

1993 ORDINANCES

ORD NO.	DATE	SUBJECT	TITLE
93-12	12/16	Noise	An ordinance repealing Chapter 16 of the 1976 Municipal Code, establishing Title 6 - health, nuisance abatement, noise and adopting Title 6, Chapter 3, Noise of the 1992 Municipal Code of Park City, Utah
93-11	12/16	Soliciting peddling	An ordinance amending Title 4, Chapters 1, 2 and 3 of the Municipal Code with regard to soliciting and peddling
93-10	12/16	Franchise tax	An ordinance amending Ordinance 82-24, imposing a business license fee on franchised utilities to apply to franchised cable television operators
93-9	12/16	Wood roofs	An ordinance amending Chapter 2 and 9 of the LMC and Section 4 of Appendix A of the Sensitive Lands Ordinance
93-8	12/9	Impact fees	An Ordinance amending Section 11-12-3 of the Park City Municipal Code identifying development impact fees for all new construction
93-7	11/4	LMC	An Ordinance amending various sections of the LMC including Section 4.3 regarding terms and qualifications of the Historic District Commission;

ORD NO.	DATE	SUBJECT	TITLE
93-6	11/4	Code	Section 4.11 and Section 4.15 regarding preservation of historic buildings and sites and certificate of appropriateness for demolition; and Chapter 8 to allow the outdoor display of works of art in approved locations in Park City, Utah
93-5	10/7	Prospector	An Ordinance amending Title 9, Parking Code and Title 11, Buildings and Building Regulations, Chapter 3, Section 2 - Automatic Fire Extinguishing Systems of the Municipal Code of Park City, Utah
93-4	8/5	Annexation	An Ordinance Amending Title 11, Chapter 14 of the Park City Code to restrict parking to impervious surfaces
93-3	7/29	Streets	An Ordinance amending the official zoning map of Park City, Utah to include .95 acres known as the Ross Property
93-3	7/29	Streets	An Ordinance codifying Section 18, Article 4 of the Revised Ordinances of Park City, Utah 1976, sidewalks, curb or driveway construction or repair; codifying Ordinance 82-14, street cuts, Ordinances No.s 84-3 and 89-24, snow removal, and Ordinance No. 91-13, street address system; and establishing Chapter 2 of Title 14, snow removal; and establishing Chapter 3 of Title 14, street cuts; establishing Chapter 4 of Title 14, snow removal;

ORD NO.	DATE	SUBJECT	TITLE
93-2	3/18	LMC	and establishing Chapter 5 of Title 14, street address system of the 1992 Municipal Code of Park City, Utah
93-1	3/4	Trees	An Ordinance amending Section 7 of the LMC regarding floor area ratios, setbacks, downhill facade limitation and triplex prohibition in the Historic District
93-1	3/4	Trees	An Ordinance repealing and replacing Article 5, Section 18, Trees on public property of the revised ordinances of Park City, Utah 1976 establishing Title 14 Streets, Sidewalks, Stairs, Trees/Landscaping and adopting Chapter 1 - Trees/Landscaping on private and public property, of the 1992 Municipal Code of Park City, Utah

Ordinance No. 93-1

AN ORDINANCE REPEALING AND REPLACING ARTICLE 5,
SECTION 18, TREES ON PUBLIC PROPERTY
OF THE REVISED ORDINANCES OF PARK CITY, UTAH, 1976
ESTABLISHING TITLE 14 STREETS, SIDEWALKS, STAIRS,
TREES/LANDSCAPING AND ADOPTING CHAPTER 1 - TREES/LANDSCAPING
ON PRIVATE AND PUBLIC PROPERTY,
OF THE 1992 MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the preservation of trees and vegetation, conservation efforts, and aesthetic enhancement of Park City are priorities of its citizenry; and

WHEREAS, the City Council deems it in the best interest for the public welfare and safety of the community to adopt an ordinance clarifying its policy; and

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. TITLE 14, CHAPTER 1 ADOPTED. The City Council of Park City, Utah hereby repeals and replaces Article 5, Chapter 18 of the Revised Ordinances of Park City, Utah, 1976 and adopts Title 14 - Streets, Sidewalks, Stairs, Trees/Landscaping Chapter 1 - Trees/Landscaping on public and private property of the 1992 Municipal Code of Park City, as follows:

TITLE 14 - STREETS, SIDEWALKS, STAIRS, TREES/LANDSCAPING

CHAPTER 1 - TREES/LANDSCAPING ON PUBLIC AND PRIVATE PROPERTY

14- 1- 1. PURPOSE. The City prides itself on its many areas of landscape, both natural and enhanced, and recognizes the importance of trees within the community. Not only do trees add to the beauty of the community, but they stabilize surface drainage, soil erosion, and mitigate siltation of streams. A well-designed landscape planting can reduce air and sound pollution, and regulate solar radiation and wind control.

14- 1- 2. CREATION OF FORESTRY MANAGER, BOARD AND APPOINTMENTS. The City Manager or his/her designee shall be the Park City Forestry Manager.

The Park City Forestry Board shall consist of three members of the Parks, Recreation and Beautification Advisory Board. The Chairman of the Parks, Recreation and Beautification Advisory Board shall appoint members to the Park City Forestry Board. Each member shall serve a minimum two year term. Of the members first appointed, the Chairman shall designate one to serve for one year, and two for a term of two years. Thereafter, as terms expire, all

appointments shall be for terms of two years. Members of the Forestry Board shall serve without compensation.

14- 1- 3. DUTIES AND RESPONSIBILITIES OF THE FORESTRY MANAGER. The Forestry Manager shall have full power over all trees and shrubs located within the City's rights-of-way, parks and public places; over trees and shrubs located on private property that constitute a hazard or threat as described herein; and to building sites, both commercial or residential, regarding landscaping, vegetation disturbance limits and visual impacts.

14- 1- 4. DUTIES AND RESPONSIBILITIES OF THE FORESTRY BOARD. The Forestry Board shall assist the Forestry Manager in developing and operating a comprehensive forestry plan.

It shall be the responsibility of the Board to study, investigate, counsel, formulate, develop and/or update, and administer a Community Forestry Plan, hereinafter referred to as "Forestry Plan" for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public places. Such plan will be presented, when appropriate, to the City Council and upon its acceptance and approval, by the Council, shall constitute the official comprehensive city tree plan for the City of Park City.

The Board, when requested by the Forestry Manager shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

14- 1- 5. REGULATIONS FOR PLANTING TREES AND LANDSCAPING IN THE CITY'S RIGHT-OF-WAY. Tree planting on public ways shall be coordinated with required open or landscaping areas on private property so as to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation. All trees planted in the public right-of-ways and all tree planting spaces shall be approved by the Forestry Manager who shall supervise such locating and planting according to the Forestry Plan and in a manner meeting the following considerations:

(a) Replacement. Trees that must be removed shall be replaced by a new planting, except in circumstances which the Manager deems impractical.

(b) Spacing. Unnatural regularity of spacing and arrangement shall be avoided, staggered or irregular locations being preferred, depending upon tree type.

(c) Species. Species selected may vary; however, the preference of natives is urged. A list of preferred plants and trees shall be maintained by the Forestry Manager and specified in the Forestry Plan.

(d) Distance from curb and sidewalk, street corners, fire hydrants, utilities and snow storage. The Forestry Manager shall give special consideration to locations and species of plantings from curb and sidewalk, street corners, fire hydrants, utilities and for snow removal. Determinations will be based on health and safety issues and/or the provisions set forth in the Forestry Plan.

14- 1- 6. REGULATIONS FOR PLANTING AND MAINTENANCE OF TREES AND LANDSCAPING ON PRIVATE PROPERTY. The City has adopted and implemented landscaping standards to address both aesthetics and conservation concerns for new development. These provisions are included in various chapters of this Code relating to but not limited to water connection/development fees for residential and commercial development, master planned development and subdivision applications, and construction projects subject to sensitive lands criteria.

14- 1- 7. PUBLIC TREE CARE. The City shall have the right, as determined by its sole discretion, to plant, prune, maintain, and remove trees, plants and shrubs within rights-of-way, streets and public property as may be necessary to ensure public safety or to preserve or enhance public grounds.

14- 1- 8. ILLEGAL TO CUT TREES AND/OR TREE TOPPING. It shall be unlawful for any person to remove trees situated on City property, including streets and roadways of the City, without obtaining permission from the Forestry Manager for that purpose.

It shall be unlawful as a normal practice for any person, firm, or City department to top any tree. Topping is the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical,, may be exempted from this section at the determination of the Forestry Manager.

