

**Ordinance 12-37**

**AN ORDINANCE AMENDING  
THE LAND MANAGEMENT CODE  
OF PARK CITY, UTAH,  
REVISING**

**SECTIONS 15-1, 15-2.3, 15-2.4, 15-2.5, 15-2.6, 15-2.16, 15-3, 15-4, 15-5, 15-9, 15-10, 15-11, and 15-15 REGARDING DEVELOPMENT REGULATIONS; PROCESS AND APPEALS FOR HISTORIC DISTRICT DESIGN REVIEW AND CONDITIONAL USE PERMITS; CLARIFYING THAT COMMUNITY LOCATIONS MUST BE A MINIMUM OF 200 FEET FROM MAIN STREET; USES WITHIN THE HR-2 ZONE; OPEN SPACE CALCULATIONS IN THE RC AND HRM ZONING DISTRICTS; LANDSCAPING REQUIREMENTS; REMOVING SPECIAL EXCEPTIONS; REQUIRING BUILDING PERMITS FOR FENCES/RETAINING WALLS AND IMPERVIOUS SURFACES SUCH AS PATIOS, DRIVEWAYS AND NON BEARING CONSTRUCTION IN ALL DISTRICTS; REVISING THE PROCESS FOR RELOCATION OR REORIENTATION OF AND FOR DISASSEMBLY AND REASSEMBLY OF HISTORIC STRUCTURES; SETBACK EXCEPTIONS FOR SCREENED MECHANICAL EQUIPMENT; TIMING OF SEASON LIGHTING; UPLIGHTING OF PUBLIC ART; CONVERSION OF NON-CONFORMING USES TO LESS INTENSIVE USES; AND DEFINITIONS RELATED TO THESE AMENDMENTS**

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

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

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

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

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

WHEREAS, Chapter 1, General Provisions and Procedures, provides a description of requirements, provisions and procedures that apply to each zoning district that the City desires to clarify and revise. These amendments concern the review and appeal process for administrative reviews, such as administrative Conditional Use Permits, Historic District design reviews, and plan reviews; and

WHEREAS, Chapters 2.3, 2.4, 2.5, 2.6 and 2.16 Historic Residential Zoning Districts ( HR-2, HRM, HRC, and HCB) and the Recreation Commercial Zoning District (RC), provide a description of requirements, provisions and procedures specific to these zoning districts that the City desires to clarify and revise. These revisions concern process for review and permitting of certain uses and open space calculations; and

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

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

WHEREAS, Chapter 5 – Architectural Guidelines, provides regulations, requirements, and procedural requirements regarding Architectural Design and Guidelines and the City desires to clarify and revise these regulations and procedures as they pertain to landscaping; lighting; and requiring building permits for driveways, patios and other non- bearing flatwork in all districts; as well as setback exceptions for screened mechanical equipment to minimize impacts this equipment; and

WHEREAS, Chapter 9 – Non-conforming Uses and Structures, provides regulations, requirements, and procedural requirements regarding Non-conforming Uses and the City desires to clarify and revise these regulations and procedures; and

WHEREAS, Chapter 10 – Board of Adjustment, provides regulations and procedural requirements for the Board of Adjustment, and the City desires to clarify and revise these regulations and procedures regarding Special Exceptions; and

WHEREAS, Chapter 11 – Historic Preservation, provides regulations and procedural requirements for the Historic Preservation Board and Historic District Design Review and preservation of historic structures, and the City desires to clarify and revise these regulations regarding the review process for Historic District Design Review applications including the pre-application process and the review process and criteria for relocating and re-constructing historic structures; and

WHEREAS, Chapter 15 – Definitions provides definitions and clarification of terms used in the Land Management Code and the City desires to add definitions and clarify and revise existing definitions; and

WHEREAS, these amendments are changes identified during the 2011/2012 annual review of the Land Management Code that provided clarification of processes, procedures, definitions, and interpretations of the Code for consistency of application between Sections; and

