

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 9, 2009**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 9, 2009.

Work Session

- 4:00 p.m. Council questions/comments
4:10 p.m. Community carbon inventory P. 5 - 11
4:50 p.m. **Joint meeting with Planning Commission**
 - Discussion on Land Management Code steep slope and Historic District amendments P. 32 - 137

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

Colors of Success Program

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 26, 2009

P. 12 - 20

V OLD BUSINESS (*Continued items*)

Consideration of an Ordinance approving the 2300 Meadows Drive Subdivision, located at 2300 Meadows Drive, Park City, Utah P. 21 - 31

(a) Public hearing

(b) Action

VI NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

Ordinance approving amendments to the Park City Land Management Code amending the lot and site requirements and building height parameters of Chapters 2.1, 2.2, and 2.3 and adding a new definition to Chapter 15 P. 32 - 137

(a) Public hearing

(b) Possible action

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.

Posted: 04/06/09

See: www.parkcity.org

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 16, 2008**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, April 16, 2009.

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

April 2009

- 9 **Tom gone (Phyllis acting City Manager)**
- 16 **No meeting**
- 17 *Quarterly manager's meeting (8 a.m. – 1 p.m.) – Park City Ice Arena*
- 23 PC Heights annexation
71 Daly Ave – Plat [PL-08-00562] KC – old business
Contract for Design of Ironhorse Transit facility - KC
Land Management Code – Historic Guidelines TE/DB
Letter of Intent with the Park City Foundation for the development of a community
carbon and water website
Award of contract – City website
- 30

May 2009

- 7 CIP Budget - work
For hire vehicles licenses - work
MFL – 125 Year Celebration
MFL – Wasatch Wellness Fair
- 14 **No meeting – Dana gone**
- 21 **Roger gone**
Budget - work
- 28 Budget - work

June 2009

- 4 Budget
- 11 **Liza gone**
- 18
- 25

Pending Items:

Recycle Utah
Idling Ordinance
Ordinance amending Municipal Code Titles 1 and 2
Sergio ice cream franchise - PM
Amendment to fee resolution - GRAMA
Water supply and demand
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing
Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues



City Council Staff Report

Subject: Result of Community Carbon & Water Inventory
Author: Diane Foster and Crystal Ward
Department: Sustainability
Date: April 9, 2009
Type of Item: Informational

Background:

As an initiative of the City Council, in 2005 Mayor Dana Williams signed the US Mayors' Climate Protection Agreement, which sets a goal of meeting the Kyoto Protocol of reducing Park City's greenhouse gas (GHG) emissions 7 percent below 1990 levels by 2012. As part of the agreement, signatories are required to measure both their *municipal* GHG emissions as well as their *community* GHG emissions.

In August 2008 staff presented the results of our municipal greenhouse gas inventory to City Council.

The Environmental Strategic Plan, adopted by City Council in November 2007, included a project to conduct a community-wide carbon footprint analysis, within the Park City limits. In August 2008 Council approved a contract with The Brendle Group to conduct the community carbon and water inventory and work on the project began soon after. In addition to The Brendle Group resources, Crystal Ward the Environmental Sustainability Coordinator, dedicated 90% of her time between October 2008 and January 2009 to data collection for this project.

The contract with The Brendle Group included measurement of:

- Park City greenhouse gas emissions for 2005 & 2007
- An estimate of Park City greenhouse gas emissions for 1990
- Water inventory for 2005 & 2007

Because no one standard of measure has yet emerged for the reporting of greenhouse gasses, we used both the International Standard Organization 14064-1 protocol and as ICLEI's protocol. This was done because ISO's protocol is one of the most inclusive and rigorous standards and the ICLEI standard, while including fewer emissions sources, is a standard that is used by many other governments and therefore allows for benchmarking.

Analysis:

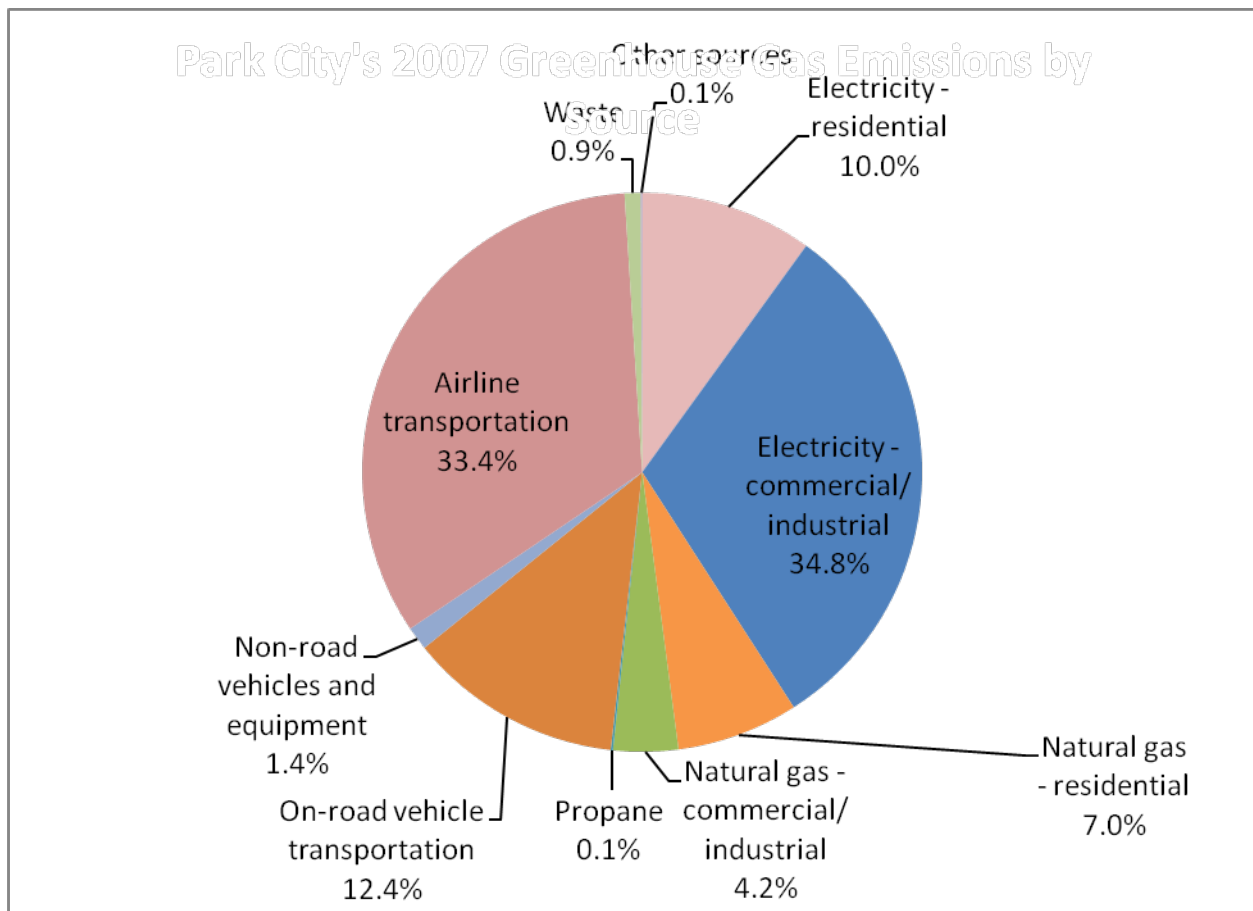
In 2007, Park City's total greenhouse gas emissions totaled 1,003,712 tCO₂e tons of carbon dioxide equivalent (tCO₂e), according to the ISO 14064-1 protocol. To put that in perspective, it's the equivalent of every Park City full-time resident driving to Salt Lake City and back, six times per day, every day for one year.

And while Park City is a small mountain town, it has an average daily population of 20,724 – that’s the number of permanent residents, part-time residents and visitors on an average day, making the per capita carbon emissions equal to 48 tCO₂e.

Lastly, The Brendle Group also calculated a “sphere of individual influence” figure that would represent GHG emissions in the community that are the result of daily actions taken by individual full time Park City residents -- and therefore within the capacity of the individual to reduce. For an individual full time Park City resident, that figure is 20 t CO₂e.

Emissions by Source

The high level breakdown of sources of greenhouse gas emissions is shown in the chart below. Where coal is the predominant fuel used to generate electricity in Utah, our carbon emissions from electricity use are much higher than in neighboring states. One other item to notice is the inclusion of resident and visitor airline travel. Airline travel is an optional category in the ISO standard that we choose to include in our inventory. Furthermore, our Community Carbon Advisory Committee recommended that we include not only resident airline travel but also visitor travel. This was a reasonable request, as our economy is based on tourism. However, while we are measuring this emission, we recognize that we are a resort economy and that airline travel by visitors is critical to our economy. Our intent is not to discourage visitor travel, but understand and mitigate the impact.



Benchmarking

Comparing Park City community emissions to other communities is difficult because

- 1) relatively few communities have measured their emissions (this is the first community-wide emissions inventory in Utah);
- 2) there are many protocols with which communities can measure emissions;
- 3) even within the same protocol there can be a category of "optional" sources to measure.

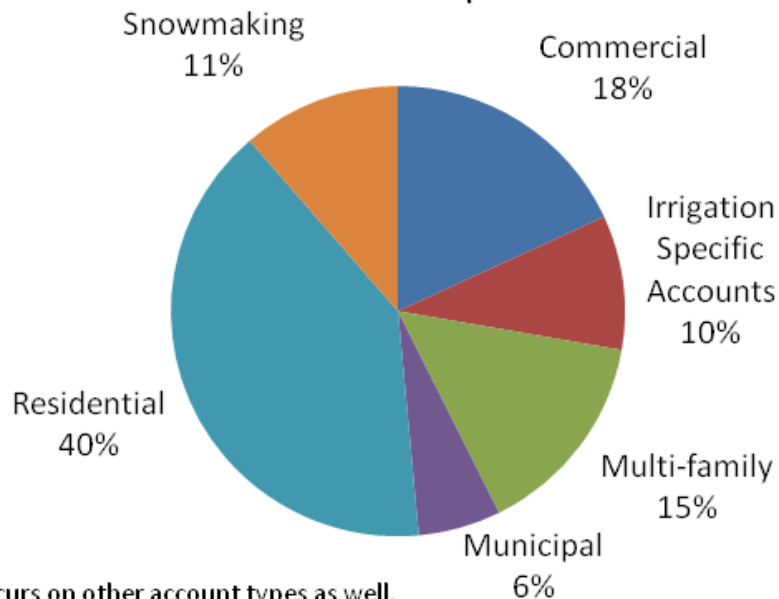
That being said, the report does include some benchmarking to help provide some perspective.

Water

Park City decided to conduct a water baseline inventory along with the carbon footprint study. The purpose was to establish a baseline upon which community goals might be set.

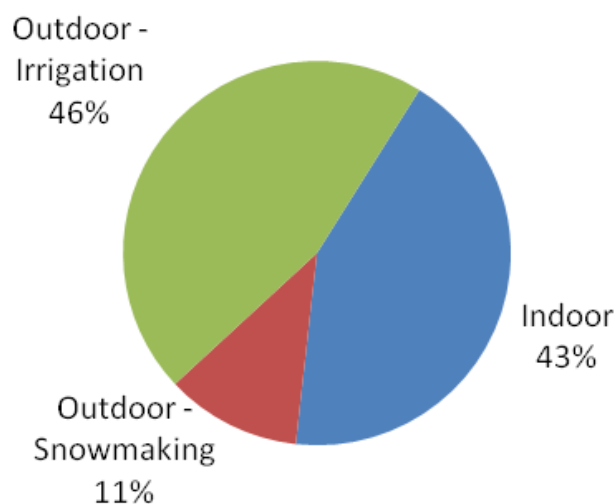
Culinary Water Use by Sector, 2007

based on consumption



Culinary Water Use Indoor/Outdoor, 2007

based on consumption



Moving Forward

The report also provides a forecast of future emissions and outlines a path to GHG reduction. Over the next few years Park City Municipal Corporation will work with many

local non-profits to engage the entire community in GHG emissions reduction and the reduction of water consumption.

Attachments:

Exhibit A – Park City’s Community Carbon Footprint & Roadmap for Reduction

Exhibit B – Final Report: As the final report is approximately 80 pages long, it will be sent via email on Tuesday April 7th

Park City Community Carbon Footprint and Roadmap for Reduction

Park City's Carbon Footprint

In 2007, Park City's total greenhouse gas emissions were 1,003,712 tons of carbon dioxide equivalent. To put that in perspective, it's the equivalent of every Park City full-time resident driving to Salt Lake City and back, six times per day, every day for one year.

And while Park City is a small mountain town, it has a service population of 20,724—that's the number of permanent residents, part-time residents and visitors on an average day, making the per capita carbon emissions equal to 48 tons of carbon dioxide equivalent.

What's counted?

Electricity consumption, natural gas consumption, propane consumption, on-road vehicle transportation, non-road vehicle and equipment use, airline travel, solid waste disposal, wastewater treatment, refrigerant losses, fertilizer application, livestock

What's not counted?

The upstream greenhouse gas emissions in the manufacture and transport of goods and materials flowing into Park City are not included.

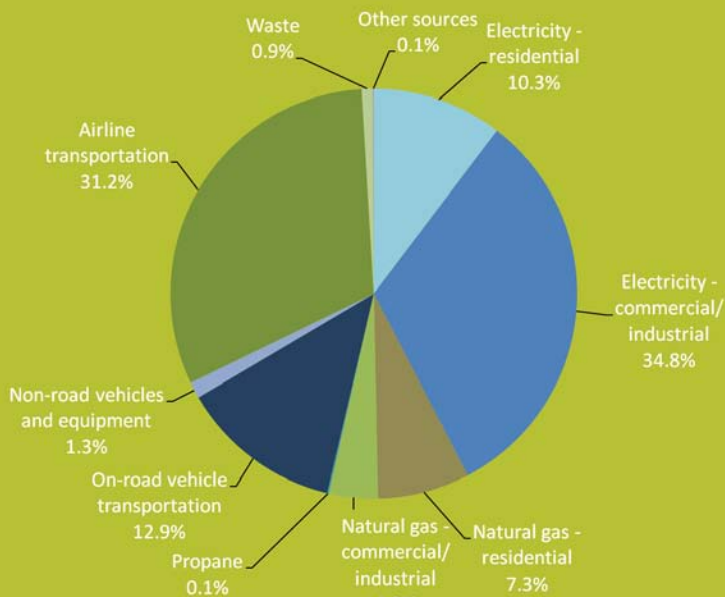
What is climate change?

Climate change refers to changes in the long-term average of a region's weather including temperature, wind, and precipitation. When scientists talk about the issue of climate change, their concern is that global warming caused by emission of greenhouse gases from human activities will lead long-term changes in our average weather.

What is a greenhouse gas?

A greenhouse gas is any gas that absorbs radiation in the atmosphere, contributing to global warming. Greenhouse gases include carbon dioxide, methane, nitrous oxide, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride. Carbon dioxide equivalent (CO₂-e) is a unit that represents the global warming impacts of all these gases.

Park City's 2007 Greenhouse Gas Emissions by Source



What makes Park City's Footprint Unique?

Park City's emissions per full-time resident are higher than the national average. Some factors that contribute to this include:

- A tourism infrastructure for up to 30,000 guests including lodging, restaurants, transit system and associated activities such as skiing
- A high mountain climate with large heating demands
- The inclusion of resident and visitor airline travel in the inventory - many communities do not include these emissions

Park City's History of Climate Protection

This Community Carbon Footprint and Roadmap to Reduction is the latest effort among Park City's many initiatives to address climate change. Others include:

- City's Environmental Strategic Plan
- Mayor's Climate Protection Agreement
- Community Engagement such as Save Our Snow
- Municipal Carbon Footprint and Carbon Reduction Action Plan
- Over 7,000 acres of protected open space
- Many Park City-based environmental non-profit organizations working every day to protect and improve our environment

There are many co-benefits of Reducing Emissions

- Less congestion on roadways
- Improved air quality
- Reduced expenditures for energy in residential, commercial, and government sectors
- New job opportunities providing services related to reducing emissions and energy consumption
- State and national recognition

What Park City is Already Doing to Reduce Emissions

- Purchasing over 3% of electricity as renewable energy credits
- Removing barriers to renewable energy in municipal code
- Developing GHG goals for Municipal Corporation operations
- Using the public transit system
- Promoting walking and cycling
- Supporting "Buy Local" program to reduce driving for shopping
- Working on cleaner mass transit from Salt Lake City
- Municipal and school anti-idling programs
- School student trip reduction program

Ten Things You Can Do

- Walk, bike, and use transit system
- Turn your thermostat down 2 degrees in winter, up 2 degrees in summer
- Make sure your tires are properly inflated
- Install a programmable thermostat
- Replace incandescent bulbs with compact fluorescent bulbs
- Choose Energy Star electronics and appliances
- Lower the temperature on your water heater to 120 degrees
- Plug your electronics, including your cell phone charger, into a power strip – and turn it off when not in use
- Wash your clothes in cold water
- Take the ski rack off your car in the summer



The Roadmap to Reduction

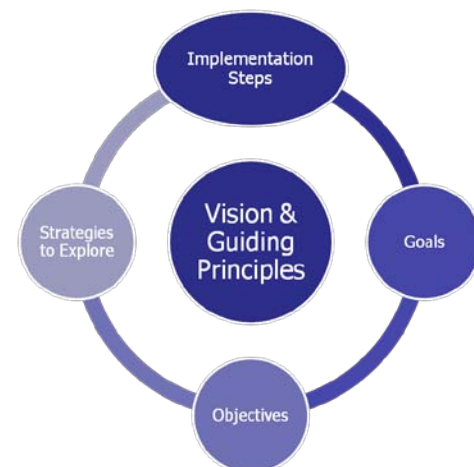
Western Climate Initiative Goal: Reduce emissions 15 percent below 2005 levels by 2020.

Objective Targets:

- Community Leadership
- Transportation and Land Use
- Energy Use
- Energy Supply
- Solid Waste Reduction and Diversion
- Carbon Offsets

Community Action:

In the coming months Park City Municipal, Recycle Utah, The Park City Foundation and many other local groups will join together with the community to develop strategies to address these objective areas. This will include Save Our Snow II coming this fall and a Park City community website focused on helping residents, local businesses and visitors to reduce energy and water use.



**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 26, 2009**

Present: Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; Joe Kernan; and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Economic Development Manager; and Matt Cassel, City Engineer

Jeff Ward and Sandy Geldorf, HMBA; Brad Lucas, H W Lockner; and Maria Vyas, Fehr & Peers; Nani Hogle, resident; Donnie Novelle, Park City Transportation

1. Council questions/comments. Candace Erickson commented on the amount of her time and staff resources spent on the Air Force issue during the past two weeks. Liza Simpson reported on the Save Our Snow meeting where designating October as Green Month and a green building conference were discussed. Joe Kernan commented on the presentation from Wasatch County at the interagency meeting about potential development around the Jordanelle, estimated at 10,000 unit equivalents. He understood that about 1,000 are under construction and the build-out is projected at 10 to 20 years. Many are primary residences but second home communities are also planned and currently there is no transportation plan.

Mayor Williams reported on a luncheon with members of PRI, the Boyer Company, the LDS Church, and current and former County officials to celebrate the joint purchase of open space in the Kimball Junction area. This purchase has the highest density associated with it and the acquisition is significant. He added that he has also been working hard on the Air Force matter for the last two weeks and complimented the team who met with Governor Huntsman on SB216. The Mayor noted that the Governor was very complimentary of Park City and sensitive to our concerns. The City's ownership of Gambel Park, consisting of 110 acres, was passed by the US House and Senate which increases total open space to 240 acres from the Aerie Subdivision back over to the Prospector area. He reported on the growth of the use of cloth bags at grocery markets and attending the HMBA meeting where a grant proposal to the City was discussed. Tom Bakaly pointed out that this week's Manager's Report included information on the request; a work session can be held on this if desired. Staff's recommendation is to consider the funding request as part of the budget process which begins the first meeting in May.