14- 1- 9. PRUNING, CORNER CLEARANCE. Subject to the provisions of Section 14-1-10, every owner of any tree or shrub overhanging any street, sidewalks, or right-of-way within the City shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection, or obstruct and create a hazard on a sidewalk. Said owners shall remove all dead, diseased, or dangerous trees and shrubs, or broken or decayed limbs which constitute a menace to the

safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, interferes with visibility of any traffic control device, sign or sight triangle at intersections, or constitutes a hazard on a sidewalk. Any costs incurred by the City will be collected from the adjacent property owner.

14- 1-10. REMOVAL OF DEAD AND/OR HAZARDOUS TREES/PLANTINGS ON THE CITY'S RIGHT-OF-WAY - PROPERTY OWNER'S RESPONSIBILITY. The removal of any tree, living or dead is subject to the permit process, as outlined in Section 14-1-11. Dead trees and/or hazardous plantings on the City's right-of-way will be removed at the adjacent property owner's expense. If the dead tree is determined by the City to be a hazard and the adjacent property owner refuses to cooperate with its removal, it shall be removed by the City and any costs incurred will be collected from the adjacent property owner. The City accepts responsibility for maintenance of planted areas on public property and the City's rights-of-way for City installed projects which are regularly maintained by City staff.

14- 1-11. PERMIT TO REMOVE TREES OR VEGETATION FROM CITY PROPERTY. Any person desiring to cut and remove trees or vegetation from City property, including the City's right-of-ways, shall first make written application to the Forestry Manager and the application shall contain the following information:

(a) The exact number of trees to be removed and the location of each with reference to street designations.

(b) A statement that the applicant will cut and remove the trees at his own cost and expense within thirty (30) days of the date of the permit.

(c) A statement that the applicant will restore the City property to the satisfaction of the City and will replant such trees as the City may require and where the City may specify according to the Forestry Plan.

(d) That the applicant will indemnify the City against any damage to the City property or to the adjacent property owners or to any injury to persons or property sustained in cutting and removing of the trees.

14- 1-12. FEE/WAIVER. No permit shall be issued for the cutting and removing of trees upon City property until a charge is assessed by the Forestry Manager covering inspection costs, although the fees may be waived upon a determination that it is in the public's best interest to do so.

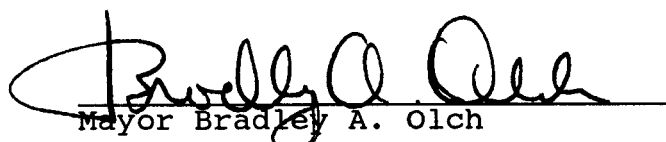
14- 1-13. REVOCATION. The permit issued under the provisions of this Chapter is conditioned upon the applicant's performing in full the conditions set out in the permit, and in the event that the City requires the replanting of trees as one of the requirements in the permit, the permittee shall do such work in good faith. In the event such conditions are not met, the permit shall be revoked and the Forestry Manager may assess against permittee such damages as the City shall have suffered through the permittee's failure of performance.

14- 1-14. APPEALS. Any person may appeal a decision of the Forestry Manager to the Forestry Board who may hear the matter and make a final decision.

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

PASSED AND ADOPTED this 4th day of March, 1993.

PARK CITY MUNICIPAL CORPORATION

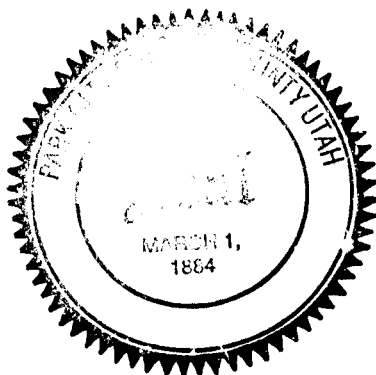


Mayor Bradley A. Olch

Attest:



Janet M. Scott
Deputy City Recorder



Ordinance No. 93-2

AN ORDINANCE AMENDING SECTION 7 OF THE LAND MANAGEMENT CODE
REGARDING FLOOR AREA RATIOS, SETBACKS,
DOWNHILL FACADE LIMITATION AND TRIPLEX PROHIBITION
IN THE HISTORIC DISTRICT

WHEREAS, protecting the integrity of the Historic District is important to the citizenry of Park City, Utah and is a commitment of the City Council; and

WHEREAS, floor area ratios, setbacks, downhill facade limitation and the prohibition of triplexes in the Historic District were identified by staff and the Historic District Commission as provisions in the Land Management Code that should be amended; and

WHEREAS, considerable public input was solicited from property owners and the development community over the past six months regarding these issues; and

WHEREAS, public hearings were duly noticed and held before the Planning Commission on January 27, 1993 and before the City Council on February 25, 1993;

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

SECTION 1. AMENDMENTS. The following amendments are hereby made to Section 7 of the Land Management Code:

FLOOR AREA RATIOS:

Amend §7.1.3(b)--HR-1 zone:

- (b) Floor Area Ratio. The floor area of all new structures constructed within the HR-1 District shall be limited by the Floor Area Ratio (FAR) which shall be the Floor Area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots up to 1875 square feet, the maximum FAR shall be .9. For ~~lots from parcels of 1876 square feet to 3750 square feet in area, the maximum FAR shall be .75. For lots larger than 3750 square feet in area, the maximum FAR shall be .6.~~ or larger, the Floor Area Ratio is equivalent to the maximum floor area for the first 1875 square feet (1687 square feet), plus 30% of additional lot square footage. The maximum square footage is calculated by the following formula:

$$\text{MAXIMUM FLOOR AREA} = 1687 + (.30 \times (\text{PARCEL SIZE} - 1875))$$

Add §7.14.3(b) (and renumber subsequent sections)--HRL zone:

(b) Floor Area Ratio. The floor area of all new structures constructed within the HRL District shall be limited by the Floor Area Ratio (FAR) which shall be the Floor Area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots up to 1875 square feet (legal non-conforming lots only), the maximum FAR shall be .9. For parcels of 1876 square feet or larger, the Floor Area Ratio is equivalent to the maximum floor area for the first 1875 square feet (1687 square feet), plus 30% of additional lot square footage. The maximum square footage is calculated by the following formula:

$$\text{MAXIMUM FLOOR AREA} = 1687 + (.30 \times (\text{PARCEL SIZE} - 1875))$$

SETBACKS

Amend §7.1.3--HR-1 zone:

(c) Side Yard. The minimum side yard for a single family structure shall be 3 feet. The minimum side yard for any structure of two units or more shall be 5 feet.

For structures on lots ~~exceeding~~ from 25 feet to 50 feet in total width, the sum of the side yard set backs must total 10 feet. For structures on parcels from 51 to 75 feet in total width, the total side setbacks must be 15 feet with a minimum of five feet on one side. For structures on parcels of greater than 76 feet total width, the side setbacks must be ten feet each.

1. A side yard shall not be required between structures designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed 50 feet.
2. For side yards of less than 5 feet, the special side yard exceptions as provided in Section 8.14. shall not apply, except for projections of less than 4 inches as specified in Section 8.14.(a) and for allowance for a driveway as specified in Section 8.14.(h).
3. On corner lots, any yard which faces on a street for both main and accessory buildings shall not be less than 10 feet.

(d) Rear Yard. The minimum depth of the rear yard for all main buildings shall be based upon the size of the parcel. On parcels 100 feet deep or less and 75 feet wide or less, the rear setback must be 10 feet. On parcels between 75 feet and 100 feet deep and of greater than 75 feet width, the front and rear setbacks must total 25 feet with a minimum of 10 feet. On parcels deeper than 100 feet, the front and rear setbacks must total thirty feet, with a minimum of 10 feet.

Accessory buildings shall have a minimum rear setback of ~~be~~ one foot from the rear property line. On corner lots which rear upon the side yard of an adjacent lot, accessory buildings shall be located no closer than 5 feet to the rear property line.

- (e) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be based upon the size of the parcel. On parcels 100 feet deep or less and 75 feet wide or less, the front setback must be 10 feet. On parcels between 75 feet and 100 feet deep and of greater than 75 feet width, the front and rear setback must total 25 feet with a minimum of 10 feet. On parcels deeper than 100 feet, the front and rear setbacks must total thirty feet, with a minimum of 10 feet. Open parking spaces may be permitted in the front yard area, but not within the minimum side yard area. "Open parking spaces" does not include carports.