WHEREAS, the Planning Commission held a work session meeting on August 22<sup>nd</sup> and regular meetings on September 12<sup>th</sup>, September 26<sup>th</sup>, November 28<sup>th</sup>, and December 12<sup>th</sup>, 2012 to discuss the proposed LMC amendments as outlined in this report; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on August 22<sup>nd</sup>, September 12<sup>th</sup>, September 26<sup>th</sup>, November 28<sup>th</sup>, and December 12<sup>th</sup>, 2012, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on December 20, 2012; and

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

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

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

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.1, 15-2.3, 15-2.4, 15-2.5, 15-2.6, and 15-2.16. The recitals above are incorporated herein as findings of fact. Chapter 15-2.3, 15-2.4, 15-2.5, 15-2.6, and 15-2.16 of the Land Management Code of Park City are hereby amended as redlined (see Exhibit B).

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

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

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

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 9- Non-conforming Use. The recitals above are incorporated herein as findings of fact. Chapter 9 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 10- Board of Adjustment. The recitals above are incorporated herein as findings of fact. Chapter 10 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit G).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

SECTION 10. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15- Definitions. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit I).

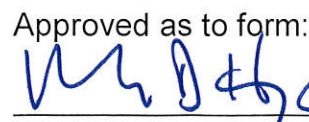
SECTION 11. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

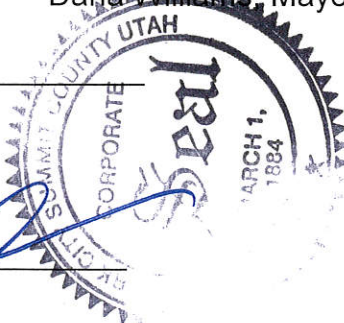
PASSED AND ADOPTED this 20 day of December, 2012

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Dana Williams, Mayor

Attest:  
  
\_\_\_\_\_  
City Recorder

Approved as to form:  
  
\_\_\_\_\_  
City Attorney



**Exhibits**

Exhibit A- Chapter 1- General Provisions and Procedures

Exhibit B- Chapter 2- Zoning Districts

Exhibit C- Chapter 3- Off Street Parking

Exhibit D- Chapter 4- Supplemental Regulations

Exhibit E- Chapter 5- Architectural Review

Exhibit F- Chapter 9- Non-conforming Uses

Exhibit G- Chapter 10- Board of Adjustment

Exhibit H- Chapter 11- Historic Preservation

Exhibit I - Chapter 15- Definitions

## EXHIBITS ORDINANCE 12-37

### EXHIBIT A CHAPTER ONE- GENERAL PROVISIONS AND PROCEDURES

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

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic (HDDR)	X	z			
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X			z	
MPD				X	z
Change of Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance/Special Exception			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

#### 15-1 -10. CONDITIONAL USE REVIEW PROCESS

(E) **REVIEW.** The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

- (1) size and location of the Site;

- (2) traffic considerations including capacity of the existing Streets in the Area;
- (3) utility capacity, [including Storm Water run-off](#);
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;
- (6) internal vehicular and pedestrian circulation system;
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- (9) usable Open Space;
- (10) signs and lighting;
- (11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
- (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
- (13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
- (14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
- (15) within and adjoining the Site, ~~impacts on~~ Environmentally Sensitive Lands, Physical Mine Hazards, [Historic Mine Waste and Park City Soils Ordinance](#), [Steep and Slopes retention](#), and appropriateness of the proposed Structure to the [existing](#) topography of the Site.

**15-1 -11. SPECIAL APPLICATIONS.**

(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS.** The Planning Director, [or his or her designee](#), shall review and take Final Action on Administrative Conditional Use permits. Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

(E) **ADMINISTRATIVE PERMITS.** The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and ~~overcrowding permits~~ temporary change of occupancy permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

**15-1 -12. NOTICE.**

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic ~~District Commission~~ Preservation Board must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

**15-1 -18. APPEALS AND RECONSIDERATION PROCESS.**

(A) **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E). All appeals must be filed with the Planning Department within ten (10) days of Final Action.

