

**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE**

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

*Chapter adopted by Ordinance No. 02-07*

**CHAPTER 4 - SUPPLEMENTAL REGULATIONS.**

**15-4 -1. PURPOSE.**

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

**15-4 -2. FENCES AND RETAINING WALLS.**

(A) **LOCATION.** Fences and retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions in Chapter 2.

Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or Side Yard. Within any required Front Yard or Street Side Yard, Fences and retaining walls shall not exceed four feet (4') in height, measured from Final Grade.

Where a Fence or retaining wall occurs along a Property Line separating two (2)

Lots and there is a difference in the Grade of the Properties, the Fence or retaining wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

(1) **EXCEPTION.** The height of retaining walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development (MPD) or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

The height of retaining walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an Administrative Conditional Use permit or as approved as part of a

Master Planned Development or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

(B) **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones with the following exceptions, which must be approved by the Planning Director.

(1) For recreational facilities such as tennis courts,

(2) As temporary limits of disturbance, fencing during construction as approved by the Planning Department.

(3) Chain link Fences within the required Yard Areas may be permitted in other circumstances by the Planning Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

(C) **BERMS.** Berms within the required Yard Area may be constructed subject to the following:

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

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

(3) Within Front Yard Areas berms may not be constructed to interfere with required sight distance and may not obstruct driver's line of sight from Streets and roads.

(D) **PERMIT.** A Building Permit is required for construction of any Fence or retaining wall greater than six feet (6') in height. Within any of the Historic zoning districts construction of any Fence or retaining wall greater than four feet (4') in height requires a Building Permit.

*(Amended by Ord. Nos. 06-22; 07-25; 09-10; 12-37)*

### **15-4 - 3. HOME OCCUPATION.**

A Home Occupation is a permitted Accessory Use, conducted and carried on entirely within a dwelling, or within an accessory Structure on the same Lot, by Persons residing in the dwelling, which Use is clearly incidental and secondary to the Use of the dwelling for dwelling purposes and does not change the residential character thereof.

Only those Persons making the home their primary residence may be employed in a Business operated from that home.

A Home Occupation shall not include the on-Site sale of goods or merchandise except those, which are produced on the premises,

or those that are clearly Incidental Retail Sales, and shall not involve the Use of any outdoor yard space to conduct the Business, with the exception of permitted agricultural and horticultural products. Activity outside of the Buildings, related to the Home Occupation that is not normally associated with a Residential Use is not permitted.

The Use of mechanical equipment shall be limited to small tools whose Use shall not generate noise, vibration, smoke, dust, heat, glare, or odors perceptible beyond the premises of the dwelling.

The total Area used for the Home Occupation shall be limited to no more than one-half ( ½ ) of the floor Area of the first floor and shall not change the residential character of the Building. This does not require the Home Occupation to occupy only the first floor.

Outdoor storage of equipment, materials, and supplies associated with a Home Occupation is prohibited. Storage of equipment, materials, and supplies associated with a Home Occupation, within a garage, shall not displace required Off-Street parking.

There shall be no exterior advertising of Home Occupation Businesses on the premises by window displays or signs.

No traffic may be generated by such Home Occupation in a volume that creates a need for parking greater than that which can be accommodated on the Site consistent with the residential parking requirements or which is inconsistent with the normal

parking usage of the district.

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

- (1) arts and crafts studio;
- (2) culinary products Kitchen or studio;
- (3) dressmaking or millinery work;
- (4) professional office;
- (5) home office for insurance or real estate sales or telemarketing; or
- (6) teaching and tutoring.

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

- (1) animal hospital;
- (2) long term care facility;
- (3) restaurants, bars, cafes and other general commercial retail Uses;
- (4) Bed and Breakfast Inns; or
- (5) Child Care or Group Care Facilities.

*(Amended by Ord. No. 09-10)*

**15-4 - 4. SECONDARY LIVING QUARTERS.**

Secondary living quarters are a permitted Accessory Use in all districts except the HRL, HR-1, HR-2, and ROS, unless previously approved by a Master Planned Development. Any request for secondary living quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to issuance of Building Permit or Certificate of Occupancy issuance:

- (A) **SIZE.** The maximum size for secondary living quarters shall be 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.
- (B) **PARKING.** One (1) on-Site Parking Space for each Secondary Living Quarter shall be provided in addition to the underlying parking requirement. Tandem Parking is allowed.
- (C) **SINGLE UTILITY METERS.** The main dwelling and the Secondary Living Quarters shall be on the same utility meters.
- (D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens, as defined in this Code.
- (E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.
- (F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling.

Nightly Rentals and other seasonal rentals are prohibited. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar Persons.

*(Amended by Ord. No. 06-22)*

#### **15-4 -5. LOCKOUT UNITS.**

Lockout Units are a Conditional Use in the HRL District and are an Allowed Use in all other Zoning Districts, except in the ROS, POS, SF, and LI Districts where they are not permitted. A Lockout Unit is an Area of a dwelling with a separate exterior Access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly Rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

#### **15-4-6. GUEST HOUSES.**

Guest Houses are a Conditional Use in Zoning Districts where they are permitted and must be reviewed against the Conditional Use permit regulations in LMC Chapter 15-1-10. Guest Houses are only permitted on Lots of one (1) acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, POS, RCO, GC, or LI Zoning Districts.

Guest Houses may be no larger than one third (1/3) of the size of the main dwelling, in terms of floor Area and shall be limited to a maximum floor Area of 1,500 square feet,

unless additional floor Area is approved by the Planning Commission during a Master Planned Development (MPD) approval. A Guest House may not increase the floor Area or Building Footprint as specified in the Land Management Code (LMC) or any specific Subdivision approval.

Guest Houses may be attached or detached from the main house and may not be sold or leased separate from the main house. Prior to Building Permit or Certificate of Occupancy issuance, a deed restriction “Notice to Purchaser” stating that the Guest House may not be sold or leased separate from the main house, shall be recorded at the County Recorders Office.

*(Amended by Ord. No. 06-22)*

**15-4 - 7. ACCESSORY APARTMENTS.**

Accessory Apartments are subject to the following criteria:

(A) **CRITERIA FOR USE.**

(1) **SIZE.** Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum floor Area of 1,000 square feet and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the floor Area of a Structure over the maximum floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

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

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

(c) **Historic District Zones.** One (1) tandem Parking Space, parking one vehicle behind another, for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning

Commission has made the following findings:

- (i) Tandem Parking will not create an undue hardship for the neighborhood.
- (ii) Other parking options are less desirable than the proposed tandem space.
- (iii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.

(3) **APARTMENTS PER LOT.** No more than one (1) Accessory Apartment may be located on a Lot.

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

(5) **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three

hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.

(6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.

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

"A permit for an Accessory Apartment was issued to \_\_\_\_\_, the current Owner of this Property on \_\_\_\_\_. This permit runs with the land and is automatically transferred to the new owner by the sale or Transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the

other must be occupied by the Owner.