Amend §7.14.3--HRL zone:

- (c) Side Yard. ~~The minimum side yard shall be 5 feet.~~ The minimum depth of sideyard setbacks shall be based upon the size of the parcel. For structures on parcels 50 feet wide or less at the front property line, the side setbacks must be 5 feet each. For structures on parcels from 51 to 75 feet wide at the front property line, the total side setbacks must be 15 feet with a minimum of 5 feet on one side. For structures on parcels greater than 76 feet wide at the front property line, the side setbacks must be 10 feet each.
- (d) Front and Rear Yards. ~~The minimum rear yard shall be 10 feet for main buildings.~~ The minimum depth of the front and rear yards for all main buildings shall be based upon the size of the parcel. For structures on parcels 100 feet deep or less, the front setback shall be 15 feet and the rear 10 feet. For structures on parcels deeper than 100 feet, the total of front and rear setbacks must be 30 feet, with a minimum of 15 feet front and 10 feet rear.
1. ~~The minimum front yard setbacks shall be 15 feet~~ measured from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot.
 2. Open parking is permitted within the front setback area, but not within 5 feet of the side lot lines.
 3. The minimum front setback for garages and other accessory buildings shall be 10 feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.

4. The minimum rear setback ~~and one foot~~ for accessory buildings is one foot, provided however, that accessory buildings less than 3 feet from the rear lot line must comply with applicable building and fire code provisions for buildings so located.

DOWNHILL FACADE LIMITATION

Amend §7.1.5--HR-1:

7.1.5. BUILDING HEIGHT.

- (a) Structures shall be erected to a height no greater than 28 feet, as defined in Section 8.17. No volume or area above this 28 foot height may be used for facade variation open space.
- (b) Downhill facades may not exceed 28 feet from natural or final grade (whichever is more restrictive) to the peak of the roof. The design of the structure must incorporate a significant facade shift after the 28-foot limit to break up the mass of the structure as viewed from public rights-of-way or properties below. The length of the facade shift should be in proportion to the building mass and may be roughly equal to the difference between natural and final grade at the base of the downhill facade. However, in order to avoid dictating design, no absolute standard for the size of the shift is specified. Rather, the Historic District Commission shall review the facade shift during normal design review and may approve lesser or require greater shifts based upon neighborhood compatibility, visibility from public rights-of-way, and other design considerations.

Amend §7.14.3(f)--HRL:

(f) Building Height.

1. Buildings shall not exceed a maximum height of 28 feet, except as provided in the supplemental regulations.
2. Downhill facades may not exceed 28 feet from natural or final grade (whichever is more restrictive) to the peak of the roof. The design of the structure must incorporate a significant facade shift after the 28-foot limit to break up the mass of the structure as viewed from public rights-of-way or properties below. The length of the facade shift should be in proportion to the building mass and may be roughly equal to the difference between natural and final grade at the base of the downhill facade. However, in order to avoid dictating design, no absolute standard for the size of the shift is specified. Rather, the Historic District Commission shall review the facade shift during normal design review

and may approve lesser or require greater shifts based upon neighborhood compatibility, visibility from public rights-of-way, and other design considerations.

CHANGE IN PERMITTED AND CONDITIONAL USES

Amend §7.1.3(a)

(a) Lot Size. The minimum lot area shall be 1,875 square feet for a single family residence, 3,750 square feet for a duplex, and 5,625 square feet for a triplex.

Amend §7.1.3(b)

In calculating the FAR for a single family structure, 400 square feet may be added to the total floor area for a two-car garage after calculating the FAR. For duplexes, triplexes and multi-unit structures, the garage addition shall be 400 square feet for each residential unit.

Amend the Land Use Table

Amend §7.19 indicating that triplexes, fourplexes, and other multi-dwelling structures as outlined in the table would be conditional uses with an attached reference note that such uses would be allowed only in conjunction with a Moderate Income Sales or Rental Program as outlined in §11.1 and §11.3.

The following note would be attached to the Land Use Table:
¹³These uses are conditional and shall be allowed only when developed as affordable housing with agreements as outlined under Land Management Code sections 11.1 and 11.3.

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

PASSED AND ADOPTED this 18th day of March, 1993.

PARK CITY MUNICIPAL CORPORATION



Bradley A. Olch

Mayor Bradley A. Olch

Attest:
Janet M. Scott

Janet M. Scott
Deputy City Recorder

Ordinance No. 93-3

AN ORDINANCE CODIFYING SECTION 18, ARTICLE 4 OF THE REVISED ORDINANCES OF PARK CITY, UTAH 1976, SIDEWALKS, CURB OR DRIVEWAY CONSTRUCTION OR REPAIR; CODIFYING ORDINANCE NO. 82-14, STREET CUTS, ORDINANCES NOS. 84-3 AND 89-24, SNOW REMOVAL, AND ORDINANCE NO. 91-13, STREET ADDRESS SYSTEM; AND ESTABLISHING CHAPTER 2 OF TITLE 14, STREETS, SIDEWALKS AND STAIRS; ESTABLISHING CHAPTER 3 OF TITLE 14, STREET CUTS; ESTABLISHING CHAPTER 4 OF TITLE 14, SNOW REMOVAL; AND ESTABLISHING CHAPTER 5 OF TITLE 14, STREET ADDRESS SYSTEM, OF THE 1992 MUNICIPAL CODE OF PARK CITY, UTAH.

WHEREAS, the City Council deems it in the best interest of the public welfare and safety of the community to formally adopt an ordinance stating its policy with regard to construction and repair of sidewalks, curb, gutter, street cuts and stairs, and to clarify its snow removal practices;

WHEREAS, the City Council deems it in the best interest to codify said policy of Section 18 Article 4, Ordinance Nos. 82-14, 84-3, 89-24, and 91-13 in the Municipal Code of Park City;

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

SECTION 1. AMENDMENTS. The following Chapters 2, 3, 4 and 5 of Title 14 of the 1992 Municipal Code are hereby adopted. The heading of Title 14 is hereby amended to read Trees/Landscaping; Streets, Sidewalks, and Stairs; Street Cuts; Snow Removal; and Street Address System. Section 18, Article 4 of the Revised Ordinances of Park City, Utah 1976, and Ordinance Nos. 82-14, 84-3, 89-24, and 91-13 are codified as follows:

CHAPTER 2 - STREETS, SIDEWALKS AND STAIRS:

SECTION 14- 2- 1. PETITION OR CITY COUNCIL ORDER. Whenever the owners of a majority of the frontage upon either side of any street, or upon a specified portion, shall petition the City Council for construction of a sidewalk, or stairway, or whenever the City Council deems such improvements necessary, the City Council may order such improvements to be constructed at the property owners' expense.

SECTION 14- 2- 2. CURB, GUTTER, SIDEWALK, AND STAIRWAY REPLACEMENT POLICY. City staff shall provide an annual survey identifying and prioritizing curb, gutter, stairway, walkway, and sidewalk needs. Priorities shall be determined by health and safety, drainage flow line, use, and general disrepair considerations. Improvements are contingent upon available City

funds and based on the following guidelines:

- (a) Curb and Gutter. The City shall provide the replacement of two (2) sections or twenty (20) feet, whichever is less, of curb and gutter. The City may request the property owner make additional curb and gutter repairs; once this request is made, the Public Works Department shall remove the existing curb and gutter and provide the necessary repairs to the asphalt roadway. The property owner will be responsible for adequate base, forming, concrete, form removal, and yard repair. The City will not participate in the removal of existing curb and gutter when it is in conjunction with new conditional use projects or subdivisions.
- (b) Sidewalks. The Public Works Department shall repair two (2) sections or ten (10) feet of sidewalk, whichever is less. If the property owner requests additional sidewalk repair, the City shall be responsible for removing the existing concrete. All other costs are the owner's responsibility. The City shall not participate if the project is in conjunction with the construction of new conditional use projects or subdivisions.
- (c) Stairways. Stairways of public buildings, and pedestrian stairs in the historic district are prioritized for maintenance, repair, and/or reconstruction in a master plan formulated by the Community Development Department, and/or as part of the annual budget review and capital improvements plan. Prioritization is based on condition, location, and amount of public use. The City may, but is not obligated to, maintain walkways and stairways within the City which, in the opinion of City officials, are so heavily used by the general public that the use of City funds, equipment and labor is justified. The fact that the City has undertaken maintenance of a given sidewalk or stairway shall not act to relieve the owner of abutting properties from their obligations to maintain the same.

SECTION 14- 2- 3. NOTIFICATION BY CITY MANAGER TO REPAIR SIDEWALKS, DRIVEWAYS, ETC.; FAILURE TO COMPLY. When any public sidewalk, walkway, driveway, curb, gutter, stairway, in front of or abutting upon or serving any premises needs repair, but does not meet the policy replacement and repair requirements specified in section 14-2-2, the City Manager, or his or her designee, shall serve notice on the owner, or other person in control of the premises, to repair such sidewalk, driveway, curb, gutter, or stairway within thirty (30) days. It is unlawful for any person to fail or refuse to comply with such notice to repair. If the notice to repair is not complied with, the City may undertake repairs itself or by contract, and assess the owner or person responsible,

or place a lien upon the benefitted property. In addition, the City may initiate action against the owner or the person in charge of the premises upon whom such notice was served, in any court of competent jurisdiction, to recover costs. All remedies shall be cumulative.

