer incidents of domestic violence; and

Whereas, every day in Park City individuals and organizations play a part in supporting people impacted by domestic violence by providing services, including therapeutic, legal, educational, housing, advocacy, and medical services; and

NOW THEREFORE, Be It Resolved that the Park City Mayor and City Council on behalf of all residents of Park City do hereby proclaim October 2021 as Domestic Violence Awareness Month. We invite the community to take action by acknowledging the various community resources and activities that help shed light on this insidious epidemic that so many of our friends, families and community members experience. We ask everyone to be the light in dark times for those individuals by highlighting their strength, hope and resiliency. Together, we can make a difference in Park City and Summit County.

PASSED AND ADOPTED this 23rd day of September, 2021.

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

ATTEST:

Michelle Kellogg, City Recorder

APPROVED TO FORM:

Margaret Plane, City Attorney

Council Agenda Item Report

Meeting Date: September 23, 2021

Submitted by: Alexandra Ananth

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve Ordinance 2021-36, an Ordinance Approving The Crescent Condominiums First Amended, Amending Unit B, Located at 633 Park Avenue, Park City, Utah
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[633 Park Ave Plat Amendment Staff Report](#)

[Exhibit A: Ordinance](#)

[Exhibit B: Existing Plat](#)

[Exhibit C: Proposed Plat](#)

[Exhibit D: Project Intent and HOA Approval](#)



PLANNING DEPARTMENT

City Council Staff Report

Subject: 633 Park Avenue Condominium Plat Amendment
Project #: PL-21-04876
Author: Alexandra Ananth, Sr. Planner
Date: September 23, 2021
Type of Item: Administrative – Condominium Plat Amendment

Recommendation

1) Review the requested Condominium Plat Amendment, 2) conduct a public hearing, and 3) consider approving Ordinance 2021-36.

Description

Applicant: Michael and Ellen Rosenberg, represented by Alliance Engineering, Inc.
Location: 633 Park Avenue
Zoning: Historic Recreation Commercial (HRC)
Adjacent Land Uses: Commercial and Residential Development, Crescent Tram Trail
Reasons for Review: Condominium Plat Amendments require Planning Commission review and recommendation and City Council review and action

Summary

The Crescent Condominiums is a 3-unit condominium building. The applicant is proposing to expand the second level of Unit B 51 square feet, by enclosing a portion of the limited common ownership deck at the rear of the building and converting the enclosed portion to private ownership. No other changes to the Plat are proposed.

On August 25, 2021, the Planning Commission voted to unanimously forward a positive recommendation to the City Council.

Background

The Crescent Condominiums is a 3-unit condominium building originally recorded in 2006.

The property is in the Historic Recreation Commercial (HRC) Zoning District in the at the intersection of Park Avenue and Crescent Tram.

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 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 and/or Structures 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/or Structures and resources; and
- I. maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Analysis

This plat amendment proposes to expand one of the three condominium units that make up the Crescent Condominiums. The condominiums present as three separate buildings but are owned as a condominium structure. 633 Park Avenue Unit B is the middle unit and is approximately 4,400 square feet. The applicant is proposing to expand their unit on the second level only, by expanding the unit by 51 square feet by enclosing a portion of the existing 131-square-foot rear deck. No other changes are proposed. No additional parking requirements are triggered by the proposed expansion and the expansion is located outside of the 10-foot required rear setback. The HOA approved the expansion in June 2021 (Exhibit D).

As the site is in the HRC district the applicant will be required to receive Historic District Design Review approval prior to the issuance of a building permit. This is recommended Condition of Approval #3.

THE CRESCENT CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



LEGAL DESCRIPTION

ALL THAT LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 7

THE CRESCENT CONDOMINIUMS

Unit A
800 SQ. FT.

Unit B
895 SQ. FT.

Unit C
886 SQ. FT.

Deck 117 SQ. FT.

Deck 131 SQ. FT.

Deck 122 SQ. FT.

Deck 17 SQ. FT.

Deck 23 SQ. FT.

Deck 28 SQ. FT.

Deck 28 SQ. FT.

OPTIONAL ELEVATOR

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

COMMON OWNERSHIP

SECOND LEVEL PLAN SCALE: 3/4" = 1'

4977416 RECORDED

STATE OF UTAH COUNTY OF SUMMIT FILED
AT THE OFFICE OF THE CLERK OF THE DISTRICT COURT
DATE 8-12-08 TIME 9:00 AM PAGE 11

2488 *Amelia S. Brown, Deput*

RECORDED

SHEET 8 OF 7

[illegible]

Area of Proposed Expansion



633 Park Avenue - rear - looking northeasterly

Good Cause

The proposed Plat Amendment has been reviewed in accordance with LMC Chapter 15-7. Staff finds Good Cause for this Plat Amendment as it will expand the unit owners private area with no change to the building's front façade and no impacts to the light, air or privacy of adjacent residents.

Notice

On August 10, 2021, the property was posted, and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on August 10, 2021.

Public Input

Staff did not receive any public input prior to the publication of this Staff Report.

Exhibits

Exhibit A – Ordinance 2021-36

Exhibit B – Existing Plat

Exhibit C – Proposed Plat

Exhibit D – Project Intent and HOA Approval

Draft Ordinance No. 2021-36

AN ORDINANCE APPROVING THE CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B, LOCATED AT 633 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 633 Park Avenue Unit B, petitioned the City Council for approval of the Crescent Condominiums First Amended, Amending Unit B; and

WHEREAS, on August 10, 2021, the property was properly posted, and legal notice was sent to all affected property owners; and

WHEREAS, on August 10, 2021, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission, on August 25, 2021, held a public hearing and forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on September 23, 2021, held a public hearing and took final action on the Plat Amendment; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Crescent Condominiums First Amended, Amending Unit B Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Crescent Condominiums First Amended, Amending Unit B, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 633 Park Avenue in the Historic Recreation Commercial (HRC) Zoning District.
2. The Crescent Condominiums is a 3-unit condominium building originally recorded in 2006.
3. The proposed amendment is to expand the second level of Unit B 51 square feet, by enclosing a portion of the limited common ownership deck at the rear of the building and converting the enclosed portion to private ownership.
4. The 631/633/635 Homeowners Association approved the proposed additions in a letter dated June 10, 2021.
5. The additions do not change the number of residential Lots, Density, or require additional parking.
6. The enclosed deck meets all setback requirements.

7. Staff finds Good Cause for this Plat Amendment as the Amendment expands the unit owner's private area with no change to the building's front façade and no impacts to the light, air, or privacy of adjacent residents.
8. No Public Streets, Right-of-Way or easement has been vacated or amended.
9. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this Plat Amendment as the Amendment expands the private area of Unit B with no change to the building's front façade and no impacts to the light, air, or privacy of adjacent residents.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
5. No Public Streets, Right-of-Way or easements have been vacated or amended.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. The applicant shall receive Historic District Design Review approval prior to the issuance of a building permit for the enclosed deck.
4. A Plat Note shall indicate that any Conditions of Approval of the Crescent Condominiums Plat, shall continue to apply.
5. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-36.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 2nd day of September, 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

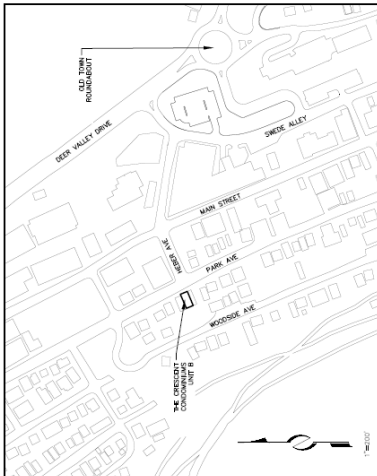
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Margaret Plane, City Attorney

Exhibits

Exhibit A – The Crescent Condominiums First Amended, Amending Unit B



SURVEYORS CERTIFICATE
I, Chad G. Galt, do hereby certify that I am a Professional Land Surveyor and that I hold the appropriate license and qualifications to prepare and record this plat. I have examined the records of the county in which this plat is being recorded and have determined that the same are correct and conform to the provisions of the Utah Condominium Ownership Act, hereinafter to be known as the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

LEGAL DESCRIPTION

UNIT B of THE CRESCENT CONDOMINIUMS, a legal Condominium project, together with the appurtenant common areas, is located in the Southeast Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 6 East, Meridian 10 West, Salt Lake County, Utah. The legal description of the same is as follows: **UNIT B**, as shown on the plat of **THE CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B**, recorded in the Office of the County Clerk, Salt Lake County, Utah, on May 12, 2020, in Book 17789, at Page 17789-17790, and in the Condominium Declaration recorded May 12, 2020, in Book 17789, at Page 17789-17790, and in the official records of the Salt Lake County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have the right to execute this instrument. I have read the foregoing instrument and the same is correct and conform to the provisions of the Utah Condominium Ownership Act, hereinafter to be known as the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

ACKNOWLEDGMENT

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ASSOCIATION CONSENT TO RECORD

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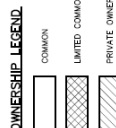
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**THE CRESCENT CONDOMINIUMS
FIRST AMENDED
AMENDING UNIT B**

WITHIN BLOCK 6, PARK CITY SURVEY
LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 6 EAST, MERIDIAN 10 WEST, SALT LAKE COUNTY, UTAH



SECOND LEVEL

CERTIFICATE OF ATTEST

I, Chad G. Galt, do hereby certify that I am the owner of the above described property and that I have the right to execute this instrument. I have read the foregoing instrument and the same is correct and conform to the provisions of the Utah Condominium Ownership Act, hereinafter to be known as the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

COUNCIL APPROVAL AND ACCEPTANCE

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have the right to execute this instrument. I have read the foregoing instrument and the same is correct and conform to the provisions of the Utah Condominium Ownership Act, hereinafter to be known as the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

APPROVAL AS TO FORM

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have the right to execute this instrument. I have read the foregoing instrument and the same is correct and conform to the provisions of the Utah Condominium Ownership Act, hereinafter to be known as the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

ENGINEER'S CERTIFICATE

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have the right to execute this instrument. I have read the foregoing instrument and the same is correct and conform to the provisions of the Utah Condominium Ownership Act, hereinafter to be known as the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

PLANNING COMMISSION

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have the right to execute this instrument. I have read the foregoing instrument and the same is correct and conform to the provisions of the Utah Condominium Ownership Act, hereinafter to be known as the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

SNYDERVILLE BASIN WATER REGULATION DISTRICT

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have the right to execute this instrument. I have read the foregoing instrument and the same is correct and conform to the provisions of the Utah Condominium Ownership Act, hereinafter to be known as the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

THE CRESCENT CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION:

ALL OF LOTS 9, 10 AND 11, BLOCK 6 OF THE PARK CITY SURVEY, MORE PARTICULARLY DESCRIBED AS, BEGINNING AT THE SOUTHEAST CORNER OF THE BADASS SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS ENTRY NUMBER 456985; THENCE SOUTH 28°46'30" EAST A DISTANCE OF 75.37 FEET; THENCE SOUTH 66°54'00" WEST A DISTANCE OF 75.00 FEET; THENCE NORTH 28°46'30" WEST A DISTANCE OF 75.37 FEET; THENCE NORTH 66°54'00" EAST A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.12 ACRES, MORE OR LESS

UTILITY AND NON-MOTORIZED TRAIL EASEMENT:

BEGINNING AT THE NORTHWEST CORNER OF LOT 8, PARK CITY SURVEY; THENCE NORTH 28°46'30" WEST A DISTANCE OF 8.61 FEET; THENCE NORTH 87°44'17" EAST A DISTANCE OF 11.31 FEET; THENCE NORTH 88°06'33" EAST A DISTANCE OF 13.75 FEET; THENCE SOUTH 66°54'00" WEST A DISTANCE OF 22.76 FEET TO THE POINT OF BEGINNING.

CONTAINS 95.33 SQUARE FEET, MORE OR LESS

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that by the virtue of a corporate resolution, Park Place Associates, L.L.C., a Utah limited liability company, owner of the herein described tract of land, to be known hereafter as the 631-639 PARK AVENUE AT CRESCENT TRAM CONDOMINIUMS RECORD MAP OF SURVEY, do hereby certify that I have caused this plat to be prepared, and does hereby consent to the recordation of this plat. I certify that buildings shown on this plat, but not under construction at the time the plat is recorded, will, when completed, be substantially as shown on the plat.

ALSO, the owner, or his/her representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, I have hereunto set my hand this 13th day of February 2006.

Jack Mahoney
Jack Mahoney, Manager

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
County of Summit
Personally appeared before me this 13th day of February, 2006 the following:
Jack Mahoney, who after being duly sworn, acknowledged to me that he is Manager of Park Place Associates, L.L.C., a Utah limited liability company, and that he signed the owners dedication freely and voluntarily for and on behalf of said company under the authority granted by its operating agreement and that said company executed the same.

MY COMMISSION EXPIRES Oct. 6, 2006

RESIDING IN Park City, Utah

NOTARY PUBLIC



UNIT SQUARE FOOTAGE TABLE		
UNIT NO.	TOTAL PRIVATE OWNERSHIP SQ. FT.	TOTAL LIMITED COMMON AREA OWNERSHIP SQ. FT.
A	3,943	757
B	4,440	841
C	3,944	811

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREIN DESCRIBED PROPERTY AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

Christopher R. Braun
CHRISTOPHER R. BRAUN
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 5152604

2/13/2006
DATE:

LEGEND

- 639 STREET ADDRESS
- FOUND REBAR & CAP (UNLESS OTHERWISE NOTED)
 - SET REBAR & CAP L&S# 5152604 (UNLESS OTHERWISE NOTED)

NOTES

- NFPA 13-5 FIRE SPRINKLERS ARE REQUIRED TO BE INSTALLED AND OPERATIONAL IN THESE THREE UNITS.
- THE UNITS IN BUILDING ONE ARE TO BE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE CRESCENT CONDOMINIUM HOMEOWNER'S ASSOCIATION SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL PRIVATE LATERAL WASTEWATER LINES.
- PRIVATE WASTEWATER EJECTOR PUMPS MAY BE REQUIRED IN ORDER TO PROVIDE WASTEWATER SERVICE FOR THE LOWER LEVELS.

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
PARK CITY PLANNING COMMISSION ON THIS
27 DAY OF April A.D. 2006.

Boeth
CHAIRMAN

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 10th DAY
OF November 2006 A.D.

Paul M. Smith
PARK CITY RECORDER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS 14th
DAY OF February 2006 A.D.

BY B. D. G.
S.B.W.R.D.

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 14th
DAY OF April 2006 A.D.

BY Chris Williams PE
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 5th
DAY OF May 2006 A.D.

BY Ray M. H.
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 10th DAY OF November
2006 A.D.

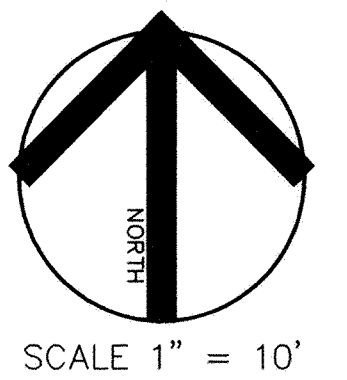
BY Dana Williams
MAYOR

777698

RECORDED

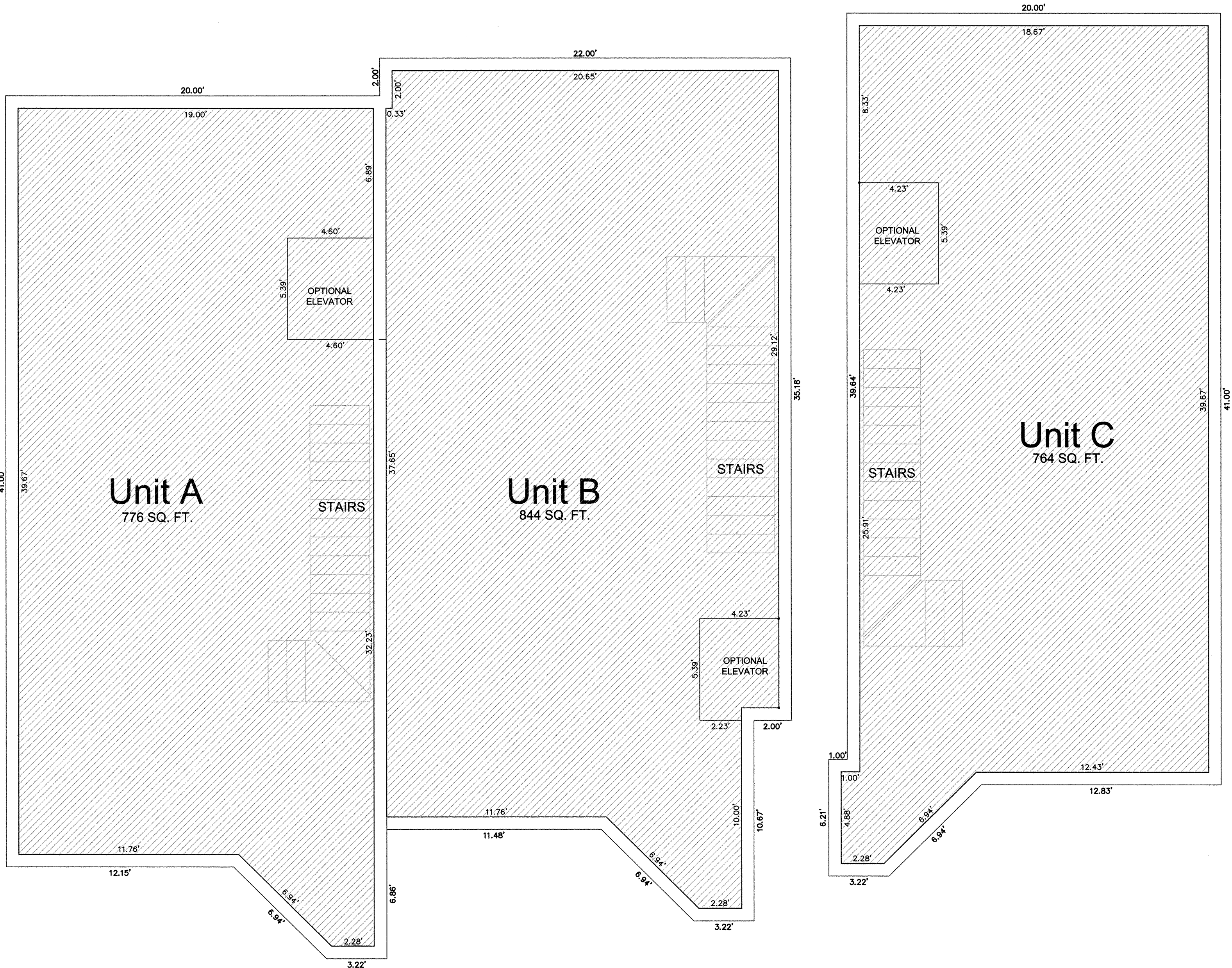
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 5-12-06 TIME 9:54 AM BOOK PAGE

\$ 213.00 FEE
Denise Bower Deputy
RECORDER



PAGE 1 of 7

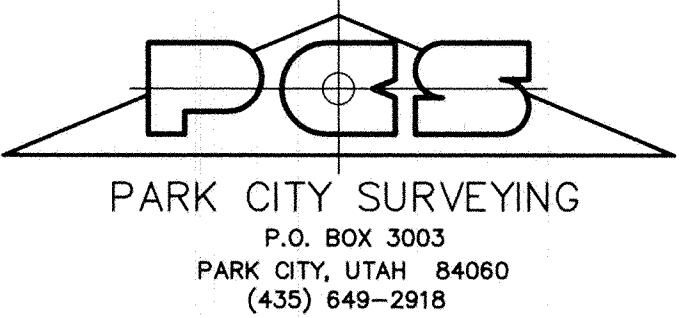
THE CRESCENT CONDOMINIUMS



LOWER LEVEL PLAN

SCALE 1/4" = 1'

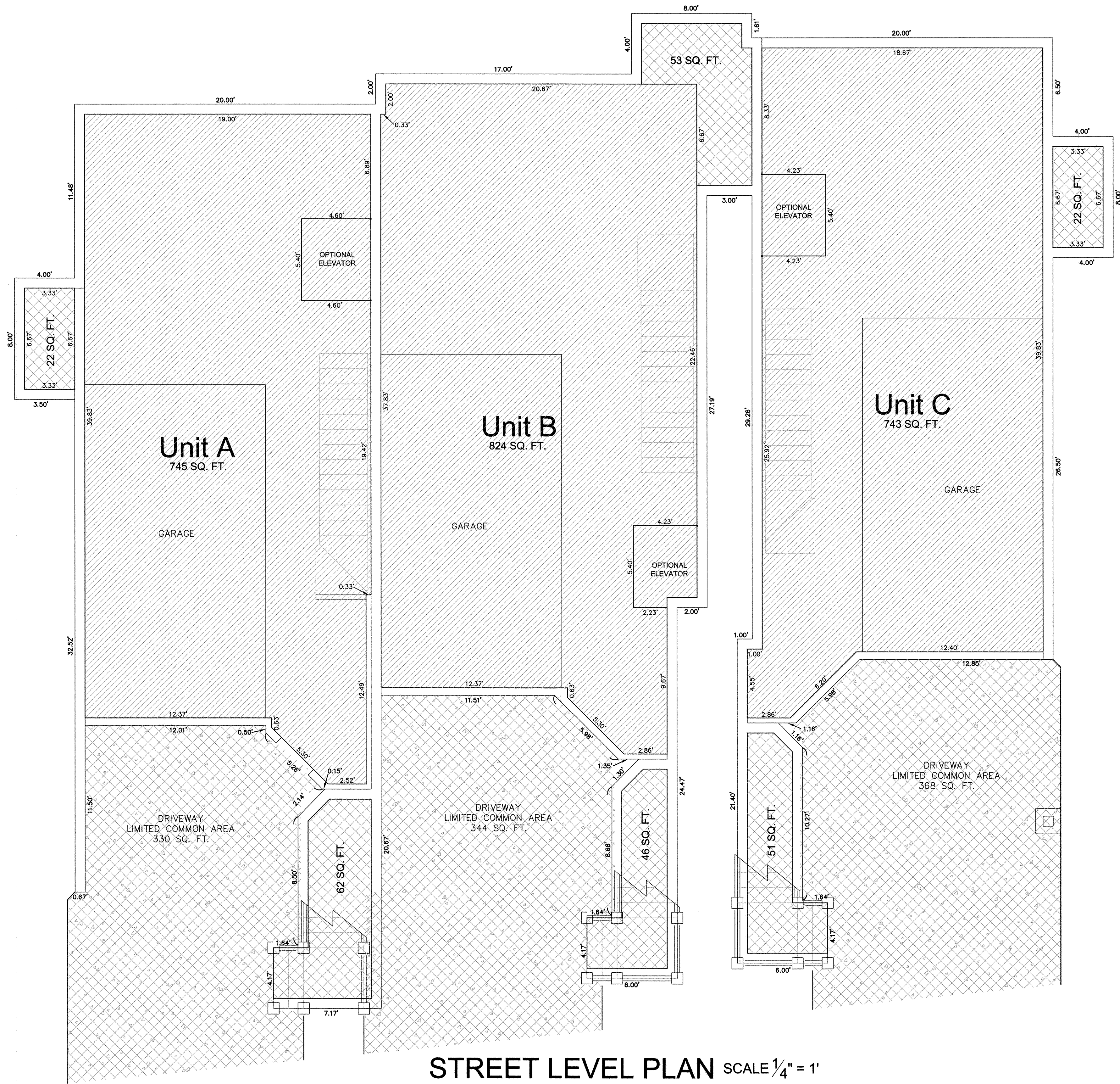
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LIMITED COMMON OWNERSHIP	
COMMON OWNERSHIP	