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

(8) **NIGHTLY RENTALS.** If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and notification requirements established in LMC Chapter 15-1-12 (E).

(B) **REGULATED USE REVIEW.** The Planning Department shall review Accessory Apartments in those zones where the Apartments are a Regulated Use. This includes all Zoning Districts where Accessory Apartments are an Allowed Use and not a Conditional Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Department shall approve a permit if the requested Accessory Apartment complies with the criteria for Use in Section 15-4-7 (A), established herein. The Planning Department shall impose reasonable conditions to mitigate any impacts to the

surrounding neighborhood.

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(C) **CONDITIONAL USE REVIEW.** In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Commission shall approve a permit if the requested Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in LMC Chapter 15-1-10 have been mitigated.

(1) **PERMIT REVOCATION.** The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter and any additional conditions of approval. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination



of permit non-compliance and decide if permit revocation should occur.

(D) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-conforming Accessory Apartments may be approved by the Planning Department provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7 (A). If the existing Accessory Apartment does not meet the criteria as specified, the Planning Commission shall review the Use. The Planning Commission shall approve the request only if the following findings can be made:

- (1) The Apartment contains no more than two (2) Bedrooms;
- (2) One (1) Parking Space per Bedroom is provided for Use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements;
- (3) One (1) unit is Owner-occupied;
- (4) Impacts of the Use can be mitigated;
- (5) Neither Dwelling Unit is proposed to be rented for periods less than thirty (30) days; and
- (6) All significant impacts to the surrounding neighborhood are reasonably mitigated and continue to be mitigated.

*(Amended by Ord. Nos. 06-22; 07-49)*

**15-4-8. GROUP CARE FACILITIES.**

(A) **PURPOSE.** To ensure that Group Care Facilities do not have an adverse impact on the character of adjacent neighborhoods and to ensure that issues of public safety, traffic and parking are mitigated, permitting of these facilities is governed by the following regulations. The intent of these regulations is to locate such Group Care Facilities where the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facilities; where the Site can accommodate adequate Off-Street parking; where the Structures are designed to be Compatible with the character of the adjacent neighborhood; and where the type of Use, activities, and services provided by the Group Care Facility are substantially consistent with the activities otherwise permitted in the district.

(B) **PERMIT REQUIRED.** All Group Care Facilities require a Conditional Use permit prior to occupancy. A business license and Certificate of Occupancy for the Group Care Facility is also required. No Certificate of Occupancy will be issued by the City for a Group Care Facility until the Applicant has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having proper jurisdiction.

Family foster homes are exempt from these regulations.

Child Care homes and facilities are regulated in Section 15-4-9.

Elder Care homes are exempt from these regulations, provided that the maximum number of elderly Persons receiving care, protection and supervision in any such home shall not exceed eight (8) at any given time.

Dependent on the review criteria herein, the maximum permissible number of residents, excluding supervisors, is eight (8) in the R-1, HRC and HCB Zoning Districts; twelve (12) in the RCO, GC, and LI Zoning Districts; and six (6) in all other Districts where Group Care Facilities are a Conditional Use.

The minimum separation requirement between any other Group Care Facility shall be 750 feet. The Planning Commission may permit two (2) such facilities to be located closer than 750 feet if they are separated by a physical barrier, including without limitation an arterial Street or State Highway, a commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the separation requirement shall be allowed only after the Commission has determined that the barrier and the resulting separation are adequate to protect the City and neighborhood from any detrimental impacts resulting from an excessive concentration of Group Care facilities in any one (1) vicinity. The Planning Department maintains a map and notebook showing the location of such Group Care Facilities.

(C) **REVIEW CRITERIA.** The Planning Department shall review all Group

Care Facilities Applications and forward them to the Planning Commission. The Planning Commission shall consider the following criteria, in addition to all criteria listed in LMC Chapter 15-1-10, Conditional Use permit review:

- (1) Whether the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.
- (2) Whether the Group Care Facility has made on-Site accommodations for all parking and circulation requirements.
- (3) Whether the architectural design of the facility is Compatible with the character of the adjacent neighborhood.
- (4) Whether the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities otherwise permitted in the district. No Person shall make a Group Care Facility available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the Property of others. This determination that an individual poses a direct threat to the health and safety of others or a risk of substantial physical damage to Property must be based on a history of overt acts or current conduct of

that individual and must not be based on general assumptions or fears about a class of disabled Persons.

(5) Whether there are other such facilities located within 750 feet of the proposed location.

(D) **NOTICE**. A notice of any Group Care Facility Conditional Use permit granted by the City, and any conditions imposed upon such facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the Property upon which the Group Care Facility is permitted.

(E) **PROHIBITED**. Group Care Facilities are prohibited in the HRL, POS, and ROS Zoning Districts.

*(Amended by Ord. No. 06-22)*

#### **15-4-9. CHILD CARE AND CHILD CARE FACILITIES.**

(A) **POLICY AND PURPOSE**. It is the intent of Park City to encourage the provision of Child Care, which meets the fluctuating needs and demands of the City's residents, employees, and employers. Health and safety, convenience, compatibility, affordability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

(B) **IN-HOME BABYSITTING**. In-home babysitting includes the provision of Child Care for four (4) or fewer children within a dwelling, and within commercial Buildings outside of residential zones. In-home babysitting shall be permitted in all Zoning Districts. In-home babysitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted Accessory Use. Standard Building and zoning regulations shall be complied with.

(C) **FAMILY CHILD CARE**. Family Child Care is a small scale Child Care home which includes the provision of Child Care for up to eight (8) children within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen (18) if they are cared for in the same area of the Structure as that designated for Family Child Care.

Family Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

(1) **PERMITS REQUIRED**. Family Child Care homes shall be permitted in all Zoning Districts subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home by the Chief Building Official and either an Administrative Permit issued by the

City Planning Director or a Conditional Use permit issued by the Planning Commission. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Planning Department. Family Child Care in Multi-Unit Dwellings, such as Apartments, Condominiums, and townhouses, requires a Conditional Use permit issued by the Planning Commission. Family Child Care requires a Conditional Use permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) **REVIEW CRITERIA.**

Prior to the issuance of either an Administrative Permit or a Conditional Use permit, all Family Child Care homes are subject to the following requirements:

(a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up area as required herein.

(b) **Drop-off/Pick-up Area.** Two (2) drop-off/pick-up Parking Spaces must be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up area is required.

(d) **Play Area Size and Location.** Minimum indoor and outdoor play areas are regulated by the State, but in no case shall there be a structured play area measuring less than 240 square feet. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Signs.** All signs must conform to the Park City Sign Code requirements of the specific Zoning District. In single family zones, no signs will be permitted for a Family Child Care home.

(f) **Primary Residence.**

If Child Care is provided in a residential Structure, the Structure must be the primary residence of the primary care provider and the residential character of the house and its Lot shall be maintained. If required by the State, a second care provider, who is not a resident of the home, may be employed at the residence.