SECTION 14- 2- 4. RESPONSIBILITY FOR CITY'S LIABILITY AFTER SERVICE OF NOTICE TO REPAIR. If any person secures judgment against the City for damages resulting from any defect in any sidewalk, walkway, driveway, curb, gutter, or stairway, providing damages were suffered after the notice to repair had been served pursuant to section 14-2-3, the City may recover the amount of such judgment from the owner abutting upon the sidewalk, driveway, curb, gutter, or stairway, and the person who had control of the premises who received notice of repairs.

SECTION 14- 2- 5. PERMIT FOR SIDEWALKS, CURBS, GUTTER, OR STAIRS GENERALLY. It shall be unlawful for any person to construct or reconstruct any public sidewalk, curb, gutter, or stairway within the City without having first procured a permit issued by the City Manager, or his or her designee. The permit application shall be in accord with regulations prescribed by the City Manager and shall include sufficient information to show that the construction shall conform with specifications and grade levels established by the City Engineer.

SECTION 14- 2- 6. PLANS AND SPECIFICATIONS FOR SIDEWALK CONSTRUCTION OR RECONSTRUCTION. It is unlawful for any person to construct or reconstruct a sidewalk within the corporate limits of the City excepting walks entirely inside the lot lines, unless the same is constructed according to plans and specifications approved by the City Manager, or his or her designee.

SECTION 14- 2- 7. PARK STRIPS. No portion of any park strip shall be paved or surfaced except sidewalks and driveways. A park strip is defined as the portion between the front or side lot line and the actual or designated curb line.

SECTION 14- 2- 8. PAVING TO ALLOW ROOM FOR TREE GROWTH. When any portion of any sidewalk area or any park strip is paved or surfaced, a minimum space of six (6) inches must be left around the base of any and all trees growing in such area to permit tree growth.

SECTION 14- 2- 9. PERMIT FOR DRIVEWAY CONSTRUCTION. It is unlawful for any person to construct or cause to be constructed any driveway over or across any park strip, walkway, or sidewalk, or to surface or cause to be surfaced with cement, bituminous product, gravel or similar substance any portion of any park strip or sidewalk on any public street within the City without first obtaining a permit from the City Manager, or his designee.

SECTION 14- 2-10. OBSTRUCTING CONSTRUCTION AND REPAIRS PROHIBITED. It is unlawful for any person to hinder or obstruct streets or public rights-of-way while repairing pavement, sidewalks, walkways, stairways, driveways, or crosswalks.

SECTION 14- 2-11. COMPLIANCE REQUIRED. Sidewalks, curbs, gutters, and stairways not constructed in strict conformity with this Chapter shall within ten (10) days after notice to the owner of the property upon which the improvement is constructed, be made to conform with this Chapter at the expense of the owner, or it shall be removed by the City at the expense of the owner.

CHAPTER 3 - STREET CUTS

SECTION 14- 3- 1. PURPOSE. Construction activity frequently necessitates cutting through pavement section of the public streets to make connections and/or repairs of utility lines within a street. The City is concerned about the condition of its streets and has a duty to the public with regard to health and safety and establishes the following requirements for street cuts.

SECTION 14- 3- 2. PERMIT REQUIRED; FEES.

- (a) It shall be unlawful for any person, corporation, or other entity to make or cause to be made any cut in or excavation through or under any public street without first obtaining a permit from the City Manager, or his or her designee, in accordance with the provisions of this Chapter.
- (b) A street includes the paved roadway, curb, gutter, sidewalk, walkway, and any unpaved portions of the road right-of-way.
- (c) A permit fee for each cut shall be paid in advance to the City. The permit fee may be increased or decreased by the City Council by resolution.
- (d) The City Manager may design an appropriate permit application form and permit form to enforce this Chapter. The permit form shall clearly identify the person or entity for whom the street cut is being made, the contractor performing the work, the location of the street by street address, the purpose of the cut, and the anticipated start and completion dates of the street cut. Contractors shall provide both their state contractor's numbers and their Park City business license number on the permit. The permit shall also state the approximate size and dimensions of the cut in sufficient detail for the City Manager to determine the amount of the bond or letter of credit necessary to guarantee completion of the project.

SECTION 14- 3- 3. PERFORMANCE BONDS REQUIRED PRIOR TO ISSUANCE OF STREET CUT PERMIT. The person requesting the permit shall post an irrevocable letter of credit or cash bond to the City to secure a completion of repairs to the street in a timely manner. The amount of the letter of credit or bond shall be determined by the City Manager, or his or her designee, and shall be an amount equal to the reasonably estimated costs of back-filling, compacting, and repaving of any area disturbed by the permittee. The letter of credit or bond shall in no event be less than \$1,000. This bond shall remain in effect for a period of one year from the date the work is actually completed to guarantee the adequacy of repairs made to the streets.

SECTION 14- 3- 4. INDEMNITY BOND REQUIRED PRIOR TO ISSUANCE OF STREET CUT PERMIT. Persons applying for a street cut permit shall also provide the City with an indemnity bond or certificate of insurance which is adequate to protect the City from any and all damage claimed which may reasonably arise from the applicant's work in the public street, including personal injury and property damage claims from third parties which might result from this excavation. The amount of the indemnity bonds or insurance policy shall in no event be less than \$10,000, but a single contractor may use the same indemnity bond or insurance policy to fulfill this requirement as to ten permits, provided that the insurance coverage or indemnity bonds shall remain in place for a period of one year after the completion of work on each permit.

SECTION 14- 3- 5. CONSTRUCTION STANDARDS. All back-filling, compaction, and resurfacing of areas disturbed under a street cut permit shall be performed according to specifications established by the City Manager, or his or her designee, and general construction standards for Park City. If, in the opinion of the City Manager, there are circumstances concerning a specific street cut that make more stringent standards necessary, the City Manager may require back-filling and compaction to comply with site specific standards.

SECTION 14- 3- 6. UTILITY EXEMPTIONS FROM BONDING REQUIREMENTS. Those public utilities which are regulated by the State of Utah, Park City franchises, the Park City Water Department and the Snyderville Basin Sewer Improvement District are exempt from the bonding requirements of this Chapter, but shall still be required to obtain a street cut permit prior to making excavations. Excavations to make emergency repairs may be made without a permit provided that notice of the repair and the street cut shall be given to the City Manager, or his or her designee, as soon as reasonably possible under the circumstances.

CHAPTER 4 - SNOW REMOVAL:

SECTION 14- 4- 1. SNOW REMOVAL PRIORITIES FOR PUBLIC

STREETS. Snow removal is provided for public streets within the corporate limits of Park City on a priority basis. Main arterial streets receive first priority; residential streets second priority; and cul-de-sacs third priority. The City provides limited sidewalk and stairway clearing when possible; see Section 14-4-11 regarding snow removal of City walks and stairs.

SECTION 14- 4- 2. PRIVATE STREETS: DUTY TO REMOVE SNOW.

It shall be the duty of every condominium owners association, property owners association, corporation, partnership, or other entity having control over a private street system within the corporate limits of Park City, and the owners of properties abutting on such private streets which are provided access from those streets, to provide regular and adequate snow removal service on those private streets in accordance with the standards established in Section 14-4-4.

SECTION 14- 4- 3. SEASONAL LIMITATIONS ON PARKING.

See Title 9, Chapter 4 regarding special winter parking regulations which are adopted to protect the health and safety of residents of Park City. The City will not be responsible for injury and/or damage claims related to snow removal services if the claimant has violated provisions of Title 9.

SECTION 14- 4- 4. SNOW REMOVAL STANDARDS.

"Regular and adequate snow removal service" shall mean that snow shall be cleared from the roadway to a width of 20 feet within a period of eight hours from the end of each snow storm which deposits an accumulation of four inches of snow or more. It shall be unlawful to permit an accumulation of more than four (4) inches of snow to remain on the private street for more than eight hours at a time.

SECTION 14- 4- 5. SNOW STORAGE ON SITE.

It is the duty of all property owners to make arrangement for the storage of accumulation of snow, either on their own premises, or on the premises of another with the permission of the other. The owner, and his employees, agents, and contracts, shall confine the accumulated snow to the owner's premises of another with the other's permission.

SECTION 14- 4- 6. UNLAWFUL TO DEPOSIT SNOW IN PUBLIC

WAY. It shall be unlawful for any person to deposit, haul, push, blow, or otherwise deposit snow accumulated on private property within the traveled portion of any public street in a manner that impedes the reasonable flow of traffic on that street.