#777698 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 5-12-06 TIME 9:54 am BOOK --- PAGE ---
FEE 213.00 RECORDER Daniel A. Bowen, Deputy

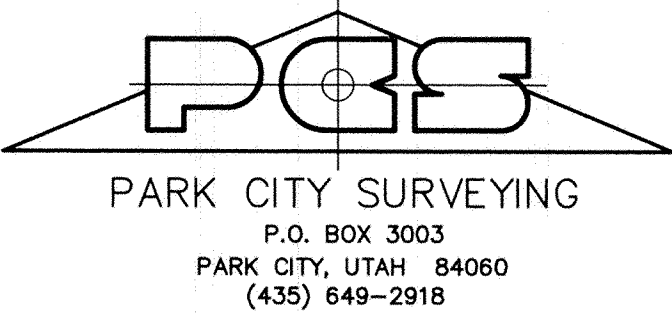
SHEET 2 OF 7

THE CRESCENT CONDOMINIUMS



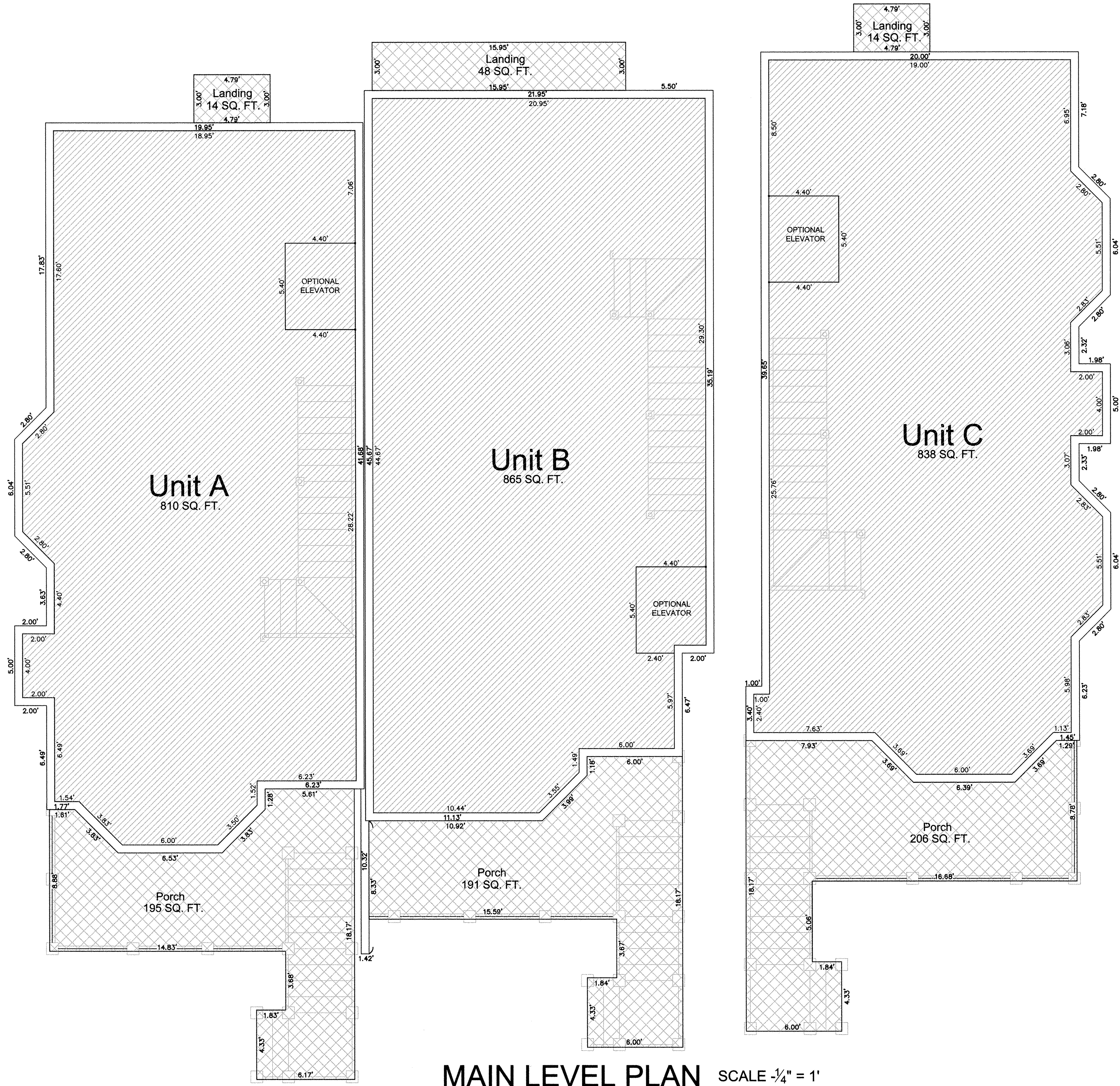
STREET LEVEL PLAN SCALE 1/4" = 1'

PRIVATE OWNERSHIP	
LIMITED COMMON OWNERSHIP	
COMMON OWNERSHIP	



777698 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF Coalition Title
 DATE 5-12-06 TIME 9:54 BOOK PAGE
 FEE \$213.00 Paula St. Bower, Deputy
 RECORDER

THE CRESCENT CONDOMINIUMS



MAIN LEVEL PLAN SCALE - 1/4" = 1'

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

COMMON OWNERSHIP

PCS

PARK CITY SURVEYING

P.O. BOX 3003

PARK CITY, UTAH 84060

(435) 649-2918

777698

RECORDED

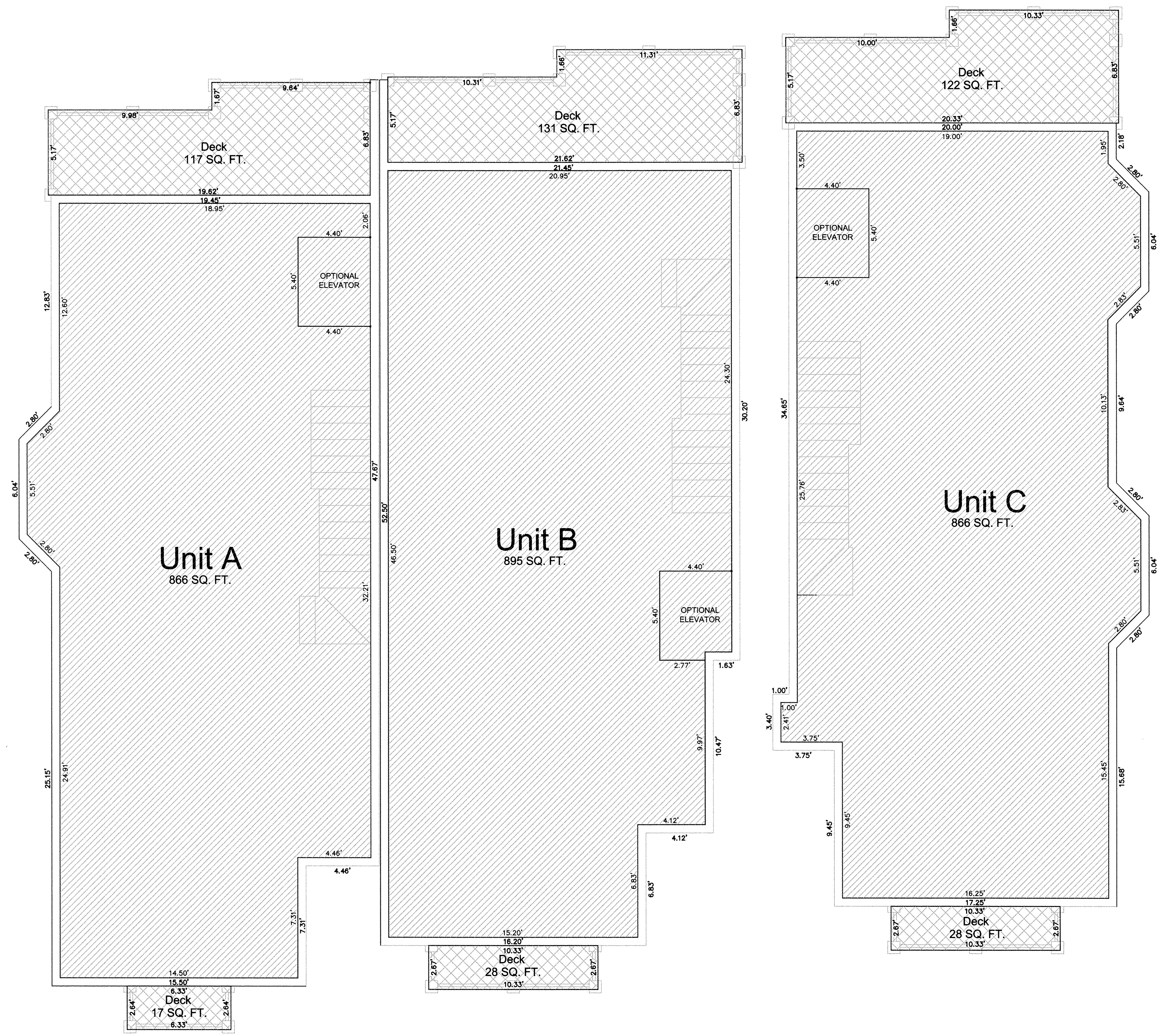
STATE OF UTAH COUNTY OF SUMMIT AND FILED

AT THE REQUEST OF Coalition Title

DATE 5-12-06 TIME 9:54 AM BOOK PAGE

FEE \$ 213.00 RECORDER Penelope A. Bower, Deputy

THE CRESCENT CONDOMINIUMS



PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

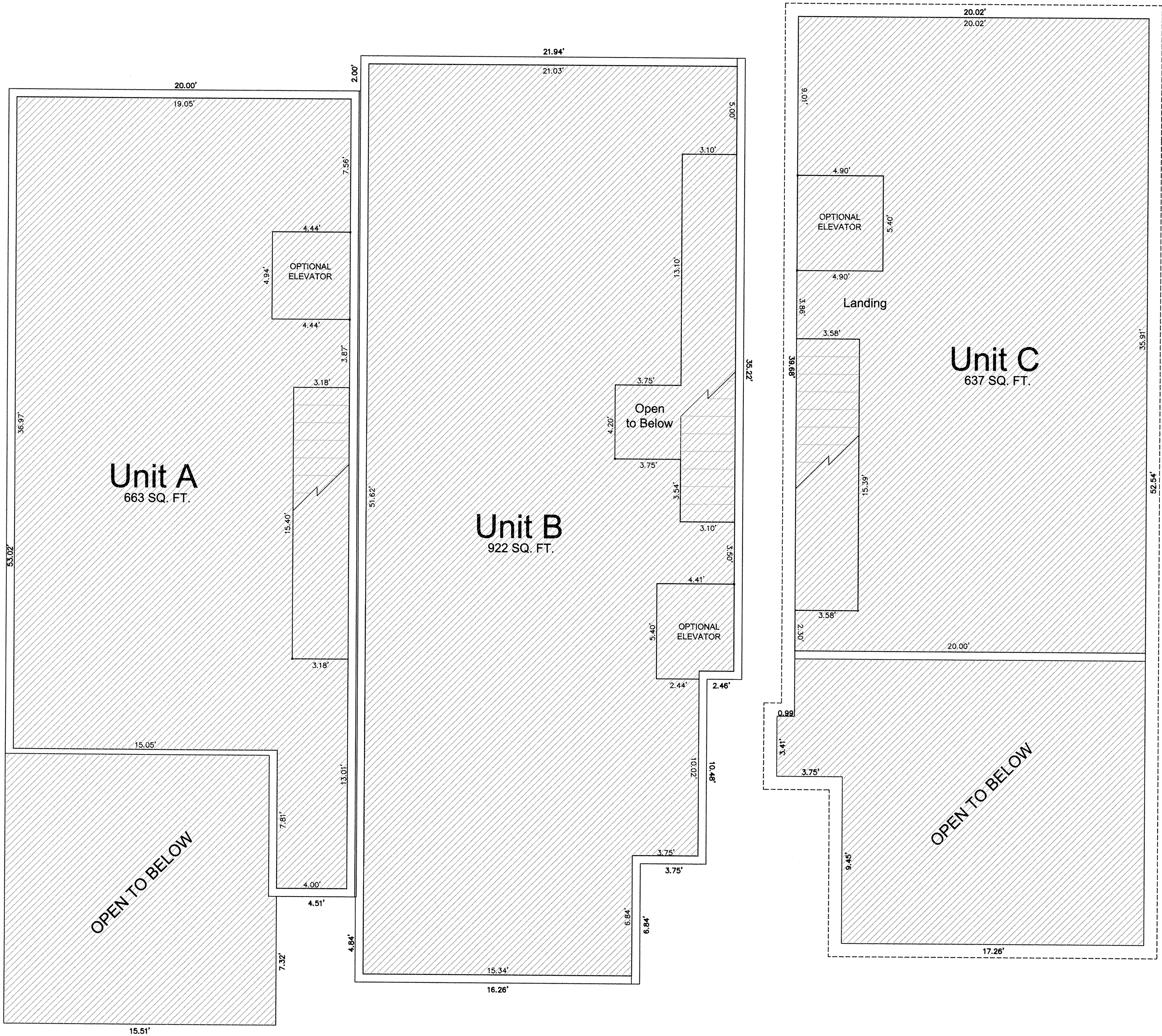
COMMON OWNERSHIP

SECOND LEVEL PLAN SCALE 1/4" = 1'

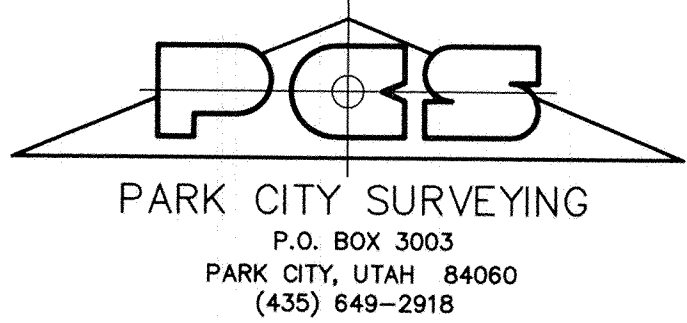
Park City Surveying logo and address: PARK CITY SURVEYING, P.O. BOX 3003, PARK CITY, UTAH 84060, (435) 649-2918

Recorded information: # 777698, RECORDED, STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title, DATE 5-12-06 TIME 9:54 AM BOOK PAGE, FEE \$213.00, RECORDER Daniel B. Bowen, Deputy

THE CRESCENT CONDOMINIUMS



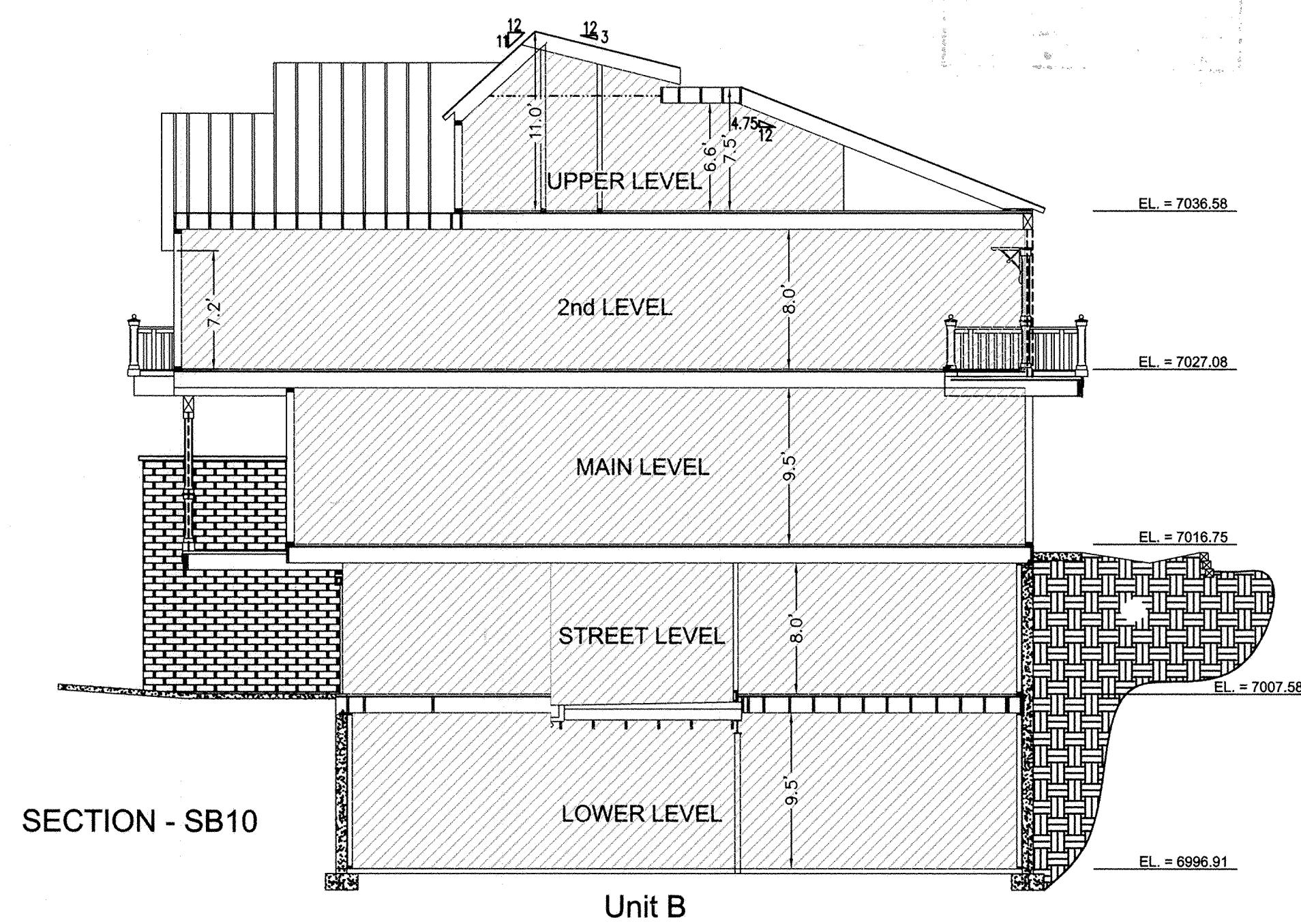
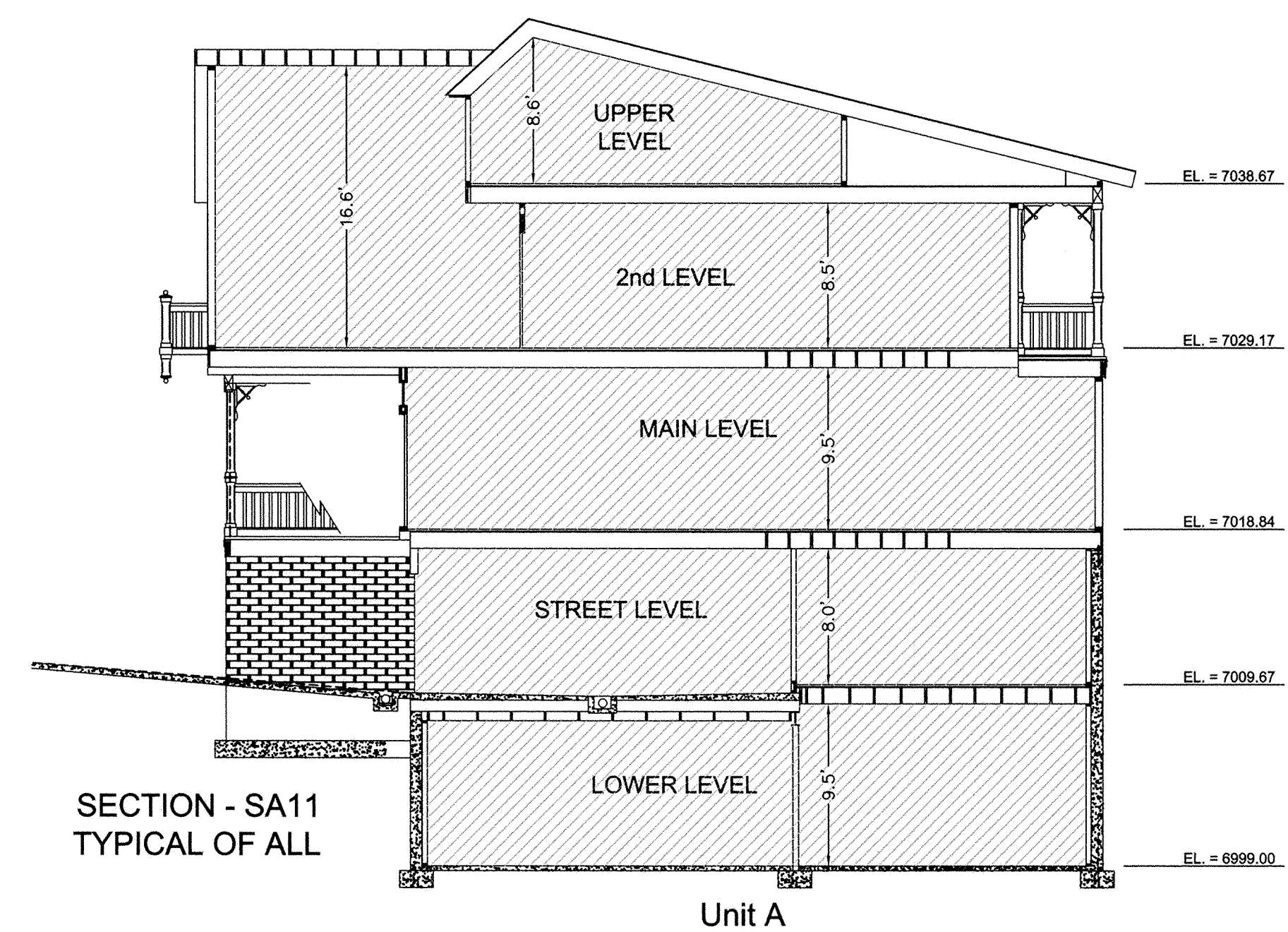
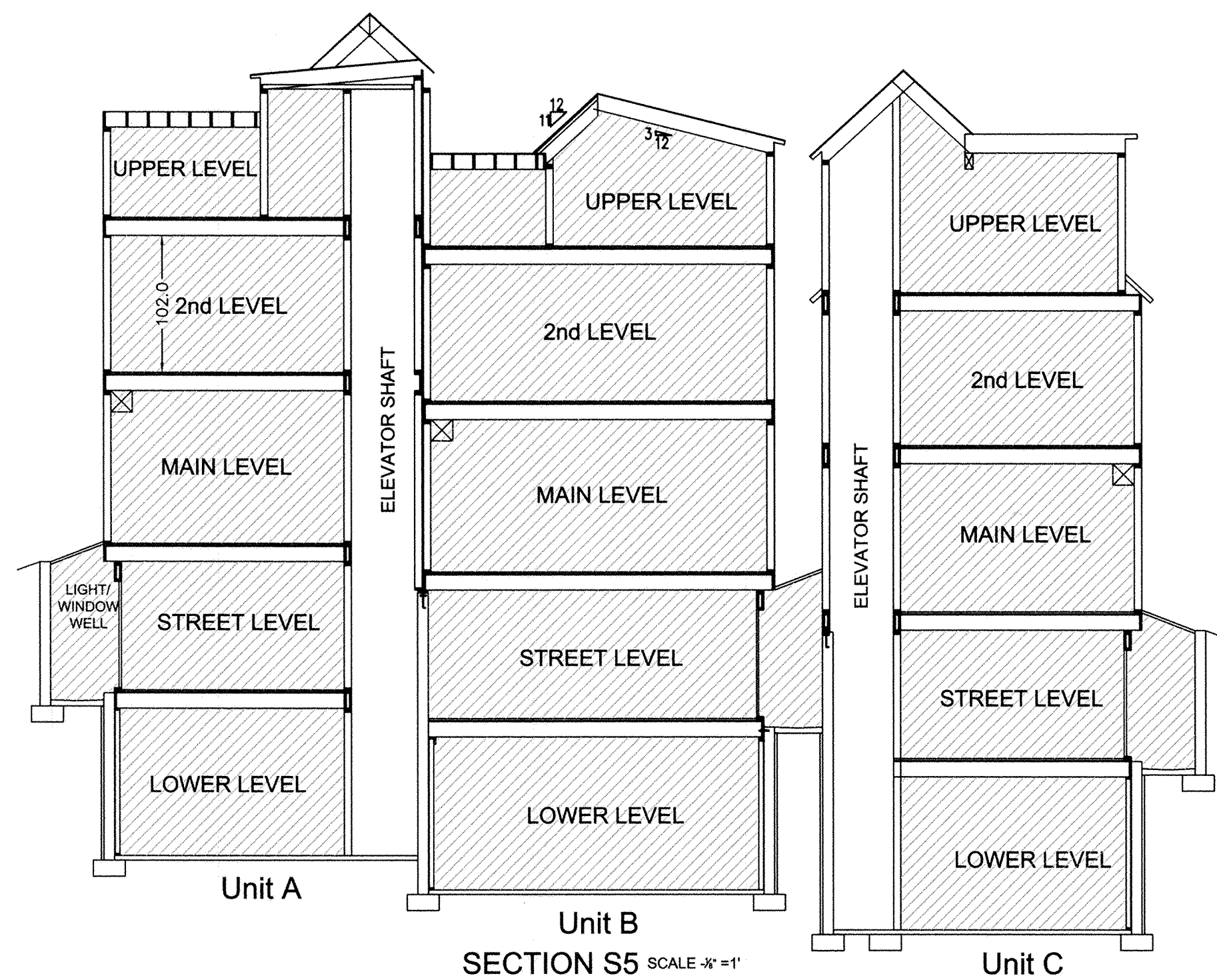
UPPER LEVEL PLAN SCALE $\frac{1}{4}" = 1'$