There shall be no additional notice for appeal of the staff determination other than listing the matter on the agenda, unless notice of the staff review was provided in which case the same notice must be given for the appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision. Appeal of all other Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION.** The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may ~~be appealed to the Board of Adjustment~~ petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the



District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

**15-1 -21. NOTICE MATRIX.**

<b>NOTICE MATRIX</b>			
<b>ACTION:</b>	<b>POSTED:</b>	<b>COURTESY MAILING:</b>	<b>PUBLISHED:</b>
<b>Zoning and Rezoning</b>	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>LMC Amendments</b>	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>General Plan Amendments</b>	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>Master Planned Developments (MPD)</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Appeals of Planning Director, Historic Preservation Board, or Planning</b>	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

<b>NOTICE MATRIX</b>			
<b>ACTION:</b>	<b>POSTED:</b>	<b>COURTESY MAILING:</b>	<b>PUBLISHED:</b>
<b>Commission decisions or City Council Call-Up</b>			
<b>Conditional Use Permit</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Administrative Conditional Use Permit</b>	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
<b>Administrative Permit</b>	10 days prior to Final Action.	10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
<b>Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment</b>	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
<b>Certificate of Appropriateness for Demolition (CAD)</b>	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
<b>Designation of Sites to the Historic Sites Inventory</b>	7 days prior to hearing before the Historic Preservation Board.	-----	Once 7 days prior to hearing before the Historic Preservation Board.

## NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<p><b>Historic District or Historic Site Design Review</b></p>	<p>First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. <u>The date of the public hearing shall be indicated in the first posting.</u> Other posted legal notice not required.</p> <p>Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. <u>The date of the public hearing shall be indicated.</u></p> <p>Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines <u>whether</u> the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period <del>in</del><u>after</u> which the Planning Department's decision may be appealed.</p>	<p><u>If appealed, then once 7 days before the date set for the appeal. See appeals from Planning Director, Historic Preservation Board, Planning Commission, including City Council Call Up. Section 15-1-18.</u></p>
<p><b>Annexations</b></p>	<p>Varies, depending on number of Owners and current State law. Consult with the Legal Department.</p>		
<p><b>Termination of Project Applications</b></p>	<p>-----</p>	<p>Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.</p>	<p>-----</p>

## NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<b>Lot Line Adjustments: Between 2 Lots without a plat amendment.</b>	10 days prior to Final Action on the Property. Other posted legal notice not required.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	-----
<b>Preliminary and Final Subdivision Plat Applications</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Condominium Applications; Record of Survey Plats</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Record of Survey Amendments</b>	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
<b>Subdivision Plat Amendments</b>	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
<b>Vacating or Changing a Street</b>	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.

Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.

Appendix A – Official Zoning Map (Refer to the Planning Department)

**EXHIBIT B**

**CHAPTER TWO- ZONING DISTRICTS**

**HR-2 ZONE**

**15-2.3-2**

**(B) CONDITIONAL USES:**

**(29) Bar<sup>8</sup>**

**(30) Special Events<sup>8</sup>**

**~~<sup>8</sup>In Historic Structures and within Sub-Zones A and B, only. Subject to compliance with all criteria and requirements of Section 15-2.3-98 for Sub-Zone A and Section 15-2.3-9 for Sub-Zone B. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met.~~**

**15-2.3-3 CONDITIONAL USE PERMIT REVIEW.**

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

~~(A) Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4, and the Historic Preservation Board's recommendation.~~

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

(C) Dedication of a Facade Preservation Easement for Historic Structures is required to assure preservation of Historic Structures and the Historic fabric of the surrounding neighborhood.

(D) New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking requirements for Master Planned Developments. Calculation of

in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

- (F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.
- (G) Fencing and Screening between residential and Commercial Uses may be required along common Property Lines.
- (H) All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.