SECTION 14- 4- 7. TRAVELED PORTION DEFINED.

As used in this Chapter, the term "traveled portion of any public street" shall mean and refer to that portion of the public right-of-way that is paved and maintained for vehicular or pedestrian traffic. It shall not include the portions of the right-of-way outside of

the paved area, and it shall not be a violation of this Chapter for any property owner, or his employees, agents, or contractors, to place accumulated snow within the non-traveled portion of the public right-of-way.

SECTION 14- 4- 8. IMPAIRMENT OF TRAFFIC. In determining whether an accumulation of snow is such that it impedes the reasonable flow of traffic, the Court shall look at whether a driver of ordinary skill and experience in snowy climates, driving a typical passenger car with tires reasonably suited for winter road conditions could pass over the area in question without having to leave the normal lane of travel, getting stuck on the accumulated snow, or risking damage to his vehicle.

SECTION 14- 4- 9. PRIVATE SNOW REMOVAL ON PUBLIC STREETS. It shall be the duty of every condominium owners association, property owners association, corporation, partnership, or other entity having the responsibility for snow removal on a public street pursuant to plat restriction, conditional use approval or other permit or agreement with the City, and the duty of every owner of property abutting on and provided access from such public street to provide regular and adequate snow removal service on those public streets according to the regular and adequate snow removal service standards cited in Section 14-4-4.

SECTION 14- 4-10. FAILURE TO REMOVE SNOW FROM PUBLIC STREETS. In the event the party or parties responsible for private snow removal on public streets as provided in section 14-4-8, fail to remove snow to the required standards of section 14-4-3, the City may, at its discretion, perform the snow removal necessary to achieve the required standards, and obtain reimbursement of its snow removal costs from the responsible party or parties.

SECTION 14- 4-11. SIDEWALKS TO BE CLEARED. It shall be the duty of every property owner to clear the sidewalks and stairways at the perimeter of his property from accumulation of snow within a period of eight hours from the end of each storm. It shall be unlawful to permit an accumulation of more than eight inches of snow to remain on the sidewalk for more than eight hours at a time.

SECTION 14- 4-12. CITY MAINTAINED WALKS AND STAIRS. The City may, but is not obligated to, maintain walkways and stairs within the City which, in the opinion of the City officials, are so heavily used by the general public that the use of City equipment and labor is justified. The fact that the City has undertaken maintenance of a given area of sidewalk shall not act to relieve the owner of abutting properties from their obligations to clear accumulations of snow from the sidewalks or stairs.

SECTION 14- 4-13. FIRE HYDRANTS TO BE UNCOVERED. It

shall be the duty of every property owner to uncover and remove accumulated snow and windrows of snow from over and around fire hydrants. The hydrants shall be uncovered for a distance of not less than three feet on all sides so the hydrants are accessible for emergency use. Hydrants shall be uncovered within 72 hours of the time they are buried by a plowed windrow of snow or from the time they become buried from drifts.

SECTION 14- 4-14. HYDRANT LOCATIONS TO BE MARKED. All fire hydrants on private street systems shall be marked with a pole or other sign that extends well above the normally anticipated depth of accumulated snow and may windrows at that location so the location of the hydrant can be readily determined even during periods when it is covered.

SECTION 14- 4-15. UNLAWFUL TO REMOVE MARKERS. It shall be unlawful to remove or destroy the hydrant markers on either public or private road systems, except that they may be removed in the spring for storage until the following fall when they are again necessary. Hydrant markers shall be continuously in place from November 15 to May 1 of the following year.

SECTION 14- 4-16. IMPROVEMENTS INSTALLED AT OWNER'S RISK. The City rights-of-way for most streets in the newer portions of Park City, and many of the other major streets, are wider than the paved area to allow for space for utility services and snow storage. Property owners may install sprinklers, mailboxes, lights, plant trees, shrubs, or install other above-grade landscaping in these areas, but do so at their own risk.

SECTION 14- 4-17. DAMAGE TO IMPROVEMENTS. The City will not assume any liability for damage to improvements or landscaping in the public right-of-way which results from normal snow removal activity.

SECTION 14- 4-18. FLAGGING IMPROVEMENTS. Owners of improvements within the right-of-way are requested to flag the location of improvements, and to the extent it is reasonable to do so, city snow removal efforts will avoid flagged areas. This shall not be construed as a waiver or abandonment of the right-of-way or an acceptance of liability for damage to encroachments that are hidden with snow.

SECTION 14- 4-19. PENALTIES. Any person convicted of a violation of this chapter is guilty of a Class "C" misdemeanor.

CHAPTER 5 - STREET ADDRESS SYSTEM:

SECTION 14- 5- 1. DESIGNATION OF STREET ADDRESS NUMBERS. The principal building on each premises fronting on a street shall bear a distinctive street number in accordance with the Park City

Address Book on file in the office of the Community Development Department. The City Engineer shall designate the appropriate street number for each new building constructed, which shall require a number, upon final plat approval prior to the issuance of an occupancy permit.

As additional streets are established by platting or subdividing and existing streets are altered, it shall be the duty of the City Engineer to revise the Park City Address Book and to assign appropriate numbers in accordance with the existing street numbering plan.

SECTION 14- 5- 2. POSTING OF DESIGNATED STREET ADDRESS.

Owners shall place and maintain the correct number, assigned by the City Engineer, upon the front of each building requiring a number. The assigned number shall face the street and be adjacent to the principal entrance and in such position as to be plainly visible from the street. Numbers shall be not less than three inches (3") in height and shall contrast in color with the color of the building or background to which they are attached.

SECTION 14- 5- 3. DUTY TO AFFIX ASSIGNED NUMBERS.

Within sixty (60) days after the mailing or delivery of written notification of the assigned number and/or assigned corrected number from the City Engineer, the owner, occupant or person in charge of a house or building shall affix the assigned number in such a manner as to be plainly visible and legible from the street or road fronting the property.

SECTION 14- 5- 4. DUTY TO REMOVE OTHER NUMBERS.

It shall be the duty of the owner, occupant, or person in charge of the property, upon affixing the new number, to remove any different number which might be mistaken for, or confused with, the number assigned to the building by the City Engineer.

SECTION 14- 5- 5. PENALTIES.

Any owner, occupant, or person in charge of any house or building who is convicted of a violation of this chapter is guilty of a Class "C" misdemeanor.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall take effect upon publication.

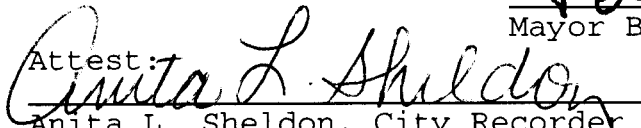
PASSED AND ADOPTED this 29th day of July, 1993.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:



Anita L. Sheldon, City Recorder

Ordinance No. 93-4

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF PARK CITY, UTAH TO INCLUDE .92 ACRES
KNOWN AS THE ROSS PROPERTY**

WHEREAS, the owner of the Ross property, Vicki Ross, petitioned the City Council of Park City for annexation of a .92 acre parcel contiguous with Park City to be zoned as Single Family (SF); and

WHEREAS, notice was duly given and published in the Park Record six weeks in advance of public hearings before the City Council and Planning Commission in accordance with notice provisions of the Land Management Code; and

WHEREAS, a public hearing was held on the annexation on July 8th, 1993, before the City Council and on May 26th before the Planning Commission, and the City Council finds that the annexation and zoning designations, as requested at the time of the hearings, are in the best interest of the community;

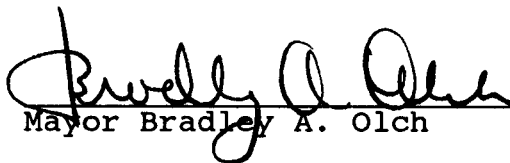
NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that the Official Zoning Map of Park City, Utah be amended as follows:

SECTION 1. AMENDMENT TO OFFICIAL ZONING MAP. The land designated on the attached Annexation Plat shall be annexed and zoned as Single Family and the zoning map of Park City, Utah is hereby amended to reflect the change.

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

PASSED AND ADOPTED this 5th day of August, 1993.