(g) **Multi-Unit Dwellings.** Family Child Care in Multi-Unit Dwellings is a Conditional Use, subject to the review criteria for Conditional Use permits stated in LMC Chapter 15-1-10 with review and approval by the Planning Commission.

Family Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground areas are on private Property and not within Common Areas, or unless the Applicant receives approval from the Home Owner's Association for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(D) **FAMILY GROUP CHILD CARE.**

Family Group Child Care is a medium scale

Child Care home which includes the provision of Child Care for nine (9) to sixteen (16), inclusive. Family Group Child Care must be provided within the provider's primary residence and shall include the provider's own children under the age of eighteen (18) if they are cared for in the same area of the Structure as that designated for Family Group Child Care.

Family Group Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

All Child Care that does not take place in the primary residence of the primary care provider is considered by the State to be a Child Care Center or an hourly Child Care Center. Therefore, all Family Child Care and Family Group Child Care by the definitions herein, shall occur within the primary residence of the primary care provider. All other Child Care is regulated as a Child Care Center, including all Child Care in commercial Businesses, etc.

(1) **PERMITS REQUIRED.**

Family Group Child Care homes require a Conditional Use permit in all residential Districts and require an Administrative Permit issued by the Planning Department in all other Zoning Districts. Family Group Child Care within Multi-Unit Dwellings, that are not within residential Zoning Districts, also

require a Conditional Use permit. Family Group Child Care homes are subject to issuance of a Certificate of Occupancy for the home by the Chief Building Official, of a Certificate of Occupancy for the home.

Family Group Child Care requires a Conditional Use permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) **REVIEW CRITERIA.**

Prior to the issuance of either an Administrative Permit or a Conditional Use permit, all Family Group Child Care homes are subject to the following requirements:

(a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up area as required herein.

(b) **Drop-off/Pick-up Area.** Four (4) drop-off/pick-up spaces must be provided. For Family Group

Child Care homes with ten (10) or fewer children, not including the care providers own children, three (3) drop-off/pick-up spaces may be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up area is required.

(d) **Density.** No more than one (1) Family Group Child Care home may be permitted on any one (1) Street or within any 300 foot radius, whichever area is less, and no more than two (2) Family Group Child Care homes may be located in any one (1) 500 foot radius area. Family Child Care homes and other Child Care operations, which are not regulated shall not be included in these Density calculations. Also, Family Group Child Care homes in commercial zones, such as the RCO, GC, LI,

HRC, HCB shall not be subject to these Density restrictions.

(e) **Play Area Size and Location.** An outdoor play area of at least 360 square feet shall be provided on-Site, with an additional 40 square feet for each additional child over a minimum of nine (9). Additional indoor play areas are regulated by the State. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(f) **Screening.** Screening for all play areas in residential zones is required. Screening may consist of an opaque Fence, berm, dense shrubbery, or similar, subject to Planning Department approval.

(g) **Structure Inspection Required.** The Structure shall conform to International Building Code (IBC) requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the Applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional

requirements may be required before a Family Group Child Care permit can be issued.

(h) **Neighborhood Meeting.** Prior to permit issuance for a Family Group Child Care home in a residential zone, a neighborhood meeting, under the direction of the Planning Department, shall be held to discuss the proposed facility with Property Owners within 300 feet of the subject Parcel, subject to standard notification requirements. The hearing gives the Child Care provider an opportunity to understand neighborhood concerns and to consider operational policies or make reasonable modifications to the Site plan to mitigate impacts of the Use.

(i) **One Year Review.** All Conditional Use permits for Family Group Child Care homes may receive a one (1) time review by the Planning Commission one (1) year following permit issuance. The review request shall be placed on the Consent Agenda of the Planning Commission. However, the staff may determine to place the item under new business if it is determined that there have been excessive

problems related to this Use which justify further discussion by the Planning Commission. Such decision shall be based on staff observation and/or public input received during the past year of operation alleging the following:

(i) The Use consistently generates more parking demand than can be handled within fifty feet (50') of the Property on the same side of the Street.

(ii) The Use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.

(iii) Patrons of the Family Group Care home have consistently violated traffic laws.

(iv) The Family Group Child Care home does not conform to Code defined standards.

If the Planning Commission finds that the Family Group Child Care home meets all

Code defined standards and that there have been no excessive problems related to its Use, the Use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the Applicant of specific concerns and require a second review in one (1) year.

(j) **Multi-Unit Dwelling.** Family Group Child Care in a Multi-Unit Dwelling is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground areas are on private Property and not within Common Areas, or unless the Applicant receives approval from 100% of the Owners for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(E) **CHILD CARE CENTER.** A Child Care Center is a Child Care facility in which the provision of Child Care for five (5) or more children occurs in a place other than the care providers primary residence and for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis. See previous sections for regulation of Child Care provided within a



care provider's primary residence, such as Family Child Care and Family Group Child Care.

Child Care Centers, including hourly Child Care Centers, are regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Child Care Center is an Allowed Use in all non-residential Districts except the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate-40 (E-40), Community Transition (CT), and the Regional Commercial Overlay (RCO) Districts. In these Districts a Conditional Use permit is required. A Child Care Center may be located within a residential District with a Conditional Use permit, pursuant to LMC Chapter 15-1-10 or if approved within a Master Planned Development.

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

The Planning Commission shall consider, as part of the Conditional Use permit review, in addition to the criteria stated in LMC Chapter 15-1-10, the architectural Compatibility of the proposed Child Care Center and shall also consider the following location criteria and Site requirements

during the review process.

**(1) LOCATION CRITERIA.**

For projects within a residential neighborhood, the Planning Commission shall consider the following guidelines for locating Child Care Centers.

(a) Traffic onto local roads within a Subdivision is discouraged. Location of Child Care Centers is encouraged such that the Center can be conveniently accessed from existing arterial and Collector Roads.

(b) Location on the periphery of the Subdivision or neighborhood is preferable to location within the center of the Subdivision.

(c) The Child Care Center is adjacent to a school, library, house of worship, or other traditional neighborhood facility with large landscaped areas or playing fields.

(d) The Child Care Center is conveniently accessed by public transportation.

(e) The Subdivision or multi-family project was designed to accommodate a Child Care Center.

(2) **SITE REQUIREMENTS.**

(a) **Parking.** At least one (1) Parking Space shall be provided for each on-duty staff person per shift and one (1) space for every six (6) children cared for.

(b) **Circulation.** An on-Site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided.

(c) **Fencing.** An opaque Fence six feet (6') in height must be installed around all designated play areas. Dense shrubbery may compensate for Fencing requirements provided that the Lot is secured according to State regulations. If the Lot is adjacent to open fields or playgrounds, a less opaque Fencing material may be used with Planning Commission approval, but chain link Fencing shall not be used.