Jeff Ward admitted that the HMBA is unfamiliar with the budget process, there is not a lot of detail in the written proposal and there is more information that should be presented. Jim Hier stated that unless there is a huge time crunch, that the budget process is the best option. Jonathan Weidenhamer noted that between now and then, there is a lot of staff and HMBA work to accomplish and it would be helpful to get a

feeling of Council's level of support for the project now. Members agreed to schedule a work session on April 2 to decide whether or not to consider it as part of the budget.

2. Legislative update. Jim Hier shared comments he heard at the Chamber meeting on the session including the amendments to the liquor laws which will be an improvement. Although the restaurant tax did not pass, there is a possibility that it will return next year. The tourism fund was reduced from \$11 million to \$7 million. Tom Bakaly reported that unfortunately SB211 was signed. This bill deals with amendments to the International Building Code. SB248, promoted by Salt Lake City to obtain more sales tax, was amended so it no longer deals with the resort community definition but provides transportation funding to eligible communities.

3. Bonanza Drive overview. Brad Lucas displayed a rendering of the project area and explained that elements include installation of a 12" water transmission line and other water distribution and sewer lines. Road reconstruction includes pavement, bike paths and sidewalks. The Deer Valley Drive intersection will primarily stay the same with the exception of lengthening the left turn lane and adding bike lanes. There was discussion about encouraging bikers to use the Poison Creek Trail because of the lack of bike lanes on Deer Valley Drive. He noted that the Iron Horse intersection has a lot going on and he spoke about the initial plan to restrict left turns in and out of Iron Horse Condos but since developed two small left turn lanes for the complex. The underground pedestrian tunnel is a big component connecting the Poison Creek Trail but the access ramp location is on private property. Mr. Lucas stated that this configuration is ideal for landscaping but acknowledged its dependence on negotiations with the land owner.

A school bus pull-out is planned on the northeast corner of the intersection so that traffic flow will not be interrupted and there was discussion about getting a formal statement from the School District that traffic can move around a stopped school bus. In response to a question from resident Nani Hogle, Mr. Lucas explained that the Iron Horse intersection meets a peak hour signal warrant but is border-line and may not be necessary. They are recommending that the traffic signal not be installed at this time but conduit and junction boxes will be buried as a part of the reconstruction in the event a signal is needed in the future. This will greatly reduce the cost for installing a light. It is anticipated to improve site distance somewhat with pavement work. Donnie Novelle, Park City Transportation, expressed that she prefers a right turn only on Lower Iron Horse Road at least during peak times. Brad Lucas explained that installing lights and a cross-walk on the north leg of Munchkin are proposed and eliminating left turns during peak hours would apply to this intersection.

He explained the median design and a left turn acceptance lane for left turns out of Prospector Avenue. There will be no through traffic out of Maverick into Prospector Avenue. Mr. Lucas indicated that a lot of public input has been received on the continuous raised median on the south leg of the intersection. Through compromise, the plan has been changed to provide for an opening for the Park City Plaza driveway which would allow left turns in and out.

Cindy Matsumoto, Right At Home, referred to the raised median in front of her store and noted that she did not complain because of the greater good, but the Plaza tenants complained and got what they wanted. It is going to be more difficult to access her shop and she asked that the Iron Horse intersection be examined again. The difficulty of turning left because of poor line of sight at this location was discussed. Matt Cassel explained that the driveway to the Plaza has been opened but the group feels uncomfortable with this option because it creates a conflict with Prospector Avenue improvements. Capacity at the intersection is compromised and staff recommends monitoring the intersection for conflicts. Council members were willing to try the compromise approach. Mr. Lucas explained the plan to install a continuous raised median from Prospector Avenue to Kearns Boulevard. The Maverick driveway location has the highest accident rate in the entire corridor. Part of the project involves restriping and widening Monitor Drive to provide northbound bike lanes and southbound access for bikes. Based on the walkability study and other input, Lockner is recommending bike access off the road to the west sidewalk on Kearns Boulevard.

Brad Lucas stated that they are attempting to work through all of the issues and arrive at a good design for the community. The bid process will begin in late spring with construction planned in July. The first phase would be roadway construction from the Iron Horse intersection south, including water and utility work and in late fall; the remainder of the water line through the project would be installed. The project would shut down in the winter and be completed in 2010. They are committed to completing the project while minimizing impacts by maintaining access to all of the businesses and getting the message to the public that the road is open.

Mr. Lucas indicated that the Iron Horse intersection will have to be closed for a time and will work with the stakeholders on this. Matt Cassel acknowledged that the time frame is not yet known, but considerations include the distribution of power to downtown and high pressure gas at a location where new and existing water lines, tunnel, culvert, and sewer line under the tunnel will be placed. The schedule is still being determined and the closing will be as short as feasible. The Mayor invited public input.

Carol Potter, Mountain Trails Foundation, stated that she is very disappointed that the tunnel will not be built this summer but in 2010. It was the number one priority of WALC and in her heart and is now dead last.

The Mayor agreed that the tunnel is important. Matt Cassel explained that delaying the construction of the tunnel was based on the need to provide access to the condominium complexes by alternating the use of lower and upper Iron Horse. Liza Simpson clarified that WALC prioritized a myriad of projects, large and small, and would not characterize the tunnel as dead last when there are millions of dollars worth of projects yet to do.

Jim Hier recommended eliminating through truck traffic on Bonanza Drive to reduce congestion and better accommodate walkability goals and didn't understand why this is not addressed in the plan. Mr. Lucas indicated that the percent of trucks using Bonanza averages about 11% which increases in the summer months and truck traffic is fairly

constant during the day. He did not believe that truck traffic is a big factor with regard to congestion, although he acknowledged the safety component of the plan and trucks may be inconsistent with associated goals. It is difficult to ban trucks altogether because of the number of businesses in the corridor needing deliveries. However, there could be a weight limit to filter out some of the heavy construction vehicles or interstate trucks. Jim Hier stated that he is not proposing on eliminating trucks altogether but eliminating some through truck traffic and has seen related traffic signs. Reducing 10% of the volume of traffic, especially during peak times, would be beneficial and also would prevent some of the back-up that occurs on Kearns as all those trucks line up in the morning to make a left hand turn during the construction season. He felt that installing a sign is an easy and effortless approach and may be effective. Traffic flows smoother when there are no trucks in the mix and Matt Cassel stated that they will look at this. Tom Bakaly suggested coordinating with UDOT and Mr. Cassel explained that the City must meet UDOT standards. The Mayor invited public comment.

In response to a question from Nani Hogle, Mr. Lucas explained that Poison Creek will be moved and piped from the Iron Horse intersection up to the Rail Trail and pointed out that a portion of the trail is under the creek in the tunnel area.

Bob Murphy, Superman at Park City Plaza, suggested that Bonanza Drive just be painted; leave it as it is with a center lane and reassess the plan. He acknowledged that opening the median to the Plaza may compromise the plan. The study that was conducted in 2006 projecting growth should be reevaluated consistent with today's economy. If left turns are restricted, the Plaza will suffer terribly.

Mark Spencer, Spencer's Smoke and Grill, asked if the tenants of the Plaza were properly notified. Maria Vyas explained that in late January fliers were distributed to businesses along the corridor which provided contact info for Fehr & Peers, an outline of the project, and information on the open house which was held on February 17. The flier invited tenants to meet with the consultants on an individual basis and Ms. Vyas stated that they met individually with Bob Murphy and Mark Spencer. An email list from the prior round of public involvement in 2007 and an email list of business owners at the open house have been compiled. Mr. Spencer felt that the same people show up for the meetings and concluded that not everyone knows what's going on.

He complained that City buses will interrupt the flow of traffic because there will be no center median for drivers to pull around them. Brad Lucas explained there are three seasonal bus stops on the corridor and a stop is estimated to take 40 seconds which is not a significant delay for traffic. This is much shorter than a school bus stop. He spoke about making more room for a car to pull around a bus by narrowing the median. Liza Simpson did not believe 40 seconds is accurate especially in the winter with riders carrying equipment. Mr. Spencer expressed concerns that the plan for medians is not clear and suggested painting the road and installing a light. Matt Cassel spoke about the importance of planning for the future and Candace Erickson pointed out the proposed redevelopment of NOMA. The Mayor felt that part of the confusion was the result of changing the plan for the benefit of Mr. Spencer and others and believed that

the merge lane from Prospector into Bonanza Drive will be a huge help. Mr. Spencer encouraged not rushing into this project and making sure it is right.

Cindy Matsumoro stated that this has been a long process and there has been opportunity for public input. When the 2006 study was done, times were good but times aren't so good anymore. For some businesses, the project may be more financially impactful.

Jim Hier stated that part of the reason for the timing of the project deals with the installation of the pipe line to deliver water which is a contractual agreement. Liza Simpson suggested installing medians at locations where there are failures of service and install other medians later as needed. Install one at the Maverick and the Prospector intersection and stripe the rest of the project. She supports the pedestrian and bike improvements. Mr. Lucas indicated that traffic data shows that Prospector will be the first intersection to fail but in a few short years most of the driveways and intersections will also fail. Iron Horse and Munchkin both turn into an F Level of Service in 2011. Candace Erickson questioned the growth projections, and Mr. Lucas stated that the number in the 2006 study is conservative. Generally these types of projects are big investments for communities so the pavement is a 20 year design. Mr. Lucas felt that Ms. Simpson's suggestion is doable. Jim Hier asked how long the Iron Horse intersection will be closed and the estimate was a month. Matt Cassel added that a closure is recommended because of all of the utility work contemplated at the intersection making it unsafe to route traffic around a deep excavation.

Tom Bakaly spoke about the goal of balancing safety, traffic flow and access to businesses. From a safety standpoint, staff is not comfortable recommending breaks in the median plan. Roger Harlan suggested beginning to limit truck traffic on Bonanza during project construction. In response to comments made about line of sight concerns, Brad Lucas explained that the Iron Horse intersection will be raised two feet. Liza Simpson asked for additional information on phasing the installation of medians.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 26, 2009**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, March 26, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kayla Sintz, Planner; Jerry Gibbs, Public Works Manager; Dave Gustafson, Project Manager; Phyllis Robinson, Public Affairs Manager; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that Elliott Work Group is among his recycling customers.

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

IV APPROVAL OF MINUTES FROM MEETINGS OF FEBRUARY 26, 2009, MARCH 3, 2009 AND MARCH 12, 2009

Candace Erickson, "I move to approve the minutes of the meetings of February 26, March 3 and March 12". Roger Harlan seconded. Motion unanimously carried.

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

Mayor Williams read a Resolution recognizing Blair Feulner, Item 3, and presented him with a signed proclamation in appreciation of his 30 years of service with Community Wireless. Jim Hier, "I move to approve the Consent Agenda". Joe Kernan seconded. Motion unanimously carried.

1. Consideration of a Resolution declaring April 2009 as Fair Housing Month in Park City, Utah – Staff recommends approval.

2. Consideration of a Resolution authorizing an amendment to a First Supplemental Indenture of Trust dated March 1, 2005 (the "First Supplemental Indenture"), supplementing a General Indenture of Trust, dated March 1, 2005, pursuant to which the City of Park City, Utah issued its Sales Tax Revenue Bonds, Series 2005A and Series 2005B; said amendment to be accomplished by the execution and delivery of an amending supplemental indenture herein authorized, supplementing and amending the

First Supplemental Indenture, and related documents in connection therewith; and related matters – Staff recommends approval.

3. Consideration of a Resolution in appreciation of Blair Feulner's 30 years of service with KPCW in Park City, Utah – Staff recommends approval.

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of Ordinance approving the Racquet Club Subdivision, located at 1200 Little Kate Road, Park City, Utah – Planner Kayla Sintz explained that on January 7, 2009, the City received a complete application to create a legal lot of record from a 7.5 acre metes and bounds parcel. The subdivision application will create one lot which currently contains the Park City Racquet Club. This item was heard by the Planning Commission on February 25, 2009, a positive recommendation was forwarded and staff recommends approval based on the draft Ordinance. The Mayor opened the public hearing and with no comments, closed the hearing. Jim Hier, "I move we approve the Racquet Club Subdivision located at 1200 Little Kate Road based on the findings of fact, conclusions of law, and conditions of approval in the Ordinance". Roger Harlan seconded. Motion unanimously carried.

2. Consideration of authorization to purchase 63 radios, accessories and an extended warranty from Motorola Inc., in a form approved by the City Attorney, in the amount of \$115,519 for Public Works Operations, Water, Building and Public Works Administration – Jerry Gibbs described the types of radios recommended to be purchased. The Mayor invited public input; there was none. Roger Harlan, "I move authorization to purchase 63 radios and accessories from Motorola Inc., in a form approved by the City Attorney, in the amount of \$115,519 for Public Works Operations, Water, Building and Public Works Administration". Candace Erickson seconded. Motion carried unanimously.

3. Consideration of award of contract, in a form approved by the City Attorney, to R & O Construction in the amount of \$3,232,490 for the construction of the Snow Creek Cottages, 2060 Park Avenue, Park City, Utah – Dave Gustafson explained that in November 2007, Elliott Work Group was awarded a contract to design the 13 units approved for the project. Construction documents were put out for bid in January and 11 companies submitted bids. Mr. Gustafson stated that R & O was the lowest and is a very qualified company. Roger Harlan asked about construction worker parking and Mr. Gustafson suggested that parking be provided at the project site which will be included in the construction mitigation plan. In response to a question from Jim Hier, Mr. Gustafson indicated that the cost includes infrastructure and the varying sizes of the residences were discussed.

Candace Erickson asked Council members if they would be willing to eliminate the 13th house, requested by the neighbors, but no one supported changing the plan. Dave Gustafson pointed out that the bids came in significantly less than what was originally

anticipated bringing costs down to about \$200/square foot. Jim Hier expressed the importance of having a complete summary of the scope of work available in the meeting packet which is more beneficial to members than including the entire contract. The Mayor invited public input; there was none. Liza Simpson, "I move we authorize staff to proceed with the construction of Snow Creek Cottages Project by awarding the construction contract to R & O Construction in the amount of \$3,232,490, in a form approved by the City Attorney". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of award of a Special Service Contract, in a form approved by the City Attorney, in the amount of \$70,354 to Elliott Work Group for construction administration for the Snow Creek Cottages – Phyllis Robinson explained that this action is the third part of the award to Elliott Work Group for the Snow Creek Cottages Project. The cost includes construction administration services and is a partial reimbursement for additional architectural and engineering costs incurred during the design development and construction document phase largely associated with the appeal last August resulting in the redesign of the units. She pointed out the scope of services section and the additional costs incurred, which was reduced by 30% by Elliott Work Group. The Mayor invited public input; there was none. Roger Harlan, "I move approval of an award of a special service contract in a form approved by the City Attorney in the amount of \$70,354 to Elliott Work Group for administration on the Snow Creek Cottages Project". Liza Simpson seconded. Motion unanimously carried.

VII OLD BUSINESS (*Continued items*)

Consideration of an Ordinance approving a plat amendment for the Main Street Mall, located at 333 Main Street, Park City, Utah – Kirsten Whetstone explained that this is a request to create one lot of record for the Main Street Mall, consisting of Lots 7 through 15, Lot 18 through Lot 26, Block 11 of the amended Park City Survey. As a part of the plat amendment, side easements are identified for existing emergency and pedestrian access, utilities and parking as described in the title report and on the land title survey. The purpose of the plat amendment is to remove the interior lot lines and to memorialize the easements for the existing Main Street Mall building. The lots fronting Main Street are located in the HCB Zone and the lots fronting on Park Avenue are in the HR-2.

Ms. Whetstone stated that on December 6, 2008, the applicant submitted an application requesting revisions to a previously approved Historic District Design Review. Staff reviewed the application and made a final determination of compliance with the Historic District Guidelines. On February 25, the Planning Commission reviewed the plat amendment and there was some public input and discussion regarding potential impacts on Main Street businesses and Park Avenue residents during the remodel. On April 8, 2009, the applicant will update the Planning Commission, as requested, on the design. Staff is recommending a condition of approval that a construction mitigation plan be submitted to the City for review and approval prior to the issuance of any building permits. The construction mitigation plan will address staging areas, access, phasing, road and sidewalk closures, timing of utility interruptions, and timing of

construction during high activity periods on Main Street. The Planning Commission requested that the applicant meet regularly with neighbors and tenants to keep everyone informed. Kirsten Whetstone relayed that staff finds the plat is consistent with the LMC and the General Plan and there is good cause to combine these lots which resolves property line issues. It was explained that the lot lines will be removed and the delineation of the two zones is found on the Park City Zoning Map.

The Mayor opened the public hearing; there were no comments. Joe Kernan, "I move we approve the plat amendment to the Main Street Mall, located at 333 Main Street, as written in the staff report". Candace Erickson seconded. Motion unanimously carried.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Phyllis Robinson, Public Affairs Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss property and personnel". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 4:45 p.m. Candace Erickson, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council Staff Report



Subject: 2300 Meadows Drive
Author: Brooks T. Robinson
Date: April 9, 2009
Type of Item: Administrative – Subdivision

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 2300 Meadows Drive single lot subdivision and consider approving the 2300 Meadows subdivision plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: David and Celia McCarty, owners
Location: 2300 Meadows Drive, Park Meadows
Zoning: Single Family (SF) within the Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space (North Forty fields) and other Single Family development in Park Meadows #5 and #6 (Sunny Slopes)

Background

On August 26, 2008, the City received a complete application to create a legal lot of record from a two-acre metes and bounds parcel. The subdivision application will create one lot which is restricted to one single family home. In addition, the applicant requests placing a promised easement across City property for access to Meadows Drive. The property is currently a vacant meadow, north of the North Forty playing fields and the toe of the slope of the PC Hill.

In October of 1990, the City entered into a purchase, sale and charitable donation agreement with D. A. Osguthorpe for the purpose of purchasing various pieces of property adjacent to the City and to acquire water rights. The acquisition included properties on the SR 224 entry corridor (the Farm) and properties in Park Meadows and Prospector areas. The East Hill Parcel (includes the "PC" on the hill) was conveyed to the City with the exception of the subject two-acre parcel. The Agreement states that the City agrees to provide water and access to the two-acre parcel. The Osguthorpes contemplated as part of the purchase agreement to construct one residential structure and agreed to construct it in such a way as to minimize its visibility from Park Meadows. As part of the agreement, the Osguthorpes petitioned to have this parcel annexed into Park City, which was granted. Although the parcel was carved out of the acquisition, a legal lot of record was never created and the two acres remained a metes and bounds parcel.

In August of 1991, the City annexed all the properties acquired from the Osguthorpes,

including the two acre parcel. All the property was annexed and zoned as Recreation Open Space (ROS). In October of 1994, the City approved a zone change for the two-acre parcel from ROS to Single Family (SF). As part of the rezone, the Osguthorpes offered the following deed restrictions: location of building envelope for residence; compliance with architectural guidelines of Park Meadows 6A subject to review by City planning staff (which specifies a maximum house size of 10,000 sq. ft.); restriction on resubdividing the property into more than one parcel.

The McCartys recently purchased the parcel from the Osguthorpes.