PARK CITY MUNICIPAL CORPORATION

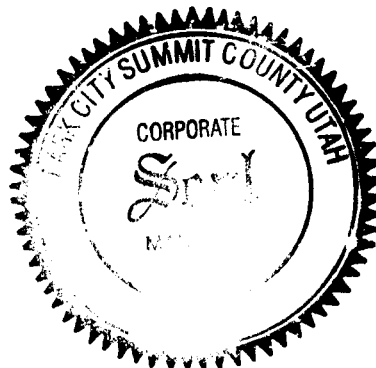


Mayor Bradley A. Olch

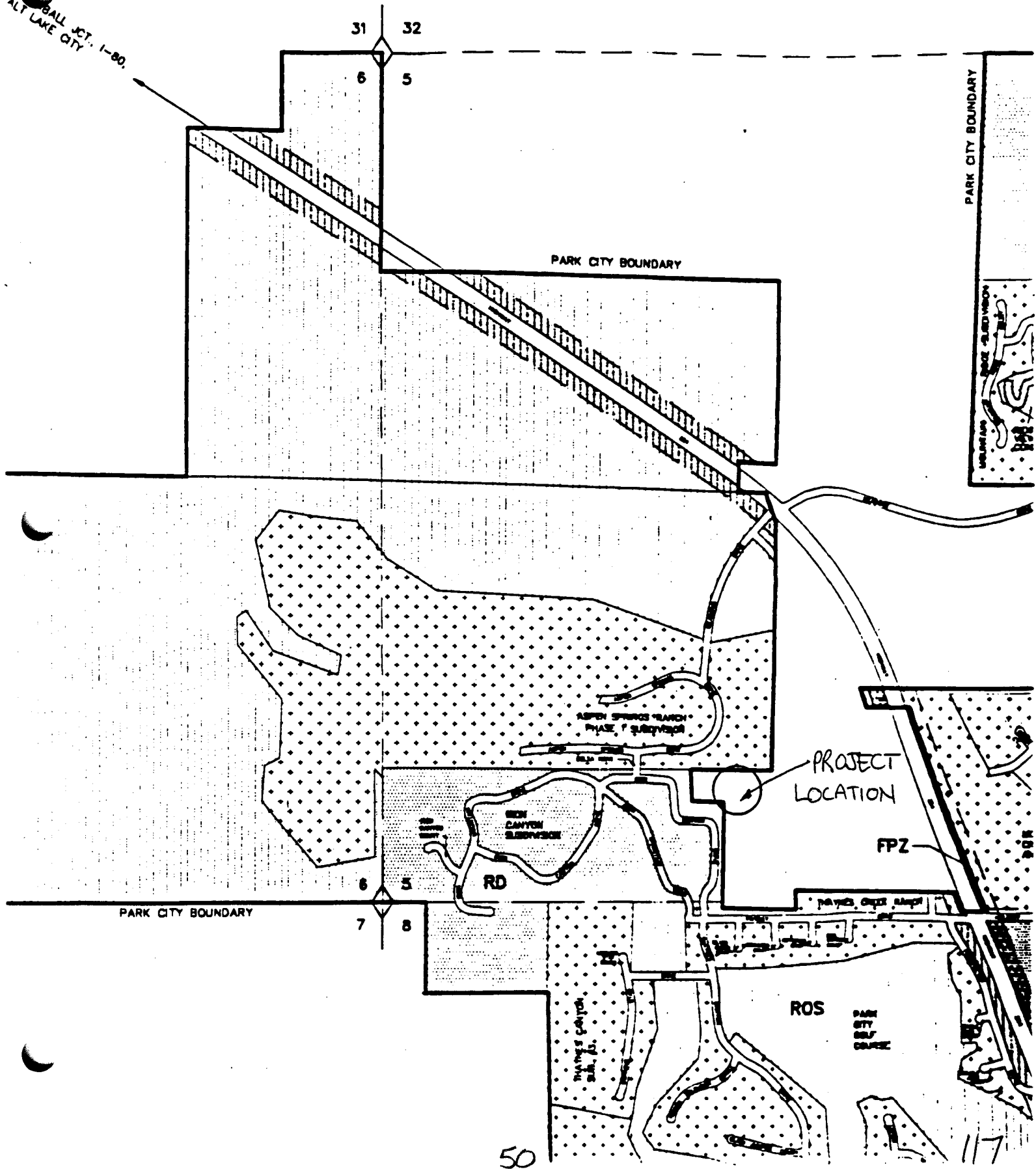
Attest:



Anita L. Sheldon, City Recorder



TO BALL JCT. I-80.
ALT LAKE CITY



PARK CITY BOUNDARY

PARK CITY BOUNDARY

PARK CITY BOUNDARY

PROJECT LOCATION

FPZ

ROS

PARK CITY GOLF COURSE

50

MARK ZAMMERON

TOM FRY

Lot 11

Lot 10

DON QUIXOTE II
(CHUCK DAVINP)

Lot 9

Aspen Springs
Ranch

EQUITY PROPERTIES CURRENT PLAT FOR ASPIEN SPRING

Lot 8

QUIT CLAIM LAND

COW & HORSE CORRALS

RECEIVED
MAY 5 1993

CITY
PLANNING DEPT.

ROBINNS PARCEL
ENTRY 150262 N121 P330

ROSS PARCEL
ENTRY 244318 N368 P335

BARN
24 X 36

FRANK RICHARDS
INDOOR ARENA

BARN

HORSE CORRALS

EQUIPMENT STORAGE

CORRALS

6-STALL BARN

CORRALS

FRANK RICHARDS

TO PAYDAY DRIVE DEEDED RIGHT-OF-WAY

Iron Canyon



No other recorded owners in Aspen Springs
on adjoining Lots #8, 10, 11

118

51

THE CORNER SECTION IS
 100.00 FEET
 A POINT
 100.00 FEET MONUMENT

E 3/4 CORNER SECTION IS
 100.00 FEET
 A POINT
 100.00 FEET MONUMENT

TABLE D

NET FOOTAGE

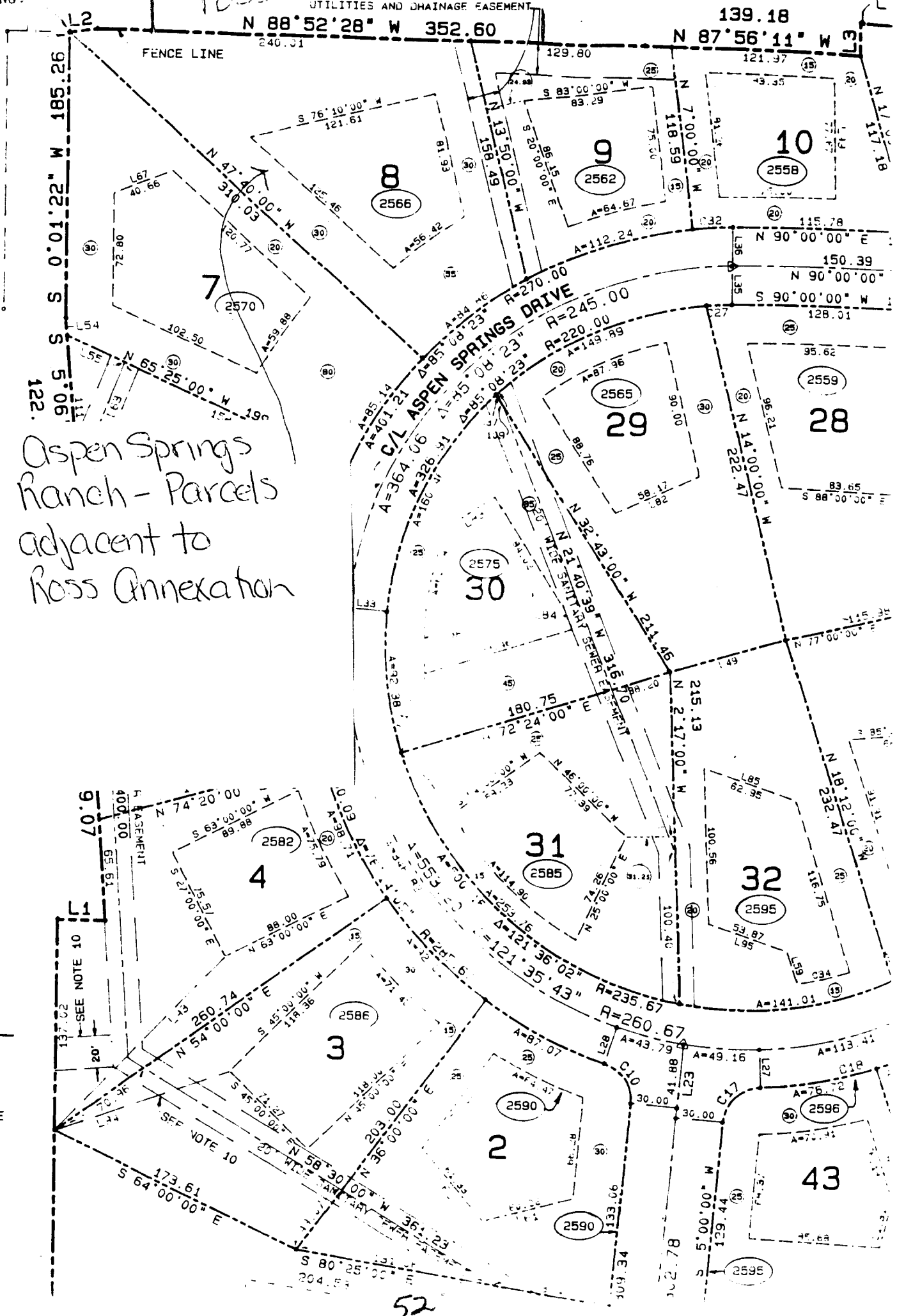
NET AREA

LIMITS OF DISTURBANCE

SG. FEET

17,330	SF
7,353	SF
326	SF
6,603	SF
5,597	SF
5,533	SF
4,404	SF
1,111	SF

Aspen Springs
 Ranch - Parcels
 adjacent to
 Ross Annexation



52

Ordinance No. 93-5

An Ordinance Amending Title 11, Chapter 14 of the Park City Code to restrict parking to impervious surfaces.