## **HRM ZONE**

### **15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.**

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. [If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 \(D\) shall apply.](#) Parking is prohibited within the Open Space. See Section 15-15 Open Space.

### **15-2.4-3. CONDITIONAL USE PERMIT REVIEW.**

The Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the [Historic District Design Guidelines Design Guidelines for Park City's Historic Districts and Historic Sites](#). The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as well as the following:

(A) Consistent with the ~~Historic District Design Guidelines~~ Design Guidelines for Park City's Historic Districts and Historic Sites, ~~Section 15-4~~.

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

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

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

### **HRC ZONE**

#### **15-2.5-2. USES.**

Uses in the HRC are limited to the following:

(A) **ALLOWED USES**.....

(B) **CONDITIONAL USES**<sup>9</sup>.....

<sup>9</sup>No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

### **HCB ZONE**

#### **15-2.6-2. USES.**

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES**. ....

(B) **CONDITIONAL USES**<sup>10</sup>.

<sup>10</sup>No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

**RC ZONE**

**15-2.16-3. LOT AND SITE REQUIREMENTS.**

- (J) **OPEN SPACE.** On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to ~~Transferred Development Right (TDR)~~ Open Space if the Lot is not developed as a Master Planned Development. This is in addition to any Open Space required as part of a Master Planned Development. TDR Open Space may be either Natural or Landscaped Open Space. If the Lot is developed as a Master Planned Development then the Open Space requirements of Section 15-6-5. (D) shall apply.



**EXHIBIT C**

**CHAPTER THREE- OFF-STREET PARKING**

**15-3-3. GENERAL PARKING AREA AND DRIVEWAY STANDARDS.**

(L) PERMIT. A Building Permit is required for construction of all non-bearing concrete flatwork, asphalt, and/or any impervious surface, regardless of area or amount of paving. This includes any repairs, alterations, modifications, and expansions of existing flatwork.

**15-3 -4. SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.**

**(A) SINGLE FAMILY RESIDENCES AND DUPLEXES.**

| ...

(2) **CIRCULAR DRIVEWAYS.** Circular driveways are permitted for Single Family and Duplex Dwellings provided one leg leads directly to and from a legally located garage or carport, subject to the following conditions:

(a) Such drives shall be paved with a hard surface.

(b) Such drives shall be a minimum of ~~fifteen feet (15')~~ twelve (12') and a maximum of twenty-four feet (24') in width.

(c) There shall be a Landscaped Area at least fifteen feet ~~(15')~~ in depth from the Front Property Line to the inside of the drive.

Field Code Changed

**15-3 -6. PARKING RATIO REQUIREMENTS FOR SPECIFIC LAND USE CATEGORIES.**

(A) **RESIDENTIAL USES.** Off-Street parking shall be provided for each land Use as listed in this section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each Use, or combination of Uses, applies to each Dwelling Unit within the Structure. Specific Uses, and the related parking ratio requirements are also shown below: Also refer to 15-15 Definitions for clarification of Uses.

Field Code Changed

RESIDENTIAL PARKING RATIO REQUIREMENTS		
USE	PARKING RATIO (NUMBER SPACES)	
Multi-Unit Dwelling	Apartment/Condominium not greater than <del>650</del> <u>1,000</u> sf floor Area	1 per Dwelling Unit
	Apartment/Condominium greater than <del>1,000</del> <u>650</u> sf and less than <del>2,000</del> <u>1,000</u> sf floor Area	1.5 per Dwelling Unit
	Apartment/Condominium <del>greater than 2,000</del> <u>1,000</u> sf and less than <del>2,500</del> <u>sf</u> floor Area <del>or greater</del>	2 per Dwelling Unit
	<del>Apartment/Condominium 2,500 sf floor Area or more</del>	<del>3 per Dwelling Unit</del>

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
USES	PARKING RATIO REQUIREMENT (NUMBER SPACES)
Bed and Breakfast Inn	1 space per bedroom <u>and one space per on duty manager.</u>

## EXHIBIT D

### CHAPTER FOUR- SUPPLEMENTAL REGULATIONS

**15-4-2. (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.

~~Any Fence or retaining wall greater than six feet (6') in height requires a Building Permit~~

~~(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.~~

#### **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 ~~overcrowding temporary change of occupancy Administrative~~ 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.