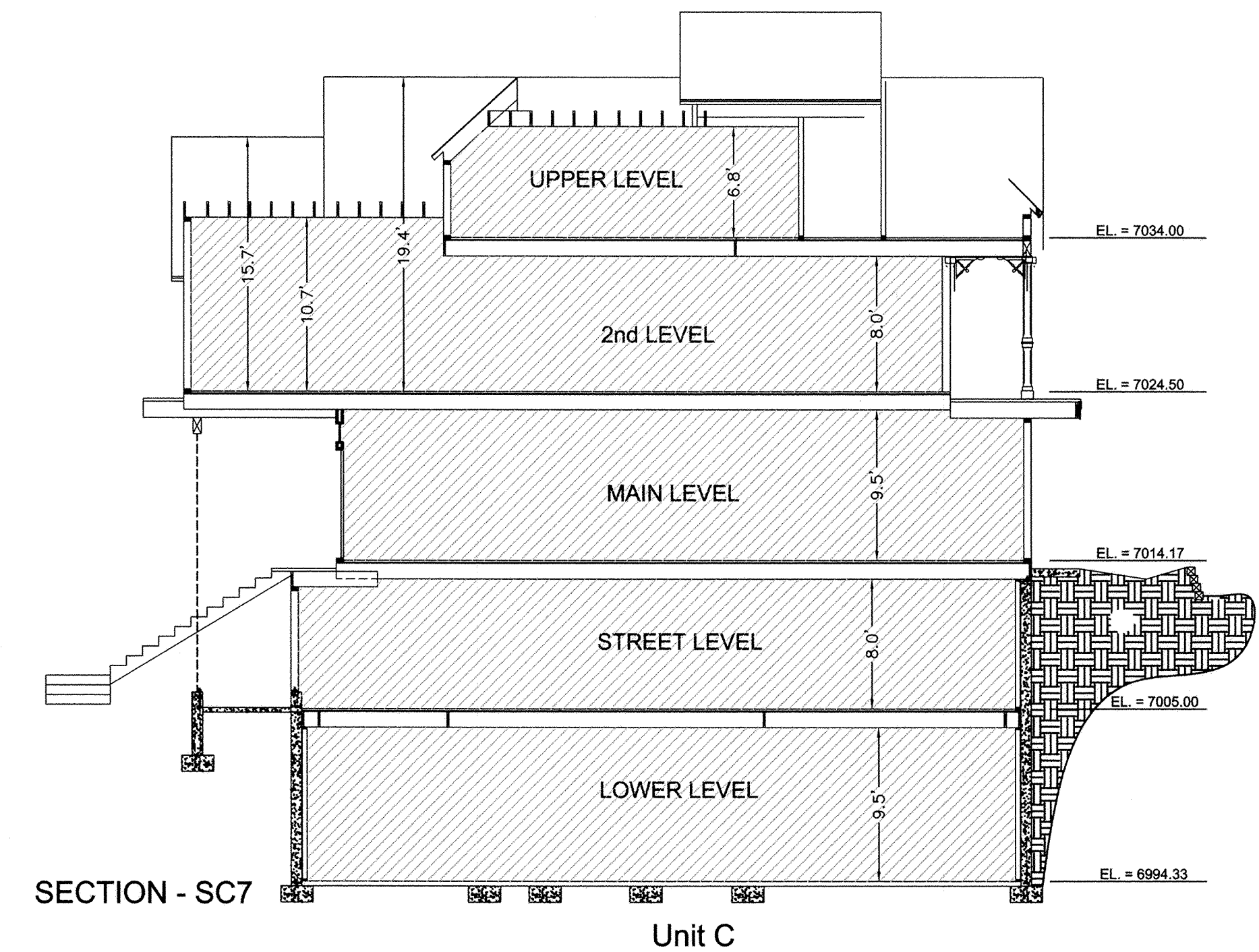
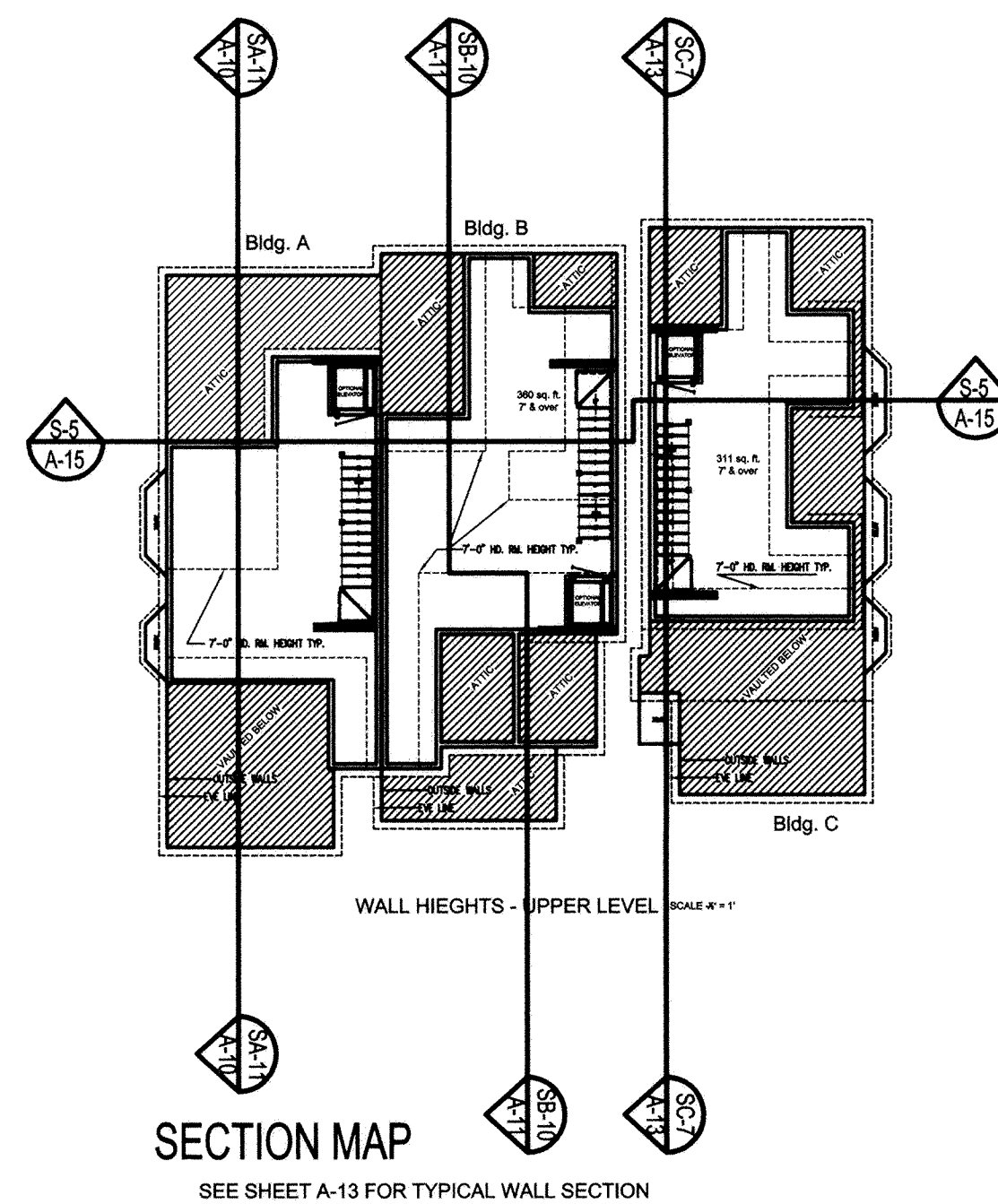
PRIVATE OWNERSHIP	
LIMITED COMMON OWNERSHIP	
COMMON OWNERSHIP	

#777698 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 5-12-06 TIME 9:51 AM BOOK --- PAGE ---
FEE \$213.00 Devin A. Brown, Deputy
RECORDER

THE CRESCENT CONDOMINIUMS



SECTION PLAN



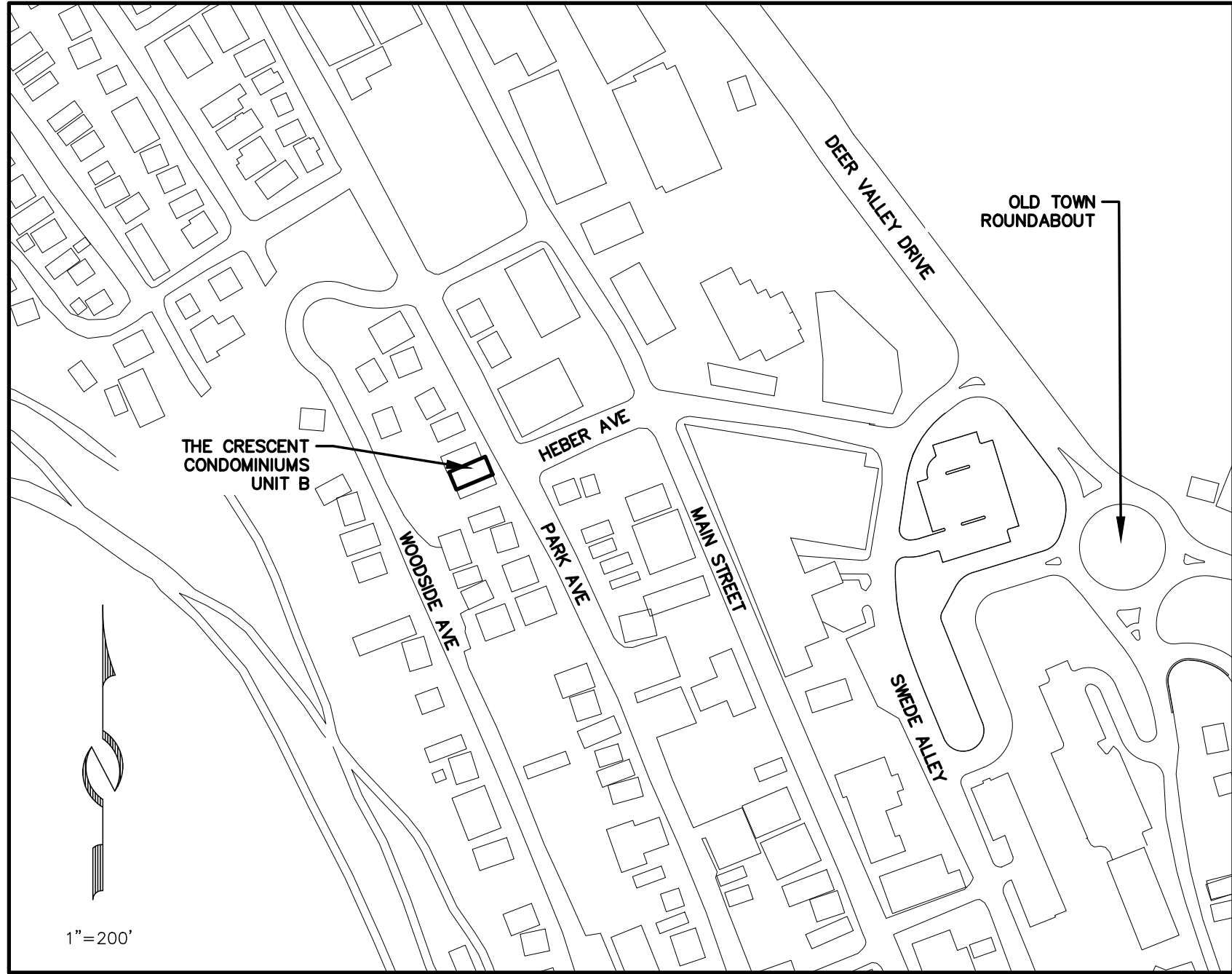
PRIVATE OWNERSHIP	
LIMITED COMMON OWNERSHIP	
COMMON OWNERSHIP	

SHEET 7 OF 7

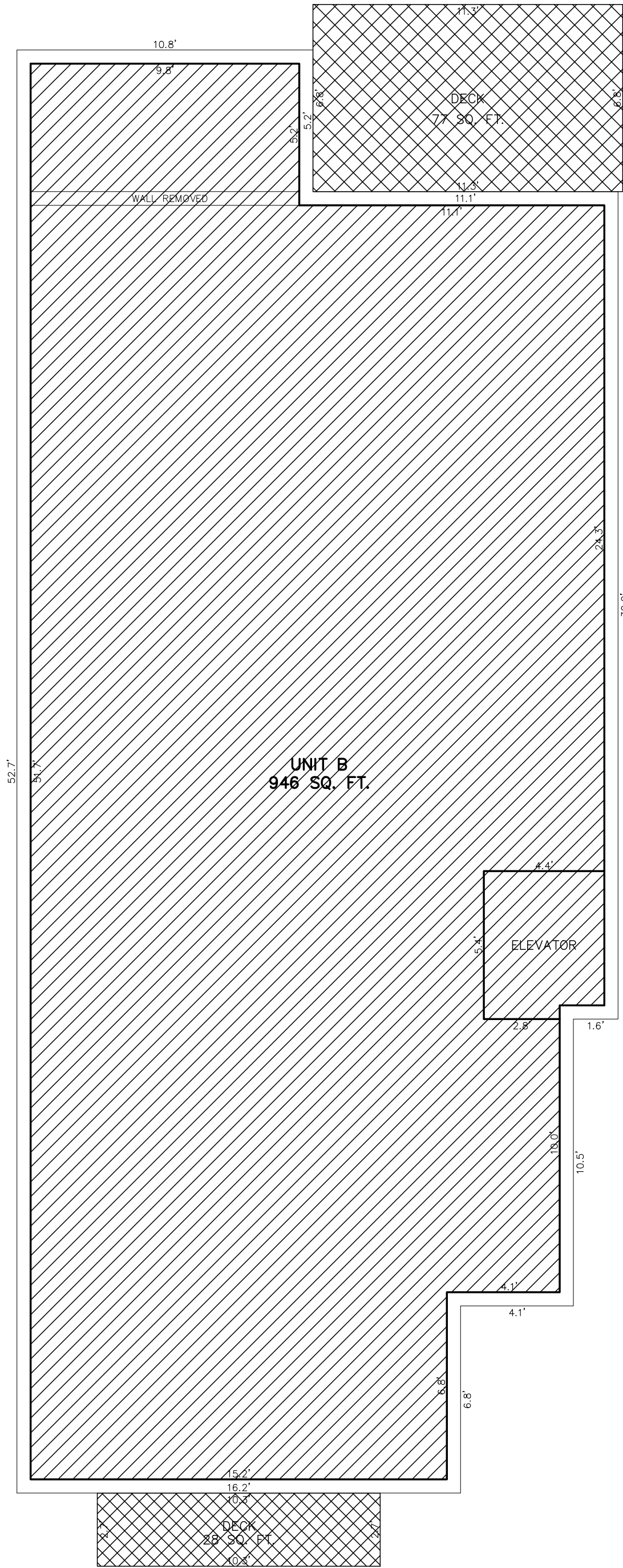
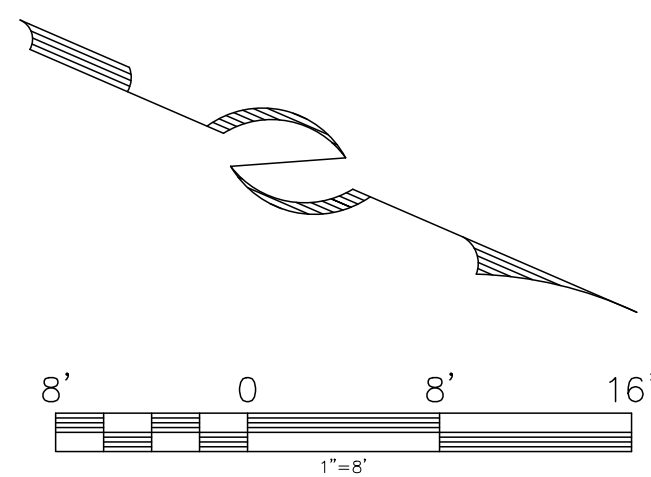
777698 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 5-12-06 TIME 9:51 AM BOOK 1 PAGE 1

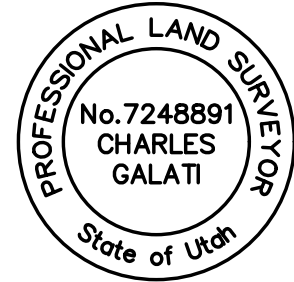
FEE \$215.00 Devin Brown, Deputy
RECORDER



VICINITY MAP



SECOND LEVEL



SURVEYORS CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 7248891 as prescribed by the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of Unit B, and have amended said Unit as shown hereon, in accordance with the provisions of the Utah Condominium Ownership Act, hereafter to be known as THE CRESCENT CONDOMINIUMS FIRST AMENDED, AMENDING UNIT B.

LEGAL DESCRIPTION

Unit B of THE CRESCENT CONDOMINIUM, a Utah Condominium project, together with the appurtenant undivided interest in the common areas, as identified on the Record of Survey Map recorded May 12, 2006 as Entry No. 777698 and in the Declaration of Condominium recorded May 12, 2006 as Entry no. 777699 in Book 1790 at Page 1272-1320 in the official records of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, W. Michael Rosenberg and Ellen Worch Rosenberg, Trustees of the Rosenberg Living Trust, dated August 8, 1995, as amended, hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this plat amendment.

In witness whereof, the undersigned set his hand
this _____ day of _____, 2021.
By: _____
W. Michael Rosenberg

In witness whereof, the undersigned set her hand
this _____ day of _____, 2021.
By: _____
Ellen Worch Rosenberg

ACKNOWLEDGMENT

State of _____)
: ss.
County of _____)

On this _____ day of _____, 2021, W. Michael Rosenberg personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed the THE CRESCENT CONDOMINIUMS FIRST AMENDED, AMENDING UNIT B.

A Notary Public commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No: _____

ACKNOWLEDGMENT

State of _____)
: ss.
County of _____)

On this _____ day of _____, 2021, Ellen Worch Rosenberg personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed the THE CRESCENT CONDOMINIUMS FIRST AMENDED, AMENDING UNIT B.

A Notary Public commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No: _____

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of The Crescent Condominium Association, Inc., a Utah non-profit corporation, having complied with the requirements of both Statutes and the Recorded Declaration, and that 100% of the owners have voted to approve this Condominium Plat Amendment, hereby consents to the recording of The Crescent Condominiums First Amended, Amending Unit B.

Jamie Hormel, President
The Crescent Condominium Association, Inc., a Utah non-profit corporation

ACKNOWLEDGMENT

State of _____)
: ss.
County of _____)

On this _____ day of _____, 2021, personally appeared before me, the undersigned Notary Public, in and for said County and State, Jamie Hormel, being duly sworn, acknowledged to me that she is the President of the The Crescent Condominium Association, Inc., a Utah non-profit corporation, and that she signed the above Consent to Record for, on, and in behalf of all of the unit owners of The Crescent Condominiums acting as a group (under the name of The Crescent Condominium Association, Inc., a Utah non-profit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for The Crescent Condominiums.

A Notary Public Commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No.: _____

NOTES

- This plat is subject to the Conditions of Approval in Ordinance 2021-_____.
- The address of The Crescent Condominiums, Unit B is 633 Park Avenue.
- This amendment adds 51 square feet to the Second Level of Unit B. All Conditions of Approval of The Crescent Condominiums recorded May 12, 2006, as Entry No. 777698 shall continue to apply and remain in full force and effect.

OWNERSHIP LEGEND

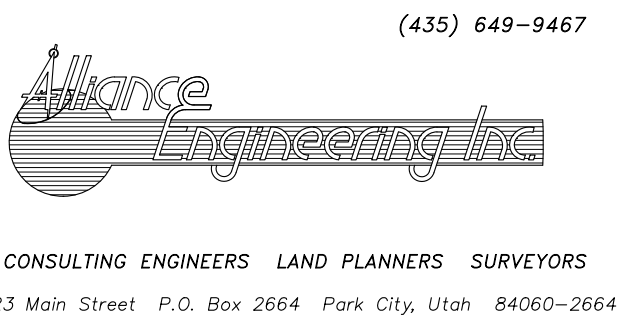
- COMMON
- LIMITED COMMON
- PRIVATE OWNERSHIP

THE CRESCENT CONDOMINIUMS

FIRST AMENDED

AMENDING UNIT B

WITHIN BLOCK 6, PARK CITY SURVEY
LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	PUBLIC SAFETY	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2021	RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2021	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2021	APPROVED AS TO FORM THIS _____ DAY OF _____, 2021	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2021	I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2021	ANSWERING POINT APPROVAL	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
BY _____ ENGINEERING DEPARTMENT	BY _____ CHAIR	BY _____ PARK CITY ENGINEER	BY _____ PARK CITY ATTORNEY	BY _____ MAYOR	BY _____ PARK CITY RECORDER	APPROVED THIS _____ DAY OF _____, 2021	_____ FEE _____ RECORDER
						BY _____ SUMMIT COUNTY GIS COORDINATOR	TIME _____ DATE _____ ENTRY NO. _____

SHEET 1 OF 1

6/16/21 JOB NO.: 23-4-21 FILE: X:\ParkCitySurvey\dwg\srv\plat2021\230421.dwg

THE CRESCENT CONDOMINIUMS, UNIT B
(633 Park Avenue)

June 10, 2021

PROJECT INTENT

The Crescent Condominiums is a 3-unit condominium and was originally recorded May 12, 2006, as Entry No. 777698 and is located in Park City Survey.