(d) **Play Areas.** No structured area for active play or play Structures may be located in a Front Yard. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Density.** No more than one (1) Child Care Center shall be permitted in any one (1) residential Subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet (300') to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other child care operations which are not regulated shall not be included in Density calculations.

(f) **Lot Size and Configuration.** The minimum Lot area for a Child Care center with more than sixteen (16) children shall be 12,000 square feet. The Lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play areas, which are contiguous to the Structure.

(g) **Setbacks.** Standard Setbacks shall be observed except that Child Care Centers located in residential Districts shall provide at least eighteen foot (18') Side Yards

and twenty-five foot (25') rear yards.

(h) **Play Area within Setbacks.** No more than fifty percent (50%) of the State Code required play area may be within the standard Setback Area of the Lot as defined in the underlying zone unless the Setback Area is adjacent to perpetual open space or playing fields.

(i) **Signs.** One (1) small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than six square feet (6 sq. ft.) Setback at least ten feet (10') from the Property Line and must conform to all other criteria of the Park City Sign Code.

(j) **Exceptions.** The Planning Commission may grant an exception to these Site requirements if it can be shown that the impact of the Child Care Center on traffic circulation or on adjacent Properties will not be increased if the exception is granted.

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

**15-4 -10. TIMESHARE PROJECTS.**

(A) **INFORMATION TO BE FILED WITH TIMESHARE PROJECT APPLICATIONS.** The Developer of any Timeshare Project other than a Timeshare Conversion shall file with the Planning Department the following information as part of a Building Permit Application:

- (1) The proposed duration of Timeshare Intervals.
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the Timeshare Project and/or units.
- (5) The name, address, and

phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Planning Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments, who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Planning Department and the Park City Business Licensing Division.

(7) Whether the Developer plans to offer resale assistance and/or exchange program affiliation to Timeshare Interval purchasers.

(8) A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Project.

(9) Any other information that the Developer or Planning Department deems reasonably

necessary to the consideration of the project.

(B) **DENIAL OF NEW TIMESHARE PROJECTS.** The creation of new Timeshare Projects is a Conditional Use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in LMC Chapter 15-1-10, as well as specific criteria stated in Section 15- 4-11, Timeshare Conversion, except that the consent of the unit Owners is required only in the case of a conversion of an existing Structure.

The Applicant shall also demonstrate that there are no adverse effects on City services, or City finances through the loss of sales tax revenue, or adverse affect on the Use of convention and meeting space.

*(Amended by Ord. No. 06-22)*

**15-4 -11. TIMESHARE CONVERSION.**

(A) **TIMESHARE CONVERSION.** Developers of Timeshare Conversions shall file with the Planning Department the following information as part of a Conditional Use permit Application:

(1) The proposed duration of Timeshare Intervals, which shall not be less than seven (7) days.

(2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.

(3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.

(4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the Timeshare Project and/or Timeshare Units.

(5) The name, address and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Planning Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the

Timeshare Project for Business license, tax and utility service payments, who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Planning Department and the Park City Business Licensing Division.

(7) A list of all Owners of the Property being converted, or if the Property has previously been divided into separately owned units, Dwelling Units or Lots, a list of all Owners of such units, Dwelling Units or Lots. This list shall be prepared by a title company or licensed abstractor.

(8) A plan showing in reasonable detail the means by which the Timeshare Conversion will comply with the Park City parking requirements for Timeshare Projects, including the purchase of any necessary additional Property.

(9) Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water Use resulting from the change in Use.

(10) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit

Development project, the written statements from not less than sixty five percent (65%) of the Owners of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

(11) Any other information that the Developer or Planning Department deems reasonably necessary to the consideration of the project.

(B) **CONDITIONS FOR CONVERSION APPROVAL.** In determining whether, and under what conditions, to issue a Conditional Use permit for Timeshare Conversions, the City shall review the following conditions and considerations and approve the project if:

(1) Timeshare Conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to Timeshare Uses being exempt from sales tax. The cumulative effect of the subject project and other Timeshare Projects may be considered.

(2) Timeshare Conversion will have no serious adverse effect on traffic circulation and parking.

(3) The Applicant's ability to

guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Conversion.

(4) Whether an office of the managing Agent or agency is located locally or within the Timeshare Conversion and the impact that may cause.

(5) Timeshare Conversion will have no serious adverse effect on meeting space, convention Business and Nightly Rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

(6) Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of Application.

(7) Compliance with the Park City Uniform Building Code and other Park City Building Department regulations in force at the time of Application.

(8) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the Timeshare Conversion.

(9) For the conversion of any units in any Condominium project or

Dwelling Units in any Planned Unit Development project, the written statements of not less than Owners of sixty five percent (65%) of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

(10) The Structure proposed for conversion is in substantial compliance with the Building Codes and fire Codes adopted by Park City.

(C) **DENIAL OR APPROVAL**. The City may approve or deny the request for Timeshare Conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Planning Department, subject to ratification by the Planning Commission, or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.

(D) **OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT**. In determining whether, and under what conditions to issue a Conditional Use permit for an off-premises timeshare contacting location, the Planning Department may consider:

(1) The impact the off-premises contacting location may have on

pedestrian and vehicular traffic circulation in the area.

(2) The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.

(3) Whether the off-premise contacting can be confined to a completely enclosed Building.

(4) Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of Application, and compliance with the Business licensing provisions of Park City.

(5) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed premises of another Person with the consent of that Person. No Conditional Use permit is required under these circumstances.

(E) **TIMESHARE CONVERSIONS**. Existing projects, Properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to Timeshare

Projects as defined in LMC Chapter 15-15-1 without first obtaining a Conditional Use permit as required by this Chapter. A Conditional Use permit must be obtained for the conversion of each separate project or Property being converted.

*(Amended by Ord. No. 06-22)*

**15-4 -12. CONDOMINIUM CONVERSION.**

Existing Structures shall not be converted to Condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and record of survey plat approval from the City. Required Public Improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The Structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

*(Amended by Ord. No. 06-22)*

**15-4 -13. PLACEMENT OF SATELLITE RECEIVING ANTENNAS.**

(A) **PURPOSE.** To ensure that Satellite Receiving Stations do not have an adverse impact on aesthetic values and public safety in residential, commercial and industrial Areas, and the Historic District, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such Antenna and equipment where they are least visible from Public Streets and public areas and, to the

extent possible, provide Screening from adjacent Property Owners.

(B) **PERMIT REQUIRED.** The installation of Satellite Receiving Stations, unless otherwise provided in this ordinance, shall be deemed a permitted Use. It shall be unlawful to install any Satellite Receiving Station greater than two feet (2') in diameter without first having obtained a Building Permit from the City. Plans of such Satellite Receiving Station shall be submitted with each Application for a Building Permit, which shall include a Site plan indicating the height, color, location, Setbacks, foundation detail, landscaping, and Screening and such plan shall be subject to approval by the Planning and Building Departments.