On October 8, 2008, the Planning Commission held a public hearing on the proposed subdivision. Additional information on the building pad size and location was requested. Subsequent to the Commission hearing, the applicants revised their proposal to include a land exchange between the City and the applicants. On January 28, 2009, the Planning Commission held a public hearing on the revised proposal. Several neighbors voiced their objections stating they were satisfied with the original lot boundary as it was in exchange for significant open space. The Planning Commission was also not favorable to the new location. The item was continued to a date uncertain.

On March 25, 2009, the Planning Commission heard the application that memorialized the existing metes and bounds parcel into a legal lot of record. One neighbor spoke just to clarify that what was proposed is what the Osguthorpe's and the City had originally agreed to. The Planning Commission forwarded a positive recommendation to the City Council.

Analysis

The proposed subdivision creates a single lot of record of two acres with access to Meadows Drive.

The zoning for the subdivision is Single Family subject to the following criteria:

	Permitted	Proposed
Building Pad	Approximately 10,000 square feet shown on original Purchase Agreement exhibit	Approximately 7,730 square feet.
Height	28' (+5' for pitched roof)	No height exception
House size	10,000 square feet per rezone restriction	Unknown at this time
Front setback	20', 25' to front facing garage	No setback reductions.
Rear setback	15' from Lot boundary	15' from Lot boundary
Side setbacks	12' from Lot boundary	12' from Lot boundary
Parking	Two spaces required	2 required for the single family house

The proposed utility and access easement is located on the north side of the City property approximately 50-70 feet from the property line connecting to Meadows Drive just north of the landscaped island. Final alignment and width of the easement is subject to approval from the City Council with the review of this plat. The driveway will terminate at Meadows Drive at the north side of the property. The existing asphalt path will be required to be realigned to terminate short of the driveway. The curve in the driveway is designed to keep headlights away from neighboring houses to the north. The City Engineer recommends a minimum width driveway of ten feet (10'). The easement agreement will put the responsibility for driveway maintenance and liability for the easement on the owner of the 2300 Meadows Drive lot. Utilities, except for sewer, serving the lot will be required to be within the easement as well. A separate sewer easement connecting to a manhole on the adjacent Sunny Slopes lot is shown on the proposed plat.

The parcel is within the Sensitive Lands Overlay zone. Although the drainage channel from the Park Meadows Country Club ponds is nearby, the parcel is more than 50 feet from it. The parcel does not encroach on a ridgeline.

Staff finds good cause for this subdivision as it creates a legal lot of record from a metes and bounds parcel. The access easement is consistent with the City's agreement to provide access to the lot.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

At the public hearing of January 28, 2009, several adjacent property owners spoke against the amended lot configuration but were not opposed to the existing configuration. A neighbor spoke at the hearing on March 25th as well to clarify the existing boundary. This plat reflects the existing configuration as originally proposed in August of 2008.

Future Process

The approval of this subdivision application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Alternatives

- The City Council may approve the 2300 Meadows Drive subdivision as conditioned or amended, or

- The City Council may deny the 2300 Meadows Drive subdivision and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the 2300 Meadows Drive subdivision.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The property would remain a metes and bounds parcel and no structure could be built upon it as the City requires new buildings to be on legal lots of record.

Recommendation

Staff recommends the City Council hold a public hearing for the 2300 Meadows Drive subdivision and consider approving the 2300 Meadows Drive subdivision plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Ordinance with plat

Exhibit B– Purchase, Sale and Charitable Donation Agreement (excerpt)

Ordinance No. 09-

AN ORDINANCE APPROVING THE 2300 MEADOWS DRIVE SUBDIVISION LOCATED AT 2300 MEADOWS DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 2300 Meadows Drive, have petitioned the City Council for approval of the 2300 Meadows Drive subdivision; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 8, 2008, January 28, 2009 and March 25, 2009, to receive input on the 2300 Meadows Drive subdivision;

WHEREAS, the Planning Commission, on March 25, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 9, 2009, the City Council held a public hearing on the 2300 Meadows Drive subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 2300 Meadows Drive subdivision.

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 2300 Meadows Drive subdivision 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 2300 Meadows Drive.
2. The property is located in the Single Family (SF) zoning district.
3. In October of 1990, the City entered into a purchase, sale and charitable donation agreement with D. A. Osguthorpe for the purpose of purchasing various pieces of property adjacent to the City and to acquire water rights. The acquisition included properties on the SR 224 entry corridor (the Farm) and properties in Park Meadows and Prospector areas. The East Hill Parcel (includes the "PC" on the hill) was conveyed to the City with the exception of a two-acre parcel. The Agreement states that the City agrees to provide water and access to the two-acre parcel.
4. A legal lot of record was never created and the two acres remained a metes and bounds parcel.

5. In August of 1991, the City annexed all the properties acquired from the Osguthorpes, including the two acre parcel. All the property was annexed and zoned as Recreation Open Space (ROS). In October of 1994, the City approved a zone change for the two-acre parcel from ROS to Single Family (SF).
6. The rezone was approved with the following restrictions: location of building envelope for residence; compliance with architectural guidelines of Park Meadows 6A subject to review by City planning staff (which specifies a maximum house size of 10,000 sq. ft.); and a restriction on re-subdividing the property into more than one parcel.
7. Two parking spaces are required for the house.
8. Any building is required to conform to the setback and height requirements of the SF zone.
9. The proposed utility and access easement is located on the north side of the City property approximately 50-70 feet from the property line connecting to Meadows Drive just north of the landscaped island. Final alignment and width of the easement is subject to approval from the City Council with the review of this plat.
10. The driveway will terminate at Meadows Drive at the north side of the property. The existing asphalt path will be required to be realigned to terminate short of the driveway.
11. The curve in the driveway is designed to keep headlights away from neighboring houses to the north. The City Engineer recommends a minimum width driveway of ten feet (10').
12. The easement agreement will put the responsibility for driveway maintenance and liability for the easement on the owner of the 2300 Meadows Drive lot. Utilities, except for sewer, serving the lot will be required to be within the easement as well. A separate sewer easement connecting to a manhole on the adjacent Sunny Slopes lot is shown on the proposed plat.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, 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 subdivision 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 subdivision 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.
3. The access and utility easement will be approved by City Engineer and will be recorded concurrent with the subdivision plat.

4. The plat will reference the restrictions agreed to during the re-zone: location of building envelope for residence; compliance with architectural guidelines of Park Meadows 6A subject to review by City planning staff (which specifies a maximum house size of 10,000 sq. ft.); and a restriction prohibiting re-subdividing the property into more than one parcel.
5. The existing asphalt path will be required to be realigned by the applicant to terminate short of the driveway.

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

PASSED AND ADOPTED this 9th day of April, 2009.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

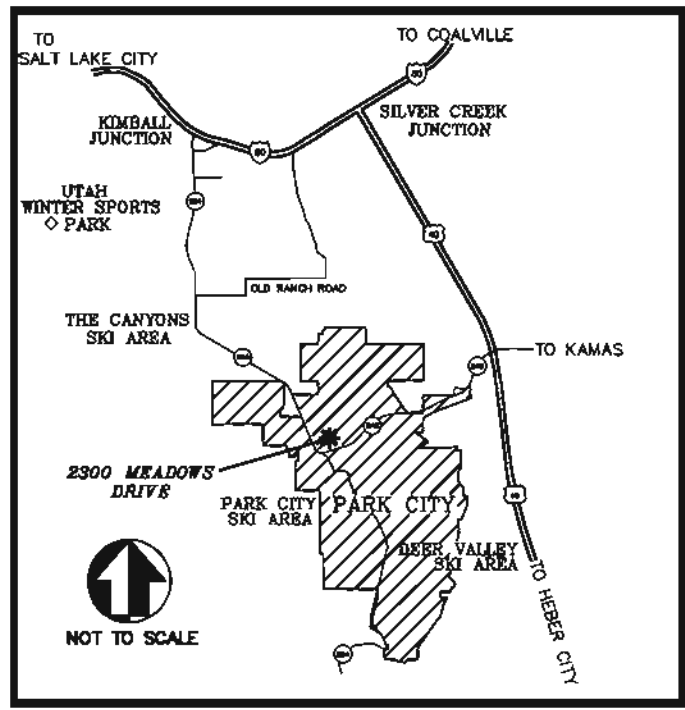
Approved as to form:

Mark D. Harrington, City Attorney

Exhibits

Exhibit A – Subdivision plat

U:\BMC030100\SURVEY\SUBDIVISION\TENTATIV\McCarty_Plot.dwg 6/16/2008 11:09:09 AM MDT



VICINITY MAP

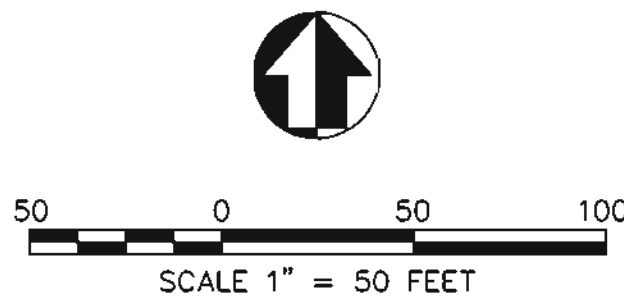
Subdivision Boundary Description:

COMMENCING at a street monument in section 3, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 31°02'02" East (Basis of Bearing) 121.32 feet to a street monument at the intersection of Meadows Drive and Evening Star Drive; Thence North 35°40'08" East 700.36 feet to the true Point of Beginning; And running thence North 63°59'08" East 230.00 feet; Thence South 25°00'52" East 248.19 feet; Thence South 48°59'08" West 208.86 feet; Thence North 42°00'52" West 345.26 feet; Thence South 63°59'08" West 157.17 feet; Thence North 28°00'52" West 25.00 feet to the true Point of Beginning.

Consisting of 2.0 acres, more or less.

DRIVEWAY EASEMENT CURVE TABLE				
CURVE	LENGTH	RADIUS	CHRD. DIRECTION	CHORD
DWC1	97.87	200.00	N74°13'59"W	96.89
DWC2	157.08	200.00	S82°42'53"E	153.07
DWC3	11.34	45.00	S82°00'10"W	11.31
DWC4	141.37	180.00	S82°42'53"E	137.77
DWC5	107.94	220.00	N74°16'12"W	106.86

DRIVEWAY EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
DWL1	24.55	N89°50'31"W
DWL2	31.55	N60°12'53"W
DWL3	64.95	S74°47'07"W
DWL4	28.87	S34°43'35"W
DWL5	75.83	N74°47'07"E
DWL6	31.55	S60°12'53"E
DWL7	24.83	S89°50'31"E
DWL8	20.00	N00°09'29"E



FOUND STREET MONUMENT
AT THE INTERSECTION OF
EVENING STAR DRIVE AND
MEADOWS DRIVE

FOUND STREET
MONUMENT

FOR PRELIMINARY
REVIEW ONLY

**2300 MEADOWS DRIVE
PLAT OF SURVEY**

LYING WITHIN SECTION 3, T 2 S, R 4 E, S.L.B.&M
SUMMIT COUNTY, UTAH

LEGEND	
	DRIVEWAY EASEMENT
	FOUND MONUMENT
	PARCEL BOUNDARY LINE
	LOT LINE
	FENCE LINE

COUNTY ASSESSOR REVIEWED AND ACCEPTED BY THE OFFICE OF THE SUMMIT COUNTY ASSESSOR THIS ____ DAY OF ____, 2008. _____ DATE COUNTY ASSESSOR	COUNTY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE SNYDERVILLE BASIN PLANNING COMMISSION THIS ____ DAY OF ____, 2008. _____ DATE PLANNING COMMISSION CHAIRMAN	COUNTY ENGINEER I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE AT THIS OFFICE. _____ DATE SUMMIT COUNTY ENGINEER	COUNTY COMMISSION APPROVAL PRESENTED TO THE BOARD OF SUMMIT COUNTY COMMISSIONERS THIS ____ DAY OF ____, 2008, AT WHICH TIME THIS PLAT AMENDMENT WAS APPROVED AND ACCEPTED. _____ COUNTY COMMISSION CHAIR _____ COUNTY CLERK	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS ____ DAY OF ____, 2008. _____ SUMMIT COUNTY ATTORNEY	RECORDED ENTRY NO. ____ BOOK ____ PAGES ____ STATE OF UTAH. COUNTY OF SUMMIT. DATE ____ TIME ____ RECORDED AND FILED AT THE REQUEST OF: _____ SUMMIT COUNTY RECORDER
---	--	--	---	---	---

DATE	06/16/2008
SCALE	1" = 50'
PROJECT NO.	BMC030100

2300 MEADOWS DRIVE
PLAT OF SURVEY

P S O M A S
4179 S. Riverboat Road, Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

DESIGNED	DMc
DRAWN	DMc
CHECKED	JJC

SHEET

1
1

OF

1990 Purchase + Sale Agreement

Well until annexation of the East Ranch Property or sale of the Estate's prior reservation in Award No. 825 to Park City, whichever event happens first. Park City agrees to use its best efforts to arrange for electrical service in time for the 1991 irrigation season.

*

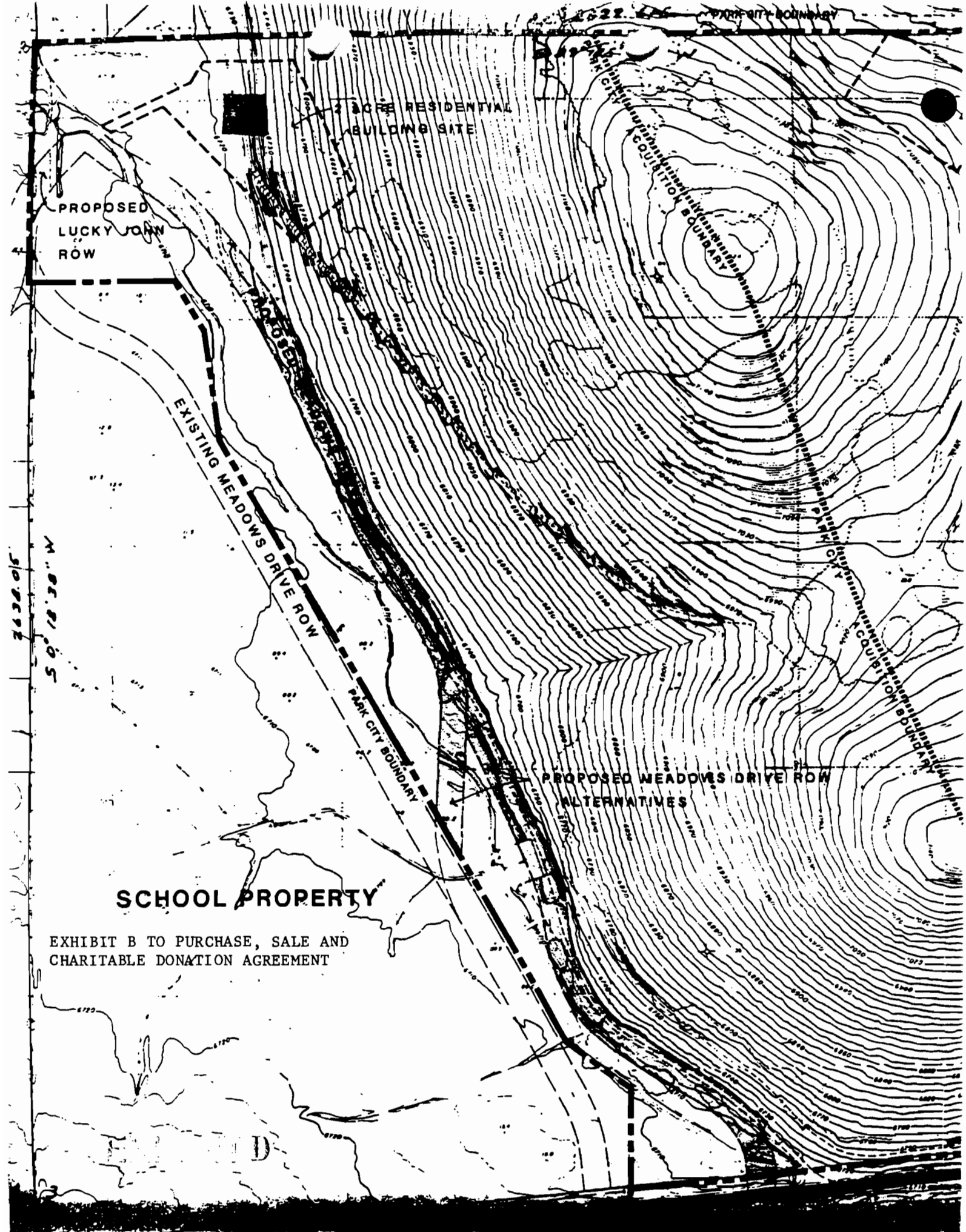
E. The East Hill Parcel. The Estate will convey by personal representative's deed to Park City title to the surface estate of a parcel of property containing approximately 95 acres and located east of the Park City High School in Section 3, Township 2 South, Range 4 East, Salt Lake Base and Meridian in Summit County, Utah, excepting therefrom a single two (2) acre lot as shown on Exhibit B. The East Hill Parcel includes the south and west-facing hillsides, the hilltop, ridgetop and creekside areas and is more particularly depicted on Exhibit B attached hereto. Park City agrees to provide City water service to the two-acre lot retained by the Estate. The Estate consents to and agrees to request annexation into Park City prior to development of the two-acre lot. The Estate agrees to comply with the reasonable and customary requirements of annexation. The City agrees that the Estate may use one or more of the water development fee credits described in Paragraph 2 at the rate of \$2,500 per credit to pay the usual and normal water development and water connection fees levied by the City for the construction of one single-family dwelling on the lot. Park City further agrees to provide access to the lot from existing Meadows Drive and from any future alignments of Meadows Drive, and agrees to re-fence the property at the base of the slope of the mountain in the event a new Meadows Drive is constructed within five years of the date of this Agreement. Both the East Hill Parcel and the two-acre lot are more particularly depicted on Exhibit B hereto. The Estate shall retain title

to the mineral estate of said parcel but waive its right to occupy the surface for mining purposes. The Estate shall convey title to the surface estate of said parcel to Park City subject to those easements, rights-of-way, and service and taxing districts of record against said parcel. Park City agrees to give the Estate, or its successor, open space development credit for this East Hill Parcel against any open space requirement levied by Park City if the remaining property of the Estate, or its successor in interest, in Section 3, Township 2 South, Range 4 East (the East Ranch Property), is annexed to Park City. The Estate will comply with all other reasonable and customary requirements of annexation. Until the Estate's remaining property in Section 3 is annexed into Park City or until five years from the date of this Agreement, whichever is sooner, Park City agrees to lease the East Hill Parcel to the Estate for buck pasture for no more than 60 rams for a \$1.00 per year rental fee pursuant to the lease agreement attached hereto as Exhibit C.

PHASE II PROPERTIES

N/A

A. The Dairy Property Parcel. Osguthorpe will convey to Municipal Building Authority of Park City the surface estate to his lands, the barn, and other appurtenances located in Sections 5 and 6, Township 2 South, Range 4 East, Salt Lake Base and Meridian, lying west of Highway 224, less that real property to be taken by UDOT for highway and wetland purposes. Osguthorpe shall retain title to the mineral estate of said parcel but waive his right to occupy the surface for mining purposes. Osguthorpe shall convey title to the surface estate of said parcel to Municipal Building Authority of Park City subject to those



SCHOOL PROPERTY

EXHIBIT B TO PURCHASE, SALE AND
CHARITABLE DONATION AGREEMENT

City Council Staff Report



Planning Department

Subject: Land Management Code (LMC) Amendments
Author: Thomas E. Eddington Jr., AICP and Katie Cattan, Planner
Date: April 9, 2009
Type of Item: Legislative- LMC Amendments – Steep Slope and Historic Districts

Summary Recommendations

Staff recommends that the City Council review the proposed amendments to the Land Management Code (LMC) for Chapters 2 and 15 as described in this report, open the public hearing, and consider adopting the ordinance as presented in Exhibit A.