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

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

(A) **PURPOSE.** The intent of these regulations is to allow ~~temporary overcrowding~~ 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 ~~overcrowding~~ 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 ~~overcrowding~~; and where the type of Use, and impacts are Compatible with the Uses otherwise permitted in the zone.

(B) **DURATION.** ~~For non-code approved overcrowding, an overcrowding Special Event and temporary change of occupancy Administrative Permits permit allows the increase in occupancy may be issued for duration of -for a total 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) ~~thirty (30)~~ days prior to the Special Event or temporary change of occupancy Use. The Planning Director may reduce this timeframe to fifteen (15) ~~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 Use, including hours of operation, ~~maximum occupancy~~, 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 1/8" 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.

## EXHIBIT E

### CHAPTER FIVE- ARCHITECTURAL REVIEW

#### 15-5 -1. POLICY AND PURPOSE.

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those Building [and Landscape](#) materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

[It is also the intent of this section to encourage and implement water conservation practices for landscaping. Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. The use of water wise Xeriscaping will protect the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought. Xeriscaping is a concept of landscaping with plants that use little or no supplemental irrigation and are typically native to the region. The concept also requires water conserving irrigation practices, such as drip irrigation and effective mulching with plant based mulches.](#)

**15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.**

**(I) LIGHTING.**

(13) **SEASONAL DISPLAY OF LIGHTS.** Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the ~~31<sup>st</sup> of March~~ 15<sup>th</sup> of April per the Park City Municipal Code.

Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

**(16) OTHER EXEMPTIONS.**

(a) **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) **Fossil Fuel Light.** All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

**(c) Up-lighting.** Up-lighting is permitted under the following conditions:

(i) The use of luminaires for up-lighting on any residentially or commercially zoned Lot or Property or within a City ROW or Open Space zone, is permitted only for City-funded or owned statues, public monuments, ground-mounted Public Art, or flags of the United States of America.

(ii) All up-lighting shall be shielded and/or have beam-angle control and shall be aimed to limit the directed light to the illuminated object only.

(iii) Up-lighting is permitted thirty (30) minutes before sunset and until 11:00 p.m.; or, one hour after the close of location based on normal hours of operation, whichever is later.

(K) **MECHANICAL EQUIPMENT.** All electrical service equipment and sub-panels and all mechanical equipment, including but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure. Minor exceptions to Setback requirements for Screened mechanical equipment may be approved by the Planning Director where the proposed location is the most logical location for the equipment and impacts from the equipment on neighboring properties, historic facades, and streetscapes can be mitigated and roof top mechanical placement and visual clutter is minimized.

(L) PATIOS AND DRIVEWAYS. A Building Permit is required for all non-bearing concrete flatwork, asphalt, and /or any Impervious Surface, regardless of size or area. This includes any repairs, alterations, modifications, and expansions of existing flatwork.

**(M) LANDSCAPING.**

A complete landscape plan must be prepared for the Limits of Disturbance area for all Building Permit applications and Historic District Design Review projects for all exterior work that impacts existing vegetation within the Limits of Disturbance. The landscape plan shall utilize the concept of Xeriscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped and the percentage of the landscaping that is irrigated. The plan shall identify all existing Significant Vegetation.

Materials proposed for driveways, parking areas, patios, decks, and other hardscaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. ~~All mulches shall consist of natural plant based materials, as opposed to stone based materials.~~ Areas of mulch shall be identified on the plan. Approved mulches include natural organic plan-based or recycled materials. Stone-based mulch is not permitted.