(C) **INSTALLATION STANDARDS.** The following standards apply to the installation of a Satellite Receiving Station that is greater than two feet (2') in diameter:

(1) **HEIGHT.** Ground-mounted receiving stations shall be limited to a maximum height of ten feet (10') above Grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished Grade beneath the apparatus, with the apparatus set in its operating position. Finished Grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

(2) **SETBACKS.** Satellite Receiving Stations installed on the



ground must maintain all normal Building Setbacks applicable to the zone in which the station is located.

If Setbacks are not specified for the Development, Setbacks for the underlying zone must be met. The Planning Director may vary Setback requirements if the most effective Screening can be achieved by placing the station within one of the required Setbacks.

(3) **LOCATION.** All ground based receiving stations shall be located behind the front facade of the Main Building on the Site. Stations may be allowed in the Front Yard Area if it can be shown that no other reasonable locations are available and that Site specific conditions including steep Grades, dense vegetation, or other natural features which serve to Screen the receiving station exist on the Site. A Satellite Receiving Station may be located in the Front Yard Area only upon written approval by the Planning Director.

(4) **SCREENING.** Each Satellite Receiving Station mounted on the ground shall be Screened from ground view from Public Streets, Rights-of-Way, parks and golf courses through the addition of vegetative and non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening may also be required for adjacent Property

Owners. Screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the Property. When initially installed, Screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the Satellite Receiving Station, and low level Screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the Site. A security shall be required to be posted to ensure installation of required Screening. The security shall be 125% of the estimated cost of the Screening.

(5) **MATERIALS AND COLOR.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a dark neutral color and satellite dish Antennas shall be of a wire mesh material. Variations may be reviewed and approved by the Planning Director. Highly reflective materials shall not be permitted.

(6) **ROOF OR WALL-MOUNTED.** Roof or wall-mounted Satellite Receiving Stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any Public Street, and maintain normal Setbacks.

Satellite Receiving Stations on flat roofs may be approved if they are Screened by the addition of architectural features which integrate with the characteristics of the Structure and are not located on the portion of the roof fronting on any Public Street. The receiving station and Screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for Architectural Details such as chimneys, vents, or similar Structures. Roof or wall-mounted receiving stations in the Historic District may be approved by the Planning Director providing no other feasible location exists and the receiving stations meet the criteria of this section.

The Planning Department shall review all Applications for receiving stations and shall consider Screening materials, integration into the Structure, visibility, size of the receiving station and such other factors as deemed necessary by the Planning Director to achieve Compatibility of the receiving station with the architecture and aesthetics of the Historic District.

(7) **CABLES TO BE UNDERGROUND.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather than installed overhead. Wires or cables attached flush with the surface

of a Building or the Structure of the receiving station are the only exceptions.

(8) **MULTI-FAMILY DEVELOPMENT.** One (1) Satellite Receiving Station greater than two feet (2') in diameter shall be allowed per project. A second receiving station may be allowed upon written approval by the Planning Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station shall be required as part of the permit Application filed with the City.

(D) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Satellite Receiving Stations within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants, which might be more restrictive than this ordinance. Applicants for permits for the installation of Satellite Receiving Stations are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Owner's Association or Management Committee, the Applicant shall provide a letter from the Owner's Association or Management

Committee indicating consent to the location of the Satellite Receiving Station within the Common Area has been granted as a part of the permit Application filed with the City.

(E) **PENALTY.** Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of Satellite Receiving Stations, the Business license of the contractor or vendor shall forfeit upon the second conviction within any one (1) calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

*(Amended by Ord. No. 06-22)*

**15-4 -14. TELECOMMUNICATION FACILITIES.**

The intent of this section is to ensure that Telecommunications Facilities are Compatible with the unique characteristics of each Zoning District of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent Property Owners. The installation of these devices is governed by the following regulations.

(A) **PERMIT REQUIRED.** The

installation of Telecommunication Facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Park City Building Permit process. It shall be unlawful to install any Telecommunication Facility without first having a Conditional Use permit and Building Permit from the City.

(B) **SUBMITTAL REQUIREMENTS.**

A complete Application shall include all elements of the proposed Telecommunications Facility and shall produce all information required by the Telecommunications Facility Application. Applicants shall provide the following submittal requirements.

(1) Each Applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the Applicant's existing Telecommunications Facilities and coverage Areas to demonstrate the need for the proposed Telecommunications Facility within the City.

(2) An Applicant proposing to erect a new Telecommunications Facility shall provide documentary evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing Buildings or Structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing Buildings or

Structures or co-location Sites in the radio frequency coverage Area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the Applicant and the Property Owner(s) of the existing Buildings, Structures or co-location Sites.

(3) Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the Applicant's existing Telecommunications Facilities that provide Telecommunications within the City, as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the Applicant's existing Telecommunications Facilities.

(4) Each Application shall include a Site location alternative analysis describing the location of other Sites considered for the proposed Telecommunications Facility, the availability of those Sites, the extent to which other Sites do or do not meet the Applicant's Telecommunications needs and the reason why the subject Site was chosen for the proposed

Telecommunications Facility. The analysis shall address the following issues:

(a) How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City Area;

(b) How the proposed Telecommunications Facilities relates to the location of the Applicant's existing Telecommunications Facilities that provide Telecommunications within and near the City;

(c) How the proposed Telecommunications Facility relates to the Applicant's anticipated need for additional Telecommunications Facilities that provide Telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through

models, computer enhanced graphics or similar techniques, the appearance of any proposed

Telecommunications Facility and indicating its view from at least five (5) locations around and within one (1) mile of the proposed

Telecommunications Facility will be most visible.

(C) **COMPLIANCE WITH OTHER**

**LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

(D) **NOT ESSENTIAL SERVICES.**

Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(E) **CONDITIONAL USE REVIEW PROCESS.**

A Conditional Use permit is required for all Telecommunications Facilities. The Planning Department shall review all Telecommunications Facility Applications and forward the Applications to the Planning Commission. The Planning Commission shall review an Application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all Applications shall comply with LMC

Chapter 15-1.10(c), which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposed Telecommunications Facility. If there are no occupied Properties within three hundred feet (300'), notice shall be given to the closest, registered home Owners association.

(2) **CONSENT AGENDA**

**REVIEW.** Applications meeting the Consent Agenda Review criteria will be placed on the Planning Commission's agenda and will not require a public hearing.

Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing on the same date or a later meeting of the Planning Commission at the Applicant's discretion.

(3) **PUBLIC HEARING.**

Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.

(F) **SITE REQUIREMENTS.**

(1) **SETBACKS.** The placement of Telecommunications Facilities on a Lot shall comply with the Setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the Setbacks for main Structures and

shall not be determined accessory Structures.

(2) **HEIGHT.** The Telecommunications Facilities shall comply with the base height requirement, as stated in LMC Chapter 15-2, for the zone in which it is placed. The height shall be measured from the Grade or roof beneath to the top of the Antenna or mounting hardware whichever is higher. The following exemptions shall apply:

(a) Roof Mounted Antenna, placed on a flat roof, may extend up to ten feet (10') above the existing Structure, provided that the Antenna Setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.