Topic

Project Name: LMC Amendments - Regarding Development in the HRL, HR-1, and HR-2 zoning districts, and definitions
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Background

The current amendments to the LMC have been in review by the Planning Commission since October of 2008. The initial public hearing introducing the proposed amendments for the steep slope ordinance language for the historic districts in the LMC was held on October 22, 2008. The public hearing was continued to the November 12th, December 10th, January 28th, February 11th, and March 4th meetings to allow for further public input and discussion.

On January 13, 2009, correspondence from the “Friends of Old Town” was mailed/distributed to property owners residing in Old Town (a copy of this was delivered to the Planning Department by residents wanting to know who authored the flyer). This correspondence outlined a number of concerns regarding the proposed steep slope amendments. In addition, a website (www.friendsofoldtown.com) was created to further detail concerns relative to the proposed Land Management Code amendments.

At the January 28, 2009 Planning Commission meeting, some residents addressed the Commissioners regarding their concerns with the proposed amendments. Many of these concerns were similar to those of the Friends of Old Town. These concerns primarily focused upon three areas:

- The financial challenges of building and selling smaller structures – the economic viability of such structures
- Statements that the spirit of Old Town no longer exists; it has been destroyed over the past decade by development “mistakes”

- Owners of steep slope lots might realize smaller profits from property sales if a smaller building footprint is required

The public hearing was continued to the February 11, 2009 Planning Commission meeting for additional discussion/input. After discussion and public input, the Planning Commission re-opened the public hearing and continued to a special session on March 4, 2009.

During the March 4, 2009 meeting, staff presented the pending ordinance and introduced the possibility of utilizing volumetrics within the ordinance. The Planning Commission re-opened the public hearing. The Planning Commission provided staff with direction on the suggested changes to the steep slope review process as well as related amendments to the area and bulk requirements (e.g. height, etc.) for the historic districts Generally.

The Planning Commission reviewed the proposed changes to the LMC concerning development in the Historic District during the March 25, 2009 meeting. During this meeting the Planning Commission provided staff with further amendments to the ordinance and forwarded a positive recommendation to the City Council.

The City Council reviewed the LMC amendments on April 2, 2009 during a Work Session. Council asked staff to return with the following items.

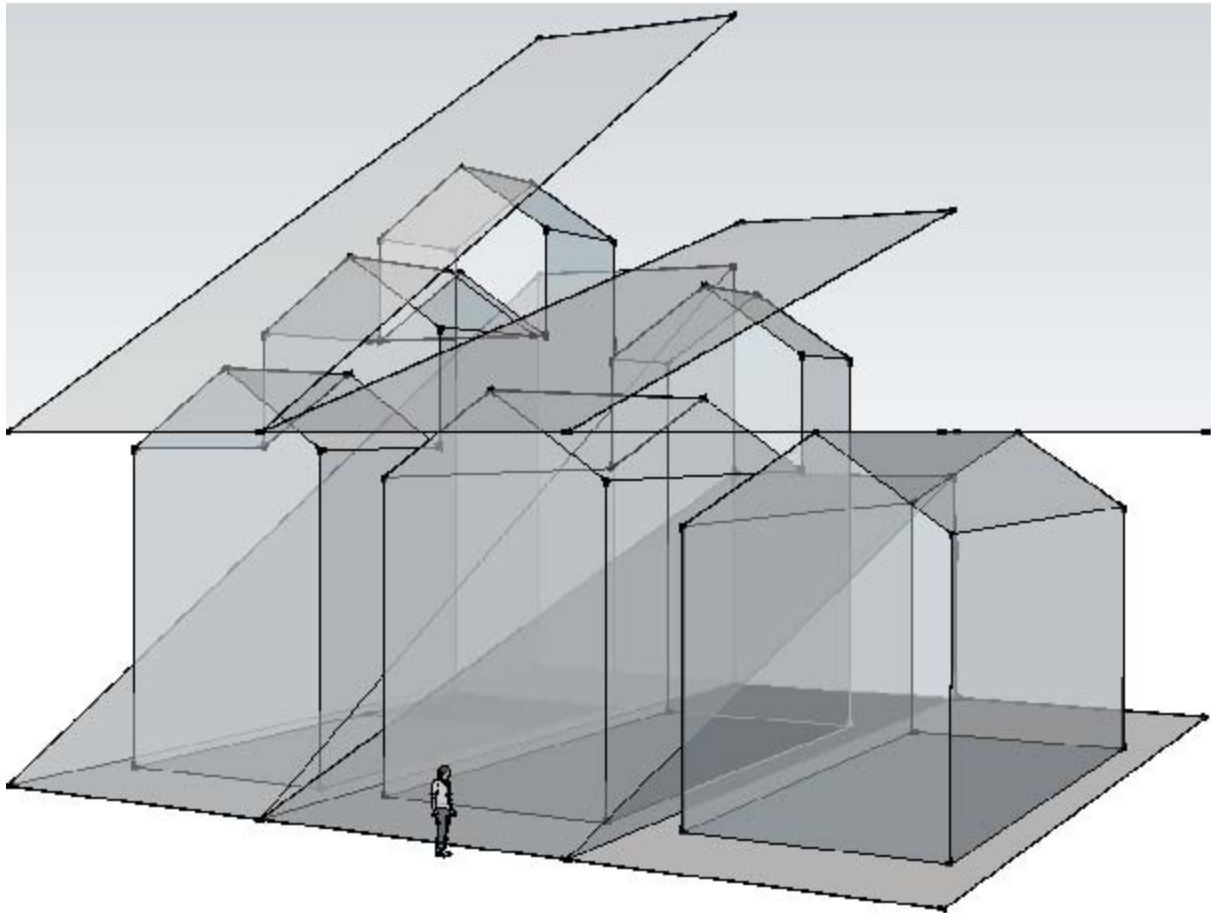
- Empty Lots: Number of empty lots in the HR-1, HR-2, and HRL zones.
- Snow shed: Identify how the mandatory roof pitch will comply with snow shed.
- Remove fifteen (15) foot maximum excavation from ordinance.
- Quantify square footage allowed under current LMC vs. proposed ordinance on 25' x 75' lot.
- Identify any functional losses or uses that would be the result of the new ordinance.
- Clarify that the proposed ordinance will not create repetitive or "cookie cutter" designs.

Analysis

The purpose of the current amendments to the LMC is to address the current issues of mass and scale and environmental impacts. The Planning Commission has repeatedly stated that the current ordinance does not meet the historic district zoning purpose statement to "encourage construction of historically compatible structures that contribute to the character and scale of the historic district, and maintain the existing residential neighborhoods." The emphasis for changing the ordinance has been focused on the outcome of development on steep slope lots and those lots within the city's historic district.

The following diagram shows how the existing ordinance results in greater mass on steeper slopes. The diagram depicts application of the current LMC on a flat lot, a thirty

percent (30%) slope lot, and a sixty percent (60%) slope lot. Each additional story is ten (10) vertical feet and the roof pitch is 8:12. Incidentally, under the current ordinance the steeper the slope, the more a structure is allowed to step up the hillside creating more stories, more internal square feet, and greater excavation.



Typically, a structure on a flat lot results in a 2½ story building with the possibility of a basement. A structure on a steep slope results in up to four (4) stories plus a basement, creating impacts to mass and scale of the historic district and impacts to the environment.

The major components of the proposed ordinance are as follows:

- *No changes to the footprint calculation;*
- *Changes effect all properties in HRL, HR-1, and HR-2 zoning districts, not only properties on steep slopes;*
- *Remove steep slope height exception;*
- *Allow height exception for a single car garage in tandem configuration on a downhill lot;*
- *Three-story maximum; the basement counts as the first story;*

- *Ten (10) foot minimum horizontal step in façade for the third story on the downhill side of the structure;*
- *Allowed roof pitch between 7:12 to 12:12*
 - o *Exception for shed roofs which are not part of the primary roof design*
- *Final grade must be within four (4) vertical feet of existing grade.*
 - o *Exception for driveway entrance, window wells, and emergency egress.*

The following proposed requirement was removed based upon the direction given by the City Council members at the April 2nd Work Session:

- *Maximum vertical excavation of fifteen (15) feet*
 - o *Exception to allow for depth of single car garage in tandem configuration on uphill lots.*

OPTION B			
	Flat Lot	30% Slope	60% Slope
Footprint	844 sq. ft.	844 sq. ft.	844 sq. ft.
Allowed Height	27' from existing grade	27' from existing grade	27' from existing grade
Height from floor of 1st story to highest ridge	39.5'	39.5'	39.5'
Stories	3	3	3
Excavation	permitted	permitted	permitted
Stepping	10' min. step for 3rd story	10' min. step for 3rd story	10' min. step for 3rd story
Roof Pitch	7:12 min.	7:12 min.	7:12 min.
Uphill vs. Downhill	same	Height exception may be necessary for garage on down hill lot	Downhill: Height exception necessary for garage and a portion of lowest story is above existing grade

* with a 12:12 roof pitch and 10 feet of excavation

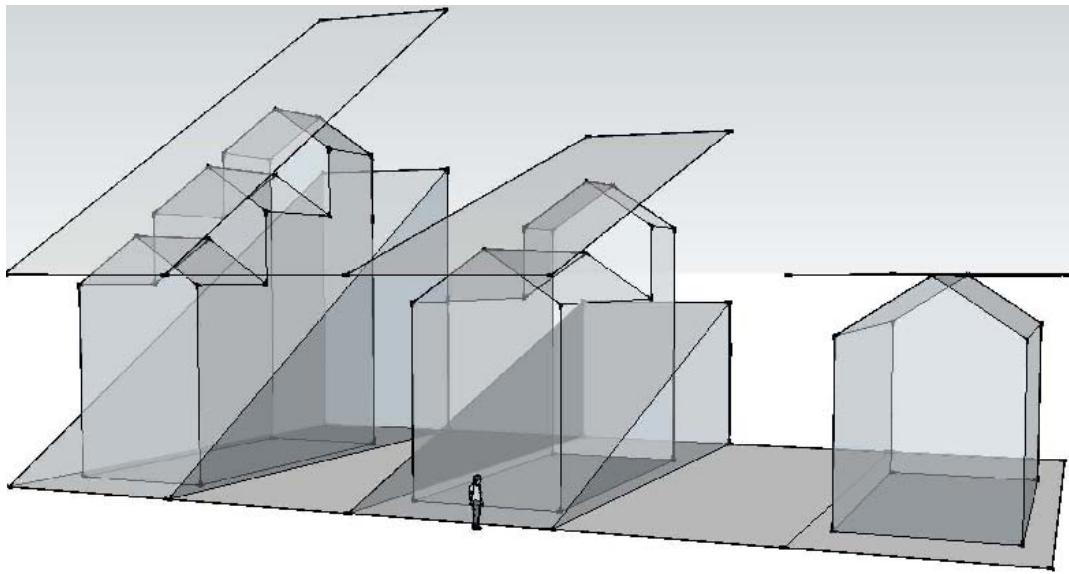
Result: A structure with two (2) stories fronting the street and a possible third story stepped at least ten (10) feet from the front façade of the structure. Comparable to the massing of a structure on a flat lot. Roof pitch compatible with Historic Structures. Maintain existing grade.

A Steep Slope Conditional Use Permit would continue to be required for any structure in excess of one thousand (1,000) square feet if said structure and/or access is located upon any existing slope of thirty percent (30%). The existing steep slope criteria would continue to apply. The criteria are utilized by staff and the Planning Commission to analyze mitigation of development on steep slopes.

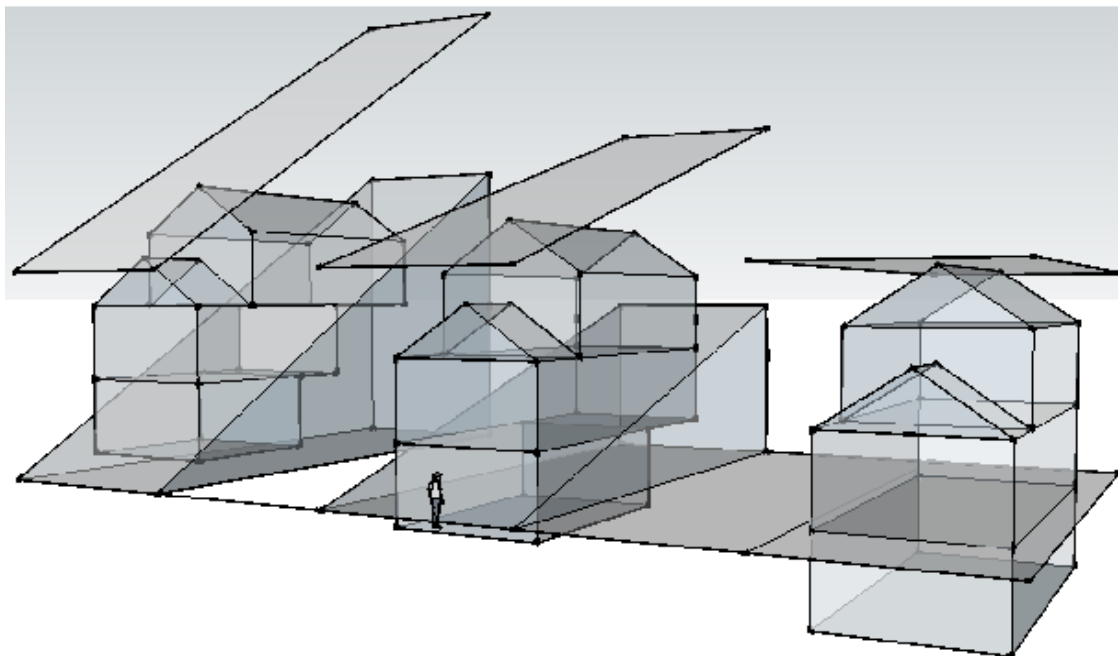
The following graphics depict the current LMC and the proposed ordinance conditions. Each of the graphics contains a flat lot, a thirty percent (30%) slope lot, and a sixty

percent (60%) slope lot. Also, in each graphic the roof pitch is 8:12 and a story plate level is ten (10) feet. A story was only added if the ten foot level could be introduced within the parameters of the ordinance. The 27 foot zone height limit (floating plane) is shadowed above the structures.

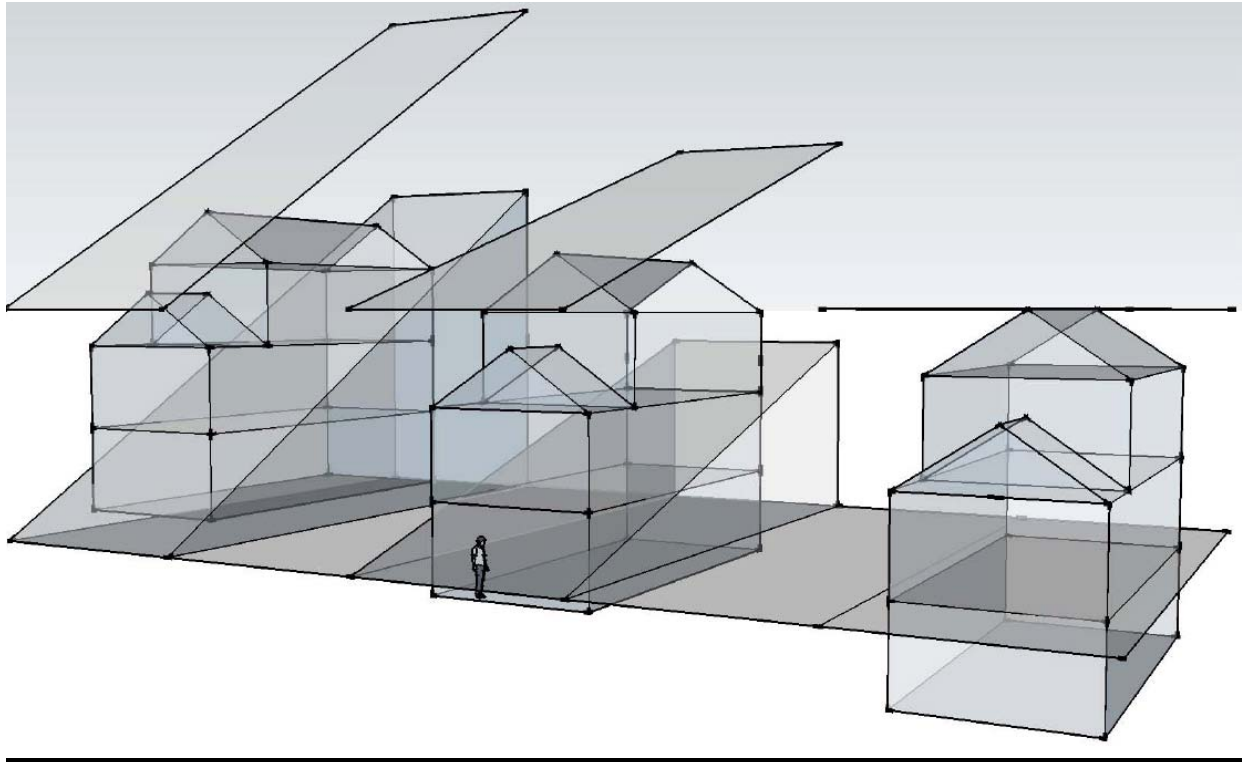
Current Land Management Code



Planning Commission Recommendation: Minimum roof pitch, maximum three (3) stories, minimum horizontal step of ten (10) feet on the third story Fifteen foot maximum excavation



City Council Direction: Remove fifteen foot maximum excavation



Square Footage

Under the current LMC, a structure on a steep slope has the ability to have more square footage than a home on a flat lot of the same size. The following table depicts the differences between the current LMC, the Planning Commission recommendation, and the proposed ordinance regarding maximum square footage for structures. It is important to note that the findings for the current LMC are conservative; not including additional excavation for deeper basements.