WHEREAS, Title 11, Chapter 14 of the Park City Code was enacted in the interest of public safety to regulate and maintain adequate soil cover over mine tailings in the Prospector area;

WHEREAS, staff has become aware that some residents in the Prospector area park motor vehicles and trailers on landscaped areas remediated pursuant to Title 11, Chapter 14 of the Park City Code;

WHEREAS, staff has expressed concern that such a practice disturbs the protective topsoil cap and may cause mine tailings to return to the surface;

WHEREAS, it is in the best interest of the City to prohibit such a practice to better ensure the viability of remedial measures in the Prospector area;

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

Section 1: Park City Code Section 11-14-2 **MINIMUM COVERAGE WITH TOPSOIL** is amended as follows:

11-14- 2. MINIMUM COVERAGE WITH TOPSOIL All real property within Prospector must be covered and maintained with a minimum cover of 6" of approved topsoil over mine tailings except where such real property is covered by asphalt, concrete or permanent structures or paving materials. **Parking shall be restricted to impervious surfaces.**

Section 2: This Ordinance shall be effective upon publication.

DATED this _th day of October, 1993.

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. COLCH, MAYOR

ATTEST:


ANITA L. SHELDON, CITY RECORDER

APPROVED AS TO FORM:


JODI HOFFMAN, CITY ATTORNEY

Ordinance No. 93-6

AN ORDINANCE AMENDING TITLE 9, PARKING CODE
AND TITLE 11, BUILDINGS AND BUILDING REGULATIONS,
CHAPTER 3, SECTION 2 - AUTOMATIC FIRE EXTINGUISHING SYSTEMS
OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the City Council is empowered to make amendments to the Municipal Code of Park City, Utah; and

WHEREAS, the health and safety of residents and visitors is an important consideration of the City Council; and

WHEREAS, the City Council finds it in the best interest of the public to amend the Municipal Code so that it is consistent with the Parking and Circulation Plan for Main Street and Swede Alley adopted by Resolution No. 19-93 on August 5, 1993; and

WHEREAS, the City Council deems it appropriate to amend fire sprinkling requirements for Historic Commercial Business District buildings, which have not been addressed since 1981, to better bring unprotected buildings into compliance in a timely manner, with sound fire protection practices; and

WHEREAS, a public hearing was held before the City Council on October 21, 1993 at its regularly scheduled meeting regarding Parking Code amendments; and

WHEREAS, public hearings were held before the Planning Commission on August 25, 1993 and before the City Council on October 21, 1993 at their regularly scheduled respective meetings regarding fire sprinkling of Historic Commercial Business District buildings;

NOW, THEREFORE BE IT ORDAINED that:

SECTION 1. AMENDMENT TO PARKING CODE, TITLE 9, CHAPTER 3 - TIME LIMITATION ADOPTED - Section 9- 3- 2 shall be renumbered 9- 3- 3; Section 9- 5- 4, Parking Lots and Classifications and its subsections, shall be moved and renumbered as Chapter 9- 3- 5 and the balance of Chapter 9 shall be renumbered accordingly. The following amendments shall be made to the above-captioned section:

9- 3- 1. PARKING FOR MORE THAN SEVENTY-TWO (72) CONSECUTIVE HOURS ON PUBLIC STREETS. It shall be unlawful to leave a vehicle parked in any street ~~or public parking lot~~ for more than seventy-two (72) consecutive hours. After seventy-two (72) consecutive hours, the vehicle is subject to impoundment.

9- 3- 2. PARKING FOR MORE THAN TWENTY-FOUR (24) CONSECUTIVE HOURS IN PUBLIC PARKING LOTS AND GARAGES. It shall be unlawful to leave any vehicle in any public parking lot or garage for more than twenty-four (24) consecutive hours; except where otherwise posted. After twenty-four consecutive hours, the vehicle is subject to impoundment.

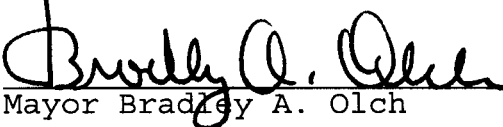
SECTION 2. AMENDMENT TO TITLE 11, BUILDINGS AND BUILDING REGULATIONS, CHAPTER 3, SECTION 2 - AUTOMATIC FIRE EXTINGUISHING SYSTEMS ADOPTED - The following language shall be added to Title 11 and described as 11- 3- 2 (f):

(f) All existing buildings within the Historic Commercial Business District shall be required to be protected with a fire sprinkling system, in compliance with the Uniform Building Code Standards, by August 15, 1996.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of November, 1993.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:

Anita L. Sheldon, City Recorder

Approved as to Form:

Jodi Hoffman, City Attorney

AN ORDINANCE AMENDING VARIOUS SECTIONS
OF THE LAND MANAGEMENT CODE INCLUDING
SECTION 4.3 REGARDING TERMS AND QUALIFICATIONS
OF THE HISTORIC DISTRICT COMMISSION;
SECTION 4.11 AND SECTION 4.15 REGARDING PRESERVATION OF
HISTORIC BUILDINGS AND SITES AND CERTIFICATE OF
APPROPRIATENESS FOR DEMOLITION; AND
CHAPTER 8 TO ALLOW THE OUTDOOR DISPLAY OF WORKS OF ART
IN APPROVED LOCATIONS IN PARK CITY, UTAH

WHEREAS, the City Council is empowered to make amendments to the Land Management Code; and

WHEREAS, public hearings were duly advertised and held before the Planning Commission at its regularly scheduled meetings, regarding amendments to Section 4 on October 13, 1993 and on Section 8 on August 25, 1993; and

WHEREAS, public hearings were duly advertised and held before the City Council at its regularly scheduled meeting of October 21, 1993 regarding the above-captioned amendments; and

WHEREAS, the City Council deems it in the best interest of the community to amend the Code;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. AMENDMENTS TO CHAPTER 4, HISTORIC DISTRICT COMMISSION, AND PRESERVATION OF HISTORIC BUILDINGS AND SITES ADOPTED. The following amendments are hereby adopted as follows:

4.3. TERMS AND QUALIFICATIONS OF MEMBERS. Members of the Commission shall serve terms of two years. The terms shall be staggered. Terms may expire on ~~July 1~~ February 1 but members of the Commission shall continue to serve until their successors are appointed and qualified.

(a) The member appointed from the Planning Commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the Planning Commission. The Mayor shall appoint a new Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

(b) It is the first priority of the City Council that the Commission have technical representation in historic renovation and preservation and secondly that it have cultural representation in Park City history. Therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect serving on the Board, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the application process.

(c) In addition, the Commission should include members with the following qualifications, or representing the following interests:

- ~~1. A licensed architect or member of the American Society of Interior Design, with demonstrated experience in historic preservation.~~
1. A member recommended by or associated with one of the following groups: Park City Historical Society, the Utah State Historical Society or Utah Heritage Foundation.
2. A member living in the Historic District with demonstrated interest and knowledge of historic preservation.
- ~~4. A member from the Park City Planning Commission.~~
3. A member appointed at large from Park City with demonstrated interest and knowledge of historic preservation.
4. A member associated with Main Street business and commercial interests.