This application proposes to expand the Second Level Plan 51 square feet by enclosing a portion of the limited common ownership deck at the rear of the building (west side) and converting the enclosed portion to private ownership.

The plans for the construction have been submitted to the Park City Building Department and have been approved.

June 10, 2021

Park City Planning Department
Via Email

Re: 633 Park Avenue, Park City

Dear City Planners,

The Home Owners Association for 631/633/635 Park Avenue aka Crescent Condominiums has unanimously approved the project for 633 Park Avenue to extend one bedroom wall over the existing footprint of the outdoor 2nd floor deck on the rear side of the building. Thank you for your consideration.

Sincerely,



Jamie Hormel
HOA President

Cc: Rachel Peterson
Hormel Family Office
rpeterson@hfoamllc.com



City Council Staff Report

PLANNING DEPARTMENT

Subject: 1913-1915 Prospector Avenue Plat Amendment
Project #: PL-21-04864
Author: Alexandra Ananth, Sr. Planner
Date: September 23, 2021
Type of Item: Administrative – Plat Amendment

Recommendation

1) Review the requested Plat Amendment, 2) conduct a public hearing, and 3) consider approving Ordinance 2021-37.

Description

Applicant: Park City Municipal Corporation, represented by Heinrich Deters, PCMR Trails and Open Space Program Manager
Location: 1915 Prospector Avenue
Zoning: General Commercial (GC)
Adjacent Land Uses: Parking, Commercial and Residential Development, Rail Trail
Reasons for Review: Plat Amendments require Planning Commission review and recommendation and City Council review and action

Disclosure: Park City Municipal is the applicant and is represented by the Sustainability Department. While Park City Municipal does not own the property, the Property Owner has allowed the City to submit the application to identify the Easements.

Summary

To maintain access between the Rail Trail and Prospector Avenue in perpetuity, and to define maintenance agreements, the City is requesting to amend Lot F of the Gigaplat Replat within Prospector Square with a pedestrian, bicycle, and non-motorized vehicle access easement. The area of the City's access easement is owned by the Prospector Square Property Owners Association as Common Area. No other changes to the Plat are proposed.

The property is improved with multiple structures (lots 25A-R, and Lot 25B-R) and a common parking lot known as Parking Lot F, with 110 parking stalls. There is an existing walkway located on the west side of the lot where the access easement is located. Historically, the walkway ended with only a steep dirt path connecting to the Historic Union Pacific Rail Trail. Over the past several months, the City, in conjunction with Prospector Square Property Owners Association (PSPOA), constructed a pathway and stair set at this location to improve the connectivity and safety.

On August 25, 2021, the Planning Commission voted to unanimously forward a positive recommendation to the City Council.



Photo of Existing Walkway and Area of Proposed Access Easement



Background

[Ordinance 14-28](#), approved by the City Council on June 5, 2014, relocated the two development pads and common parking layout for 1913-1915 Prospector Avenue and Parking Lot F within Prospector Square. The proposed easement amends this plat, known as the Gigaplat Replat.

On September 17, 2020, the City Council approved a similar access easement for the adjacent Lot G at 1775 Prospector Avenue, [Ordinance 2020-43](#) ([Staff Report](#); [Minutes](#), p. 22).

Analysis

The property is located in the [GC Zoning District](#) in the Prospector neighborhood and was originally part of the Prospector Square Subdivision. The purpose of the GC District in part includes maintaining pedestrian Access with links to neighborhoods, and other commercial Developments, and encouraging commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, play Areas, and Public Art.

This plat amendment formalizes an access easement on the existing walkway that connects Prospector Avenue to the Rail Trail located south of the property. No additional density is created nor is any additional parking required.

[illegible]

The proposed Plat Amendment has been reviewed in accordance with LMC Chapter 15-7. Staff finds Good Cause for this Plat Amendment as the access easement will ensure public access from Prospector Avenue to the Rail Trail, and will define maintenance agreements.

The Development Review Committee reviewed this application on July 20, 2021. No issues were raised.

On August 10, 2021, the property was posted, and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on August 10, 2021.

Staff did not receive any public input prior to the publication of this Staff Report.

Exhibit A – Ordinance 2021-37
Exhibit B – Existing Plat
Exhibit C – Proposed Plat

Draft Ordinance No. 2021-37

AN ORDINANCE APPROVING THE GIGAPLAT REPLAT, FIRST AMENDED AND RESTATED, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Lots 25a, 25b, Parking Lot F, and Common Area of Prospector Square Supplemental Amended Plat, located 1913-1915 Prospector Avenue, petitioned the City Council for approval of the Gigaplat Replat, First Amended and Restated Plat Amendment; and

WHEREAS, on August 10, 2021, the property was properly posted, and legal notice was sent to all affected property owners; and

WHEREAS, on August 10, 2021, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission, on August 25, 2021, held a public hearing and forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on September 23, 2021, held a public hearing and took final action on the Plat Amendment; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Gigaplat Replat, First Amended and Restated Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. Gigaplat Replat, First Amended and Restated Plat Amendment, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1913-1915 Prospector Avenue in the General Commercial (GC) Zoning District.
2. [Ordinance 14-28](#), approved by the City Council on June 5, 2014, approved the Gigaplat Replat, relocating the two development pads and common parking layout for 1913-15 Prospector Avenue and Parking Lot F.
3. The proposed easement amends this plat.
4. The plat amendment formalizes an access easement on the existing walkway that connects Prospector Avenue to the Rail Trail located south of the property.
5. The easement will maintain public access in perpetuity and defines the maintenance agreements between the City and property owners.
6. No additional density is created nor is any additional parking required.
7. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this Plat Amendment as the access easement will ensure public access from Prospector Avenue to the Rail Trail and will define maintenance agreements.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate that any Conditions of Approval of the Gigaplat Replat shall continue to apply.
4. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-37.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of September, 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Margaret Plane, City Attorney

Exhibits

Exhibit A – Gigaplat Replat, First Amended and Restated Plat Amendment

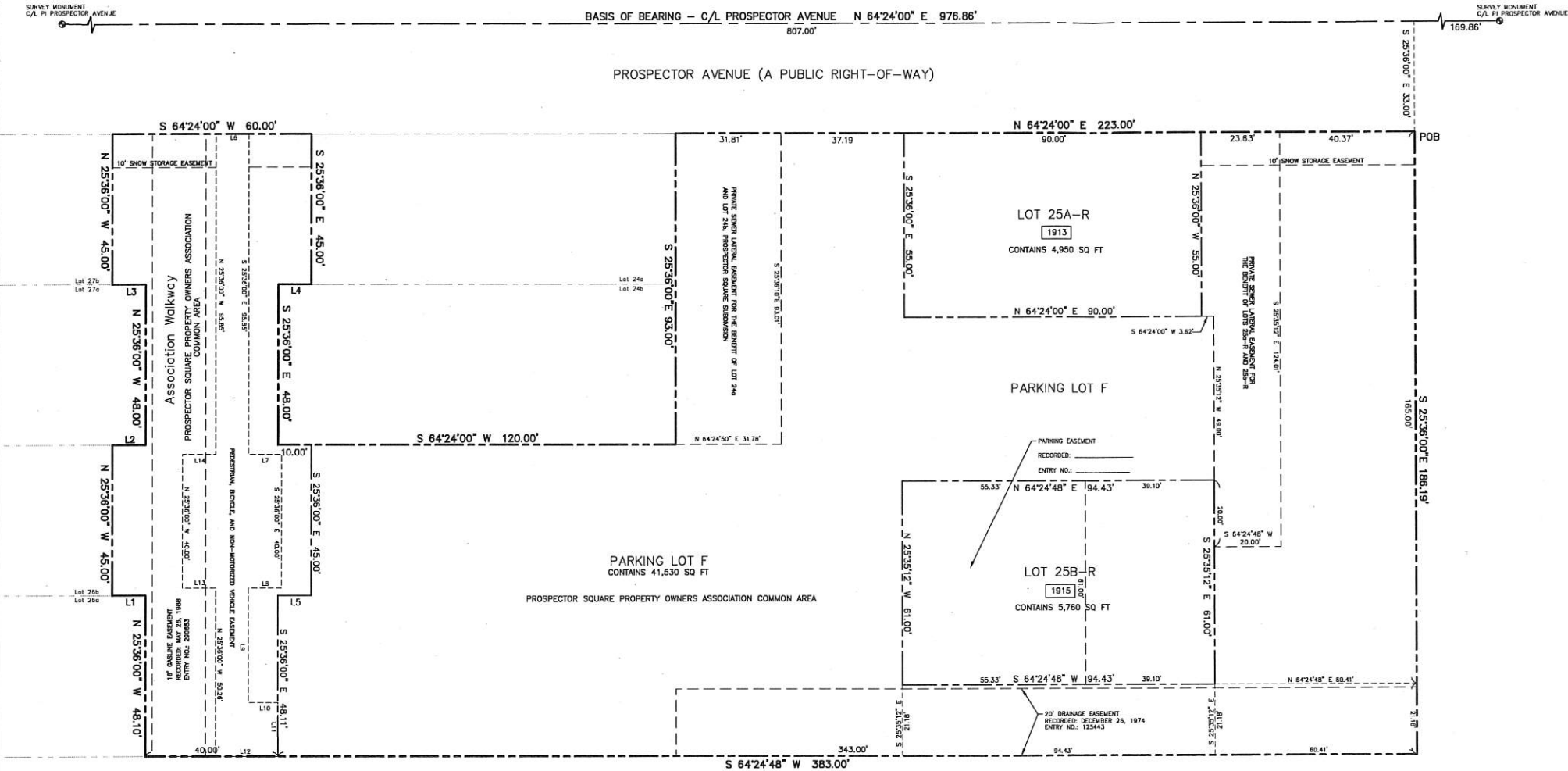
Map showing property boundaries, bearings, distances, and various legal notices and certificates. Includes sections for: PROPERTY DESCRIPTIONS, OWNERS' DEDICATION AND CONSENT TO RECORD, ACKNOWLEDGMENT, ENGINEER'S CERTIFICATE, PLANNING COMMISSION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PUBLIC SAFETY, and various approval stamps.

PSA - 25 - A; PSA - 25 - B; & PSA - F

NEW SERIAL #'S

GIGA - LOT #

[illegible]



- NOTE**
- XXXX Street address on Prospector Avenue
- This plat is subject to the conditions of approval in Ordinance 2020-XXXX.
 - Ownership, operation, and maintenance of the private sewer lateral for the benefit of Lot 25b-R shall be the responsibility of the owner of Lot 25b-R.
 - Modified 13-D sprinklers may be required for new construction to be determined by the Chief Building Official at the time of review of the building permit submittals.
 - All required Army Corps of Engineers permits are required prior to any work in the stream corridor, including stream rehabilitation work.
 - An elevation certificate is required for each building prior to the issuance of building permits, as required by the Flood Plain Manager, for any work in the flood plain.
 - The subdivision is located in FEMA Flood Zone A, which will require a hydraulic & hydrology study upstream and downstream of development prior to permit issuance for construction on Lot 25b-R.
 - Maintenance of landscape within Association Walkway is the responsibility of Prospector Square Property Owner's Association.
 - Maintenance of the sidewalk, including snow removal, within the Pedestrian, Bicycle, and Non-Motorized Vehicle Easement shall be the responsibility of Park City Municipal Corporation.
 - Lot 25a-R address will be changed to 1913 from 1897.
 - Lot 25b-R address will be changed to 1915 from 1893.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION, the undersigned owner of Parcels 3 & 4, does hereby certify that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recording of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2020.

By: Dean S. Barrett, President
PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

ACKNOWLEDGMENT

State of _____ ss: _____
County of _____

On this ____ day of _____, 2020, personally appeared before me, the undersigned notary public, in and for said County and State, Dean S. Barrett, acknowledged to me that he is the president of PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION and that he signed the above on behalf of PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION.

Notary Public _____
Printed Name _____
Residing In: _____
My commission expires: _____



PROS CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed by the laws of the State of Utah, I further certify that by authority of the owner(s), I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as GIGAPLAT REPLAT—FIRST AMENDED AND RESTATED and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

PROPERTY DESCRIPTIONS

Parcel 1:
All of Lot 25A PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Records, records of Summit County, Utah.

Parcel 2:
All of Lot 25B PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Records, records of Summit County, Utah.

Parcel 3:
All of Lot F, PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Records, records of Summit County, Utah.

Parcel 4:
A parcel of land located in the northeast quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning at the easternmost corner of Lot 25a of the Amended Plat of Prospector Square, recorded as Entry #125443 according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being located South 89°44'14" East 693.765 feet and North 64°24'48" East 613.82 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the easterly and northerly boundaries of Lot 25a the following two (2) courses: 1) North 25°36'00" West 48.10 feet; thence 2) South 64°24'00" West 10.00 feet to the southeasterly corner of Lot 25b; thence along the easterly boundary of Lot 25b North 25°36'00" West 45.00 feet to the southerly boundary of Lot 27a; thence along the southerly, easterly and northerly boundaries of Lot 27a the following three (3) courses: 1) North 64°24'00" East 10.00 feet; thence 2) North 25°36'00" West 48.00 feet; thence 3) South 64°24'00" West 10.00 feet to the southeasterly corner of Lot 27b; thence along the easterly boundary of Lot 27b North 25°36'00" West 45.00 feet to the southerly right-of-way of Prospector Avenue, Amended Plat of Prospector Square; thence along said southerly right-of-way North 64°24'00" East 60.00 feet to the northwesterly corner of Lot 24a; thence along the westerly boundary of Lot 24a South 25°36'00" East 45.00 feet to the northerly boundary of Lot 24b; thence along the northerly, westerly and southerly boundaries of Lot 24b the following three (3) courses: 1) South 64°24'00" West 10.00 feet; thence 2) South 25°36'00" East 48.00 feet; thence 3) North 64°24'00" East 10.00 feet to the northwesterly corner of Lot 25a; thence along the westerly boundary of Lot 25a South 25°36'00" East 45.00 feet to the northerly boundary of Lot 25b; thence along the northerly and westerly boundaries of Lot 25b the following two (2) courses: 1) South 64°24'00" West 10.00 feet; thence 2) South 25°36'00" East 48.11 feet to the southerly boundary of said Amended Plat of Prospector Square; thence along the southerly boundary of the Amended Plat of Prospector Square South 64°24'48" West 40.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, IGM, LLC, A Utah Limited Liability Company, the undersigned owner of Parcel 1, does hereby certify that it has caused this survey to be made and Gigaplat Replat—First Amended and Restated to be prepared, and does hereby consent to the recording of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2020.

IGM, LLC, a Utah Limited Liability Company

By: Rhonda Sideris
President

ACKNOWLEDGMENT

State of _____ ss: _____
County of _____

On this ____ day of _____, 2020, personally appeared before me Rhonda Sideris, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that she is the President of IGM, LLC, a Utah Limited Liability Company and that said document was signed by her on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said Rhonda Sideris acknowledged to me that said corporation executed the same.

Notary Public _____
Printed Name _____
Residing In: _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, FOGHORN LEHIGH, LTD., the undersigned owner of Parcel 2, does hereby certify that it has caused this survey to be made and Gigaplat Replat—First Amended and Restated to be prepared, and does hereby consent to the recording of this plat amendment.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2020

CENTRAL PARK CITY CONDOMINIUMS, LTD.

By: Henry Louis
President

ACKNOWLEDGMENT

State of _____ ss: _____
County of _____

On this ____ day of _____, 2020, personally appeared before me Henry Louis, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is the president of CENTRAL PARK CITY CONDOMINIUMS, LTD. and that said document was signed by him on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said Henry Louis acknowledged to me that said corporation executed the same.

Notary Public _____
Printed Name _____
Residing In: _____
My commission expires: _____

Alliance Engineering Inc.
(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

A RESUBDIVISION OF LOTS 25a, 25b, Parking Lot F, & Common Area of Prospector Square Supplemental Amended Plat

GIGAPLAT REPLAT—FIRST AMENDED AND RESTATED

LOCATED IN NE 1/4 SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS ____ DAY OF _____, 2020 BY _____ SUMMIT COUNTY GIS COORDINATOR	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2020 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2020 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2020 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF _____, 2020 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2020 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2020 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE ____ TIME ____ ENTRY NO. ____ FEE ____ RECORDER ____
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GIGA - LOT #



City Council Staff Report

Subject: Internal Accessory Dwelling Units (IADUs)
Application: PL-21-04889
Author: Rebecca Ward
Date: September 23, 2021
Type of Item: Legislative – Land Management Code Amendments



PLANNING DEPARTMENT

Recommendation

(I) Review the proposed Land Management Code amendments, stopgap amendments to prepare for State pre-emption of Internal Accessory Dwelling Units while the City continues to work toward Goal 2 of the [2021 Update to the Housing Assessment and Plan](#), (II) conduct a public hearing, and (III) consider approving Ordinance No. 2021-38 (Exhibit A).

Description

Applicant: Planning Department

Zoning Districts: Primarily Residential Zoning Districts: Historic Residential – Low Density; Historic Residential – 1; Historic Residential – 2; Historic Residential – Medium Density; Rural Estate; Estate; Single Family; Residential – 1; Residential Development; Residential Development – Medium Density; Residential – Medium Density

Land Management Code: Amending

- § 15-2.1-2 *Historic Residential – Low Density*
- § 15-2.2-2 *Historic Residential – 1*
- § 15-2.3-2 *Historic Residential – 2*
- § 15-2.4-2 *Historic Residential – Medium Density*
- § 15-2.9-2 *Rural Estate*
- § 15-2.10-2 *Estate*
- § 15-2.11-2 *Single Family*
- § 15-2.12-2 *Residential – 1*
- § 15-2.13-2 *Residential Development*
- § 15-2.14-2 *Residential Development – Medium Density*
- § 15-2.15-2 *Residential – Medium Density*
- § 15-15-1 *Definitions*
- § 15-15-2 *Defined Terms*

Enacting

§ 15-4-7.1 *Internal Accessory Dwelling Units*

Reason for Review: The Commission has the primary responsibility of reviewing Land Management Code amendments and forwarding a recommendation for City Council's consideration. The City Council holds a public hearing and takes Final Action.

Acronyms

IADU	Internal Accessory Dwelling Unit
LMC	Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary and Background

Since 2018, the City has been evaluating Land Management Code amendments to incentivize private development of affordable Accessory Apartments – dwelling units within or attached to a Single-Family Dwelling or detached garage. Goal 2 of the [2021 Update to the Housing Assessment and Plan](#) is to finalize the amendments this year.

The Planning Commission and City Council have conducted work sessions and provided input and direction to staff in 2018, 2019, 2020, and 2021. The City also hired a consultant to produce [a report](#) outlining possible amendments to incentivize affordable Accessory Apartments. However, the City's progress toward these goals was disrupted by State pre-emption that will take effect on October 1, 2021.

On December 30, 2020, the Utah Legislature made H.B. 82 *Single-Family Housing Modifications* available to the public. [The first draft](#), sponsored by [Representative Raymond Ward](#) and [Senator Jacob Anderegg](#), prohibited cities from establishing limitations on the size of an Accessory Dwelling Units or from requiring additional parking. The Legislature considered five substitute bills, and each created more autonomy for cities.

On March 16, 2021, the Governor signed the [5th Substitute of H.B. 82](#), which allows property owners of Single-Family Dwellings in primarily residential Zoning Districts to create an Internal Accessory Dwelling Unit (IADU) within the footprint of an existing Single-Family Dwelling in certain circumstances.

On April 28, 2021, the Planning Commission conducted a work session on H.B. 82 and the impacts the State pre-emption will have on current Accessory Apartment regulations and on the LMC amendments that are in progress ([Staff Report](#); [Minutes](#), p. 14).

On September 15, 2021, the Planning Commission reviewed the proposed stopgap amendments and unanimously forwarded a positive recommendation to the City Council. The Planning Commission also continued the discussion of the next phase of amendments to October 13, 2021. The Commission reiterated the need to evaluate whether property owners should be required to live on site as an important discussion point in the next phase.

The proposed amendments are a stopgap to allow staff more time to finalize Land Management Code amendments that will address State pre-emption. Staff proposes returning to the Planning Commission on October 13 and November 10 to finalize a second phase of Land Management Code amendments specific to Accessory Apartments that are tailored to the community in consideration of the Park City General Plan, the adopted Housing Assessment and Plan, and Planning Commission and City Council input.

Staff is also seeking public input and thanks the community members who have requested additional information and have provided input to date. Staff encourages continued public participation and created a survey that will be open September 24 – November 4. The results

will be presented to the Planning Commission prior to the Commission's recommendation to City Council for the second phase of amendments.

For more information, please see the September 15, 2021 Planning Commission [Staff Report](#).

Analysis

The Planning Commission recommends the City Council enact Ordinance No. 2021-38 for stopgap Land Management Code amendments to prepare for State pre-emption.

The City has considered Accessory Apartments an avenue to address affordable housing needs since 1994 and has carefully crafted land use regulations to ensure Accessory Apartments are appropriately located and integrated into neighborhoods, mitigating impacts.

On February 3, 1994, the City Council adopted [Resolution No. 3-94](#) to establish priorities and identified affordable housing and accessory units as a top priority. On February 17, 1994, the City Council adopted Ordinance No. 94-4 to establish Accessory Apartments in the Land Management Code (LMC) (Exhibit B). The original regulations established Accessory Apartments—apartments within or additions to Single-Family Dwellings or detached garages—as an allowed use in residential Zoning Districts and a conditional use in Historic residential Zoning Districts.

The purpose of Accessory Apartments outlined in the 1994 LMC was 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.

The 1994 Accessory Apartment code was restrictive and only allowed Accessory Apartments between 400 and 800 square feet that were no more than one-quarter the size of the Single-Family Dwelling, capped Accessory Apartments to three within a 300-foot radius, and required:

- a parking space for each bedroom
- the property owner to live on site
- at least a six-month rental term for the Accessory Apartment
- recordation of a deed restriction that terminated with the sale or transfer of property, requiring each property owner to re-apply for an Accessory Apartment permit
- a one-year review for each Accessory Apartment permit to evaluate complaints

In 2002, the City Council enacted Ordinance No. 02-07, adopting a comprehensive and substantive revision to the LMC (Exhibit C). Accessory Apartment regulations were loosened:

- Accessory Apartments could be one-third of the size of the Single-Family Dwelling, up to 1,000 square feet, but capped at two bedrooms
- The driveway length required for tandem parking was reduced

- The rental term of Accessory Apartments was reduced from six months to 30 days or more

In 2007, the City Council adopted Ordinance No. 07-49 to amend Accessory Apartment regulations to:

- Allow approvals and recorded deed restrictions to run with the land
- Prohibited Nightly Rental of both the Single-Family Dwelling and Accessory Apartment
- Allowed the Planning Department to impose reasonable conditions to mitigate any impacts to the surrounding neighborhood
- Removed the required one-year review (Exhibit D)

Before implementing reduced regulations to the existing carefully crafted code, staff recommends stopgap Internal Accessory Dwelling Unit (IADU) amendments while further amendments are considered in October and November. The stopgap amendments include the following:

Amend [§ 15-15-1 Definitions](#) and [§ 15-15-2 Defined Terms](#) to distinguish Accessory Apartments and IADUs and to define the term IADU:

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

....