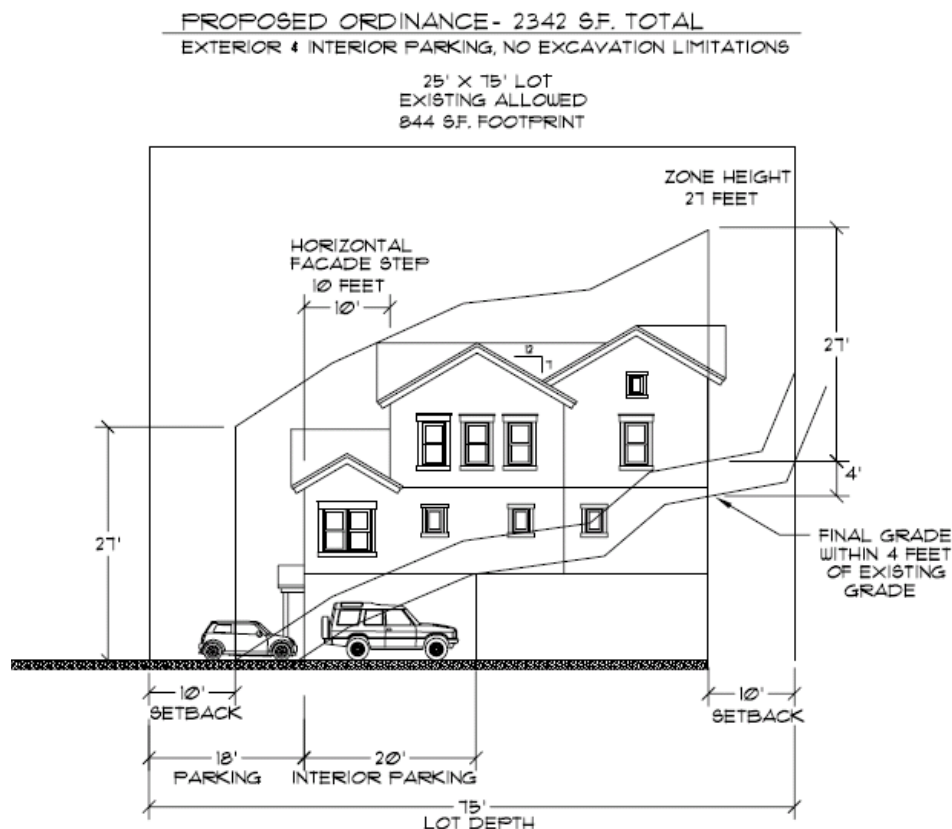
Estimated SF of a structure on a 25' x 75' lot with an 844 SF footprint. Note: all estimates include all interior area including garages and circulation

	Current LMC	Planning Commission Recommendation	Proposed Ordinance
Flat Lot	2532 SF	2532 SF	2532 SF
30% Slope	2641.1 SF	1472 SF*	2342 SF
60% Slope	2947 SF	1368 SF*	2342 SF

* The numbers are approximate estimates for the square footage on a sloped lot. With the fifteen foot excavation, the slope would dictate the amount of square footage.

Snow Shed

Snow release issues must be resolved to the satisfaction of the Chief Building Official. In 1996, the Chief Building Official had a study completed regarding snow shed issues for a home with a 9:12 roof pitch. The finding of this study was that the trajectory of the snow shedding from the home would be approximately seven (7) feet. Based upon this study, the Chief Building Official implemented a policy that any new construction with a roof eave within seven (7) feet of the property line must record a snow shed agreement with the adjacent property owner. This policy will continue with the implementation of the minimum 7:12 roof pitch. It will be the responsibility of the architect to create a roof design that satisfies the Chief Building Official's policy. The following is an example of a roof design that would satisfy the Chief Building Official. The roof eave is within seven (7) feet of the property line, therefore a snow shed easement must be recorded with the adjacent property owner. The Building Inspector Supervisor has confirmed with staff that the majority of new construction and additions in the Historic District record snow shed easements with adjacent properties. He estimates that at least 90 percent of new construction plans are required to record a snow shed easement. By recording a snow shed agreement, it offers the greatest amount of flexibility in design and future modifications between adjacent properties. Further, the snow shed agreement allows for compatible designs recommended in the guidelines, rather than large roof forms that follow existing grade that shed to the front and rear of properties.



Vacant Lots within Zones

The City Council requested that staff return with the breakdown of vacant lots in the HR-1, HR-2, and HRL districts. According to the City's GIS system, a total of 204 vacant lots exist within the three zones.

Zone	Vacant Lots
HR-1	139
HR-2	20
HRL	45

It is worth noting that future development within the historic district is not limited to vacant lots proposed for infill development. Thus, another variable to consider when quantifying infill is the number of existing homes that could be enlarged or demolished and rebuilt. Demolishing non-historic homes to build new homes is a trend within the historic district. Future demolitions for infill must be considered.

Functional Losses or Uses

The majority of City Council members gave direction to staff in favor of eliminating the fifteen (15) foot maximum excavation. A home of three (3) stories with no decrease in the allowed footprint and no reduction in allowed excavation will be able to function similarly to a home under the current LMC. The three components of a home that will be affected by the proposed ordinance are roofs, retaining walls, and the square footage of homes located on steep slopes (as a result of the requirement that the third floor maintain a setback of ten (10) feet).

The proposed ordinance requires a 7:12 – 12:12 roof pitch for the primary roof. This requirement does not allow for a flat roof. In the past year staff has reviewed and approved one application for a flat roof within the HR-1 zoning district. This roof is a "green roof" that has the ability to grow vegetation upon the roof top. Under the proposed ordinance, a flat roof would no longer be allowed. During the Planning Commission meeting on March 25, 2009, the Commission requested that staff return with a separate ordinance to incorporate incentives for historic homes and sustainable building practices. Green roofs will be included in the future ordinance presented to the Planning Commission and City Council.

Within the proposed ordinance, final grade must be brought back to within four (4) feet of existing grade. Under the current LMC, retaining walls are regulated to a maximum of four (4) feet in the front yard and six (6) feet in the side yard and rear yard. A fence or retaining wall may exceed six (6) feet within the building pad if a building permit is obtained from the Building Department.

The total attainable square footage for a building on steep slope will decrease under the proposed ordinance. Due to the minimum ten (10) foot step on the third façade, a home on a 25' x 75' lot will have approximately 190 fewer square feet than a home on a flat lot

with a full basement. This is assuming that there is no maximum excavation of fifteen (15) feet. The total allowed square footage under this assumption would be 2342 square feet. Staff does not find that this amount of square footage on a 25' x 75' lot would create an adverse living situation for the owner.

Repetitive Design

City Council raised concern that the outcome of the proposed ordinance could result in repetitive, “cookie cutter” home designs. The building pad of a lot is the area of the lot less the setbacks. On a 25' x 75' lot, the building pad (area available to locate the structure) is 1,045 square feet. The maximum building footprint (actual footings/structure) on the same lot is 844 square feet. This allows for 201 square feet of variation within the building pad – creating an opportunity to provide articulation in the building design.

The existing exceptions for the front, side, and rear yards have not changed within the ordinance. These exceptions also result in increased variation in building design.

The required ten (10) foot shift in the façade for the third story of a building was introduced to decrease the wall effect on steep slopes. On a steep slope, a third story can be achieved under the zone height of 27 feet closer to the front façade than on a less steep slope. The ten (10) foot regulation will not result in all homes having a step in the façade at exactly ten (10) feet. On lots with a gradual slope, a third story will not fit within the 27 foot zone height ten (10) feet from the front façade. To prevent a repetitive design on less steep lots, staff introduced the following exception to City Council during the April 2, 2009 meeting:

15-2.1-5(B) A ten (10) foot minimum horizontal step in the façade is required for a third (3rd) Story of a Structure unless the first story is located completely under the finish grade on all sides of the structure.

Process

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

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code.

Significant Impacts

The proposed amendments provide clarification of processes, procedures, and definitions. The amendments address the mass and scale of new construction as it relates to residential development in the historic district and as it relates to environmental issues resulting from development. Existing structures which do not conform to these regulations will be treated as Non-conforming Structures and regulated under LMC section 15-9-6.

Under the pending ordinance doctrine, any completed Steep Slope CUP applications received by the City after October 22, 2008 cannot be processed if the pending amendments would prohibit approval of the applications as submitted. If amendments are not adopted by the City Council by April 22, 2009, the existing code will continue to control.

Recommendation

Staff recommends that the City Council review the proposed amendments to the Land Management Code (LMC) for Chapters 2 and 15 as described in this report, open the public hearing, and consider adopting the ordinance as presented in Exhibit A.

Exhibits

Exhibit A – Ordinance for amendments to LMC Chapter 2.1 (HRL), Chapter 2.2 (HR-1), Chapter 2.3 (HR-2), and Chapter 15 (Definitions)

Ordinance - 09

**AN ORDINANCE APPROVING AMENDMENTS TO
THE PARK CITY LAND MANAGEMENT CODE
AMENDING THE LOT AND SITE REQUIREMENTS AND BUILDING HEIGHT
PARAMETERS OF CHAPTERS 2.1, 2.2, AND 2.3 AND ADDING A NEW DEFINITION
TO CHAPTER 15.**

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, residents and the Planning staff identified a need to modify the existing lot and site requirements and building height to encourage the construction of historically compatible additions and new construction that contributes to the unique character of the districts and decreases environmental impacts to the site, neighborhoods and districts;

WHEREAS, Chapter 15- Definitions provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms that appear on recorded plats and other documents that are not currently defined in the Code. The City desires to clarify these terms by including and/or revising definitions in the Land Management Code;

WHEREAS, these amendments are changes identified during the 2008 annual review of the Land Management Code and the visual presentations which occurred in conjunction with the adoption of the historic building inventory and amendments to the historic district guidelines;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at it's regularly scheduled meeting on October 8, 2008, October 22, 2008, November 12, 2008, December 10, 2008, January 28, 2009, February 11, 2009, March 4, 2009, and March 25, 2009, and forwarded a recommendation to City Council;

WHEREAS, the City Council conducted a work session on April 2, 2009, and duly noticed and conducted a public hearing at its regularly scheduled meeting on April 9, 2009; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the

Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, 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 2.1 OF THE LAND MANAGEMENT CODE. Chapter 15-2.1 is hereby amended as attached hereto as Attachment 1. Any conflicts or cross-references from other provisions of the LMC to Chapter 15-2.1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 2.2 OF THE LAND MANAGEMENT CODE. Chapter 15-2.2 is hereby amended as attached hereto as Attachment 2. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.2 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 2.3 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Attachment 3. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.3 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Attachment 4. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Planning Director.

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

PASSED AND ADOPTED this 9th day of April, 2009

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.1

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT..	1
15-2.1- 1. PURPOSE.	1
15-2.1- 2. USES.	1
15-2.1- 3. LOT AND SITE REQUIREMENTS.	2
15-2.1- 4. EXISTING HISTORIC STRUCTURES	8
15-2.1- 5. BUILDING HEIGHT.	8
15-2.1- 6. DEVELOPMENT ON STEEP SLOPES.	9
15-2.1- 7. PARKING REGULATIONS.....	12
15-2.1- 8. ARCHITECTURAL REVIEW.	13
15-2.1- 9. VEGETATION PROTECTION	13
15-2.1-10. SIGNS.	14
15-2.1-11. RELATED PROVISIONS.	14



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

Chapter adopted by Ordinance No. 00-15

15-2.1-1. PURPOSE.

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

(A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,

(B) provide an Area of lower density residential Use within the old portion of Park City,

(C) preserve the character of Historic residential Development in Park City,

(D) encourage the preservation of Historic Structures,

(E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.

(F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and

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

15-2.1-2. USES.

(A) ALLOWED USES.

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

(B) CONDITIONAL USES.

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

¹See LMC Chapter 15-4-9 for Child Care Regulations

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

- (4) Child Care Center¹
- (5) Essential Municipal and Public Utility Use, facility, service, and Building
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility⁶
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
- (12) Recreation Facility, Private
- (13) Fences greater than six feet (6') in height from Final Grade^{5,7}

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

(Amended by Ord. No. 06-56)

15-2.1-3. LOT AND SITE REQUIREMENTS.

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative Conditional Use permit.

⁶ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷ See LMC Chapter 15-4-2, Fences and Walls

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

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

(B) **BUILDING ENVELOPE (HRL DISTRICT).** The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(C).

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

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

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

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

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

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

square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

(D) **BUILDING FOOTPRINT (HRL DISTRICT).** The maximum Building Footprint of any Structure shall located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750

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

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

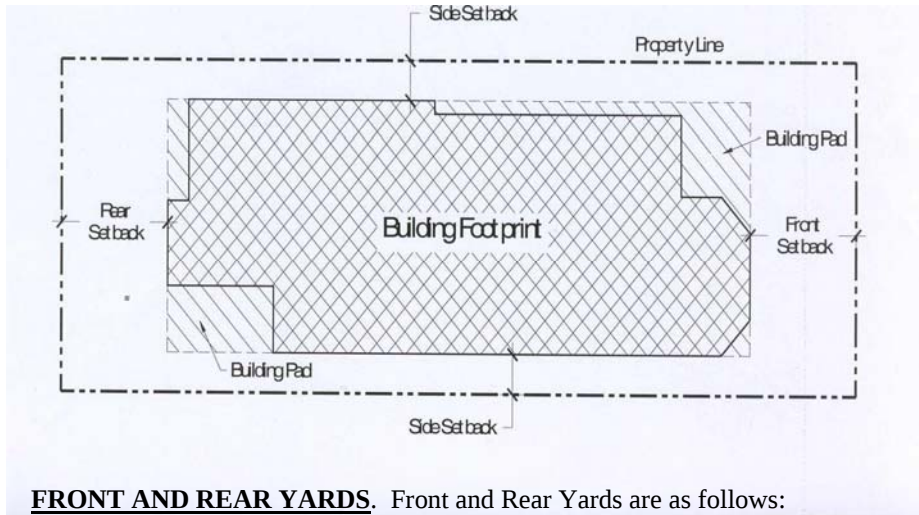
Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

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

TABLE 15-2.1.

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

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



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

TABLE 15-2.1a

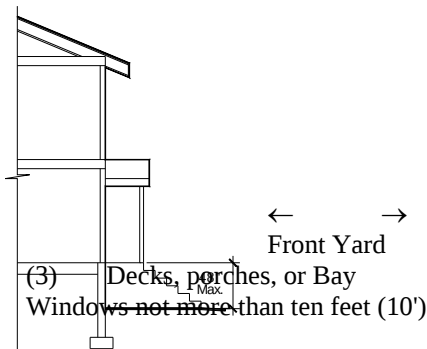
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) FRONT YARD EXCEPTIONS.

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

(1) A Fence or wall not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

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



wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, or cornices projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

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

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

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

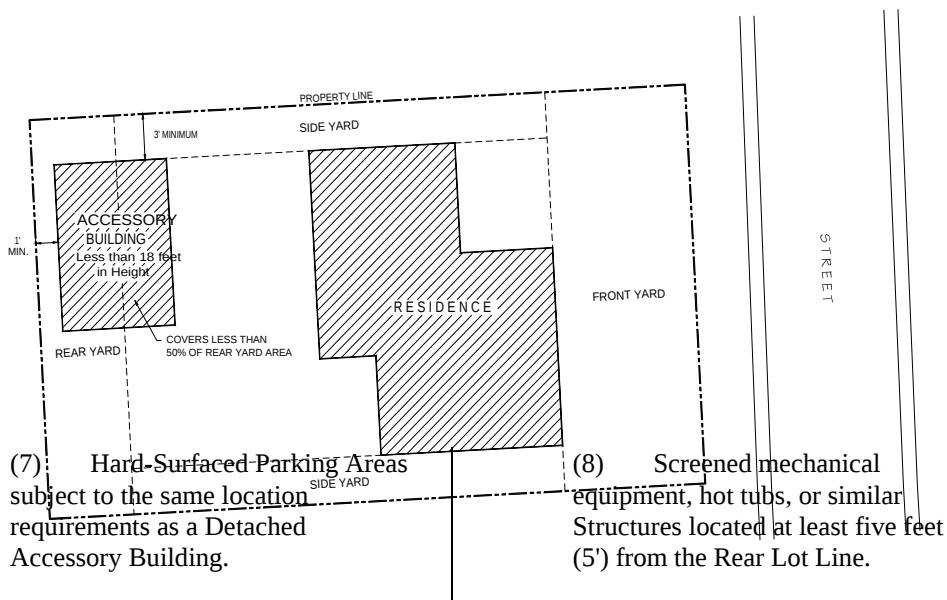
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

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



(9) Fences or walls not over six feet (6') in height, or as permitted in Section 15-4-2 Fences and Walls.⁷

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

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

(H) **SIDE YARDS.**

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

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

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

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁸

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁸

(3) Window wells or light wells projecting not more than four feet

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

(4') into the Side Yard.⁸

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') eave overhang is permitted on Lots with a side Yard less than five feet (5').⁸

(5) Window sills, belt courses, trim, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.

(7) Fences or walls not more than six feet (6') in height or as permitted in Section 15-4-2 Fences and Walls.⁷

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

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

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

(11) Screened mechanical equipment, hot tubs, or similar Structures, located a minimum of

five feet (5') from the Side Lot Line.

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

(Amended by Ord. No. 06-56)

15-2.1-4. EXISTING HISTORIC STRUCTURES.

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

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

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible

with the Historic Structure,

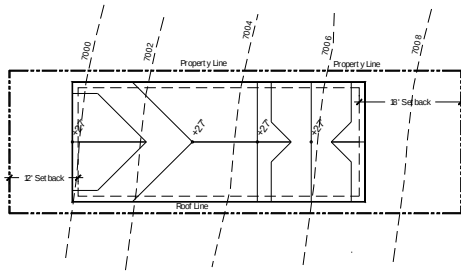
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the Uniform Building and Fire Codes.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four (4) vertical feet of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

- (A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.
- (B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the first story is located completely under the finish grade on all sides of the structure.
- (C) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required 7:12 pitch.

Deleted: In cases where due to excavation, Final Grade is lower than the Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved window wells.

**(A) BUILDING HEIGHT**

EXCEPTIONS. The following height exceptions apply:

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) Elevator Access. The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act standards. The applicant must verify the following:

- a) The proposed height exception is only for the area of the elevator. No increase in square footage of the building is being achieved.
- b) The proposed option is the only feasible option for

the elevator on the site.

c) The proposed elevator and floor plans comply with the American Disability Act standards.

(4) Garage on downhill lot. The Planning Director may allow additional height on a downhill lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed 35 feet from existing grade.

(Amended by Ord. No. 06-56)

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

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

(A) ALLOWED USE. An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) CONDITIONAL USE. A

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

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest slope within the building footprint and driveway.

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

(1) **LOCATION OF**

DEVELOPMENT. Development is located and designed to reduce visual and environmental impacts of the Structure.

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

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

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

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

Deleted: Director

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

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

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile

Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

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

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

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL District is twenty-seven feet (27') and is restricted as stated above in section 15-2.1-5. The Planning Director and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to

minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

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

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue

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

- ¶ (a) The height exception does not result in a height in excess of forty feet (40').¶
- ¶ (b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.¶
- ¶ (c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.¶
- ¶ (d) Snow release issues are resolved to the satisfaction of the Chief Building Official.¶
- ¶ (e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.¶
- ¶ (f) The height exception is not granted primarily to create additional Building Area.¶
- ¶ (g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.¶
- ¶ (h) The height exception is Compatible with good planning practices and good Site design. . ¶
- ¶ (i) The height increase will result in a superior plan and project.¶
- ¶ (j) The project conforms to Section 15-1-10, Conditional Use review.¶

Deleted: maximum Building Height

to apply, and the Owner is not vested for the maximum.

(Amended by Ord. No. 06-56)

15-2.1-7. PARKING REGULATIONS.

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

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

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

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

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

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

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas,

provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(Amended by Ord. No. 06-56)

15-2.1-8. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines, Chapter 15-5.

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

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines, Chapter 15-5.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal the Staff's determination of compliance to the Historic Preservation Board. Appeals must

be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or code provisions violated by the Staff determination.

(Amended by Ord. No. 06-56)

15-2.1-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-56)

15-2.1-10. SIGNS.

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

12.

15-2.1-11. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D).
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation. LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Review. LMC Chapter 15-5.
- X Snow Storage. LMC Chapter 15-3-3(E)
- X Parking Ratio Requirements. LMC Chapter 15-3-6.

PARK CITY MUNICIPAL CODE

TABLE OF CONTENTS

TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.2

<u>TITLE 15 - LAND MANAGEMENT CODE (LMC)</u>	1
---	----------



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

Chapter adopted by Ordinance No. 00-15

15-2.2-1. PURPOSE.

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

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

15-2.2-2. USES.