(b) Roof mounted Antenna, placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure.

(3) **USE OF PROPERTY.** The Telecommunications Facility shall be an ancillary Use on the Lot on which it is placed. The Lot shall contain a separate principal Use.

(4) **DESIGN.**

(a) Equipment Shelters

located outside of an existing Building shall require a public hearing in front of the Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.

(b) Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth Telecommunications Facilities shall be designed in a manner to blend with the existing and natural environment.

(c) Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

(d) Freestanding Antennas and wall mounted Antennas shall be mounted a maximum of twelve inches (12") from the wall or pole.

(G) **SITE DISTURBANCE.** Any Application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch (6") in

diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Planning Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

(H) **ZONING RESTRICTIONS.**

Unless otherwise required within this Section, Applications for Antennas shall be permitted and reviewed as follows:

(1) **FREESTANDING ANTENNA.**

(a) **Prohibited.** Any Antenna located on Historic Structures and all freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and POS zones.

(b) **Consent Agenda Review.** Freestanding Antenna located in RDM, GC, PUT and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Freestanding Antenna located in HRC, HCB, RD, ROS, CT, and RC zones.

(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any roof mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Roof mounted Antenna within the RDM, RC, GC, PUT and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Roof mounted Antenna located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, CT, and RM zones shall require a public hearing.

(3) **WALL MOUNTED ANTENNA.**

(a) **Prohibited.** Any wall mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Wall mounted Antennas located within the RD, RDM, RC, GC, PUT and LI zones may be approved by the Planning Commission on

its consent agenda.

(c) **Public Hearing Required.** All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, CT, and RM zones shall require a public hearing with approval granted by the Planning Commission.

(4) **ENCLOSED ANTENNA.**

(a) **Prohibited.** Any Enclosed Antenna located within a Historic Structure or within the POS zone, unless approved by the Planning Commission as a CUP, with a public hearing, and provided the Antennas are enclosed within the Historic Structure, Historic material is not removed, and the enclosure does not increase the Building Height or require any exterior wall modifications to the existing Structure.

(b) **Consent Agenda Review.** Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, PUT, CT and LI may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** The location of any enclosed Antenna, which requires an increase in height or exterior wall modification to the existing Structure, shall require a public hearing.

(J) **TECHNICAL NECESSITY EXCEPTION.** If the Application does not meet the criteria as stated in Section F, G, H and I, the Applicant may apply to the Board of Adjustment for a technical necessity exception. The Board of Adjustment shall review the Application as a Variance pursuant to LMC Chapter 15-10 and shall require the Applicant to provide any additional technical information in order to approve the variance including the following:

(1) A written explanation describing the surrounding topography, Structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation Telecommunications Facilities co-location is both permitted and encouraged. Co-location on a Lot may be permitted by the Planning Commission if all Setbacks, design and landscape requirements are met for each Telecommunications Facility. The Application shall include any existing or approved, but unbuilt, Telecommunications Facility within the



Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

- (1) Structural capacity of the Antenna towers;
- (2) Geographic Telecommunications Area requirements;
- (3) Mechanical or electrical incompatibilities;
- (4) Inability or ability to locate equipment on existing Antenna towers; and
- (5) Any restriction or limitation of the Federal Communication Commission that would preclude the shared Use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility Application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining

authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Telecommunications Facilities within Condominium units and the Lots of a Subdivision. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the home Owner's association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit Application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for temporary Antennas only in conjunction with a Special Event licensed under Municipal Code Title 4, Chapter 8. A temporary Antenna permit Application must be submitted to the Planning Department. The Application will be administratively reviewed by the Planning Department based on the following criteria:

- (1) **TIME.** Permits will be issued only for the duration of a licensed Special Event plus five (5)

calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as stated in the Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, PUT and LI.

(4) **PERMISSION.** Temporary Antenna permit Applications shall be accompanied by written permission from the Property Owner.

If the above criteria are met, the Planning Department shall grant a temporary Administrative Permit for the facility.

(P) **TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.**

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in Use for a drive test shall not be left standing for a period greater than one (1) day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City Property also require Planning Department approval and

execution of the City's standard drive test agreement.

*(Amended by Ord. Nos. 02-47; 06-22; 09-10)*

**15-4 -15. OUTDOOR DISPLAY OF WORKS OF ART ON CITY-OWNED PROPERTY.**

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain public/City-owned Properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) **REVIEW CRITERIA.** The outdoor display of works of art on City-owned Property shall be reviewed by the Planning, Engineering, and Building Departments for compliance with the following criteria:

- (1) The outdoor display of works of art must comply with the height and Setback requirements of the Zoning District where it is located.
- (2) Outdoor display of works of art that are displayed in excess of six (6) months must be designed and created with materials that will

withstand the weather conditions and the elements.

(3) The outdoor display of works of art must comply with all applicable Building Codes;

(4) In cases where the City is not the Owner of record of the work of art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however, the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one square foot (1 sq. ft.), may be attached to the work of art or its support base.

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

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(1) Lighting.

(C) **CITY COUNCIL REVIEW**. Upon compliance with all criteria set forth in this section, the City Council shall review and take final action on all requests for the

outdoor display or works of art on City-owned Property. The City Council may seek a recommendation on requests for the outdoor display or works of art on City-owned Property from the Planning Commission, arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking final action. The City and the Applicant shall execute all necessary agreements prior to installing any approved Public Art on City-owned/public Property.

*(Amended by Ord. Nos. 03-13; 06-22)*

**15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.**

Prior to the issuance of an Administrative Permit for any temporary Structure, tent, or vendor, the following requirements shall be met:

(A) **APPLICATION**. An Application must be submitted to the Planning Department including the following information:

(1) **GENERAL DESCRIPTION**. An overview of the proposed activity. Include hours of operation, anticipated attendance, Use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.

(2) **SITE PLAN**. The site plan shall be to scale indicating in detail how the proposal will comply with the International Building Code

(IBC). It should indicate the location of the tent on the Property and distances from Property Lines and other Structures. A separate plan for the interior of any tent is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling etc. A snow removal plan must be included.

(3) **STRUCTURAL INFORMATION AND CALCULATIONS.** For all temporary Structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire rating, etc. must be submitted.

(4) **FEES.** All applicable fees.

(5) **BUILDING PERMIT.** A permit issued by the Building Department is required for temporary Structures and tents greater than 200 square feet in Area, or as determined by the Chief Building Official upon review of size, materials, location, weather and proposed Use.

(6) **SPECIAL EVENT PERMITS.** See Section 15-4-20 for regulations related to Special Events and temporary change of occupancy Permits.

(7) **DURATION.** Unless approved by the City Council as part of a Master Festival, in no case shall a tent be installed for a duration longer than fourteen (14) days and

for more than five (5) times per year on the same Property or Site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with Conditional Use Criteria in Section 15-1-10.