INTERNAL ACCESSORY DWELLING UNIT. An accessory dwelling unit created within the Building Footprint of a Single-Family Dwelling that is occupied as the primary residence of the owner of record and for the purpose of offering a long-term rental of 30 consecutive days or longer.

Amend the Use Table to establish IADUs as Allowed Uses in the following primarily residential Zoning Districts, with Single-Family Dwellings designated Significant or Landmark on the Historic Sites Inventory an Administrative Conditional Use:

§ 15-2.1 *Historic Residential – Low Density*

§ 15-2.1 *Historic Residential – 1*

§ 15-2.3 *Historic Residential – 2*

§ 15-2.4 *Historic Residential – Medium Density*

§ 15-2.9 *Rural Estate*

§ 15-2.10 *Estate*

§ 15-2.11 *Single Family*

§ 15-2.12 *Residential – 1*

§ 15-2.13 *Residential Development*

§ 15-2.14 *Residential Development – Medium Density*

§ 15-2.15 *Residential – Medium Density*

Enact § 15-4-7.1, *Internal Accessory Dwelling Units*, to mirror certain Accessory Apartment regulations for IADUs, to distinguish Accessory Apartments and IADUs, to establish a staff-level Administrative Permit review, and to restrict IADUs to the extent allowed pursuant to H.B. 82 as a stopgap while further amendments are finalized:

15-4-7.1 Internal Accessory Dwelling Units

Internal Accessory Dwelling Units are subject to the following criteria:

A. CRITERIA FOR USE.

1. SIZE. One Internal Accessory Dwelling Unit may be constructed on a Lot that is 6,000 square feet or greater and contains one Single-Family Dwelling subject to Zoning and this Section.

2. PARKING. One (1) Parking Space per Internal Accessory Dwelling Unit must be provided in addition to the existing requirement for the Single-Family Dwelling. Parking Spaces for Internal Accessory Dwelling Units need not be covered and may be provided in tandem subject to one of the following criteria:

a. One (1) Parking Space for an Internal Accessory Dwelling Unit 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 Internal Accessory Dwelling Unit may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

c. Historic District Zones. One (1) tandem Parking Space, parking one vehicle behind another, for an Internal Accessory Dwelling Unit 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:

1. Tandem Parking will not create an undue hardship for the neighborhood.

2. Other parking options are less desirable than the proposed tandem space.

3. 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. SINGLE-FAMILY DWELLINGS DESIGNATED SIGNIFICANT OR HISTORIC ON THE PARK CITY HISTORIC SITES INVENTORY. Internal Accessory Dwelling Units are an Administrative Conditional Use for Single-Family Dwellings designated Significant or Historic on the Park City Historic Sites Inventory. The Planning Department shall review Internal Accessory Dwelling Units proposed for Single-Family Dwellings designated Significant or Landmark on the Park City Historic Sites Inventory for compliance with Chapter 15-13 *Design Guidelines for Historic Districts and Sites* and Section 15-1-10(E), *Conditional Use Permit Criteria*.

4. REQUIREMENTS FOR REVIEW. The Applicant for an Internal Accessory Dwelling Unit must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.

5. OWNERSHIP. The Single-Family Dwelling shall be occupied by the Owner and the Internal Accessory Dwelling Unit shall not be sold separately.

6. DEED RESTRICTION. A deed restriction “Notice to Purchaser” must be filed with the County Recorder, which states:

“A permit for an Internal Accessory Dwelling Unit was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7.1(C). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner.

The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days.”

7. NIGHTLY RENTALS. Neither the Single-Family Dwelling or Internal Accessory Apartment may be rented for periods of time less than thirty (30) days.

8. HOMEOWNERS ASSOCIATION NOTIFICATION. All Internal Accessory Dwelling Units shall be subject to the Homeowners Association notification requirements established in Section 15-1-12(F).

B. **REVIEW.** Applicants shall submit a complete Administrative Permit application to the Planning Department for an Internal Accessory Dwelling Unit and pay the Application fee as established by the fee schedule. The Planning Department shall review and take Final Action on applications for Internal Accessory Dwelling Units pursuant to Section 15-1-8.

C. PERMIT REVOCATION. The Planning Department may revoke an Administrative Permit for an Internal Accessory Dwelling Unit for non-compliance with the criteria of this Section. The permittee may appeal the determination pursuant to Section 15-1-18.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on September 1, 2021. Staff mailed courtesy notice to property owners within primarily residential Zoning Districts on September 1, 2021. The *Park Record* published notice on September 1, 2021.¹

Public Input

Staff received several calls and emails from interested community members, but no formal input was submitted when this report was published.

Alternatives

- The City Council may enact Ordinance No. 2021-38;
- The City Council may deny Ordinance No. 2021-38 and direct staff to make findings for the denial;
- The City Council may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Ordinance No. 2021-38

Exhibit B: Ordinance No. 94-4

Exhibit C: Ordinance No. 02-07

Exhibit D: Ordinance No. 07-49

¹ LMC [§ 15-1-21](#).

ORDINANCE NO. 2021-38

**AN ORDINANCE AMENDING PRIMARILY RESIDENTIAL ZONING DISTRICTS
IN THE LAND MANAGEMENT CODE SECTIONS § 15-2.1-2; § 15-2.2-2; § 15-2.3-2;
§ 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2;
§ 15-2.15-2; § 15-15-1; and § 15-15-2 AND ENACTING SECTION 15-4-7.1,
*INTERNAL ACCESSORY DWELLING UNITS***

WHEREAS, the Utah Legislature enacted the 5th Substitute of H.B. 82 *Single-Family Modifications*;

WHEREAS, on March 16, 2021, the Governor signed H.B. 82;

WHEREAS, on October 1, 2021, H.B. 82 pre-empts certain municipal regulations regarding what the state defines as Internal Accessory Dwelling Units, an accessory dwelling unit created within the Building Footprint of a Single-Family Dwelling that is occupied as the primary residence of the owner of record and for the purpose of offering a long-term rental of 30 consecutive days or longer;

WHEREAS, the City has allowed Accessory Apartments—dwelling units within a Single-Family Dwelling, attached to a Single-Family Dwelling, or added to a detached garage—in most primarily residential Zoning Districts since 1994;

WHEREAS, the City is in the process of amending land use regulations for Accessory Apartments to incentivize private development of affordable units;

WHEREAS, Land Management Code amendments regarding Internal Accessory Dwelling Units are proposed as a stopgap to prepare for State pre-emption while the final Accessory Apartment amendments are reviewed by the Planning Commission with public hearings in October, and November, and the City Council in December;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on September 15, 2021 and unanimously forwarded a positive recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on September 23, 2021.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE

15. The recitals above are incorporated herein as findings of fact. Municipal Code of Park City § 15-2.1-2; § 15-2.2-2; § 15-2.3-2; § 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2; § 15-2.15-2; § 15-15-1; and § 15-15-2 are hereby amended as outlined in Attachment 1. Section 15-4-7.1 *Internal Accessory Dwelling Units* is hereby enacted as outlined in Attachment 1.

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

PASSED AND ADOPTED this 23rd day of September 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

1 **ATTACHMENT 1**

2 **15-2.1-2 Uses**

3 Uses in the HRL District are limited to the following:

4 A. **ALLOWED USES.**

- 5 1. Single Family Dwelling
- 6 2. Home Occupation
- 7 3. Child Care, In-Home Babysitting
- 8 4. Child Care, Family¹
- 9 5. Child Care, Family Group¹
- 10 6. Accessory Building and Use
- 11 7. Conservation Activity
- 12 8. Agriculture
- 13 9. Residential Parking Area or Structure with four (4) or fewer spaces
- 14 10. Internal Accessory Dwelling Unit⁹

15

16 (Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
17 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
18 subject to an Administrative Conditional Use Permit.

19 **15-2.2-2 Uses**

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

21 A. **ALLOWED USES.**

- 22 1. Single Family Dwelling
- 23 2. Lockout Unit¹
- 24 3. Nightly Rental¹
- 25 4. Home Occupation
- 26 5. Child Care, In-Home Babysitting²

- 27 6. Child Care, Family²
- 28 7. Child Care, Family Group²
- 29 8. Accessory Building and Use
- 30 9. Conservation Activity
- 31 10. Agriculture
- 32 11. Residential Parking Area or Structure, with four (4) or fewer spaces
- 33 12. Internal Accessory Dwelling Unit¹⁰

34

35 (Footnote 10) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
36 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
37 subject to an Administrative Conditional Use Permit.

38 **15-2.3-2 Uses**

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

40 A. **ALLOWED USES.**

- 41 1. Single Family Dwelling
- 42 2. Lockout Unit¹
- 43 3. Nightly Rental²
- 44 4. Home Occupation
- 45 5. Child Care, In-Home Babysitting³
- 46 6. Child Care, Family³
- 47 7. Child Care, Family Group³
- 48 8. Accessory Building and Use
- 49 9. Conservation Activity
- 50 10. Agriculture
- 51 11. Residential Parking Area or Structure with four (4) or fewer spaces
- 52 12. Recreation Facility, Private

53 13. Internal Accessory Dwelling Unit¹²

54

55 (Footnote 12) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
56 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
57 subject to an Administrative Conditional Use Permit.

58 **15-2.4-2 Uses**

59 Uses in the HRM District are limited to the following:

60 A. **ALLOWED USES.**

- 61 1. Single Family Dwelling
- 62 2. Duplex Dwelling
- 63 3. Secondary Living Quarters
- 64 4. Lockout Unit¹
- 65 5. Accessory Apartment²
- 66 6. Nightly Rental³
- 67 7. Home Occupation
- 68 8. Child Care, In-Home Babysitting
- 69 9. Child Care, Family⁴
- 70 10. Child Care, Family Group⁴
- 71 11. Accessory Building and Use
- 72 12. Conservation Activity
- 73 13. Agriculture
- 74 14. Parking Area or Structure with four (4) or fewer spaces
- 75 15. Internal Accessory Dwelling Unit¹¹

76

(Footnote 11) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are subject to an Administrative Conditional Use Permit.

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, Family⁴
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
15. Internal Accessory Dwelling Unit⁹

.....

(Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units.

15-2.10-2 Uses

Uses in the Estate (E) District are limited to the following:

A. ALLOWED USES.

- 103 1. Single Family Dwelling
- 104 2. Duplex Dwelling
- 105 3. Secondary Living Quarters
- 106 4. Lockout Unit¹
- 107 5. Accessory Apartment²
- 108 6. Nightly Rental^{1,3}
- 109 7. Home Occupation
- 110 8. Child Care, In-Home Babysitting⁴
- 111 9. Child Care, Family⁴
- 112 10. Child Care, Family Group⁴
- 113 11. Accessory Buildings and Uses
- 114 12. Conservation Activity
- 115 13. Agriculture
- 116 14. Raising, grazing of horses
- 117 15. Parking Area or Structure with four (4) or fewer spaces
- 118 16. Internal Accessory Dwelling Unit¹²

119

120 (Footnote 12) See Section 15-4-7.1, Internal Accessory Dwelling Units.

121 **15-2.11-2 Uses**

122 Uses in the SF District are limited to the following:

123 A. **ALLOWED USES.**

- 124 1. Single Family Dwelling
- 125 2. Duplex Dwelling¹
- 126 3. Secondary Living Quarters²
- 127 4. Accessory Apartment³
- 128 5. Nightly Rental⁴

- 129 6. Home Occupation
- 130 7. Child Care, In-Home Babysitting⁵
- 131 8. Child Care, Family⁵
- 132 9. Child Care, Family Group⁵
- 133 10. Accessory Building and Use
- 134 11. Conservation Activity
- 135 12. Agriculture
- 136 13. Parking Area or Structure with four (4) or fewer spaces
- 137 14. Internal Accessory Dwelling Unit¹⁰

138

139 (Footnote 10) See Section 15-4-7.1, Internal Accessory Dwelling Units.

140 **15-2.12-2 Uses**

141 Uses in the R-1 District are limited to the following:

142 A. **ALLOWED USES.**

- 143 1. Single Family Dwelling
- 144 2. Duplex Dwelling
- 145 3. Secondary Living Quarters
- 146 4. Lockout Unit¹
- 147 5. Accessory Apartment²
- 148 6. Nightly Rental³
- 149 7. Home Occupation
- 150 8. Child Care, In-Home Babysitting⁴
- 151 9. Child Care, Family⁴
- 152 10. Child Care, Family Group⁴
- 153 11. Accessory Building and Use
- 154 12. Conservation Activity

- 155 13. Agriculture
- 156 14. Parking Area or Structure with four (4) or fewer spaces
- 157 15. Internal Accessory Dwelling Unit¹¹

158

159 (Footnote 11) See Section 15-4-7.1, Internal Accessory Dwelling Units.

160 **15-2.13-2 Uses**

161 Uses in the RD District are limited to the following:

162 A. **ALLOWED USES.**

- 163 1. Single-Family Dwelling
- 164 2. Duplex Dwelling
- 165 3. Secondary Living Quarters
- 166 4. Lockout Unit¹
- 167 5. Accessory Apartment²
- 168 6. Nightly Rental³
- 169 7. Home Occupation
- 170 8. Child Care, In-Home Babysitting⁴
- 171 9. Child Care, Family⁴
- 172 10. Child Care, Family Group⁴
- 173 11. Accessory Building and Use
- 174 12. Conservation Activity Agriculture
- 175 13. Parking Area or Structure with four (4) or fewer spaces
- 176 14. Recreation Facility, Private
- 177 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 178 16. Food Truck Location¹⁶
- 179 17. Internal Accessory Dwelling Unit¹⁷

180

(Footnote 17) See Section 15-4-7.1, Internal Accessory Dwelling Units.

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
9. Child Care, In Home Babysitting⁴
10. Child Care, Family⁴
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
18. Food Truck Location¹⁴
19. Internal Accessory Dwelling Unit¹⁵

.....

(Footnote 15) See Section 15-4-7.1, Internal Accessory Dwelling Units.

15-2.15-2 Uses

207 Uses in the RM District are limited to the following:

208 A. **ALLOWED USES.**

- 209 1. Single Family Dwelling
- 210 2. Duplex Dwelling
- 211 3. Triplex Dwelling
- 212 4. Secondary Living Quarters
- 213 5. Lockout Unit¹
- 214 6. Accessory Apartment²
- 215 7. Nightly Rental³
- 216 8. Home Occupation
- 217 9. Child Care, In-Home Babysitting⁴
- 218 10. Child Care, Family⁴
- 219 11. Child Care, Family Group⁴
- 220 12. Accessory Building and Use
- 221 13. Conservation Activity
- 222 14. Agriculture
- 223 15. Bed and Breakfast Inn
- 224 16. Parking Area or Structure with four (4) or fewer spaces
- 225 17. Internal Accessory Dwelling Unit⁹

226

227 (Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units.

228 **15-4-7.1 Internal Accessory Dwelling Units**

229 Internal Accessory Dwelling Units are subject to the following criteria:

230 A. **CRITERIA FOR USE.**

231 **1. SIZE.** One Internal Accessory Dwelling Unit may be constructed on a Lot that is 6,000
232 square feet or greater and contains one Single-Family Dwelling subject to Zoning and
233 this Section.

234 **2. PARKING.** One (1) Parking Space per Internal Accessory Dwelling Unit must be
235 provided in addition to the existing requirement for the Single-Family Dwelling. Parking
236 Spaces for Internal Accessory Dwelling Units need not be covered and may be provided
237 in tandem subject to one of the following criteria:

238 a. One (1) Parking Space for an Internal Accessory Dwelling Unit may be
239 provided in tandem if the existing driveway length equals or exceeds twenty-five
240 feet (25') as measured from the Property Line. Parking is permitted only within
241 approved garages and on paved driveways.

242 b. One (1) Parking Space for an Internal Accessory Dwelling Unit may be
243 provided in tandem in an effort to preserve existing Significant Vegetation and
244 when all other parking alternatives are undesirable.

245 c. **Historic District Zones.** One (1) tandem Parking Space, parking one vehicle
246 behind another, for an Internal Accessory Dwelling Unit proposed in any
247 residential Historic District Zone may be provided when the Applicant has
248 secured a Conditional Use permit and the Planning Commission has made the
249 following findings:

250 1. Tandem Parking will not create an undue hardship for the
251 neighborhood.

252 2. Other parking options are less desirable than the proposed tandem
253 space.

254 3. Reasonable efforts, such as automatic garage door openers, lease
255 provisions and/or limitation of garage storage, have been made to
256 encourage the Use of all Off-Street Parking.

3. SINGLE-FAMILY DWELLINGS DESIGNATED SIGNIFICANT OR HISTORIC ON THE PARK CITY HISTORIC SITES INVENTORY. Internal Accessory Dwelling Units are an Administrative Conditional Use for Single-Family Dwellings designated Significant or Historic on the Park City Historic Sites Inventory. The Planning Department shall review Internal Accessory Dwelling Units proposed for Single-Family Dwellings designated Significant or Landmark on the Park City Historic Sites Inventory for compliance with Chapter 15-13 *Design Guidelines for Historic Districts and Sites* and Section 15-1-10(E), *Conditional Use Permit Criteria*.

4. REQUIREMENTS FOR REVIEW. The Applicant for an Internal Accessory Dwelling Unit must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.

5. OWNERSHIP. The Single-Family Dwelling shall be occupied by the Owner and the Internal Accessory Dwelling Unit shall not be sold separately.

6. DEED RESTRICTION. A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

"A permit for an Internal Accessory Dwelling Unit was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7.1XX. Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days."

7. NIGHTLY RENTALS. Neither the Single-Family Dwelling or Internal Accessory Apartment may be rented for periods of time less than thirty (30) days.

283 **8. HOMEOWNERS ASSOCIATION NOTIFICATION.** All Internal Accessory Dwelling
284 Units shall be subject to the Homeowners Association notification requirements
285 established in Section 15-1-12(F).

286 **B. REVIEW.** Applicants shall submit a complete Administrative Permit application to the
287 Planning Department for an Internal Accessory Dwelling Unit and pay the Application fee as
288 established by the fee schedule. The Planning Department shall review and take Final Action on
289 applications for Internal Accessory Dwelling Units pursuant to Section 15-1-8.

290 **C. PERMIT REVOCATION.** The Planning Department may revoke an Administrative Permit for
291 an Internal Accessory Dwelling Unit for non-compliance with the criteria of this Section. The
292 permittee may appeal the determination pursuant to Section 15-1-18.

293 **15-15-1 Definitions**

294

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

300

301 **INTERNAL ACCESSORY DWELLING UNIT.** An accessory dwelling unit created within
302 the Building Footprint of a Single-Family Dwelling that is occupied as the primary
303 residence of the owner of record and for the purpose of offering a long-term rental of 30
304 consecutive days or longer.

305 **15-15-2 List Of Defined Terms**

306

- 307 -I-
- 308 Impact Analysis
- 309 Impervious Surface
- 310 Inaction
- 311 Incidental Retail Sales
- 312 Indoor Entertainment Facility
- 313 Internal Accessory Dwelling Unit
- 314

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.

WHEREAS, public notice and opportunity to comment were provided pursuant to the Land Management Code (LMC); and

WHEREAS, the Planning Commission of Park City, after public hearing on November 17, 1993, voted unanimously on December 15, 1993, to recommend amending the LMC to allow accessory apartments in Park City; and

WHEREAS, the City Council of Park City, after public hearing on February 3, 1994, has determined that allowing accessory apartments in Park City pursuant to the criteria established below will help provide alternative housing options in Park City; and

WHEREAS, the City Council adopted Resolution No. 3-94 establishing long term goals and a policy agenda and action agenda for 1994-1996; and

WHEREAS, Resolution No. 3-94 identifies "Diverse housing opportunities with quality, affordable housing" as a High Priority Long-term goal and "Affordable Housing," including policy determinations such as allowing accessory units, as a Top Priority Action Target for 1994-1996; and

WHEREAS, the City Council has determined that allowing accessory apartments in Park City pursuant to the criteria established below is in the best interest of the community;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. Chapter 2 of the Land Management Code ("LMC") is hereby amended to include the following definition:

Accessory Apartment. A self-contained apartment, containing cooking, sleeping, and sanitary facilities, created either by converting part of and/or adding on to an existing detached single-family home or detached garage or by building a separate apartment into a new home or detached garage on a single-family lot. Accessory apartments are prohibited in multi-unit structures.

SECTION II. LMC § 7.19 (Land Use Table) is hereby amended as follows:

(a) Apartments Designated for Affordable Housing shall be permitted uses in the following zone:

- LI

(b) Accessory apartments shall be regulated uses in the following (residential) zones:

- E,
- SF,
- SF-N,
- RD,
- RDM,
- R-1, and
- RM

(c) Accessory apartments shall be conditional uses in the following (historic) zones:

- HR-1
- HRL

SECTION III. Subsections 8.19 to 8.28 of the LMC are hereby renumbered to subsections 8.20 to 8.29 respectfully and subsection 8.19 is hereby amended to read as follows:

8.19 REGULATION OF 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. The following provisions are intended to facilitate accessory apartments while minimizing land use conflicts and environmental degradation. Accessory apartments shall be subject to the following criteria:

(a) Criteria For Use.

1. **Size.** Accessory apartments may be no more than one fourth of the dwelling size and shall be limited to a maximum unit size of 800 square-feet and shall be no less than 400 square-feet with no more than two bedrooms. An accessory apartment may not increase the size of a structure over the maximum specified in the Land Management Code or subdivision approval."

2. **Parking.** One 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:

i. One parking space for an accessory apartment may be provided in tandem if the existing driveway length exceeds thirty-feet as measured from the property line. No parking shall be permitted within the front yard setback area.

ii. One 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. Significant vegetation is vegetation which has a caliper (diameter) in excess of two inches as measured four inches above grade or other vegetation providing desirable visual screening between properties.

iii. Historic District Zones. One parking space for an accessory apartment proposed in any Historic District Zones may be provided when the applicant has secured a Conditional Use Permit and the Planning Commission has made the following findings:

a. Tandem parking will not create an undue hardship for the neighborhood.

b. Other parking options are less desirable than the proposed tandem space.

c. 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 accessory apartment may be located on a lot.

4. Requirements For Review. The applicant for an accessory apartment must submit a floor plan and site plan showing the proposed changes.

5. Density Limits. A permit for an accessory apartment may not be granted if more than three of the homes within 300-feet of the applicant's property boundary contain other established accessory apartments.

6. Ownership. One unit shall be occupied by the owner of the structure and the accessory apartment shall not be sold separately.

7. Deed Restriction. A deed restriction 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 unit on the property may be rented; the other must be occupied by the owner. Prospective purchasers who intend to reside in one of the units on the property may apply to 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 six-months 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 Chapter 1, Section 1.15 (d).

- (b) One-year Review. Both regulated use permits and conditional use permits for accessory apartments shall be subject to a one-year review by the Community Development Department. The review shall occur one 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.

- (c) Regulated Use Review. The Community Development Department shall review accessory apartments in those zones where the apartments are a regulated use. After payment of the application fee as established by the Fee Schedule, the Community Development Department shall approve a permit if the requested use complies with the

criteria established herein.

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.

(d) 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 payment of the application fee as established by the Fee Schedule, the Planning Commission shall approve a permit if the requested use complies with the criteria established herein. In addition, prior to issuance of a conditional use permit, the Planning Commission shall determine that parking and other impacts as outlined in §1.13(j) have been mitigated. The conditional use permit shall be subject to the one-year review outlined in §8.19(b).