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

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family²
- (7) Child Care, Family Group²
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure, with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Duplex Dwelling

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

²See LMC Chapter 15-4-9 for Child Care Regulations

Deleted: ites

- (2) Guest House on Lots one (1) acre or greater
- (3) Secondary Living Quarters
- (4) Accessory Apartment³
- (5) Group Care Facility
- (6) Child Care Center
- (7) Public and Quasi-Public Institution, church and school
- (8) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (9) Telecommunication Antenna⁴
- (10) Satellite Dish, greater than thirty-nine inches (39") diameter⁵
- (11) Bed and Breakfast Inn⁶
- (12) Boarding House, hostel⁶
- (13) Hotel, Minor, (fewer than sixteen (16) rooms)⁶
- (14) Residential Parking Area or Structure with five (5) or more spaces.
- (15) Temporary Improvement⁷
- (16) Passenger Tramway Station and Ski Base Facility⁸

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁶In Historic Structures only. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative Conditional Use permit

⁸ See LMC Chapter 15-4-18,

- (17) Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸
- (18) Recreation Facility, Private
- (19) Fences greater than six feet (6') in height from Final Grade^{7,9}

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

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-3 LOT AND SITE REQUIREMENTS.

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

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

Passenger Tramways and Ski-Base Facilities

⁹ See LMC Chapter 15-4-2, Fences and Walls

(B) **BUILDING ENVELOPE (HR-1 DISTRICT)**. The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3(C).

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

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

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

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

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

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

(D) **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

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

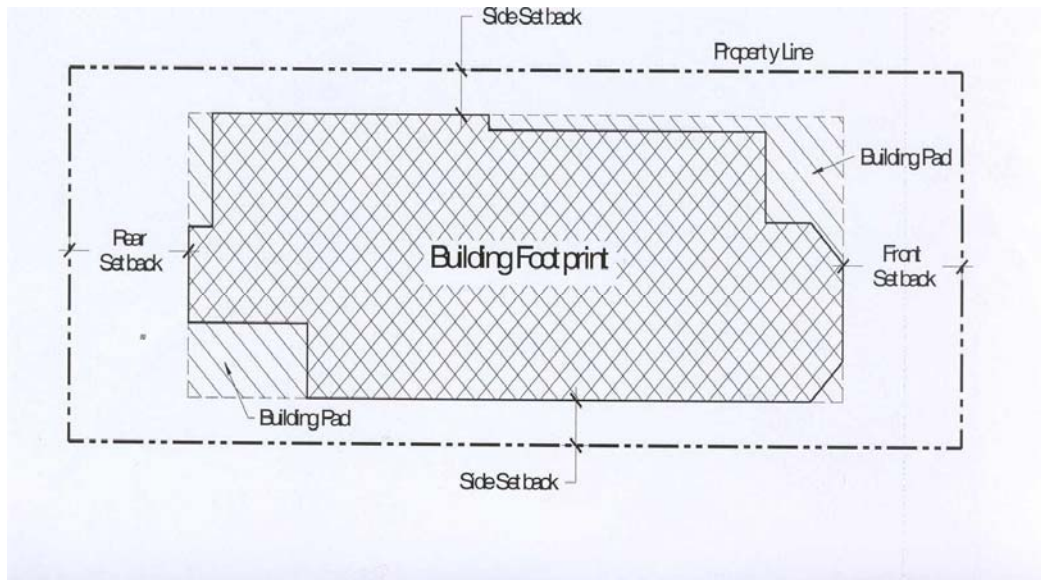
Where FP= maximum Building Footprint and A= Lot Area.

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

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

TABLE 15-2.2.

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



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

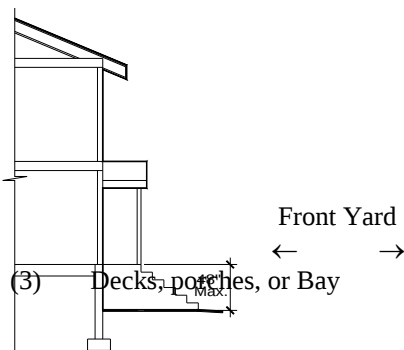
TABLE 15-2.2a

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

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

(1) Fences or walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

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



Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves or cornices projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

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

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

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

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

(3) Window wells or light wells extending not more than four feet

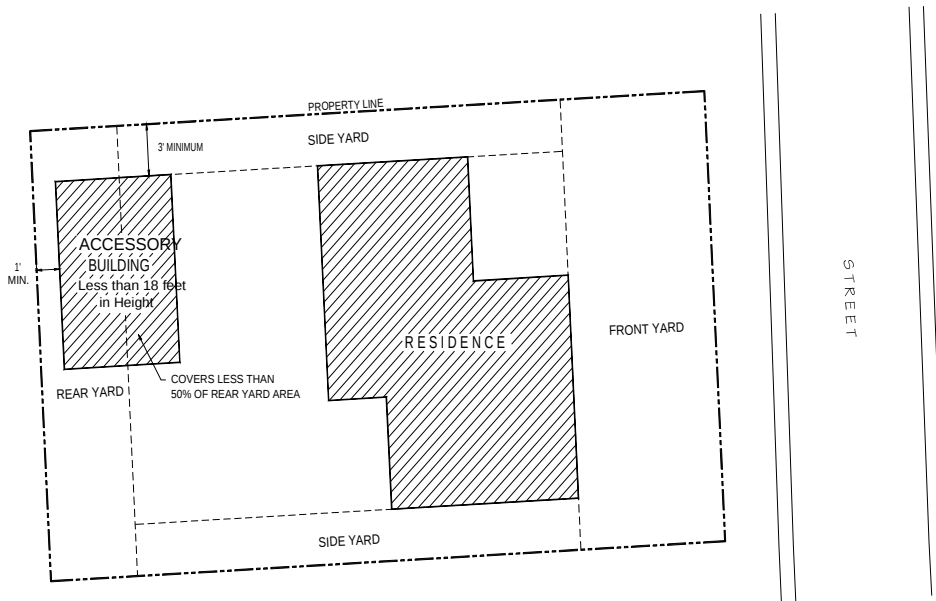
(4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

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

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



(7) A Hard-Surfaced Parking Area subject to the same location

requirements as a Detached Accessory Building.

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

(9) Fences or walls not over six feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls.⁹

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

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

(H) **SIDE YARD.**

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

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

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

(1) Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Yard.¹⁰

¹⁰ Applies only to Lots with a minimum Side Yard of five feet (5').

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹⁰

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹⁰

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹⁰

(5) Window sills, belt courses, trim, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least a one foot (1') Setback to the Property Line.¹⁰

(7) Fences, walls, or retaining walls not more than six feet (6') in height or as permitted in Section 15-4-2, Fences and Walls.⁹

(8) Driveways leading to a garage or Parking Area.

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

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the

Front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

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

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

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

(Amended by Ord. No. 06-56)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

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

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

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-5. BUILDING HEIGHT.

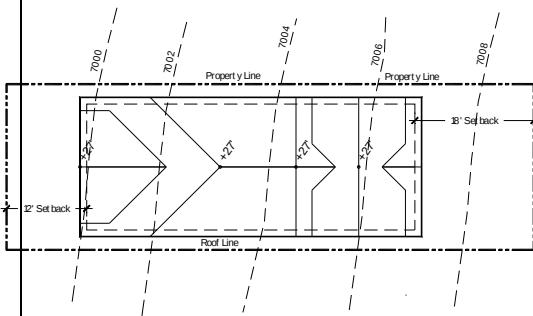
No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

Final Grade must be within four (4) vertical feet of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

- (A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.

Deleted: In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building.

- (B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the first story is located completely under the finish grade on all sides of the structure.
- (C) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required 7:12 pitch.



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

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet

(5') above the height of the Building.

(3) Elevator Access. The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act standards. The applicant must verify the following:

a) The proposed height exception is only for the area of the elevator. No increase in square footage of the building is being achieved.

Deleted: This measure shall not include approved window wells.¶

b) The proposed option is the only feasible option for the elevator on the site.

c) The proposed elevator and floor plans comply with the American Disability Act standards.

(4) Garage on downhill lot. The Planning Director may allow additional height on a downhill lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed 35 feet from existing grade.

(Amended by Ord. No. 06-56)

15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

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

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the measurement shall included a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest slope within the building footprint and driveway.

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

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

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

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

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

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

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

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The

Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

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

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or

Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in section 15-2.2-5. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

Deleted: maximum Building

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

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

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

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

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

¶ (e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.¶

¶ (f) The height exception is not granted primarily to create additional Building Area.¶

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

¶ (h) The height exception is Compatible with good planning practices and good Site design. ¶

¶ (i) The height increase will result in a superior plan and project.¶

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

Deleted: ¶

(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

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

(Amended by Ord. No. 06-56)

15-2.2-7. PARKING REGULATIONS.

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

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

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

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

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

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

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

(F) Turning radii are subject to review by the City Engineer as to function and design.

(Amended by Ord. No. 06-56)

15-2.2-8. ARCHITECTURAL REVIEW.

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

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately

adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

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

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

(Amended by Ord. No. 06-56)

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

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

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

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

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

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

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

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

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

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

(I) Parking on-Site is required at a rate of one (1) space per rentable room.

(J) The Use complies with Chapter 15-1-10, Conditional Use review process.

(Amended by Ord. No. 07-25)

15-2.2-10. VEGETATION PROTECTION.

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health

and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-56)

15-2.2-11. SIGNS.

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

15-2.2-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

(Amended by Ord. No. 06-56)

PARK CITY MUNICIPAL CODE

TABLE OF CONTENTS

TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.3

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

15-2.3-1.	PURPOSE.....	1
15-2.3-2.	USES.....	1
15-2.3-3.	CONDITIONAL USE PERMIT REVIEW	3
15-2.3-4.	LOT AND SITE REQUIREMENTS.....	4
15-2.3-5.	EXISTING HISTORIC STRUCTURES	10
15-2.3-6.	BUILDING HEIGHT.	10
15-2.3-7.	DEVELOPMENT ON STEEP SLOPES	11
15-2.3-8.	SPECIAL REQUIREMENTS FOR COMMERCIAL USES IN SUB-ZONE A	14
15-2.3-9.	SPECIAL REQUIREMENTS FOR COMMERCIAL USES IN SUB-ZONE B.	16
15-2.3-10.	PARKING REGULATIONS.....	16
15-2.3-11.	ARCHITECTURAL REVIEW.....	17
15-2.3-12.	CRITERIA FOR BED AND BREAKFAST INNS	17
15-2.3-13.	MECHANICAL SERVICE.	18
15-2.3-14.	GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.	18
15-2.3-15.	VEGETATION PROTECTION.	22
15-2.3-16.	SIGNS.	23
15-2.3-17.	RELATED PROVISIONS.....	23



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

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

- (1) Upper Main Street;
- (2) Upper Swede Alley; and
- (3) Grant Avenue,

(B) encourage and provide incentives for the renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB and the HR-1 Districts,

(D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the district,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core; result in Development

Compatible Historic Structures; and comply with the Historic District Design Guidelines and HR-1 regulations for Lot size, coverage, and Building Height, and

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

15-2.3-2. USES.

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

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental²
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting³
- (6) Child Care, Family³

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

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

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

(B) **CONDITIONAL USES.**

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

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷In Historic Structures only

- (12) Hotel, Minor, fewer than sixteen (16) rooms⁷
- (13) Office, General⁸
- (14) Office, Moderate Intensive⁸
- (15) Office and Clinic, Medical⁸
- (16) Retail and Service Commercial, Minor⁸
- (17) Retail and Service Commercial, personal improvement⁸
- (18) Cafe or Deli⁸
- (19) Restaurant, General⁸
- (20) Restaurant, Outdoor Dining⁹
- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility¹⁰
- (25) Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- (26) Recreation Facility, Private
- (27) Fences over six feet (6') in height¹¹

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

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

¹⁰ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

¹¹ See LMC Chapter 15-4-2, Fences and Walls

- (28) Limited commercial expansion necessary for compliance with Building/Fire Code egress and Accessibility requirements¹²

(Amended by Ord. No. 06-56)

(C) **PROHIBITED USES.**

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

(Amended by Ord. No. 04-08)

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

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

- (A) Consistent with the Historic District Design Guidelines, Section 15-4, and the Historic Preservation Board's recommendation.

¹² Subject to compliance with the criteria set forth in Section 15-2.3-8(B). Said expansion is limited to the minimum footprint necessary to achieve compliance with Building and Fire Code egress and Accessibility requirements, and may include additional Building Footprint for ADA restrooms.

- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.

- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.

- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. New Structures and additions must be two (2) stories in height or less. Primary facades should be one (1) to one and a half (1.5) stories at the Street. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

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

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

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

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

(Amended by Ord. No. 06-56)

15-2.3-4. LOT AND SITE REQUIREMENTS.

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

All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling . The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the conditional review process. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

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

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

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

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

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

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

horizontal and vertical
Building articulation.

(D) **BUILDING FOOTPRINT (HR-2 DISTRICT)**. The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet.

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

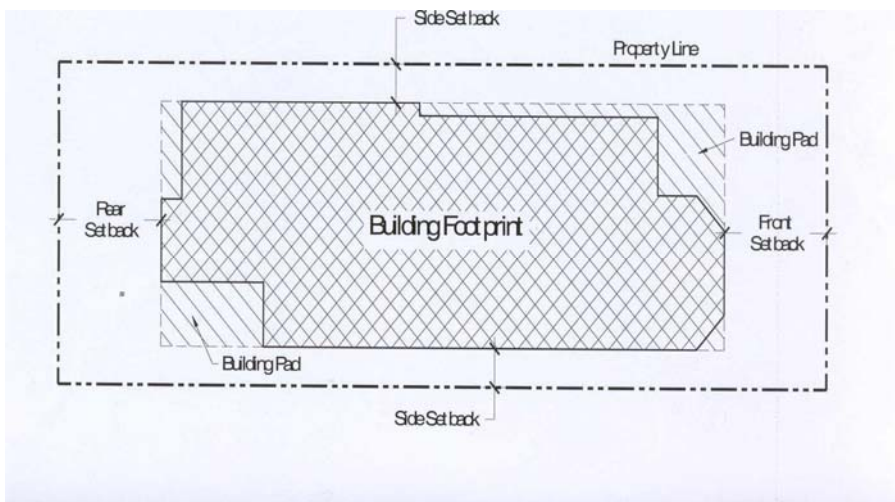
Where FP= maximum Building Footprint and A= Lot Area.

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

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

TABLE 15-2.3.

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



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

TABLE 15-2.3.a

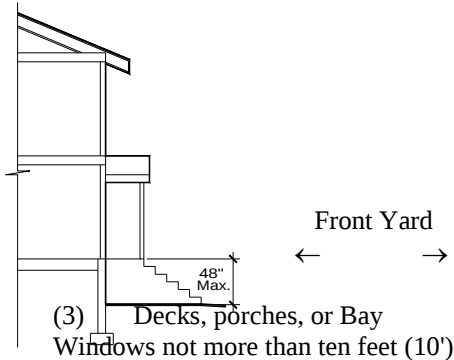
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

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

(1) Fences or walls not more than four feet (4') in height or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.

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



wide projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves or cornices projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

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

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

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

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

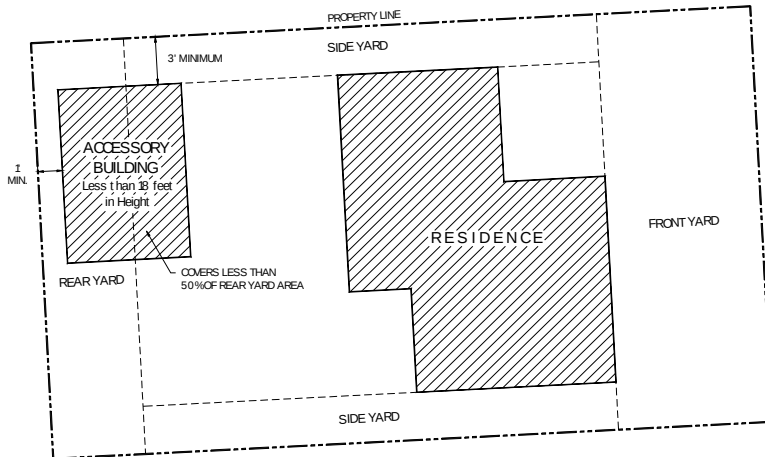
(3) Window wells or light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves

projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

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



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

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

(9) Fences or walls not more than six feet (6') in height.¹¹

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

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

(H) **SIDE YARD.**

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

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

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

(1) Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the

Side Yard.¹²

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹²

(5) Window sills, belt courses, trim, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.

(7) Fences or walls not more than six feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls.¹¹

(8) Driveways leading to a garage or Parking Area.

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

¹² Applies only to Lots with a minimum Side Yard of five feet (5')

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

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

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

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

(Amended by Ord. No. 06-56)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

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

comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

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

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway location is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the Uniform Building and Fire Codes.

15-2.3-6 BUILDING HEIGHT.

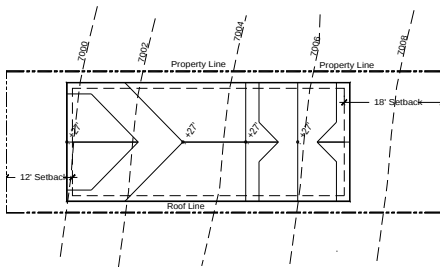
No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

Final Grade must be within four (4) vertical feet of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.

(B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the first story is located completely under the finish grade on all sides of the structure.

(C) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required



7:12 pitch.

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

(1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(3) Elevator Access. The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act standards. The applicant must verify the following:

a) The proposed height exception is only for the area of the elevator. No increase in square footage of the building is being achieved.

b) The proposed option is the only feasible option for the elevator on the site.

c) The proposed elevator and floor plans comply with the American Disability Act standards.

(4) Garage on downhill lot. The Planning Director may allow additional height on a downhill lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed 35 feet from existing grade.

Deleted: In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved window wells.¶

(Amended by Ord. No. 06-56)

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be

environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines, Chapter 15-5.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use Permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest slope within the building footprint and driveway.

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

(1) **LOCATION OF**

DEVELOPMENT. Development is located and designed to reduce visual and environmental impacts of the Structure.

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

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

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

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

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

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent

Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

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

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further

limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Zone Height in the HR-2 District is twenty-seven feet (27') and is restricted as stated above in section 15-2.3-6. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment after

Deleted: Building

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

- ¶ (a) The height exception does not result in a height in excess of forty feet (40').¶
- ¶ (b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.¶
- ¶ (c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.¶
- ¶ (d) Snow release issues are resolved to the satisfaction of the Chief Building Official.¶
- ¶ (e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.¶
- ¶ (f) The height exception is not granted primarily to create additional Building Area.¶
- ¶ (g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.¶
- ¶ (h) The height exception is Compatible with good planning practices and good Site design. . . .¶
- ¶ (i) The height increase will result in a superior plan and project.¶
- ¶ (j) The project conforms to Section 15-1-10, Conditional Use review.

January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

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

(Amended by Ord. No. 06-56)

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

(A) **SUB-ZONE A.** Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.

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

to an Historic Structure, and expanding the Main Street Business into the HR-2 zoned Lot:

(1) All Commercial Uses extending from Main Street to the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and must be below the Grade of Park Avenue projected across the Lot.

(2) All Buildings must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4.

(3) The height of the Building at the Zone District boundary, within the HCB District, must be Compatible with the twenty seven foot (27') height restriction on the adjacent HR-2 Lot.

(4) Existing and new above ground Structures fronting on Park Avenue may not contain Commercial Uses.

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

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

(7) All entrances and Access,

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

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

(9) No loading docks, service yards, detached mechanical equipment, exterior trash compounds, outdoor storage, or other similar Uses are allowed within the HR-2 portion of the Property.

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

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

permit.