(8) **NOTICE.** Notice of Administrative Permits shall be consistent with Section 15-1-21.

(B) **REVIEW CRITERIA- PUBLIC PROPERTY (OWNED BY THE CITY).**

(1) Lease agreement with Park City required.

(2) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

(3) The Use must meet all applicable International Building Code (IBC) requirements.

(4) The Applicant shall adhere to all applicable City and State licensing ordinances.

(C) **REVIEW CRITERIA-PRIVATE PROPERTY.**

(1) The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.

(2) The proposed Use should not diminish existing parking. Any net

loss of parking shall be mitigated in the Applicant's plan.

- (3) The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.
- (4) The Use shall not violate the City Noise Ordinance.
- (5) The Use and all signing shall comply with the Municipal Sign and Lighting Codes.
- (6) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
- (7) The Use shall not violate the International Building Code (IBC).
- (8) The Applicant shall adhere to all applicable City and State licensing ordinances.

*(Amended by Ord. Nos. 06-22; 09-10; 12-37)*

**15-4 -17. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.**

All Lots shall have a front, two (2) sides and a rear Setback with the following exceptions and clarifications.

- (A) Development on Corner Lots shall have two (2) front Setbacks, unless otherwise an exception by this Code. The

Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary should border the Rear Yard, the Planning Director may specify which is the Rear Yard.

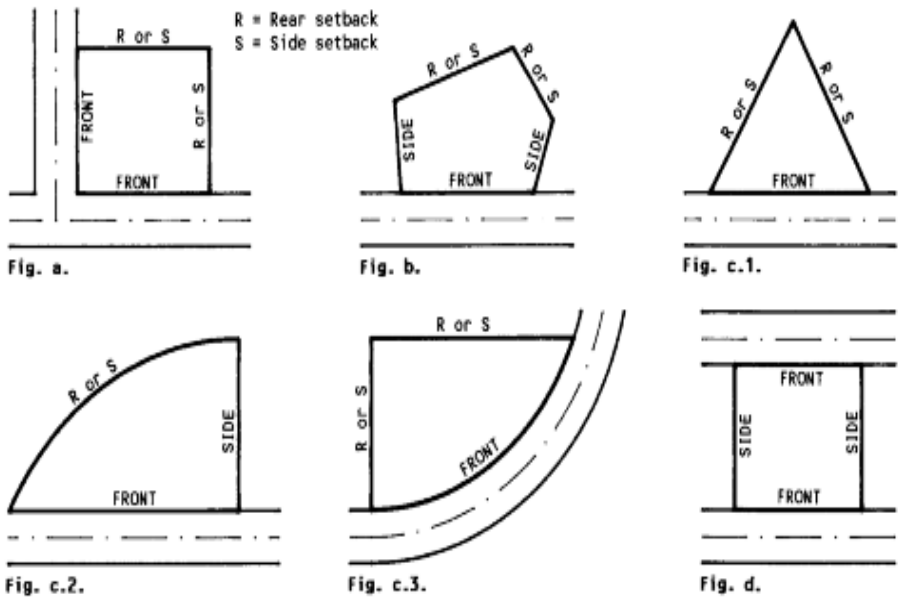
(B) Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director.

(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one (1) side is clearly opposite the front, the rear Setback must be opposite the front Setback. If it is not clear where side and rear Setbacks should be, the Planning Director may choose which is a Side Yard and which is a Rear Yard.

(D) On those Lots, which border a Street on both the back and front, both sides must have a front Setback, unless otherwise an exception by this Code.

(E) Any Lots, which are not specified in this section, shall have Setbacks determined by the Planning Director.

See the following illustrations:



(Amended by Ord. No. 06-22)

**15-4 -18. PASSENGER TRAMWAYS AND SKI BASE FACILITIES.**

(A) **CONDITIONAL USE.** The location and Use of a Passenger Tramway, including a ski tow or ski lift, is a Conditional Use. The location of base and terminal facilities for the Passenger Tramway is a Conditional Use in all zones where the Use may be considered.

(B) **CONDITIONAL USE REVIEW.** Conditional Use permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

(1) **OWNERSHIP OF LIFTWAY.** The Applicant owns or controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration. Ownership or control of portions of the Liftway, which cross over Public Streets may be demonstrated by a written permit or license to cross the Street, signed by the governmental entity, which has jurisdiction over

the Street crossed.

Any combination of ownership and leasehold interests that gives the Applicant possession and control over the entire course of the Liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the Applicant standing to apply for the Conditional Use.

(2) **WIDTH.** The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet (10') on each side of the Liftway regardless of the configuration of the passenger-carrying elements.

(3) **BASE OR TERMINAL FACILITIES.** The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL zones. Mid-loading and unloading points are allowed in the HR-1 and HRL zones.

(4) **CROSSING OF PUBLIC ROADS.** The Applicant must show

that all components of the Passenger Tramway and any components of the Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions, which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.

(5) **UTILITY CLEARANCE.** The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility line which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.

(6) **PARKING AND TRAFFIC PLANS.** The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic, which could be generated by the Passenger Tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in

general, parking demand created by the Passenger Tramway and how that parking would be provided.

The traffic and parking plan may be included in the neighborhood impact analysis. The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining Properties.

(7) **LIFTWAY SETBACK.** The minimum Setback between the outermost surface of Structure of the Liftway and any existing dwelling shall be ten feet (10'), in addition to the width of the Liftway itself. This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.

(8) **STATE REGULATION.** Any Passenger Tramway constructed under a Conditional Use permit is subject to safety regulation by the

Passenger Tramway Safety Committee of the State Department of Transportation. The Applicant is expected to involve the State in the planning process to the extent necessary to inform the Commission of State requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.

(9) **PUBLIC PURPOSE SERVED.** The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment Area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District, and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.

(C) **STATUS OF LAND WITHIN LIFTWAY.** Owners of Lots or other land, which is burdened by the easement for the Liftway are entitled to count the land within the Liftway for calculation of open space for improvement of that Property. Normal



Setback and Side Yard requirements apply from the Lot Line or Property boundary.

(D) **STRUCTURES WITHIN LIFTWAY**. Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the owner of the Liftway. The Owner of a Lot or other Property, which is subject to the Liftway easement may build within the confines of the easement, provided however, that all construction within the easement is a Conditional Use, which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(E) **PRESERVATION OF HISTORIC STRUCTURES**. It is the policy of the City to protect and preserve Historic Structures within the City. The Applicant for the Passenger Tramway must provide a study, which catalogues any Structures within the Liftway easement and identifies their Historic value, and indicates whether the Structure will be removed to accommodate the tram. The Applicant must also show what alternatives have been considered for the protection and preservation of those Structures, such as making improvements of structural or fire safety systems or relocation of the Structures.