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.

(e) Existing Non-Conforming Accessory Apartments. Existing non-conforming accessory apartments may be approved by the Community Development Department provided that the apartment meets all of the criteria outlined in Section 8.19 (a). If the existing 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-year review provisions of Sections 8.19 (a), (7) and 8.19 (b). The Planning Commission shall approve the request only if the following findings can be made:

1. The apartment contains no more than two bedrooms.

2. One 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 unit is owner-occupied.

4. Impacts of the use can be mitigated.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 17th day of February, 1994.

Park City Municipal Corporation

Ruth D. Gezelius
Ruth D. Gezelius, Mayor Pro Tem

Attestation by:

Anita Sheldon
Anita Sheldon, City Recorder

Approved as to Form:

Jodi Hoffman
Jodi Hoffman, City Attorney

Ordinance No. 02-07

**AN 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
TITLE 15, CHAPTER 15- DEFINITIONS
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 DATED 5-01.**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, in January of 1998 the City Council directed staff to undertake a comprehensive and substantive re-write of the Land Management Code;

WHEREAS, the City is in the process of a comprehensive rewrite of the entire Land Management Code to reorganize the document's structure, clarify and resolve inconsistencies, update regulations to be consistent with the General Plan, and provide self-contained and user-friendly Chapters;

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on January 24, February 28, June 13 and 22, and November 14, 2001 and forwarded to City Council a positive recommendation on Chapters 4, 6, 8, 10, 11, and 14, with additional changes to previously amended Chapters 15-1 and 15-15;

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on November 29, 2001 and April 25 and May 23, 2002 ; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code and adopt the most current zoning map, to be consistent with the General Plan and the values and identified goals of the Park City community, to protect health and safety, to maintain the quality of life for its residents; and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby deleted and replaced by LMC Title 15, Chapter 14 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 6 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 14 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 2. AMENDMENT TO CHAPTERS 8 AND 14 OF THE LAND MANAGEMENT CODE. Chapters 8 and 14 are hereby deleted and replaced by LMC Title 15, Chapter 4 attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 and 14 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 4 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 3. AMENDMENT TO CHAPTERS 10 AND 11 OF THE LAND MANAGEMENT CODE. Chapters 10 and 11 are hereby deleted and replaced by LMC Title 15, Chapter 6 attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapters 10 and 11 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 6 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 4. AMENDMENTS TO TITLE 15, CHAPTER 1 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 1- General Provisions, is hereby revised to include Section 15-1-13, Completion of Site Improvement Work Prior to the Approval of Plats or Issuance of Certificates of Occupancy, as stated on attached hereto Exhibit D and as deleted from Chapter 8. Any conflicts or cross references from other provisions in the LMC to Section 8.21 of Chapter 8 shall be resolved by the Community Development Director. Defined terms in Section 15-1-13 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 5. AMENDMENTS TO TITLE 15, CHAPTER 15 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 15- Definitions, is hereby revised to include new definitions and revised definitions as stated on attached hereto Exhibit E.

SECTION 6. AMENDMENT TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby deleted and replaced by LMC Title 15, Chapter 11 attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 11 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 7. ADOPTION OF THE ZONING MAP DATED 5-01. The Park City Zoning Map, dated May 2001, is hereby adopted as presented at the May 23, 2002 Council Meeting.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

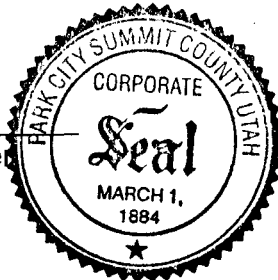
PASSED AND ADOPTED this 23 rd day of May 2002

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder



Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney

**PARK CITY MUNICIPAL CODE
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Draft - 11/29/01

for adoption 5/23/02

EXHIBIT A



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND
ENFORCEMENT

Chapter adopted by Ordinance No. 01-

**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 when strict compliance should be demanded or excused~~, or other enforcement actions taken. The failure of any person to properly interpret or apply this code or any provision of it shall not operate

to waive or estop the City from subsequent enforcement action. Permits issued in violation of this Ordinance shall have no force or effect and persons knowingly or negligently building under improperly issued permits do so at their own risk.

**~~15-14-2. ZONING AND BUILDING
PERMITS.~~**

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

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 permit 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

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 14 - Zoning Administration and Enforcement
15-14-2

ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit 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 inspect land uses to determine compliance with the provisions of this Code.

15-14-4. ~~SITE PLAN REQUIRED.~~

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

- ~~(A) — Scale and north arrow.~~
- ~~(B) — Lot lines and their dimensions.~~
- ~~(C) — Adjacent streets, roads, rights-of-way, and easements.~~
- ~~(D) — Location of all existing structures on subject property and adjoining properties; completely dimensioned, including utility lines, poles, fences, etc.~~

~~(E) — Existing utility line locations and sizes.~~

~~(F) — Existing and proposed grading, drainage, and landscaping plans.~~

~~(G) — Location of proposed construction and improvements, including location of all landscape elements retaining walls, drainage works, and signs.~~

~~(H) — Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location.~~

~~(I) — Necessary explanatory notes.~~

~~(J) — Name, address, and telephone number of builder and owner.~~

~~(K) — Other information which may be requested by the City or in 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

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 14 - Zoning Administration
and Enforcement 15-14-3

affected property owners in the manner set forth below:

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

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

(C) **THIRD PARTY ACTIONS.** Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

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.

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TITLE E 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS

Chapter adopted by Ordinance No. 00-

**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. SUBSTANDARD LOTS.

Nothing in this Code shall be construed as preventing the division of approved and platted duplex Lots into separate ownership under the terms of either a Condominium ownership Structure, a Planned Unit Development ownership Structure, or a party wall agreement. No new Lots may be platted or created by deed which do not comply with the minimum Lot size requirements established for that zone. *This language is now in individual zoning districts and in Chapter 15.*

**15-4 -3. REDUCED SITE
REQUIREMENTS.**

~~Any Lot under separate ownership of record prior to April 4, 1968, which has dimensions which would prevent Building because of the Front Yard, Rear Yard, and Side Yard set back required by the zone in which the Lot is located, and any Lot which has been approved by the City Council prior to the effective date of this Code which would prevent Building because of the Front Yard, Rear Yard, and Side Yard set backs required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the Uniform Building Code for Development on construction on or near Lot lines must be met. *This has already been addressed in the non-conforming use chapter and with the BOA/variance procedure.*~~

(A) — Notwithstanding the above, in the HR-1 zone for single unit dwellings, the Side Yards shall be no less than three feet (3') and if reduced pursuant to this section, then no Side Yard exceptions as provided in Section 15-4-14 shall be permitted; and in the RD zone for single unit dwellings, namely in Thaynes Canyon Subdivision I and II, Prospector Village, the Front Yard for Main Buildings shall not be less than twenty feet (20'), and the Front Yard for garages shall

not be less than ten feet (10'), and the Side Yard shall be not less than five feet (5') except on Corner Lots. On Corner Lots, the Side Yards abutting the Street shall not be less than ten feet (10'), and the Rear Yard may be reduced to ten feet (10'). In the Prospector Square Commercial Subdivision, Lots 2 to 38 in the GC zone, front, side, and Rear Yards may be reduced to zero feet except for commercial Lots which front on state highways.

This language was incorporated into zoning districts.

(B) — This section is not intended to conflict with Subsection 15-4-9 nor shall it be interpreted as taking precedence over the requirements of Subsection 15-4-9.

This language was incorporated into the specific zoning districts.

15-4-4. — LOT STANDARDS.

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot shall have Area, width, and depth as required by the regulations for the zone in which the Lot is located, and the Lot has Frontage on a Street shown as a City Street on the Official Streets Master Plan, or on private easements connecting the Lot to a Street shown on the Official Streets Master Plan.

This language was incorporated into the specific zoning districts.

15-4-5. — SALE OR LEASE OF REQUIRED SPACE.

No space needed to meet the width, yard Area, coverage, parking, or other requirements of this Code for Lot or Building may be sold or leased away from such Lot or Building. *This language has been deleted as it is duplicative.*

15-4-6. — SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS.

No Parcel of land which has less than the minimum width and Area requirements for the district in which it is located may be created from a larger Parcel of land for the purpose, whether immediate or future, of Building or Development as a Lot. *This language is in Chapter 1 and 15.*

15-4-27. FENCES, WALLS, BERMS, AND/OR HEDGES.

(A) Fences, walls, berms and hedges higher than six feet (6') may be erected or allowed within the buildable Area. provided that Any fence or wall greater than six feet (6') in height requires shall receive 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 side 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 Lots and there is a difference in the Grade of the properties, the Fence or wall or hedge

may be erected or allowed to the maximum height permitted on either side of the Property Line.

This language will be incorporated into The Design Chapter 9 at a later date.

(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 subject to the following:

- (1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.

- (2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander their entire length.

This language will be incorporated into the Design Guidelines Chapter at a later date.

**15-4-8. FRONTAGE
PROTECTION, LIMITED ACCESS TO
HIGHWAYS.**

~~The Frontage along both sides of Park Avenue (SR 224) from 15th Street north to the north City limits, both sides of Marsae Avenue (SR 224) from its upper intersection with Prospect Avenue to the south City limits, both sides of Kearns Boulevard (SR 248) from Park Avenue east to the east City limits, and Deer Valley Drive from Park Avenue to Heber Avenue (U-224 Belt Route) are subject to special review for protection of the highway Frontage. These Areas are shown as a supplement to the zoning district map. Any Building proposal within a distance of one hundred feet (100') back from the nearest Right-of-Way line of these highways is subject to review by the Community Development Department. The highway Frontage review shall be limited to the following factors:~~

- ~~(A) To the extent possible to minimize Access points and driveways to the highways, Access shall be from existing City Streets that join with the highways rather than direct highway Access. Common driveways between adjoining projects shall be used when possible, and driveways that~~

are required in order to provide Access shall be placed where they create the least interference with through traffic on the highways.

(B) — The Department shall review proposals for pedestrian and bicycling pathways through the Frontage Property, proposals for open space, buffered Areas, and preservation of view corridors.

(C) — Regardless of the zone Setbacks in Chapter 7, no Structure shall be erected within thirty feet (30') of the nearest highway Right-of-Way line in order to preserve view corridors, buffer Areas, and allow for possible future improvements of the highway themselves. The Board of Adjustment may grant variances of this Setback.

(D) — All construction in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line is a conditional use, and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone.

This language has been incorporated into Chapter 2.20 as the FPZ district.

15-4-9. — CLEAR VIEW OF INTERSECTING STREETS.

In all zones, no obstruction to view in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within a triangular Area formed by the Streets at

Property Line and a line connecting them at points twenty five feet (25') from the intersection of the Street lines, except a reasonable number of trees pruned low enough to permit automobile drivers an unobstructed view. This shall not require changes in the Natural Grade on the Site. *This language was incorporated into the individual zoning districts and Chapter 15-Subdivisions.*

15-4-10. — PUBLIC UTILITY STRUCTURES.

Public utility Structures may be permitted on less than the required size Lots in any district as approved by the Community Development Department. These facilities are conditional uses.

This language was incorporated into the zoning districts.

15-4-11. — ZERO SIDE YARD REQUIREMENTS.

In Subdivisions or Master Planned Developments where the arrangement and placement of Buildings are fixed and so designated on both the preliminary and Final Plats, the Planning Commission may, after review, approve the Subdivision or Planned Unit Development waiving one of the required Side Yards. In the Prospector Square Commercial Subdivision, Lots 2 through 38 in the GC Zone, the front, side, and Rear Yard set backs may be reduced to zero set back, except those Lots fronting on a state highway, if any, or if the set back is necessary to comply with Section 15-4-9 of

~~this Code. This reduction in the Prospector Square Commercial Subdivision is predicated on the preservation of the Common Areas, pedestrian malls, and common parking Lots. If those Common Areas do not exist for the use and benefit of a Lot on which Development is proposed, the normal GC Zone requirements shall apply.~~

This language was incorporated into the specific zoning districts.

15-4 -123. HOME OCCUPATION.

A Home Occupation is a ~~lawful use~~ 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. ~~or~~ Activity outside of the Buildings, related to the Home Occupation, that is not normally associated with a residential use is not permitted.

Incidental retail sales means the sale of common items 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 a item of clothing, etc.

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 ($\frac{1}{2}$) 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.

~~In all cases, There shall be no exterior advertising of said Home Occupation businesses on the premises by window displays or signs. , and no one outside of the immediate family may be employed.~~

This language conflicts with paragraph 2 and removing it allows roommates or others commonly living in a dwelling unit as their primary dwelling to have a home occupation in that dwelling, as currently allowed in the second paragraph.

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.

~~Home Occupation will not allow a resident, professional or otherwise, to use the dwelling for his general practice when that practice is normally associated with some other zoning district. Home Occupation will, however, allow the use of the dwelling by a physician, dentist, lawyer, clergyman, engineer or the like for consultation or emergency treatment. Consultation shall include the use of a dwelling to receive mail and maintain a telephone or automatic answering device related to the Home Occupation, but shall not allow frequent or constant visitation to the residence by clients to transact Business.~~

This language is vague and has been confusing to applicants in the past, ie. can a professional engineer use his home as a home occupation when professional engineering offices are associated with general commercial zoning. The following language is recommended instead:

A Home Occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (A) arts and crafts studio;
- (B) culinary products kitchen or studio;
- (C) dressmaking or millinery work;
- (D) professional office;

- (E) home office for insurance or real estate sales or telemarketing; or
- (F) teaching and tutoring.

A Home Occupation shall not be interpreted to include the following:

- (A) animal hospital;
- (B) long term care facility;
- (C) restaurants, bars, cafes and other general commercial retail uses;
- (D) bed and breakfast inns; or
- (E) Child Care or Group Care Facilities.

~~Home Occupation shall include the care of fewer than three (3) children other than members of the family residing in the dwelling. This language moved to Section xx-xx Child Care Regulations.~~

**15-4-14. SIDE YARD
EXCEPTIONS:**

~~The Area of a required Side Yard shall be open and unobstructed except for the following and similar uses:~~

- ~~(A) The ordinary projections of window sills, belt courses, cornices, and other ornamental features to the extent of not more than four inches (4").~~
- ~~(B) The projection of an eave not more than two feet (2').~~
- ~~(C) The projection of a step not over two feet (2').~~

(D) — Awnings projecting over doorways and windows not more than three feet (3').

(E) — A Bay Window or chimney not over ten feet (10') long projecting not more than two feet (2'), provided such extension maintains the minimum Side Yard allowable for the smallest Side Yard in that district.

(F) — A light or window well not over two feet (2') in width.

(G) — Walls or Fences not more than six feet (6') in height.

(H) — A driveway leading to a properly located garage or Parking Area; however, a Side Yard cannot be used for a Parking Area except as hereinafter provided, nor for storage, nor can it be hard surfaced in such a way as to make possible the parking of automobiles or other vehicles unless it is a driveway that leads to a garage or a properly located Parking Area in the Rear Yard.

(I) — A detached garage may be located in a Side Yard provided said garage meets the requirements specified for the district in which it is located, and the requirements of the Building and Fire Codes for Buildings in close proximity to the Lot lines.

(J) — Hot tubs, decks or similar uses at ground level shall be allowed in a Side Yard provided they are located at least ten feet (10') from a dwelling on an adjoining Lot or five feet (5') from Property Line.

Language incorporated in each zoning district.

**15-4-15. REAR YARD
EXCEPTIONS:**

The Area of a required Rear Yard shall be open and unobstructed except for the following which are permitted:

(A) — A Bay Window or chimney not over ten feet (10') long projecting not more than two feet (2').

(B) — Window wells extending not more than four feet (4').

(C) — The projection of an eave or cornice not more than two feet (2').

(D) — Private swimming pools, tennis courts, and similar uses shall be allowed in a Rear Yard provided they are located at least thirty feet (30') from any dwelling on an adjoining Lot and at least ten feet (10') from any Property Line.

(E) — Garages and other Accessory Buildings as hereinafter provided. Such Structures shall not cover over fifty percent (50%) of the Rear Yard Area.

(F) — Hard surfaced Parking Areas subject to the same location requirements of a garage.

(G) — Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet (4') from any Property Line and also that they conform to all requirements established by

the Civil Defense Agency for approved shelters.

(H) — Air conditioners.

(I) — Fences not over six feet (6') in height.

(J) — Hot tubs or similar uses shall be allowed in a Rear Yard provided they are located at least ten feet (10') from a dwelling on an adjoining Lot or five feet (5') from Property Line.

Language incorporated into zoning districts.

**15-4-16. — FRONT YARD
EXCEPTIONS:**

The Area of a required Front Yard shall be open and unobstructed except for the following which are permitted:

(A) — A Fence or wall not more than four feet (4') in height; no Fence more than three feet (3') in height shall be allowed within thirty feet (30') of the intersection on any Corner Lot.

(B) — Uncovered steps leading to the Main Building; provided, however, that they are not more than four feet (4') in height and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection. Any portion of any steps, covered or uncovered, that are more than four feet (4') above Grade must maintain the required Setback line.

(C) — Eaves or cornices projecting not more than two feet (2').

(D) — A driveway leading to a properly located garage or Parking Area; provided, however, no portion of a Front Yard as required in this Code except for those approved driveways, shall be Hard-surfaced or graveled so as to encourage or make possible the parking of automobiles; nor shall the City allow any curb cuts or approve any driveways except for entrance and exit driveways leading to properly located Parking Areas. Hard-surfaced parking may be permitted in the Front Yard of HR-1 and R-1 properties subject to compliance with the zone district requirements. Such parking shall not be permitted in the required Side Yard extended forward to the Front Property Line.

(E) — Circular driveways shall be permitted in required Front Yard Areas of single-family dwellings leading to and from a properly located garage or carport on the Property subject to the following conditions:

— (1) — Such drives shall be Hard-surfaced.

- ~~———— (2) ——— Such drives shall not be over sixteen feet (16') in width.~~
- ~~———— (3) ——— There shall be an Area in landscaping at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.~~
- ~~———— (4) ——— Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.~~
- ~~———— (5) ——— Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property.~~

Language incorporated into zoning districts.

15-4-17. ——— HEIGHT PROVISIONS:

The total height of the Building shall be measured as the vertical distance from Natural Grade or Final Grade, whichever yields the smaller/shorter Building, at a point three feet (3') out from the foundation wall, as defined in this Code, to the highest point of a flat roof or to the deck line of a mansard roof or to the highest ridge of a hip or gable roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen inches (18") above the deck line. Roofs not clearly fitting any of the above three classifications shall be classified by the Community Development Department in accordance with the roof

~~classification it most resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the Structure, the following exceptions apply:~~

~~(A) ——— In all but the HR-1 and HRL Districts, the ridge of a gable, hip, gambrel or similarly pitched roof may extended up to five feet (5') above the specific maximum height limit for the zone.~~

~~(B) ——— Antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the specified maximum height limit for the zone.~~

~~(C) ——— Water towers and mechanical equipment may extend up to five feet (5') above the specified maximum height limit.~~

~~(D) ——— Church spires, bell towers, flag poles, and like architectural features as permitted under the Historic District Guidelines, may extend over the specified maximum height limit by up to fifty percent (50%) of the height limit, but shall not contain any Habitable Spaces above the maximum zone height stated.~~

~~(E) ——— In order to accommodate a one-story element and pitched roof with a ridge design running perpendicular to the Street, the Community Development Department may permit a Building Height increase, not to exceed eighteen feet (18') to the ridge line when measured from the~~

~~midpoint of the front/Street-side Property Line. Additional Building Height, pursuant to this exception, shall not be permitted for portions of the Structure further back than thirty four feet (34') from the Street-Front Property Line. Prior to granting any additional Building Height, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines and results in a better overall architectural design and neighborhood Compatibility.~~

~~(F) — In order to accommodate a pitched roof running with a ridge design running perpendicular to the Street, the Community Development Department may grant additional Building Height provided that no more than twenty percent (20%) of the ridge line exceeds the height requirements. Prior to granting any additional Building Height, pursuant to this exception, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines; results in a better overall architectural design, and does not substantially interfere with sight lines of adjacent properties. This is intended to promote more Historic roof forms and to prevent the proliferation of non-Historic, long-sloping roof forms that run parallel to the Slope.~~

Language incorporated into zoning districts or deleted during LMC Phase I amendments.

**15-4 -184. REGULATION OF
SECONDARY LIVING QUARTERS
WITHIN RESIDENTIAL DWELLINGS.**

Secondary Living Quarters are a permitted accessory use in all Districts except the HRL, HR-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 ~~800~~ 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.

~~(F) — **PROHIBITED IN HISTORIC DISTRICT.** Secondary living quarters will not be approved in the Historic District. See first paragraph.~~

15-4 -5. LOCKOUT UNITS.

Lockout Units are a Conditional Use in the HR-L District and are an Allowed Use in all other Zoning Districts, except in the ROS, SF, and LI Districts where they are not permitted. A Lock Out 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.

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 Section 15-1-10. Guest Houses are only permitted on lots of one acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, 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 stating that the Guest House may not be sold or leased separate from the Main House, shall be recorded at the County Recorders Office.

15-4 -197. — REGULATION OF 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. ~~The following provisions are intended to facilitate Accessory Apartments while minimizing land use conflicts and environmental degradation.~~ Accessory Apartments shall be are subject to the following criteria:

(A) CRITERIA FOR USE.

- (1) **SIZE.** Accessory Apartments may be no more than one ~~fourth~~ third of the dwelling size, shall be limited to a maximum Floor Area of ~~size of 800~~ 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 size 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 ~~thirty~~ twenty-five feet (30/25') as measured from the Property Line. ~~No parking shall be permitted within the Front Yard Setback Area.~~ 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. ~~Significant Vegetation is vegetation~~

~~which has a caliper (diameter) in excess of two inches (2") as measured four inches (4") above Grade or other vegetation providing desirable visual Screening between properties.~~ *Significant Vegetation is a defined term.*

(c) **Historic District Zones.** One tandem (1) Parking Space for an Accessory Apartment proposed in any residential Historic District Zones 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 the 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 maybe no more than four (4) Accessory Apartments within a 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 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 unit on the Property may be rented; the other must be occupied by the Owner. Prospective purchasers who intend to reside in one of the units on the Property may apply to 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 ~~six (6) months~~ 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 Section 15-1-12 (E). ~~Chapter 1, Section 1.15 (D).~~

(~~EB~~) **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 ~~use~~ 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.

(~~EC~~) **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 ~~use~~ 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 Section ~~1.13(j)~~ 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).

(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.

(BD) **ONE-YEAR REVIEW.** Both regulated use permits and conditional use permits for Accessory Apartments shall be subject to a one-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-year review provisions of Sections 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.
- (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 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 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 Section 15-1-10 (Conditional Use Permit review) herein:

(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.

(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 Districts.

15-4-9. CHILD CARE AND CHILD CARE FACILITIES.

~~CHAPTER 14. CHILD CARE REGULATIONS~~

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage ~~through the private sector~~ the provision of Child Care which meets the fluctuating needs and demands of the City's residents, employees, and employers. ~~The City has determined that~~ Health and safety, convenience, compatibility, afford ability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations ~~which are believed to~~ reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

(B) ~~14.2.~~ IN-HOME BABY-SITTING.