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

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

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

(1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and

(2) West of Main Street within Block 13 and fronting on Main Street.

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

(1) These Commercial Uses are allowed as a Conditional Use permit review requirements in Section 15-1-10, and must be only in Historic Structures.

(2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the Property and its environment. New additions shall be subordinate to the

existing Structure.

(3) Adaptive reuse of residential Historic Structures for commercial Uses may impose only minimal changes to the defining Architectural Detail.

(4) New Construction must be residential in character and comply with the Historic District Design Guidelines for residential construction and all Lot and Site requirements of Section 15-2.3-4.

(5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.

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

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

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

15-2.3-10. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the

Historic District.

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

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

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

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

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

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

(F) Turning radii are subject to review by the City Engineer as to function and design.

(Amended by Ord. No. 06-56)

15-2.3-11. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit for any Conditional or Allowed Use within this district, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines, Chapter 15-5.

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

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

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

(Amended by Ord. No. 06-56)

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

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

(A) The Use is in a Historic Structure or addition thereto.

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

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

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

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

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

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

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

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

Structures, if the Applicant proves that:

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

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

(J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.3-13. MECHANICAL SERVICE.

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

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

(Amended by Ord. No. 06-56)

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

(Applies to Sub-Zone B only)

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall to window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.3-14(B)(3) for outdoor display of bicycles, kayaks, and canoes.

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

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

(a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli Use.

(b) The proposed seating Area is located on private Property or leased public Property and does not

diminish parking or landscaping.

(c) The proposed seating Area does not impede pedestrian circulation.

(d) The proposed seating Area does not impede emergency Access or circulation.

(e) The proposed furniture is Compatible with the Streetscape.

(f) No music or noise in excess of the City Noise Ordinance, Title 6.

(g) No Use after 10:00 p.m.

(h) No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

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

(a) The Use is located within Sub-Zone B only.

(b) The Use is on private Property or leased public Property and does not diminish parking or landscaping.

(c) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(d) The Use is Compatible with the neighborhood.

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

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

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

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

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

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

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

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

- | | |
|---|--|
| <p>(b) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.</p> <p>(c) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.</p> <p>(d) No more than a total of three (3) pieces of equipment may be displayed.</p> <p>(e) Outdoor display is allowed only during Business hours.</p> <p>(f) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.</p> <p>(4) OUTDOOR EVENTS AND MUSIC. Located in Sub-Zone B only. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan</p> | <p>and written description of the event, addressing the following:</p> <p>(a) Notification of adjacent Property Owners.</p> <p>(b) No violation of the City Noise Ordinance, Title</p> <p>(c) Impacts on adjacent residential Uses.</p> <p>(d) Proposed plans for music, lighting, Structures, electrical, signs, etc needs.</p> <p>(e) Parking demand and impacts on neighboring Properties.</p> <p>(f) Duration and hours of operation.</p> <p>(g) Impacts on emergency Access and circulation.</p> <p>(5) DISPLAY OF MERCHANDISE. Display of outdoor merchandise is subject to the following criteria:</p> <p>(a) The display is immediately available for purchase at the Business displaying the item.</p> <p>(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an</p> |
|---|--|

alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or

circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four

square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-56)

15-2.3-15. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.
(Amended by Ord. No. 06-56)

15-2.3-16. SIGNS.

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

15-2.3-17. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D).
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation. LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Review. LMC Chapter 15-11.
- X Snow Storage. LMC Chapter 15-3-3(E).
- X Parking Ratio Requirements. Section 15-3-6.

(Amended by Ord. No. 06-56)

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

TITLE 15 - LAND MANAGEMENT CODE (LMC)..... 1

*Chapter adopted by Ordinance No. 00-25***CHAPTER 15 - DEFINED TERMS.15-15-1.**

DEF

INITIONS.For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word ■herein• means ■in these regulations•; the word ■regulations• means ■these regulations•; ■used• or ■occupied• as applied to any land or Building shall be construed to include the words ■intended, arranged, or designed to be used or occupied•.

1



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

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

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

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

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

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

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

- (A) clearly incidental to, and customarily found in connection with such principal Building;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) not including Structures that do not require a Building Permit, such as sheds, less than 160 square feet.

1.4. **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.

1.5. **ACTIVE BUILDING PERMIT.**

Any Building Permit that has not expired.

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

1.7. **AFFORDABLE HOUSING.**

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

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

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

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

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

1.12. **ANTENNA.** A transmitting or receiving device used in Telecommunications that radiates or

captures radio, television, or similar communication signals.

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

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

(C) **Antenna, Freestanding.** An Antenna mounted on or within a stand alone support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole, or other vertical support.

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

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

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

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

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

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

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

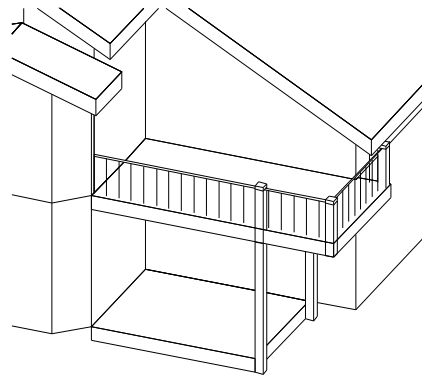
1.16. **ARCHITECTURAL DETAIL**. Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within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

1.17. **AREA OR SITE**. A specific geographic division of Park City where the

location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

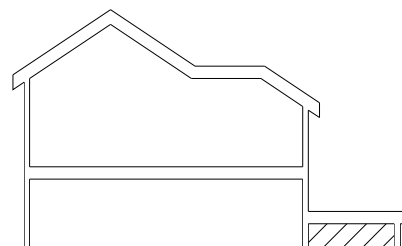
1.18. **BAKERY**. A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

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

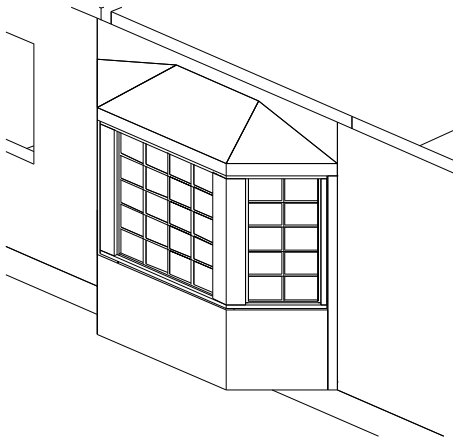


1.20. **BAR**. A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

1.21. **BASEMENT**. Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See Section 1.92 **First Story**.



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



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

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

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

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

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

1.28. **BOARDING HOUSE**. A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

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

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

(B) **Building, Detached.** Any

Building separated from another Building on the same Lot or Parcel.

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

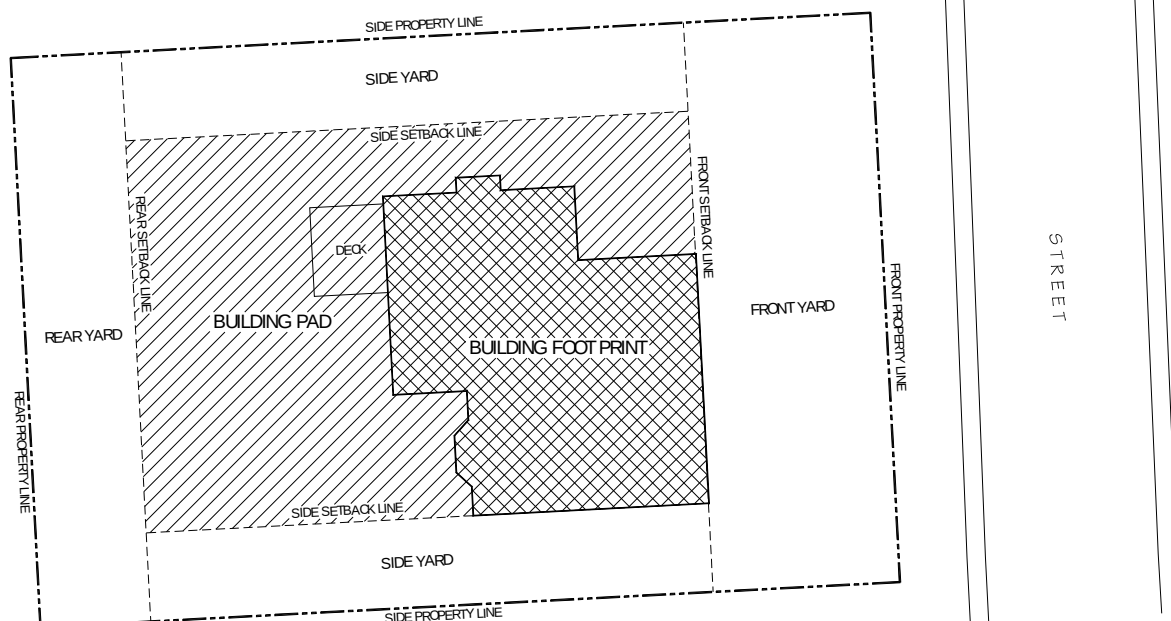
(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

1.30. **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the

maximum Building Envelope in which all Development must occur.

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

1.32. **BUILDING PAD.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also refer to Section 1.134 Limits of Disturbance.



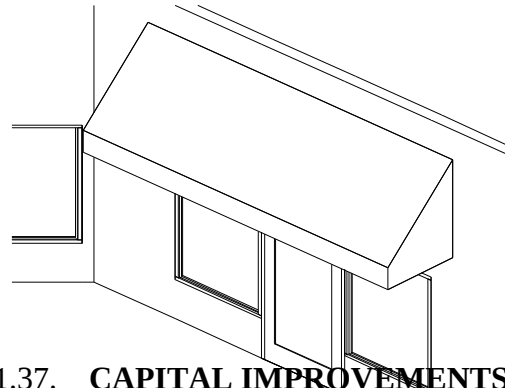
1.33. **BUILDING PERMIT.** A permit issued by the Chief Building Official

authorizing Construction Activity on a Property or Lot.

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

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

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



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

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

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

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

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

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

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

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

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

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

1.43. **CLEARVIEW OF INTERSECTING STREETS.** On any

Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street. This Area is the Site Distance Triangle. See Section 1.224, Site Distance Triangle.

1.44. **CLUB.**

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

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

- (1) a deeded interest in real Property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;

(3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;

(4) beneficial interest in a trust;

(5) other arrangement providing for such Use and occupancy rights.

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

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

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

1.45. **CLUSTER DEVELOPMENT.** A design that concentrates Buildings in specific Areas on a Site to allow the

remaining land to be used for recreation, Open Space, and preservation of environmentally sensitive Areas.

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

1.47. **COLLECTOR ROAD.** A road intended to move traffic from local roads to major throughways. A Collector Road generally serves a neighborhood or a large Subdivision.

1.48. **CO-LOCATION.** See Telecommunications Facility, Co-Location, 1.242(A).

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

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

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

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

of the residents.

1.51. **COMMON OWNERSHIP.**

Ownership of the same Property by different Persons.

1.52. **COMPATIBLE OR**

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

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

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

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

1.56. **CONSTITUTIONAL TAKING.** Final Actions(s) by the City to physically take or exact private real Property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the

United States, or of Article I, Section 22, of the Utah Constitution.

1.57. **CONSTRUCTION ACTIVITY.**

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

1.58. **CONSTRUCTION**

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

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

1.60. **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR**

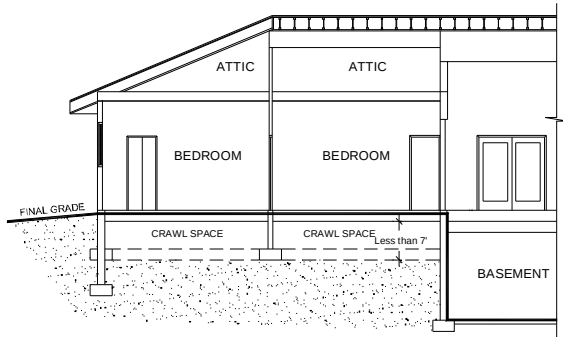
OBJECT. A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

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

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

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

above.



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

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

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

1.67. **DEMOLISH OR DEMOLITION.** Any act or process that destroys in part or in whole a Landmark or Structure.

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

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

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

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

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

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

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

1.75. **DEVELOPMENT APPROVAL APPLICATION.** Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The

term “Development Approval Application” shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

1.76. **DISABLED CARE.** A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1) or more of a Person’s major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

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

1.78. **DWELLING.**

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

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

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

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

1.79. **DWELLING UNIT.** A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a

Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

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

1.81. **ELDER CARE.** A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

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

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

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

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

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

light fixtures, signs, and appurtenant features.

1.87. **FACADE.**

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

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

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

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

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

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

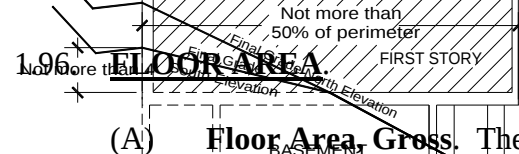
1.92. **FINAL ACTION.** The later of the final vote or written decision on a matter.

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

1.94. **FIRST STORY.** The lowest story in a Building provided the floor level is not

more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. See the following illustration:

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



(A) **Floor Area, Gross.** The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet¹, are

¹400 sq. ft. in Historic Districts

not considered Floor Area. Basement Areas below Final Grade are not considered Floor Area.

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

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

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

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

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

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

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

1.100. **FULLY SHIELDED.** See Section 1.142(B) Luminaire, Fully Shielded.

1.101. **GARAGE.**

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

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

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

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

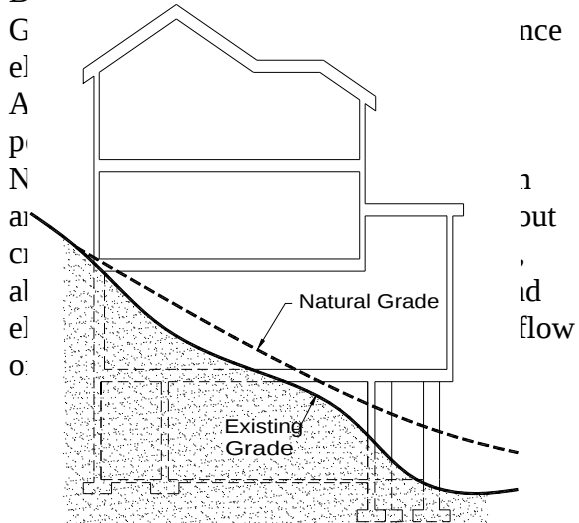
1.102. **GEOLOGIC HAZARD.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, Property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable Slopes, faulting landslides, and rock fall.

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

1.104. **Grade.** The ground surface elevation of a Site or Parcel of land.

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

(B) **Grade, Natural.** The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural



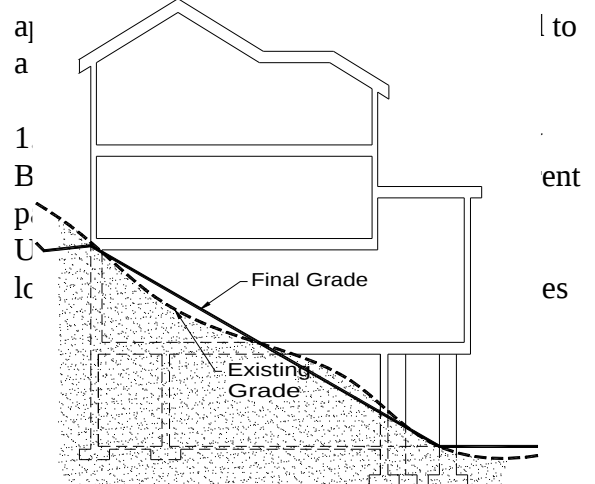
(C) **Grade, Final.** The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

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

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

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

1.108. **GUARANTEE.** Any form of security including a cash deposit with the City, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City or some combination of the above as approved by the city or an



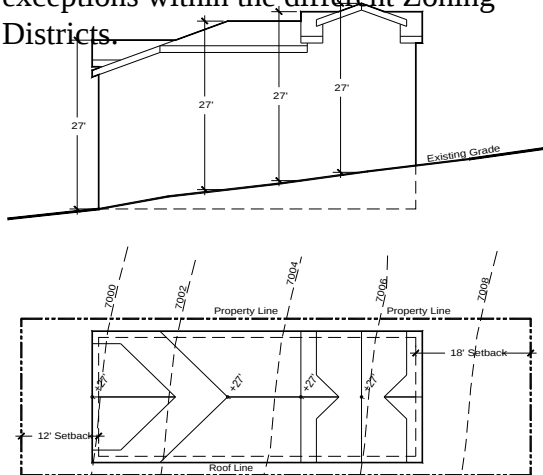
are provided. Payment is not allowed.

1.110. HABITABLE SPACE (ROOM).

Space in a Structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar Areas are not considered Habitable Space.

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

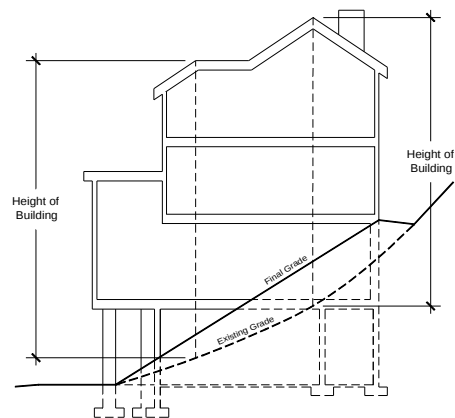
1.112. HEIGHT, BUILDING. The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.



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

1.114. HISTORIC BUILDING, STRUCTURE, SITE OR OBJECT. Any Building, Structure, Site and/or object, as designated by the Historic Preservation Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

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



Historic District Building Height

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

integrity. They are as follows:

(A) **Location.** The place where the Historic Site was constructed or the Historical event took place.

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

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

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

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

(F) **Feeling.** A Site's expression of the aesthetic of Historic sense of a particular period of time. Feeling results

from the presence of physical features that, taken together, convey the Property's Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.117. **HISTORIC SITES INVENTORY.**

A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set forth in Land Management Code Chapter 15-11.

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

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

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

1.120. **HOTEL/MOTEL.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis and accessory facilities such as a lobby, meeting rooms, recreation facilities,

group dining facilities, and/or other facilities or activities customarily associated with Hotels, such as daily maid service. These terms do not include Lockout Units or Bed and Breakfast Inns. Hotels/Motels are considered a lodging Use. Hotel/Motels are generally an establishment containing guest rooms, some of which have a separate entrance leading directly from the outside of the Building. Payment is generally on a daily or weekly basis.

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

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

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

1.122. **HOTEL SUITE.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette.

See Sections 1.23. Bed and Breakfast Inn, 1.135. Lockout Unit, and 1.28. Boarding House.

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

1.124. **INACTION.** An Application is Inactive and subject to denial on the basis of

Inactivity if, through the act or omission of the Applicant and not the City:

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

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

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

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

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

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

1.127. **KITCHEN.** An enclosed Area for the preparation of food and containing a

sink, refrigerator, and stove.

(A) **Kitchen, IBC Commercial.**

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

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

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

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

1.131. **LANDSCAPING**.

(A) **Landscaping, Interior.**

Planting islands located within the Parking

Area.

(B) **Landscaping, Parking**

Area. Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

(C) **Landscaping, Perimeter.**

Planting Areas between the Property Line and Parking Area.

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

1.131. **LIFTWAY SETBACK**. The minimum allowable distance between the side line of the Liftway and any Structure.