~~A licensed landscape architect shall prepare all materials for submittal of landscape plans for Conditional Use Permits, Master Planned Developments, and Historic District Design Reviews when the proposed work impacts existing vegetation.~~

To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native and drought tolerant species.



drip irrigation, and all plantings shall be adequately mulched. ~~with natural plant based mulch.~~

Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot or Property according to the following table:

<u>Lot Size</u>	<u>Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving</u>
<u>Greater than one (1) acre</u>	<u>25%</u>
<u>0.50 acres to one (1) acre</u>	<u>35%</u>
<u>0.10 acres to 0.49 acres</u>	<u>45%</u>
<u>Less than 0.10 acres</u>	<u>No limitation</u>

Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

## EXHIBIT F

### CHAPTER NINE - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.

#### 15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

#### 15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

(E) **HISTORICALLY SIGNIFICANT BUILDINGS EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.** Subject to the criteria below, a Non-Conforming Use located ~~on a Lot or Parcel containing within~~ a Building or Structure ~~included on the Park City Historic Sites Inventory, designated as historically significant pursuant to LMC Section 4.13~~ may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming Use, which satisfies the criteria provided in Section 165-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

- (1) **APPLICATION.** Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.
- (2) **NOTIFICATION OF ABUTTING PROPERTY OWNERS.** Notice shall be provided pursuant to the Notice Matrix in Chapter 1. See Section 15-1-19.
- (3) **BOARD OF ADJUSTMENT HEARING.** Within thirty (30) working days of the Planning Department's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of

Adjustment=s decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-Conforming Use if the Applicant Application ~~complies with~~ ~~proves~~ the following criteria:

- (a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood;
- (b) All changes, additions, or expansions comply with all current laws except as to Use;
- (c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and
- (d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

## EXHIBIT G

### CHAPTER TEN- BOARD OF ADJUSTMENT

#### 15-10-3. POWERS AND DUTIES.

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

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

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

~~(3)~~ Variances from the terms of the Land Management Code; and

~~(4)~~ Appeals and call-ups of Final Action by the Planning Commission at the request of the City Council for City Development.

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

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

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

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

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

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

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

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

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

## EXHIBIT H

### CHAPTER ELEVEN- HISTORIC PRESERVATION

#### 15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

#### (A) PRE-APPLICATION CONFERENCE.

(1) It is strongly recommended that ~~the~~ Owner and/or Owner's representative ~~shall be required to~~ attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

(D) **PUBLIC HEARING AND DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code, ~~the~~ Planning Department staff shall hold a public hearing and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the ~~proposal~~ Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

~~(2) — Any Historic Preservation Board decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 f this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.~~

**(E) EXTENSIONS OF APPROVALS.**

Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director, or designee, may grant an extension of an HDDR approval for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original HDDR approval per Section 15-1-12. Extension requests must be submitted to the Planning Department in writing prior to the date of expiration of the HDDR approval.

**15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

**(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.**

In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall ~~find fine~~ the project complies with the following criteria:

~~(1)~~ — A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or

~~(12)~~ The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

~~(23)~~ The Planning Director and the Chief Building Official<sup>1</sup>, determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

~~(43)~~ The Planning Director and the Chief Building Official<sup>1</sup>, determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

<sup>1</sup> The HPB shall make this determination if the HPB is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether, unique conditions warrant the proposed relocation and/or reorientation on the existing Site or to a different site.



(B) **PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

*(Created by Ord. No. 09-23)*

**15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; or
- (2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
- (4) The Planning Director and the Chief Building Official<sup>2</sup> determine that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

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2. The HPB shall make this determination if the HPB is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether, unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly or reassembly.

## EXHIBIT I

### CHAPTER FIFTEEN- DEFINITIONS

#### 15-15-1. DEFINITIONS

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

**PUBLIC ART:** Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

**TEMPORARY IMPROVEMENT.** A Structure built, or installed, and maintained during construction of a Development, ~~activity~~ or during a Special Event or activity and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODs or other similar structures used for temporary storage, that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.

**XERISCAPE.** A landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).