In-Home Baby-Sitting includes the provision of Child Care for ~~fewer than~~ four or fewer children within a ~~private~~ homeDwelling, and within commercial buildings outside of residential zones. In-

Home Baby-Sitting shall be permitted in all zoning districts except for the Light Industrial (LI) and Recreation Open Space (ROS) zones, wherein in-home baby-sitting shall only be allowed if it is for employees of an approved business with the same business providing the child care service. In-Home Baby-Sitting 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.

State licensing requirements start with 5 children in either family child care or child care centers, although there are different rules based on mixed ages and how many are under 2 years of age where licensing may kick in with fewer.

Staff recommends changes to the use tables for various zoning districts as a result of these changes in state requirements and subsequent LMC requirements, ie. changing certain Allowed uses to Conditional uses for the Family Group Child Care homes.

(C) 14.3. FAMILY DAY CHILD CARE.

Family Day Child Care is a small scale Child Care facility home which includes the provision of Child day Care for four to six up to eight (8) children. Family day Child Care in residential zones must be within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen if they are cared for in the same area of the structure as that designated for Family Child day Care. Conformance to the criteria contained herein and all State Child Care Building Code requirements meet Park City requirements;

~~however, state licensing requirements for child care may be more restrictive.~~

State has changed numbers for this category from six to eight. To be consistent with State regulations for Family Child Care the LMC has been revised to increase the number from 6 to 8.

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 day Child Care homes shall be permitted in all other commercial and residential 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, which shall be subject to the following conditions. 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 off-street parking space is ~~provided~~ 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 ~~if provided that parking is not within the side setbacks established for that zone or if and the driveway is not required for a drop-off/pick-up area as required herein.~~

(b) **Drop-off/Pick-up Area.** Two drop off/pick-up parking spaces must be provided. These spaces can be street parking spaces provided that they are located within 50 feet 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.

(dc) **Arterial Street.** If located on an arterial street or State Highway, an off-street drop-off/pick-up area is required.

(ed) **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 ~~of at least~~ 240 square feet ~~shall be provided on-site. No structured area for active play or play structures may be located in the front yard (not capitalized!) in residential zones.~~ Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Signsage.** 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 ~~Day~~ 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 Housing.** Family day Child Care in a Multi-Unit family Dwellings housing + project (projects which are condominiumized) is a Conditional Use, subject to the review criteria for Conditional Use Permits stated in Section 15.1.10 with review and approval by the Planning Commission. Family day Child Care will not be approved for Multi-family Unit Dwellings housing projects 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.

(D) +4.4. FAMILY GROUP CHILD CARE. Family Group Child Care is a medium scale facility Child Care home which includes the provision of Child Care for seven (7) to twelve (12) children nine (9) to sixteen (16), inclusive. Family Group Child Care in residential zones must be provided within the provider's primary residence and shall include the provider's own children under the age of 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.

A Family Group Care facility home shall not be permitted in the Light Industrial (LI) or Recreation Open Space (ROS) zone unless it is for the use of the employees of a business, with the same business operating the Child Care Facility.

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 day Group Child Care homes are subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home. an

Administrative Permit issued by the
City Planning Director

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.

- homes shall be permitted in all other
commercial and residential zoning districts
subject to the issuance of an administrative
permit by the City Planning Director and
subject to the same conditions listed in
Section 14.3. of this Chapter and subject to
the following exceptions and additions:

(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 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.

(ab) **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 50 feet 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.

shall be provided (rather than two) with
two of the spaces being provided on the
site. The driveway may be used for this
purpose if the driveway is not necessary
for employee or resident parking.

(dc) **Arterial Street.** If located on
an arterial street or State Highway,
an off-street drop-off/pick-up area
is required.

(bd) **Density.** No more than one
Family Group Child Care home
may be permitted on any one street
or within any 300 foot radius
(whichever area is less), and no
more than two Family Group Child
Care homes may be located in any
one 500 foot radius area. Family
day Child Care homes and other
family 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.

(ee) **Play Area Size and Location.** An outdoor play area of at least 480 360 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. ~~No structured area for active play or play structures may be located in the front yard (not capitalized!) in residential zones.~~ Play structures and equipment shall meet Consumer Product Safety Commission guidelines.

(df) **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.

(eg) **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 ~~for more than ten children.~~

(fh) **Neighborhood Meeting.** Prior to permit issuance for a Family Group Child Care home facility 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. ~~Very often neighbors' concerns can be eased by explaining beforehand how the group care home shall be operated. moreover, The hearing gives the child care provider an opportunity to understand the neighborhoods' concerns and perhaps modify to consider operational policies or make reasonable modifications to the site plan to mitigate impacts of the use. in an effort to maintain a positive neighborhood relationship.~~

(gi) **One Year Review.** The All Conditional Use Permits for Family Group Child Care homes ~~administrative permit for a~~ shall receive a one time review by the Planning Commission one 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:

1. The ~~facility~~ use has consistently generated more parking demand than can be handled within 50 feet of the property ~~parcel boundary~~ on the same side of the street.
2. The ~~facility~~ use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.
3. Patrons of the ~~facility~~ Family Group Care home have consistently violated traffic laws.
4. The ~~facility~~ Family Group Child Care home ~~and uses or objects related to the facility~~ does not conform to Code defined standards.

If the Planning Commission finds that the ~~facility~~ 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 year.

(hj) **Multi-family Unit Dwelling Housing:** Family Group Child Care in a Multi-family Unit Dwelling ~~housing project~~ is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-family Unit ~~housing projects~~ 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)14.5. CHILD CARE CENTER. A Child Care Center is a ~~large-scale center based~~ Child Care facility in which the provision of Child Care for 5 ~~13~~ or more children occurs in a place other than the care providers primary residence and ~~on a regular basis~~ 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 ~~zones~~ Districts except for the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate -40 (E-40), and the Regional Commercial Overlay (RCO) ~~zones~~ Districts. In these Districts ~~wherein~~ a Conditional Use Permit is required. ~~and in the Light Industrial (LI) zone where a child care center is not permitted unless it serves the employees of a business, with the business operating the facility, in which case a conditional use permit is required.~~ A Child Care Center may be located within a residential ~~zone~~ District with a Conditional Use Permit ~~approval~~, pursuant to Section 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 Section 15-1-10, the ~~proposed building for~~ architectural compatibility of the proposed Child Care Center and shall also consider the following location ~~at~~ criteria ~~guidelines~~ and site requirements during the review process.

(1) **LOCATION CRITERIA.** ~~Locational Guidelines.~~ For projects within a residential neighborhood, the Planning Commission shall consider the following ~~locational~~ guidelines for locating Child Care Centers.

(a) Traffic ~~will not be encouraged~~ onto local roads within a Subdivision is discouraged. ~~and~~ Location of Child Care Centers is encouraged such that the Center facility can be conveniently accessed ~~by~~ from existing collector or arterial roads.

(b) Location The facility is on the periphery of the subdivision or neighborhood is preferable to location within the center of the subdivision.

(c) The ~~facility~~ 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 ~~facility~~ 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.** ~~Site Requirements.~~ The following site requirements shall be observed:

(a) Parking. At least one parking space shall be provided for each on-duty staff person per shift and one space for every six 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 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. ~~in any area of Park City.~~

(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 Child Care Center shall be permitted in any one residential subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other family child care

operations which are not regulated shall not be included in density calculations.

(f) Lot Size and Configuration. The minimum Lot Area ~~size~~ for a Child Care center with ~~more than sixteen 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 ~~facilities~~ located in residential ~~zones~~ Districts shall provide at least 18 foot side yards and 25 foot rear yards.

(h) Play Area within Setbacks. No more than 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 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, setback at

least ten feet 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 ~~facility~~ Child Care Center on traffic circulation or on adjacent properties will not be increased if the exception is granted.

15-4 -2310. TIMESHARE PROJECTS.

(A) INFORMATION TO BE FILED WITH TIMESHARE PROJECT

APPLICATIONS. The Developer of any Timeshare Project other than a Timeshare Conversion shall file with the Planning Department the following information as part of a Building permit application:

- (1) The proposed duration of Timeshare Intervals. ~~which shall not be less than seven (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 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 Section 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.

Unless The Applicant ~~has established that~~ shall also demonstrate that there are is no ~~seriously~~ adverse effects on City services, or City finances through the loss of sales tax revenue, or adverse affect on the use of

convention and meeting space. ~~the project's Conditional Use Permit will be denied.~~

**~~(C) EXISTING PROJECTS-
EFFECT OF TIMESHARE
AMENDMENTS TO ORDINANCES.~~**

~~Any Timeshare Project established by a Timeshare Instrument wherein Timeshare Intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing Timeshare Project shall, to the extent that the Timeshare Instrument concerning such existing Timeshare Project is inconsistent with this and other ordinances relating to Timeshare Projects, be governed and controlled by the ordinances of the City as they existed prior to the adoption of the timeshare regulation ordinance and by the terms of such existing Timeshare Project's Timeshare Instrument to the extent that the terms of such Timeshare Instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing Timeshare Project or the creation of any additional Timeshare Intervals therein must fully comply with these amendments.~~

This language conflicts with the non-conforming use language and should be deleted.

**~~15-4-24. SALE OF TIMESHARE
UNITS.~~**

(A) — PRESALE OF TIMESHARE INTERVALS. Prior to the time that a Building permit has been obtained for a Timeshare Project other than a Timeshare Conversion, or a Conditional Use Permit has been obtained for a Timeshare Conversion, a timeshare Developer may offer reservations to purchase Timeshare Intervals subject to the following requirements:

—— (1) — A reservation to purchase a Timeshare Interval shall be binding upon the timeshare Developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that a Building permit has been obtained for the Timeshare Project if the project of which the Timeshare Interval is a part is a Timeshare Project other than a Timeshare Conversion, or a conditional use permit has been obtained for the Timeshare Project if the project of which the Timeshare Interval is part is a Timeshare Conversion.

—— (2) — The form of reservation agreement used by the timeshare Developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the Timeshare Interval, and execution of such final contract of purchase may not take place prior to the date that a Building permit has been obtained for the Timeshare Project if the project is a

Timeshare Project other than a Timeshare Conversion, or a Conditional Use Permit has been obtained for a Timeshare Project if the project is a Timeshare Conversion:

—— (3) — Any presale activity by a timeshare Developer, its Agents, employees or subcontractors must meet all requirements governing the offering or sale of Timeshare Intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.

(B) — VIOLATIONS OF REQUIREMENTS. Any timeshare Developer who violates the requirements of this section in the reservation of Timeshare Intervals shall be guilty of a Class B misdemeanor and upon conviction thereof may be punished by a fine and/or imprisonment as described in the current Park City Criminal Code. Each sale or other violation shall be a separate offense. In addition to criminal penalties for violations of the provision of this Code relating to sales of Timeshare Intervals, the City Council may, upon hearing at which the timeshare Developer is permitted to state his position, rescind the conditional use approval, and vacate the platting of Timeshare Intervals or Timeshare Estates as to those units which are not sold as of the date of rescission.

Regulation of Timeshare sales is not a function of the LMC. Regulated elsewhere.

**15-4 -1122. TIMESHARE
CONVERSION ~~CONVERSION~~;
CONDITIONAL USE REQUESTS.**

(A) TIMESHARE CONVERSION.

Developers of Timeshare Conversions shall file with the Community Development Department the following information as part of a Conditional Use Permit application:

- (1) The proposed duration of Timeshare Intervals, which shall not be less than seven (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.

(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 time share uses being exempt from sales tax. The cumulative effect of the subject project and other Timeshare Projects may be considered.

(2) Timeshare Conversion will have no serious adverse effect on traffic circulation and parking.

(3) The Applicant's ability to Guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Conversion.

(4) Whether an office of the managing Agent or agency is located locally or within the Timeshare Conversion and the impact that may cause.

(5) Timeshare Conversion will have no serious adverse effect on meeting space, convention Business and Nightly Rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

(6) Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of application.

(7) Compliance with the Park City Uniform Building Code and other Park City Building Department

regulations in force at the time of application.

(8) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the Timeshare Conversion.

(9) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements 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.

- (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 ~~Section 15-15-1 Chapter 2~~ without first obtaining a Conditional Use Permit as required by this Chapter. A Conditional Use Permit must be obtained for the conversion of each separate project or Property being converted.

~~15-4-21. 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.~~

~~(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,~~

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

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

reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) ~~TERMS OF SECURITY.~~ The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in Escrow Eserowed, 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 Eserow 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 year, or;

—— (2) — A deposit of cash with a third party Escrow, or;

—— (3) — An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 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~~
~~RETAINAGE.~~ 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 year following final inspection and approval of the Site improvement work by the City. No retained amount retainage shall be held for

landscaping improvements once the installation of the required materials has been approved by the City. The retained amount retainage 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 retainage will be used to replace or repair any Site improvements which fail or appear to be defective during the one year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount retainage, 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 be 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 Escrowed for this purpose.



~~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.~~

This language has been moved to Chapter 1 as part of this revision. It will become Section

15-1-13 and the sections following it in Chapter 1 will be renumbered.. This will be reflected in the ordinance to adopt phase II.

15-4 -1243. 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. ~~Timeshare Conversion is addressed in Section 15-4-21. ??~~

15-4 -2513. REGULATION OF THE 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

~~shall be deemed a permitted use. It shall be unlawful to install any Satellite Receiving Station 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 2' in diameter:

(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.

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

15-4 -3014. 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.

(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.

(14) **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.

(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-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;

(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
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
Section 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
of the proposed Telecommunications
Facility. If there are no occupied
properties within 300 feet, notice
shall be given to the closest,
registered Home Owners
Association.

(2) **CONSENT AGENDA
REVIEW.** Applications meeting the

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 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 Section 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 of the proposed Telecommunications Facility. If there are no occupied properties within 300 feet, notice shall be given to the closest, registered Home Owners Association.

(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 base height requirement, as stated in Title 15 of the Land Management Code, 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.

(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 consistent with Landscape Criteria in Chapter 9.

(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 COS 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.

(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any Roof Mounted Antenna located on a Historic or underground Structure or within the COS 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, HRM, 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 COS 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 COS 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 Chapter 5 and shall require the Applicant to provide any additional technical information in order to 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 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 Title 4, Chapter 8, of the Park City Municipal Code. 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 Park City 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 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.

(Q) OLYMPIC TELECOMMUNICATIONS FACILITIES.

The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by ~~Subsection 8.30(o)~~ **Section 15-4-14 (O).**

1. **Purpose.** Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(o). The

purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.

2. **Definitions.** As used in this section, the following terms shall be defined as follows:

- a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.
- b. "Olympic Telecommunications Facility" means a temporary Telecommunications Facility associated with the 2002

Olympic Winter Games.

3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:

- a. Each applicant shall present documentary evidence regarding the need for additional capacity 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; and
- b. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed

2. **Definitions.** As used in this section, the following terms shall be defined as follows:

a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.

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3. **Submittal Requirements.**

A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:

a. Each applicant shall present documentary evidence regarding the need for additional capacity 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; and

b. 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 locations around and within one mile of the proposed Telecommunications Facility where it will be most visible.

4. **Administrative Review.** All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Department Staff, pursuant to the criteria provided below. At the applicant's option, any application that is denied for

noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code; Subsections 8.30(a-n):

a. ~~Noticing.~~ Notice of applications will be sent to all property owners within three hundred (300) feet of the proposed Olympic Telecommunications Facility once Staff's preliminary determination of compliance has been reached, establishing a ten (10) calendar day period in which Staff's decision can be appealed to the Planning Commission.

5. ~~Administrative Review Criteria.~~ The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors; and to the greatest extent

possible, provide screening from adjacent property owners. The Community Development Department shall not issue an administrative Conditional Use Permit for an Olympic Telecommunications Facility unless it finds that the application complies with all of the following criteria:

a. ~~Rights of Way.~~ No Olympic Telecommunications Facility shall be located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.

b. ~~Setbacks.~~ Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications

Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.

c. ~~Height.~~ Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, 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:

i. Antenna; placed on a flat roof; may extend up to ten (10) feet 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:

ii. Roof Mounted Antenna; placed on a pitched roof; may extend up to five (5) feet above the existing structure:

iii. Freestanding Antenna may exceed the base height of the zone by up to 30% when a majority of the facility and support structure is not visible from the right-of-ways due to either existing vegetation or the location of the surrounding structures.

d. ~~Design.~~

i. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from a right-of-way or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.

ii. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the

surrounding area.

c. Site Circulation. The location of the Olympic Telecommunications Facility shall not impede traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.

f. Site Disturbance. The Olympic Telecommunications Facility shall leave no temporary and/or lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of significant vegetation. As used herein, "Significant

Vegetation" means trees six inches (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 (20) square feet or more measured at the drip line. Plans must show all trees within twenty feet (20') of a proposed Olympic Telecommunications Facility or within twenty (20) feet of any proposed access route thereto.

The Community Development Department will require, as a condition of approval, the mitigation of any site disturbance occurring during installation of the facility. This condition will need to be met prior to the site becoming operational.

Upon removal of the Olympic Telecommunications Facility, the applicant shall reasonably return the site to its natural and/or original condition on the date of infrastructure permit approval. The Community Development Department may require, as a condition to the approval, that the applicant adopt and comply with a re-vegetation plan for the site specifying vegetation type, size, location and grass seed mixture. The re-vegetation plan for the site shall be approved by Community Development Department Staff.

g. Zoning Restrictions.

i. Olympic Telecommunications Facilities in the HRC, HCB, HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, ROS;

FPZ, and
POS zones
are required
to be
reviewed
pursuant to
Section
8.30(f) of the
Land
Management
Code.
Olympic
Telecommuni-
cations
Facility are
additionally
to be
reviewed
pursuant to
Subsections
8.30(a-n) of
the Land
Management
Code.

ii. Olympic
Telecommuni-
cations
Facilities are
permitted to
be reviewed
pursuant to
Subsection
8.30(q)
within the
RDM, GC,
LI, RCO, RD
and RC
zones.

h. Signs. No signs may
be attached to or
associated with any
Olympic
Telecommunications
Facility except those
relating to the health
and safety of the
general public.

i. Noise. The Olympic
Telecommunications
Facility must comply
with any noise
regulations applicable
to the zone in which
the facility is located.

6. Exemptions. Those Olympic
Telecommunications
Facilities located within the
Olympic Sports Venues or
Use Areas, which are
reviewed and approved by the
City as part of a an approved
Master Festival License
and/or City Services
Agreement, are exempt.

7. Permits. Approved Olympic
Telecommunications
Facilities will receive three
permits from the Community
Development Department

a. Conditional Use
Permit.

b. Infrastructure Permit.

The infrastructure plan for the site shall be reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than April 15, 2001, upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility

c. Antenna Installation Permit. No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic Telecommunications Facility shall be installed without first

receiving approval of a Building Permit. Antenna Installation permits shall specify an installation date not earlier than October 1, 2001.

8. Olympic

Telecommunications

Facility Removal. All

conditional use permits for Olympic

Telecommunications

Facilities shall specify a date upon which the applicant

must complete removal of the Olympic

Telecommunications Facility, including infrastructure. The

Community Development

Department shall determine

the removal date taking into consideration the location of

the site and any possible

environmental factors

effecting the removal

process. Removal of the

Olympic

Telecommunications Facility

shall include reasonably

returning the site to its

natural and/or original

condition at the date of

infrastructure permit

approval. The applicant shall

be solely responsible for the

removal of Olympic

Telecommunications Facility

~~by the date specified in the Conditional Use Permit. If such facility is not removed and/or the site is not returned to its natural condition pursuant to the re-vegetation plan by the applicant, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, 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.~~

Amended by Ordinance No. 99-51; 00-37; 01-03.

15-4 -2915. OUTDOOR DISPLAY OF WORKS OF ART.

The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, ~~certain~~ public Property and Buildings, and other locations where such art can be viewed by the public. Outdoor Display of Works of Art is an Administrative Conditional Use permit subject to the criteria of this Section and the conditional use permit criteria of Chapter

15-1-10 (E). Approved outdoor displays of works of art may be exempt from Chapter 12-9-1(r) of the Park City Municipal Code provided such displays meet the following criteria:

(A) The location and work of art must be ~~approved~~ reviewed by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed ~~and approved~~ by the Historic District Commission.

(B) The display must be of a permanent nature and able to withstand the elements if located outside.

(C) The City ~~shall~~ accepts no liability in case of damage or theft.

(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.

(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(F) A Building permit may be required in situations requiring installation of a base and/or electrical connections.

(C) The City ~~shall~~ accepts no liability in case of damage or theft.

(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.

(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(F) A Building permit may be required in situations requiring installation of a base and/or electrical connections.

(G) In the case of the denial of a request for a display of a work of art, the Applicant may appeal to the City Council.

(H) All works of art shall meet the setbacks and height limitations of the zone.

(I) Any illumination of the work of art shall be reviewed and approved by the Community Development Department prior to installation of such lighting. All lighting shall conform to the lighting regulations in LMC Chapter 9.

**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 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.
- (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 -2617. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.

All Lots shall have a front, two 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 side is clearly opposite the front, the rear Setback must be opposite the ~~driveway~~ 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.

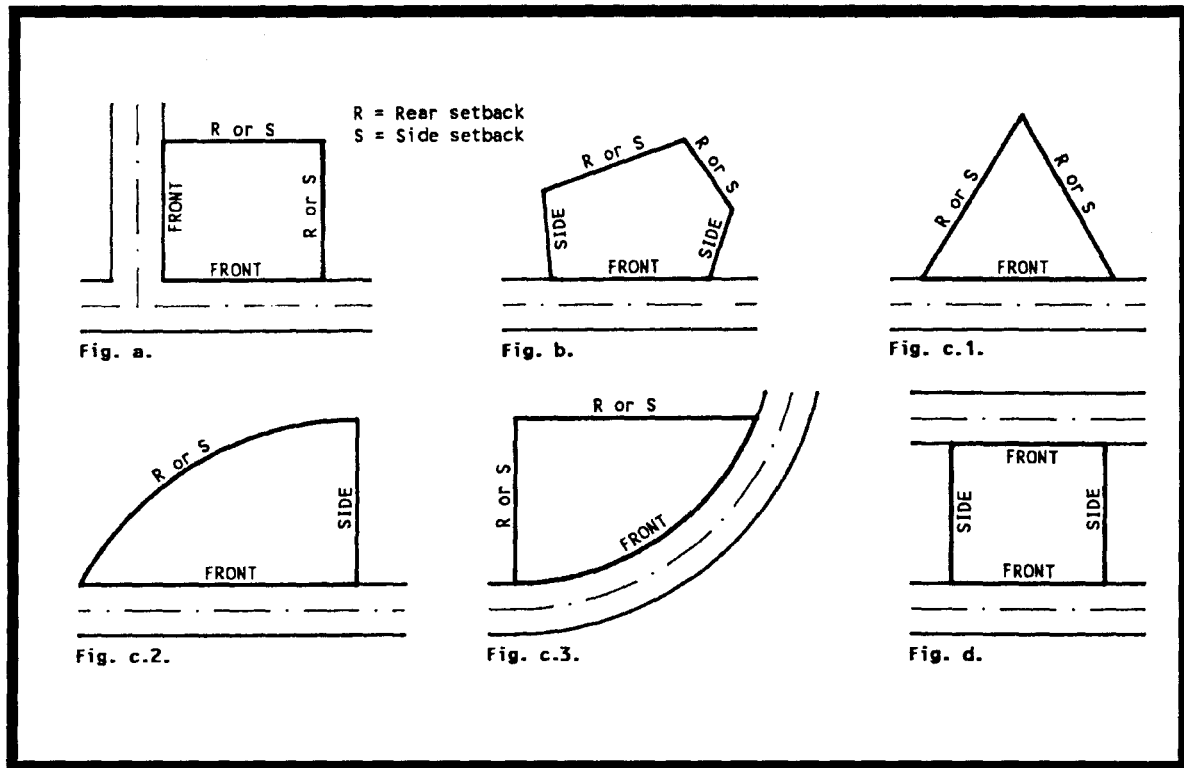
(D) On those Lots which border a Street on both the back and front, both sides must have a front Setback.