1.133. **LIGHT SOURCE**. A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

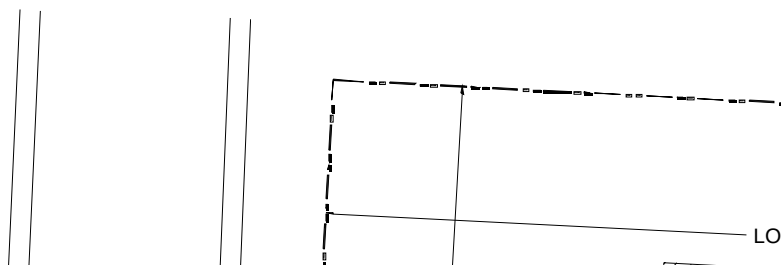
(A) **Light Source, Refractive.**

A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.134. **LIMITS OF DISTURBANCE**. The designated Area in which all Construction Activity must be contained.

1.135. **LOCKOUT UNIT**. An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

1.136. **LOT**. A unit of land described in a recorded Subdivision Plat.



at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

1.137. **LOT DEPTH**. The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

1.138. **LOT LINE**. Any line defining the boundaries of a Lot.

1.139. **LOT LINE ADJUSTMENT**. The relocation of the Property Line between two

(2) adjoining Lots.

1.140. **LOT WIDTH**. The minimum distance between the Side Lot Lines at the Front Yard or Front Building Facade. See the following illustration:

1.141. **LUMEN**. A measurement of light output or the amount of light emitting from a Luminaire.

1.142. **LUMINAIRE**. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

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

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

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

1.143. **MASTER PLANNED DEVELOPMENT (MPD)**. A form of

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

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

1.145. **MAXIMUM HOUSE SIZE**. A measurement of Gross Floor Area.

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

1.147. **NEIGHBORHOOD CONVENIENCE, COMMERCIAL**. Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

1.148. **NIGHTLY RENTAL**. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person.

Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

1.149. **NON-COMPLYING STRUCTURE**. A Structure that:

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

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

1.150. **NON-CONFORMING USE**. A Use of land that:

(A) legally existed before its current zoning designation;

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

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

1.151. **NOTEWORTHY**. Deserving notice or attention because of uniqueness, excellence, or Significance.

1.152. **NURSERY, GREENHOUSE**. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.153. **NURSING HOME**. A Business described also as a “rest home”, or “convalescent home”, other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than

diagnoses or treatment. Also see Section 1.106 Group Care Facility.

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

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

1.156. **OFFICE**.

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

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

(C) **Office, Medical**. A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic

generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

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

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

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

1.159. **ONE BEDROOM APARTMENT**.

A Dwelling Unit consisting of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

1.160. **OPEN SPACE.**

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

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

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

1.161. **ORDINARY HIGH WATER MARK.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall

be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

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

1.163. **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.

1.164. **OWNER.** Any Person, or group of Persons, having record title to the Property sought to be developed or subdivided, and the Owner's Agent.

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

1.166. **PARKING.**

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

public for fee or otherwise.

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

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

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

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

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

1.170. **PARKING STRUCTURE.** A fully enclosed Structure designed and intended for parking.

1.171. **PASSENGER TRAMWAY.** A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

1.172. **PERIOD OF HISTORIC SIGNIFICANCE.** A specific period of time that provides a context for Historic

Sites based on a shared theme.

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

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

1.175. **POROUS PAVING.** A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving.

1.176. **PRELIMINARY PLAT.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

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

1.178. PRESERVATION EASEMENT.

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

1.179. PRIVATE CLUB. See 1.44(A), Club, Private.

1.180. PRIVATE RESIDENCE CLUB. See 1.44(B), Club, Private Residence.

1.181. PRIVATE RESIDENCE CLUB CONVERSION. See 1.44(C), Club, Private Residence Club Conversion.

1.182. PRIVATE RESIDENCE CLUB PROJECT. See 1.44(D), Club, Private Residence Club Project.

1.183. PROPERTY. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

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

- (1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building

edge, of the public sidewalk; and

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

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

1.184. PROPERTY LINE. The boundary line of a Parcel or Lot.

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

1.185. PROPERTY OWNER. See 1.164, Owner.

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

1.187. PUBLIC USE. A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

1.188. QUALIFIED PROFESSIONAL. A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the

field or fields relating to the matter being studied or analyzed.

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

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

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

1.192. **RECREATION FACILITIES**.

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

(B) **Recreation Facilities, Private**. Recreation facilities operated on private Property and not open to the general public.

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

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

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

1.195. **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.

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

1.197. **RESTAURANT**. A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through**. A Restaurant, Deli, Café, fast food Restaurant, or other similar Business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

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

missing features from the restoration period.

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

1.200. **RETAIL AND SERVICE**.

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

(B) **Retail and Service, Commercial-Major**. A large scale Business engaged primarily in the sale or rental of goods, merchandise, or services with a high customer turnover and high parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) **Retail and Service, Commercial-Minor**. A Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods. These

Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

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

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

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

1.203. **RIGHT-OF-WAY**. A strip of land, dedicated to public Use, that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

1.204. **ROAD**.

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

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

1.206. **ROAD RIGHT-OF-WAY WIDTH.** The distance between Property Lines measured at right angles to the center line of the Street.

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

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

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

License.

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

1.209. **SBWRD.** Snyderville Basin Water Reclamation District.

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

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

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

1.213. **SENSITIVE LANDS ANALYSIS.** A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a

written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/ Wildland Interface Zones.

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

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

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

1.216. **SEXUALLY ORIENTED BUSINESSES.** Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

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

1.218. **SIGNIFICANT RIDGE LINE**

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

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

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

1.221. **SINGLE FAMILY SUBDIVISION.** A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

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

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

1.224. **SITE DISTANCE TRIANGLE.** A triangular Area at the intersection of two

Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.

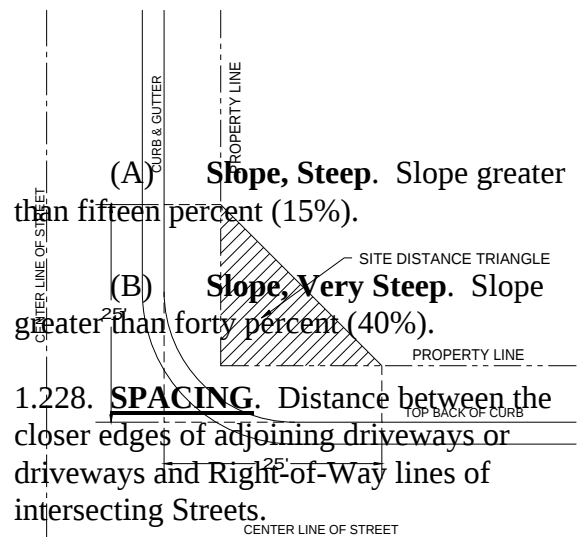
figure in a percentage value.

1.225. **SITE SUITABILITY ANALYSIS.**

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

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

1.227. **SLOPE.** The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting



1.229. **STEALTH.** See Telecommunications Facility, Stealth 1.242(C).

1.230. **STOREFRONT PROPERTY.** See Property, Storefront 1.183(A).

XXXX. STORY. The vertical measurement between floors taken from finish floor to finish floor. For the topmost story, the vertical measurement taken from the top floor finish to the top of the wall plate for the roof structure.

1.231. **STREAM.** A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches

$$\text{SLOPE} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}}$$



and canals constructed for irrigation and drainage purposes.

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

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

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

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

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

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

1.236. **STUDIO APARTMENT**. A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping,

having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

1.237. **SUBDIVISION**. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Resubdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

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

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

1.238. **SUBDIVISION PLAT**. The final map or drawing, on which the Applicant's plan of Subdivision is presented to the City Council for approval and which, if

approved, may be submitted to the Summit County Recorder for filing.

1.239. **SUITABILITY**

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

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

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

1.242. **TELECOMMUNICATIONS FACILITY.** A Telecommunications

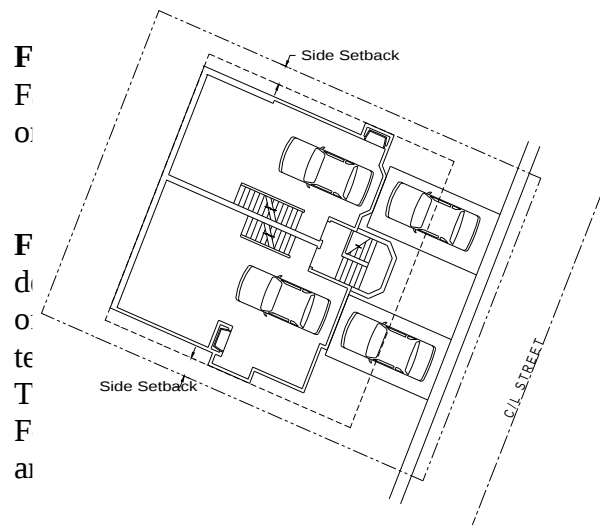
Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

(A). **Telecommunications**

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

(B) **Telecommunications**

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



1.243. **TEMPORARY IMPROVEMENT.**

A Structure built and maintained during construction of a Development, activity or special event and then removed prior to release of the performance Guarantee.

1.244. **TIMESHARE CONVERSION.**

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

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

1.246. **TIMESHARE INSTRUMENT.** Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

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

1.248. **TIMESHARE OFF-PREMISES CONTACTING ACTIVITY.** Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

1.249 **TIMESHARE OFF-PREMISES SALES ACTIVITY.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

1.250. **TIMESHARE OFF-PREMISES SALES OFFICE.** An office outside of a

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

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

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

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

1.254. **TIMESHARE SALES PRESENTATION.**

(A) An offer to sell or reserve a Timeshare Interval;

(B) An offer to sell an option to purchase a Timeshare Interval;

(C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or

(D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

1.255. **TIMESHARE UNIT.** That unit of Property and time where possession and Use

are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

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

1.257. **TRANSFERRED DEVELOPMENT RIGHT (TDR) OPEN SPACE.** See Section 1.160(C) Open Space, TDR.

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

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

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

1.261. **UNIT EQUIVALENT.** The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

1.262. **USE.** The purpose or purposes for which land or Structures are occupied,

maintained, arranged, designed, or intended.

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

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

1. Osguthorpe Barn;
2. Treasure Mountain Middle School;
3. Intersection of Main Street and Heber Avenue;
4. Park City Ski Area Base;
5. Snow Park Lodge;
6. Park City Golf Course Clubhouse;
7. Park Meadows Golf Course Clubhouse;
8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40; and
9. Highway 224, one-half mile south of the intersection with Kilby Road.

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

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

1.266. **WILDFIRE/WILDLAND**

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

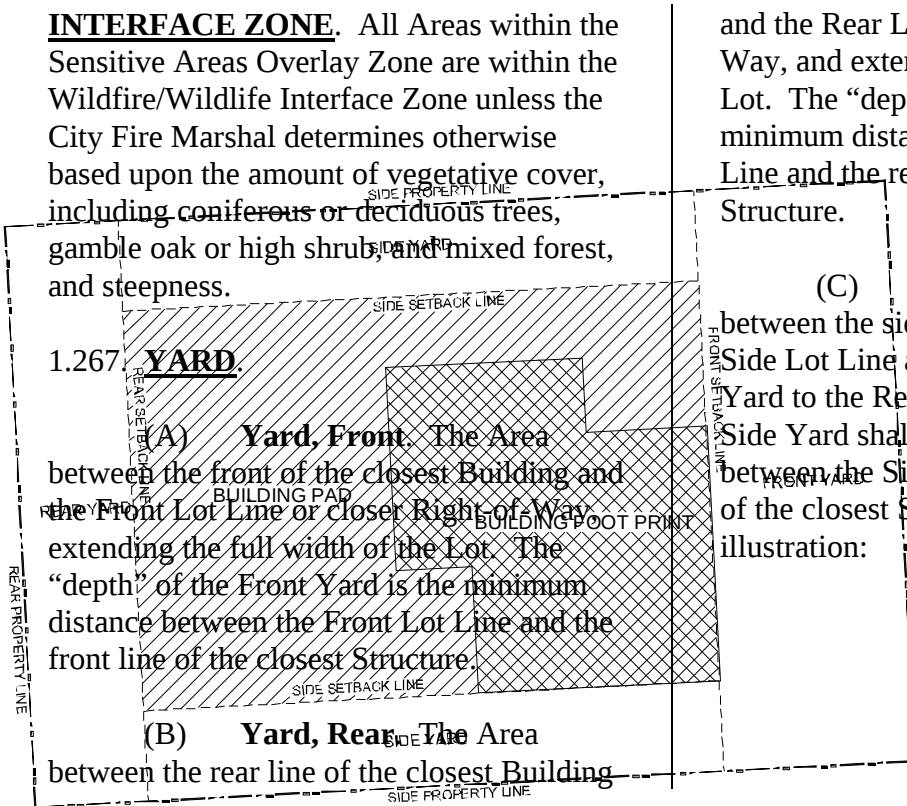
1.267. **YARD.**

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

(B) **Yard, Rear.** The Area between the rear line of the closest Building

and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



1.268. **ZONE HEIGHT.** The base

Building height permitted in the Zoning

District prior to Application of any allowable height exceptions.

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

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

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07; 09-05; 09-09)

15-15-2. LIST OF DEFINED TERMS.

-A-

Access
Accessory Apartment
Accessory Building
Accessory Use
Active Building Permit
Administrative Permit
Affordable Housing
Agent
Agriculture
Allowed Use
Alteration, Building
Antenna
Antenna, Test Drive
Antenna, Enclosed
Antenna, Freestanding
Antenna, Roof Mounted
Antenna, Temporary
Antenna, Wall Mounted
Apartment

Applicant
Application
Application, Complete
Architectural Detail
Area or Site

-B-

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

-C-

Café
Canopy
Capital Improvements Program
Certificate of Appropriateness
Certificate of Economic Hardship
Certificate of Occupancy
Child Care
Child Care, In-Home Babysitting
Child Care, Family
Child Care, Family Group

Child Care Center	Development
Clearview of Intersecting Streets	Development Agreement
Club	Development Approval Application
Club, Private	Disabled Care
Club, Private Residence	Dissimilar Location
Club, Private Residence Conversion	Dwelling, Duplex
Club, Private Residence Off-Site	Dwelling, Triplex
Club, Private Residence Project	Dwelling, Multi-Unit
Cluster Development	Dwelling, Single Family
Code	Dwelling Unit
Collector Road	
Co-Location (see Telecommunications Facility, Co-Location)	-E-
Commercial Use	Economic Hardship, Substantial
Commercial Use, Support	Elder Care
Commercial Use, Resort Support	Elevator Penthouse
Common Area	Equipment Shelter (see Telecommunications Facility, Equipment Shelter)
Common Ownership	Escrow
Compatible or Compatibility	Essential Historical Form
Conditional Use	Exterior Architectural Appearance
Condominium	
Conservation Activity	-F-
Constitutional Taking	Facade, Building
Construction Activity	Façade, Front
Construction Mitigation Plan	Facade Easement
Construction Plan	Facade Shift
Contributing Building, Structure, Site/Area or Object	Fence
Council	Filtered Light Fixture
Cover, Site	Final Action
Crawl Space	Final Plat
Crest of Hill	First Story
Cul-de-sac	Flood Plain Area
	Floor Area, Gross
-D-	Floor Area, Net Leasable
Deli or Delicatessen	Floor Area Ratio (FAR)
Demolish or Demolition	Foot Candle
Density	Foot Candle, Average (afc)
Design Guideline	Foot Candle, Horizontal (hfc)
Detached	Foot Candle, Vertical (vfc)
Developable Land	Frontage
Developer	Fully Shielded

-G-

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

-H-

Habitable Space (Room)
Hard-Surfaced
Height, Building
Historic
Historic Building, Structure, Site or Object
Historic District
Historic Integrity
Historic Significance, Period of
Historic Sites Inventory
Historical Form, Essential (see Essential
Historical Form)
Home Occupation
Hospital
Hospital, Limited Care
Hotel/Motel
Hotel/Motel, Major
Hotel/Motel, Minor
Hotel Room
Hotel Suite

-I-

Impact Analysis
Inaction
Incidental Retail Sales

Indoor Entertainment Facility

-K-

Kitchen
Kitchen, IBC Commercial
Kitchenette

-L-

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

-M-

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

-N-

Neighborhood Convenience, Commercial
Nightly Rental
Non-Complying Structure
Non-Conforming Use

Noteworthy
Nursery, Greenhouse
Nursing Home

-O-

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

-P-

Parcel
Parking, Public
Parking, Residential
Parking, Shared
Parking Area
Parking Lot, Commercial
Parking Space
Parking Structure
Passenger Tramway
Period of Historic Significance
Person
Planned Unit Development (PUD)
Porous Paving
Preliminary Plat
Preservation
Preservation Easement

Private Club (see Club, Private)
Private Residence Club (see Club, Private
Residence)
Private Residence Club Conversion (see
Club, Private Residence Conversion)
Private Residence Club Project (see Club,
Private Residence Project)
Property
Property, Storefront
Property Line
Property Line, Front
Property Owner (see Owner)
Public Improvement
Public Use

-Q-

Qualified Professional
Quasi-Public Use

-R-

Reconstruction
Recreation Equipment, Outdoor
Recreation Facilities, Commercial
Recreation Facilities, Private
Recreation Facilities, Public
Refractive Light Source
Regulated Use
Rehabilitation
Residential Use
Resort Support Commercial
Restaurant
Restaurant, Drive-Through
Restoration
Resubdivision
Retail and Service, Commercial-Auto
Related
Retail and Service, Commercial-Major
Retail and Service, Commercial-Minor
Retail and Service, Commercial-
Personal Improvement
Ridge Line Area
Riding Stable, Commercial

Right-of-Way	Subdivision
Road, Collector	Subdivision, Major
Road Classification	Subdivision, Minor
Road Right-of-Way Width	Subdivision Plat
	Substantial Economic Hardship (see Economic Hardship, Substantial)
-S-	Suitability Determination
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays	
Satellite Receiving Station	-T-
SBWRD	Tandem Parking
Screen or Screened	Telecommunications
Secondary Living Quarters	Telecommunications Facility
Sensitive Land	Telecommunications Facility, Co-Location
Sensitive Land Analysis	Telecommunications Facility, Equipment Shelter
Sensitive or Specially Valued Species	Telecommunications Facility, Stealth
Setback	Telecommunications Facility, Technical Necessity
Sexually Oriented Businesses	Temporary Improvement
Significance	Timeshare Conversion
Significance, Period of Historic	Timeshare Estate
Significant Ridge Line Area	Timeshare Instrument
Significant Site	Timeshare Interval
Significant Vegetation	Timeshare Off-Premises Contacting Activity
Single Family Subdivision	Timeshare Off-Premises Sales Activity
Site	Timeshare Off-Premises Sales Office
Site Development Standards	Timeshare On-Site Sales Activity
Site Distance Triangle	Timeshare On-Site Sales Office
Site Suitability Analysis	Timeshare Project
Sketch Plat	Timeshare Sales Presentation
Slope	Timeshare Unit
Slope, Steep	Timeshare Use
Slope, Very Steep	Transferred Development Right (TDR) Open Space
Spacing	Transportation Services
Storefront Property (see Property, Storefront)	
Stream	-U-
Stream Corridor	UDOT
Street	Uniformity Ratio
Street, Public	Unit Equivalent
Streetscape	Use
Streetscape, Architectural	Use, Intensity of
Structure	
Studio Apartment	

-V-

Vantage Points

Vehicle Control Gate

-W-

Wetland, Significant

Wildfire/Wildland Interface Zone

-Y-

Yard, Front

Yard, Rear

Yard, Side

-Z-

Zone Height

Zoning District

Zoning Map, Official