*(Amended by Ord. No. 06-22)*

**15-4 -19. REVIEW CRITERIA FOR VEHICLE CONTROL GATES.**

The Planning Commission may approve Vehicle Control Gates on private Streets, in

the ROS, E-40, E, and RD zoning districts, as a Conditional Use. In order to approve a Conditional Use for a Vehicle Control Gate the Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-10 are met. In addition, the Commission must find that the following review criteria for Vehicle Control Gates are met:

(A) The Applicants demonstrated a need for a Vehicle control Gate to effectively control an ongoing health, safety, and welfare situation or in unique circumstances, to mitigate traffic, parking congestion, or through traffic on Streets within a neighborhood.

(B) The private Street is a cul-de-sac and not a through Street. The proposed Vehicle Control Gate does not impact traffic circulation through the neighborhood.

(C) The private Street serves primarily single family or duplex residences with individual or shared driveways.

(D) There is a major traffic or parking generator or Use, such as the ski area base at lower and upper Deer Valley Resort and Park City Mountain Resort, within a nine hundred foot (900') walking distance of the private Street entrance and there is evidence of spill over parking or other vehicular activity on a regular basis throughout the season.

(E) The Vehicle Control Gate is located outside of the City Right-of-Way and maintains all Setbacks of the zone.

(F) The Vehicle Control Gate does not impact existing utility easements.

(G) The Vehicle Control Gate is designed to permit unimpeded pedestrian, bicycle and equestrian Access through the neighborhood and to existing public trails and walkways. A minimum gap of four feet (4') shall be allowed for these non-vehicular Uses.

(H) The Vehicle Control Gate is designed to be minimal in height, scale, and mass to accomplish the goal of preventing unauthorized vehicle traffic, parking, and/or other impacts on the neighborhood. There shall be a minimum bottom clearance of two feet (2') from the bottom of the gate rail to the road surface. A diagonal structural support may cross through the two foot (2') opening to provide additional structural strength for the cantilevered gate (see illustration) and keep the overall gate mass to a minimum. The gate shall be no more than thirty-six inches (36") in height from the bottom rail to the top rail, although allowance may be made for decorative elements. Design and materials shall result in a visually open gate. Any walls associated with the entry gate shall be pedestrian in scale and shall generally not exceed a height of five feet (5'). Column elements may be added for architectural interest, but these column elements shall not exceed a height of nine feet (9').

(I) The method of Access for emergency, service, and delivery vehicles shall meet all requirements of the Planning, Engineering, and Building Departments and the Fire Marshall prior to issuance of a

Building Permit for the gate construction.

(J) Vehicle Control Gates on private Streets are not permitted in all zones. Gates on private Streets are allowed as a Conditional Use in the following Zoning Districts: ROS, E-40, E, and RD.

(K) Any signs associated with the gate and/or walls are subject to the Park City Sign Code and require a separate sign permit.

(L) A Vehicle Control Gate management plan shall be submitted for Planning Commission approval to address times and situations when the gate will be closed. Applicants shall agree to leave the gate open at all times, except as specified in the approved management plan.

*(Amended by Ord. No. 06-22)*

#### **15-4 -20. SPECIAL EVENTS AND TEMPORARY CHANGE OF OCCUPANCY PERMITS.**

*(Created by Ord. No. 05-57)*

(A) **PURPOSE.** The intent of these regulations is to allow Administrative Permits for Special Events and temporary change of occupancy activities only if adverse impacts on the character of neighboring Property can be mitigated and issues of public safety, traffic and parking are provided for. Such Uses will be permitted where the adjacent Street system is sufficient to accommodate the traffic impacts generated by said Special Events and temporary change of occupancy; where

the Property can accommodate adequate Off-Street parking; where the Structures are designed to safely accommodate said Special Event and temporary change of occupancy; and where the type of Use, and impacts are Compatible with the Uses otherwise permitted in the zone.

(B) **DURATION**. Special Event and temporary change of occupancy Administrative Permits may be issued for duration of fifteen (15) days per permit and for no more than twelve (12) times per year per Building. These days are not required to be consecutive.

(C) **APPLICATION**. An Application must be submitted no less than fifteen (15) days prior to the Special Event or temporary change of occupancy. The Planning Director may reduce this timeframe to ten (10) days upon written request of the Applicant. Applications shall be filed with the Planning Department and shall include the following information:

(1) **GENERAL DESCRIPTION**. A narrative of the Use and Site plan of the proposed Special Event and temporary change of occupancy shall be submitted with the application, including hours of operation, private or public activity, number of invitations sent, if a private event, or estimate of overall attendance, crowd management plan, security, deliveries, music or sound plan, including use of speakers, any beer or liquor license, any sign or lighting plan, parking plan, and any other applicable information.

(2) **FLOOR PLAN**. A floor plan, drawn to scale, indicating in detail how the proposal will comply with applicable sections of the International Building Code shall be submitted with the application. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling, etc. This plan shall be prepared and stamped by a licensed Utah Architect or Engineer, who shall indicate the maximum occupancy number for the specific use and floor plan for the Special Event and/or temporary change of occupancy Permit. Multiple floor plan layouts during the dates applied for will require individual stamped floor plan drawings by the Architect or Engineer. The Chief Building Official, or his or her designee, will also review this information and application for compliance with the IBC.

(3) **ALL APPLICABLE FEES**. Refer to Fee Resolution.

(4) Any requested additional City or governmental services or equipment.

(D) **REVIEW CRITERIA**. In addition to the criteria and standards of review from LMC Chapter 15-1-10, staff must review the following:

(1) The Applicant shall provide written notice of the Property Owner's consent to the proposed

event.

(2) The proposed Use shall not preclude Public Use of public Parking Spaces.

(3) An entrance plan, including patron waiting line capacity. Any Use of exterior space for wait list or lines must be mitigated through the Use of barricades and/or security. Pedestrian International Building Code compliant Access along the public Right-of-way must be maintained, unless otherwise approved by the Chief Building Official.

(4) The Use shall not violate Municipal Code Section 6-3-9(B), the City noise ordinance.

(5) The Application and all signing shall comply with the municipal sign and lighting codes.

(6) The Use shall comply with the Summit County Health code, the Fire Code, and State regulations on mass gathering.

(7) The Use shall not violate the International Building Code (IBC).

(8) Applicant shall submit a delivery plan in compliance with the delivery ordinance.

(9) The Applicant shall adhere to all applicable City and State licensing ordinances.

(10) The Applicant must have an approved operational permit according to the requirements of the International Fire Code prior to the issue of a permit.

(11) No existing LMC or International Building Code violations are on the Property.

(12) Notice shall comply with Section 15-1-21.

The Fire Marshall may conduct a Site inspection at any time during the event to ensure compliance with the above criteria.

(E) **TEMPORARY STRUCTURES, TENTS, AND VENDORS.** See Section 15-4-16 for regulations related to Administrative Permits for temporary Structures, tents, and vendors not associated with Special Event permits.

*(Amended by Ord. No. 09-10; 12-37)*