(E) Any Lots which are not specified in this section shall have Setbacks determined by the Community Development Department.

~~15-4-27. SENSITIVE LANDS REVIEW.~~

This language is now in the zoning sections under Sensitive Lands 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.~~



**15-4-28. CRITERIA FOR
CONDITIONAL USE REVIEW OF
OUTDOOR SPEAKERS IN
CONJUNCTION WITH OUTDOOR
DINING.**

This language has been added to the zoning districts.

(A) **CONDITIONAL USE
REQUIRED.** The Planning Commission will consider, as a conditional use, the placement of outdoor speaker systems in conjunction with approved outdoor dining. In reviewing whether a conditional use should be granted, the Planning Commission shall consider adjacent land

uses. If outdoor music cannot be mitigated so as not to adversely impact adjacent uses, the request for a conditional use will be denied by the Planning Commission.

(B) **CRITERIA.** The Planning Commission shall attach criteria and conditions appropriate to reduce any potential impact of outdoor speaker systems on adjacent properties. At a minimum, the following criteria shall be applied to all requests for the use of outdoor speakers:

~~(1) Music shall have hours limited to between 11:00 A.M. and 10:00 P.M.~~

~~(2) Sound levels of the music shall be kept at a volume so as not to be disruptive to adjacent Property and shall not be audible beyond the boundaries of the outdoor dining Area.~~

~~(3) Speakers shall be placed at table level or below and shall not be directed Off-Site.~~

~~(C) **REVIEW FOR COMPLIANCE.** All conditional use approvals for outdoor speaker systems shall be reviewed by the Community Development Staff for compliance with the conditions of approval after one (1) year. If the staff finds that conditions have been violated at any time before or after the one year review, the conditional use approval for outdoor speakers may be terminated.~~

15-4 -2018. SPECIAL REVIEW PROCESS FOR PASSENGER TRAMWAYS AND SKI BASE FACILITIES IN HR-1, HRL, HRC, AND HCB ZONES.

(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 shall be is a Conditional Use in all zones where the use may be considered. the HRC and HCB zone. See land use table for Passenger Tramways in other zones.

(B) **CONDITIONAL USE REVIEW.** Conditional use permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

(1) **OWNERSHIP OF LIFTWAY.** The Applicant owns or controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least 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 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 on each side of the Liftway regardless of the configuration of the passenger-carrying elements.

(3) **BASE OR TERMINAL FACILITIES.** The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL Zones. Mid-loading and unloading points are allowed in the HR-1 and HRL Zones.

(4) **CROSSING OF PUBLIC ROADS.** The Applicant must show that all components of the Passenger Tramway and any components of the Liftway, such as safety netting

provide a minimum clearance of 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 the review and approval by of 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 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 Owner of a Lot or other Property which is subject to the Liftway easement may build within the confines of the easement, provided however that all construction within the easement is a Conditional Use which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(E) **PRESERVATION OF HISTORIC STRUCTURES.** It is the policy of the City to protect and preserve Historic Structures within the City. ~~whenever it is economically reasonable to do so.~~ The Applicant for ~~proponent of~~ 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 ~~proponent~~ must also show what alternatives have been considered for the protection and

preservation of those Structures, such as making improvements of structural or fire safety systems or relocation of the Structures.

PARK CITY MUNICIPAL CODE
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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) five (5) 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.

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.

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;

- (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

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,

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.

- (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:

(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

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%) may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 9.

(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 conforms 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 provisions of the Sensitive Lands provisions of the Land Management Code. The project

has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

**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, provided that Hotel Rooms, Hotel Suites, Lockout, and other arrangements for transient lodging purposes are not permissible in taking advantage of the moderate income Density bonus.

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

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. 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:

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 - Master Planned Developments

15-6-12

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

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 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

winter resort do not require the use of a Unit
Equivalent. These Uses include such Uses
as:

Information
Lost and found
Mountain patrol
Mountain administration
Mountain maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms
Ski school/day care facilities
Ticket sales
Ski check
Circulation and hallways

This language has been deleted from Chapter 8 (old) Supplemental Regulations and is recommend to be included in Chapter 1, as Section 15-1-13.

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.

(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 of 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

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trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must be approved in advance by the Community Development Department.

(C) SECURITY FOR

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

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

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

adequate with the Site improvements unfinished; and,

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

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

(E) **TERMS OF SECURITY.** The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in Escrow ~~Escrowed~~, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Escrow or other security arrangements.

(F) **FORM OF SECURITY.** Security arrangements offered in lieu of simultaneous completion of Buildings and Site improvements shall be in an amount fixed under the terms of Section 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 year, or,
- (2) A deposit of cash with a third party Escrow, or,
- (3) An agreement with the construction lender providing that

the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 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 RETAINAGE.** 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 year following final inspection and approval of the Site improvement work by the City. No retained amount ~~retainage~~ shall be held for landscaping improvements once the installation of the required materials has been approved by the City. The retained amount ~~retainage~~ 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 ~~retainage~~ will be used to replace or repair any Site improvements which fail or appear to be defective during the one year period. The corrective work may be done by the City or

the Developer. At the completion of that work, the retained amount ~~retained~~, 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 be 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 ~~Escrowed~~ for this purpose.

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

(K) **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security required for single family homes shall be the reasonably estimated cost to complete construction of any 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.

Draft 11/29/01

Proposed Amendments to Land Management Code, Chapter 15- Defined Terms
Text in redline (shaded) is new language.

Accessory Building.

- (D) Not including structures that do not require a building permit, such as sheds, less than 160 sf.

Agriculture. Use of land.... fur farms, livestock feeding operations, animal hospitals...

Allowed Use. A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-conforming Use.

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.

Building Permit. A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

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.

Add under **Child Care.**

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

(AB) **Child Care, In-Home Babysitting.** The provision of Child Care for ~~three (3)~~ four (4) or fewer children within a Dwelling ~~Unit~~ and within commercial buildings outside of residential Zoning Districts.

(BC) **Child Care, Family.** The provision of Child Care for ~~four (4) to six (6)~~ up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(CD) **Child Care, Family Group.** The provision of Child Care for ~~seven (7) to twelve (12)~~ 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.

Code. The Land Management Code.

Commercial Uses. ~~An occupation, employment, or enterprise that is carried on to facilitate and exchange of goods, services, or ideas.~~ Retail business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

Density. The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

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.

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 a item of clothing, etc.

Change **Lockout RoomUnit.**

Lot Line. Any line defining the boundaries of a Lot.

Add the following to **Nightly Rental:** Nightly Rental does not include the use of Dwelling Units for Commercial Uses.

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.

Add to **Passenger Tramway.** A mechanical device....as amended. Includes ski tows and ski lifts.

Property Owner. See **Owner.**

Regulated Use. A Use that is Allowed, subject to certain regulations and restrictions as prescribed in this Code.

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..

SBWRD. Snyderville Basin Water Reclamation District.

Sensitive Land 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.

Sexually Oriented Businesses. Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

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.

Single Family Subdivision. A development consisting of primarily, although not exclusively, Single Family Dwellings.

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.

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

Use. The purpose or purposes for which land or structures are occupied, maintained, arranged, designed, or intended.

Zone Height. The base Building Height permitted in the Zoning District, prior to application of any allowable Height exceptions.

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.

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC DISTRICT COMMISSION

Chapter adopted by Ordinance No. 02-

**CHAPTER 11 - HISTORIC DISTRICT
COMMISSION.**

**15-11-1. COMMISSION
CREATED.**

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 District Commission (HDC). The HDC shall be composed of five (5) members, one of whom shall be member of the Planning Commission.

**15-11-2. ABSENCE DEEMED
RESIGNATION OR GROUNDS FOR
REMOVAL.**

Any HDC member who is absent from two (2) consecutive regularly scheduled Commission 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 HDC are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

**15-11-3. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HDC shall serve terms of two (2) years. The terms shall be staggered. Terms may expire on February 1 but members of the HDC shall continue to serve until their successors are appointed and qualified.

(A) The member appointed from the Planning Commission shall serve a term of two (2) years, but a vacancy shall occur in the event the Person ceases to be a member of the Planning Commission. The Mayor shall appoint a new HDC 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 HDC have technical representation in Historic renovation and preservation and secondly that it have cultural representation in Park City history. 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 serving on the Board, 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 HDC 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.
- (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.

15-11-4. PURPOSES.

The purposes of the HDC are:

- (A) To preserve diverse and harmonious architectural styles and design preferences reflecting phrases of the City's history and to encourage complimentary, contemporary design and construction through comprehensive Design Guidelines;
- (B) To protect and enhance the City's attraction to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To safeguard the heritage of the City by providing for the protection of Landmarks representing significant elements of its history, and to promote interest in preservation;

(E) To promote the private and public Use of Landmarks and the Landmark districts for the education, prosperity, and general welfare of the people;

(F) To make recommendations to the City Council on policies and ordinances that may encourage preservation.

15-11-5. PERMIT ISSUANCE, PROJECT APPROVAL.

(A) The Community Development Department shall review and approve, or deny, all Applications for Building Permits to build, locate, demolish, construct, remodel, alter or modify any facade on any Structure or Building or other visible element including but not limited to signs, lighting fixtures, and Fences located with the Park City Historic District.

(B) All Building projects within the Historic District shall be reviewed by the Community Development Department for compliance with the guidelines promulgated by the HDC and adopted by the City Council by resolution or ordinance. Those proposals for permitted or Conditional Uses which, after review by the Department are found to be in compliance shall be approved by the Department without the necessity of HDC

review or hearing. Appeals of Planning Department staff decisions may be made to the Community Development Director. In those cases where the Department Community Development Director finds the proposal is not in compliance, or where it is unable to make a determination at all, the proposal is submitted for review by the HDC, which shall either approve, approve with conditions, or disapprove the proposal. The HDC shall state specific reasons for disapproval so the Applicant has an opportunity to address those concerns. At any time in the review process, the Applicant, or any Person qualified to file a non-Owner petition pursuant to Section 15-1-13 of this Code, may request Historic District review of the Application. Actions of the HDC are subject to review by the City Council in the manner described in Chapter 1.

(C) In reviewing Applications for Building Permits, the Community Development Department (or HDC on review) shall approve each Application if it is determined that the Structure, construction, remodeling, modification, alteration, or Building complies with the Historic District Architectural Design Guidelines as adopted by the City Council by resolution or ordinance.

(D) Application for demolition permits are reviewed by the Community Development Department except on those Buildings which have been designated as "Landmarks" or "significant" Historic Buildings by the HDC in which case, the permit is to be reviewed by the HDC.

15-11-6. ADDITIONAL POWERS

In addition to the powers set forth in Section 15-11-5, the HDC shall:

(A) Recommend to the City Council for adoption standards to be used by the City or HDC in reviewing Applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any Building or visible element within the Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Advise the City Council on Property Owner incentives to preserve designated Buildings in the district.

(E) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(F) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of the Historic District.

(G) Provide advice and guidance on request of the Property Owner or occupant on the restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, including Landmarks, Landmark Sites, Historic District, or neighboring Property within public view.

15-11-7. ORGANIZATION.

(A) **CHAIRMAN.** The HDC 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 service 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 a majority of the appointed members of the HDC, including the Chairman.

(C) **VOTING.** All actions of the HDC 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.

15-11-8. STAFF ASSISTANCE.

The City shall, subject to the approval of the City Manager, provide the HDC with such assistance as is reasonably necessary by the HDC, to provide assistance concerning matters related to their fields of expertise:

(A) Utah Heritage Foundation.

(B) National Trust for Historic Preservation.

(C) Utah State Division of History.

(D) Park City Historical Society.

15-11-9. LIMITATIONS.

The HDC has no authority to waive or increase any requirement of any ordinance of the City.

15-11-10. ARCHITECTURAL DESIGN STANDARDS.

The HDC shall promulgate Architectural Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be the design standards applied by the City, and HDC on review, in reviewing specific Building proposals or reviewing City staff actions on appeal. The standards shall address renovation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HDC may recommend changes in the Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the Council.

The Design Guidelines shall apply in all zones within the Historic District, which are designated throughout this Code by the Use of the word "Historic" in the Zoning District name, or the letter "H" in the abbreviation of that name.

**15-11-11. PRESERVATION OF
HISTORIC BUILDINGS,
STRUCTURES AND SITES.**

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, 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 should be encouraged. 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.

**15-11-12. REVIEW OF HISTORIC
BUILDINGS, STRUCTURES, SITES
AND PRESERVATION POLICY.**

The HDC is the official body to review matters concerning designation and preservation of Historic Buildings, Structures and Sites within Park City, and may take appropriate action as may be necessary, as authorized by other sections of this Code to preserve Historic Buildings, Structures and Sites. The Historic District Commission is authorized to function as a committee on Historic Buildings, Structures and Sites and to designate significant Historic Buildings, Structures and Sites within the City which it considers to be of Historic significance and to make this

information available to all interested citizens.

**15-11-13. SIGNIFICANT
HISTORICAL BUILDINGS,
STRUCTURES AND SITES.**

It is hereby declared that all Buildings, Structures and Sites within Park City that are either located within the Historic District, listed in the most recent Park City Historic Survey, or are over fifty (50) years old are presumed historically "significant" for the purposes of this Chapter. The HDC may maintain a list of such significant Properties. Any Owner of a presumed historically significant Building, Structure or Site may apply for a hearing before the HDC to rebut the presumption of significance created herein. The Application shall be on forms as prescribed by the HDC and shall be filed with the Community Development Department (CDD). Upon receiving an Application for a determination of significance, the CDD staff shall schedule a hearing on the HDC 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 insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic significance of the Property at the hearing, the HDC 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) **DECISION.** The HDC shall determine that the Property is historically insignificant only if it finds that the

Building, Structure or Site is of no or minimal Historic significance because of its location, age, condition, modifications, relation to other Structures or Sites in the Area, or other factors demonstrate that the Property is inconsequential to the Historic value of the Area and to Park City as a whole. If the HDC finds that the Building, Structure or Site is insignificant it shall immediately be removed from the list, if any, of significant Properties. The HDC shall forward a copy of its written findings to the Owner and the Community Development Department. The Community Development Department shall maintain a list of Properties that the HDC has determined are historically insignificant.

(C) **APPEAL.** The Applicant or any party participating in the hearing may appeal the HDC decision to the City Council within ten (10) days of the decision.

15-11-14. 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.

15-11-15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION.

With the exception of any Building or Structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be historically significant by the provisions of Section 15-11-13 may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Community Development Department or the Historic District Commission (HDC). Application for a CAD shall be made on forms prescribed by the HDC and shall be made first to the Community Development Department.

(A) **DETERMINATION OF SIGNIFICANCE.** If, upon review of the Application, the Community Development Department concludes that the Building, Structure or Site sought to be demolished is significant according to the standards set forth in Section 15-11-13(a) herein, the Application shall be processed under Section 15-11-16 and 15-11-17 as appropriate. Upon making said determination of significance, the Community Development Department shall provide a written explanation of its findings to the Applicant. Any Applicant disagreeing with such

determination of significance, the Community Development Department shall provide a written explanation of its findings to the Applicant. Any Applicant disagreeing with such determination of significance may request a hearing pursuant to Section 15-11-13 within ten (10) days of being given notice of said determination. After the hearing, the Application shall be processed according to Section 15-11-16 and 15-11-17 as appropriate. If the HDC determines that the Building, Structure or Site is insignificant, the Community Development Director may issue the CAD after a waiting period as determined by subsection (B)(1) below.

(B) **DETERMINATION OF INSIGNIFICANCE.** If, upon review of the Application, the Community Development Department concludes that the Building, Structure or Site sought to be demolished or removed is not significant according to the standards set forth in Section 15-11-13 (A) herein, the Department may determine that issuance of a CAD is appropriate. If such a determination is made, the staff shall schedule the CAD as an informational item on the next available Historic District Commission agenda. The staff shall provide the Application, background information, and the findings supporting the staff determination.

(1) If the Historic District Commission concurs with the staff determination, the Community Development Director shall issue a CAD.

(2) If the Historic District Commission determines that the Building is significant, the Applicant shall be required to process the CAD application through the processes outlined under Section 15-11-16 and 15-11-17 as appropriate, unless the Applicant requests a hearing to contest the determination of significance pursuant to Section 15-11-13, in which case that section shall apply.

(C) **REMOVAL 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, the Chief Building Official may issue a CAD.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public hazard, the Application for demolition or removal shall be stayed for 180 days.

15-11-16. PRE-HEARING APPLICATION REQUIREMENTS.

Upon refusal of the Community Development Department to issue a CAD, 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 3'x2', readable from a point of public Access and state that more information may be obtained from the Community Development 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 some interest in the Property such as a facade easement, 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 Owner may request a hearing before the HDC upon showing that the above requirements have been met and all economic hardship information required by the HDC has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Department staff shall, within fourteen (14) days, notify the Owner if any additional information is needed to complete the Application. If the Department staff does not notify the Owner, the Application will be deemed complete. Within forty-five (45) days of receiving the completed Application, the Department staff shall schedule a hearing regarding the Application on the agenda of the HDC.

15-11-17. CAD HEARING FOR A SIGNIFICANT BUILDING, STRUCTURE OR SITE.

At the hearing, the HDC will only approve demolition or removal of an historically significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the demolition or removal Application.

(A) **ECONOMIC HARDSHIP**

CRITERIA. In order to sustain a claim of unreasonable economic hardship, the HDC may require the Owner to 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 HDC shall adopt by resolution separate standards for investment or income producing and non-income producing Properties. Non-income Properties shall consist of Owner occupied Single Family Dwellings and non-income producing institutional Properties. The information requested by the HDC may include, but not be limited to the following: Purchase date, price and financing arrangements; current market value; form of ownership; type of occupancy; cost estimates of demolition and post-demolition plans; maintenance and operating costs; costs and engineering feasibility of rehabilitation; property tax information; rental rates and gross income from the Property.

(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

- (4) Failure to diligently solicit and retain tenants; or

- (5) Failure to provide normal tenant improvements.

(C) **WRITTEN FINDINGS.** The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

- (1) For income producing Properties, the Building, Structure or Site cannot be feasible used or rented at a reasonable rate of 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

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

- (2) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **FINAL DECISION.**

(1) **APPROVAL.** If the HDC approves the Application and issues the CAD, 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 HDC may, as a condition of approval, require the Property Owner to provide the HDC with documentation of the 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 specified by the HDC. The HDC 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.

(2) **DENIAL.** If the HDC denies the Application for demolition, the Owner shall not demolish the Building, Structure or Site and the City may provide the Owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available. The Owner may not re-apply for demolition for a period of three (3) years from the date of the HDC's final decision, unless the Building, Structure or Site is structurally

unsound or substantial changes in circumstances have occurred other than those caused by the negligence or intentional acts of the Owner, in which case the Owner may apply as conditions warrant.

(3) **APPEAL.** All final decisions of the HDC may be appealed to the City Council within ten (10) days.

15-11-18. NEW CONSTRUCTION.

New construction and exterior remodeling within the Historic District zones shall conform to architectural standards and regulations promulgated by the Historic District Commission and adopted by the City Council. These standards shall be applied by the staff and the Commission, subject to the review process.

Ordinance No. 07-49

**AN ORDINANCE APPROVING AN AMENDMENT TO
THE LAND MANAGEMENT CODE, 15-4-7 OF PARK CITY, UTAH, REGARDING
ACCESSORY APARTMENTS**

WHEREAS, the Land Management Code chapter 15-4-7 presently permits the granting of accessory apartments in all zones, except the PUT zone; and

WHEREAS, the current Land Management Code (15-4-7) allows for nightly rentals of a main residence, but prohibits nightly rentals of accessory apartments, and also requires that the owner of the property reside in either the main house or the accessory apartment; and

WHEREAS, the Planning Commission conducted a work session on this issue on June 13, 2007; and

WHEREAS, the current Deed Restriction required under the present ordinance requires that the approval of an Accessory Apartment permit is automatically revoked upon sale of the property to a subsequent owner; and

WHEREAS, a one-year review of the Accessory Apartments has shown to be ineffective, and such use should be able to be reviewed anytime reasonable complaints are made; and

WHEREAS, the Planning Commission duly noticed and conducted a Public Hearing at its regularly scheduled meeting on June 25, 2007 and forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council duly noticed and conducted a Public Hearing at its regularly scheduled meeting on August 9th, 2007; and

WHEREAS, the strongly expressed intent of Ordinance 94-4 originally allowing Accessory Apartments, was to create opportunities for Affordable Housing; and

WHEREAS, nightly rentals in traditional residential neighborhoods increases the intensity of use, often creating negative impacts to the neighborhood, and

WHEREAS, Accessory apartments should not be granted without a compelling reason and imposing conditions to mitigate impacts; and

WHEREAS, the city should be able to review Accessory Apartments periodically to determine if conditions imposed to mitigate impacts are continuing to be met; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to require owners of homes receiving approval for an accessory apartment to forego the ability to rent the main house nightly; and

WHEREAS, it is within the power of the City to regulate nightly rentals.

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

SECTION 1. INCORPORATION. The above recitals are hereby incorporated as Findings of Fact and Conclusions of Law.

SECTION 2. APPROVAL OF AMENDMENT CHAPTER 15-4-7 of the Land Management Code is hereby amended to read as attached hereto on Exhibit "A", pursuant to the Findings of Fact and Conclusions of Law. Any conflicts or cross-references from other provisions of the Land Management Code shall be resolved by the Planning Director.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

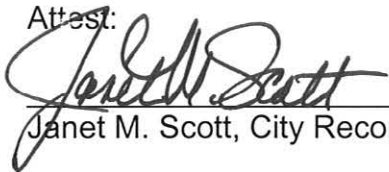
PASSED AND ADOPTED this 8th day of August, 2007

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark Harrington, City Attorney



EXHIBIT A

15-4-7. ACCESSORY APARTMENTS.

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.

(c) **Historic District Zones.** One (1) tandem Parking Space, parking one vehicle behind another, 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.

(ii) 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 Apartment 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~~ runs with the land and is automatically ~~invalidated~~ transferred to the new owner by the sale or transfer of this Property, provided however, if the use by the new owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department, pursuant to Chapter 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner.

~~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 all the conditions of approval and the prohibition of the ~~Use rental of the accessory either Dwelling Unit Structure as a Nightly Rental~~ for short term rentals of less than thirty (30) days.

(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.~~

If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.

(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 Planning 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 Planning 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 (1) year review outlined in Section 15-4-7(D).~~ The Planning Department shall impose reasonable conditions to mitigate any impacts to the surrounding neighborhood.

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Planning 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 Planning 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 (1) year review outlined in Section 15-4-7(D).~~

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Planning 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 Planning 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 Planning Department. The review shall occur one (1) year after issuance of the Accessory Apartment permit. If no complaints have been filed and the Planning 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 (E) —~~

~~complaints have been filed, the Planning Department shall ensure that the Owner of the Property is complying with the requirements of the Accessory Apartment permit.~~

(D) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-conforming Accessory Apartments may be approved by the Planning 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; ~~and~~
- (5) ~~Neither Dwelling Unit is proposed to be rented for periods less than thirty (30) days.~~
- (6) ~~All significant impacts to the surrounding neighborhood are reasonably mitigated and continue to be mitigated.~~