SECTION 2. AMENDMENTS TO SECTION 4.11, PRESERVATION OF HISTORIC BUILDINGS AND SITES AND SECTION 4.15, CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION ADOPTED. The following amendments are hereby adopted as follows:

4.11. PRESERVATION OF HISTORIC BUILDINGS AND SITES. It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of buildings and sites of historic significance in Park City. These buildings and sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, demolition, expansion or change within the City, the preservation of the remaining buildings and sites of historic interest or community significance should be encouraged. This

section is intended to provide an incentive for identification and preservation of historic buildings or sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

4.15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION. With the exception of any building or structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation\reconstruction in compliance with this Chapter, no building or other structure located within the Historic District or over 50 years old and deemed to be historically significant by the Historic District Commission may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Planning Department or the Historic District Commission (HDC). Application for a CAD shall be made on forms prescribed by the HDC and shall be made first to the Planning Department.

(a) Staff Determination of Significance. If, upon review of the application, the Planning Department concludes that the building or structure sought to be demolished or removed has been determined to not be significant within the context of the neighborhood and community and is not listed as a significant or contributory historic building according to in the Historic Sites Survey on file in the Planning Department, the Department may ~~issue a CAD~~ determine that issuance of a CAD is appropriate. If such a determination is made, the staff shall schedule the CAD as an informational item on the next available Historic District Commission agenda. The staff shall provide the application, background information, and the findings supporting the staff determination.

(1) If the Historic District Commission concurs with the staff determination, the applicant shall have a waiting period the length of which shall be determined by the Historic District Commission. The extent of waiting period shall be based upon the condition of the structure, the likelihood that the structure can be moved intact, and the significance of the structure. The maximum waiting period shall be six weeks, during which time the applicant shall advertise the structure, by a method approved by the Planning Department, for relocation to another site. The requirement for the waiting period and advertising may be waived by the HDC based upon a finding that the structure cannot be moved. After the applicant has satisfied the Historic District Commission conditions, the Planning Director may issue a CAD.

(2) If the Historic District Commission determines that the building is significant, the applicant shall be required

to process the CAD application through the processes outlined under §4.16, 4.17, and 4.18 as appropriate.

- (b) Removal of Hazardous Buildings. If, upon review, the Planning Department, in conjunction with the Chief Building Official, determines the subject building or structure to be structurally unsound, and a hazardous or dangerous building, the Planning Director Chief Building Official may issue a CAD.
- (c) Requirement for Stay of Demolition. In the absence of a finding either of insignificance or of public hazard, the application for demolition or removal shall be stayed for 180 days.

SECTION 3. AMENDMENT TO CHAPTER 8 ADOPTED. The following Section 8.28 shall be added to Chapter 8 as follows:

8.28 OUTDOOR DISPLAY OF WORKS OF ART. The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, certain public property and buildings, and other locations where such art can be viewed by the public. Approved outdoor displays of works of art may be exempt from Chapter 12-9-1(r) of the Park City Municipal Code provided such displays meet the following criteria:

- (a) The location and work of art must be approved by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed and approved by the Historic District Commission.
- (b) The display must be of a permanent nature and able to withstand the elements if located outside.
- (c) The City shall accept no liability in case of damage or theft.
- (d) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.
- (e) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular areas; nor shall the display restrict vision at intersections.
- (f) A building permit may be required in situations requiring installation of a base and/or electrical connections.
- (g) In the case of the denial of a request for a display of a work of art, the applicant may appeal to the City Council.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon publication.

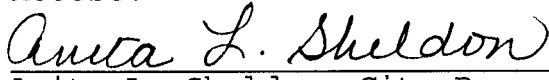
PASSED AND ADOPTED this 4th day of November, 1993.

PARK CITY MUNICIPAL CORPORATION



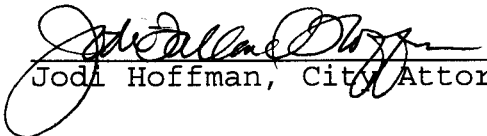
Mayor Bradley A. Olch

Attest:

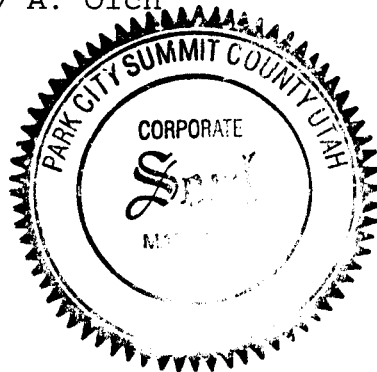


Anita L. Sheldon, City Recorder

Approved as to Form:



Jodi Hoffman, City Attorney



Ordinance No. 93-8

AN ORDINANCE AMENDING TITLE 11, CHAPTER 12, SECTION 3
OF THE MUNICIPAL CODE OF PARK CITY, UTAH
IDENTIFYING DEVELOPMENT IMPACT FEES
FOR ALL NEW CONSTRUCTION

WHEREAS, Park City Municipal Corporation has adopted a policy that new development in the corporate limits pay its fair share of needed public improvements resulting from this growth; and

WHEREAS, the City has adopted a capital improvements program which anticipates the cost and timing of needed improvements resulting from anticipated new development; and

WHEREAS, an analysis has been performed to verify the need for development impact fees to help offset the cost of these improvements; and

WHEREAS, a public hearing was held before the City Council on this Ordinance at its regular scheduled meeting of November 18, 1993;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. AMENDMENT ADOPTED. Title 11, Chapter 12, Section 3 of the Municipal Code of Park City, Utah is hereby amended as follows:

11-12- 3. IMPACT FEES. There is hereby levied ~~an~~ impact fees on all new development, as determined by this Title. Impact fees include (1) public lands, (2) cultural facilities, (3) transportation, and (4) general government and shall be dedicated to the purchase or construction of equipment or capital improvements that will reasonably relate to the project on which ~~the~~ impact fees ~~was~~ were levied to prevent the dilution of City services in other areas of the City. Impact fees shall be reviewed every two years and updated as necessary, based on the City's capital improvement plan, in order to assure that new development continues to pay its fair share of needed public improvements.

The determination of value or valuation under any of the provisions of this Ordinance shall be made by the Building Official on the basis of the ICBO Building Standards, subject to the approval of the City Manager.

The impact fees set forth as established by resolution, shall be in addition to the building permit fees, and shall be paid prior to the issuance of a building permit.

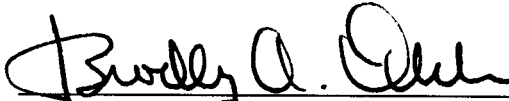
The impact fees shall be assessed against all new development wherever it occurs within the City, except that no

impact fee will be assessed against projects involving repair work only, or to the demolition and replacement of an existing, inhabited dwelling with another comparable dwelling unit at the same site.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective January 1, 1994.


PASSED AND ADOPTED this ⁹ 16th day of December, 1993.

PARK CITY MUNICIPAL CORPORATION

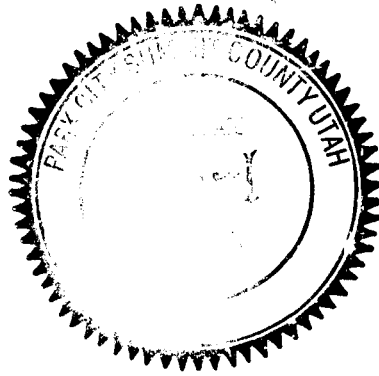


Mayor Bradley A. Olch

Attest:



Anita L. Sheldon, City Recorder



Ordinance No. 93-9

**AN ORDINANCE AMENDING CHAPTERS 2 AND 9 OF THE
LAND MANAGEMENT CODE AND SECTION 4 AND APPENDIX
A OF THE SENSITIVE LANDS ORDINANCE.**

WHEREAS, the City Council is empowered to make amendments to the Land Management Code; and

WHEREAS, the City Council desires to protect the health, safety, and welfare of residents of wildland interface zones; and

WHEREAS, the City Council deems it in the best interest of the community to make the above-captioned amendments to the code;

WHEREAS, public hearings were duly advertised and held before the Planning Commission on September 8, 1993 and before the City Council on October 21, 1993; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City that:

SECTION 1. AMENDMENT. The following definition be added to Chapter 2 of the Land Management Code and Section 4.2 of the Sensitive Lands Ordinance:

Wildland interface zone. Those areas with special safety considerations because of their location on the urban fringe. All areas within the Sensitive Areas Overlay Zone shall be considered to be in the wildland interface zone unless the City Fire Marshall determines otherwise based upon the following criteria:

- amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest,
- steepness,
- ~~· orientation, and~~
- ~~· distance from a fire station.~~

The following table shall be used to determine exemption from the wood roof prohibition. The rating column applies to each of the



categories of slope, aspect, fire department response time, and vegetation.

WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	$\leq 10\%$	Pinion-juniper
2	10.1-20%	Grass-sagebrush
3	$> 20\%$	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
≤ 11	wood roofs are allowed
≥ 12	wood roofs are prohibited

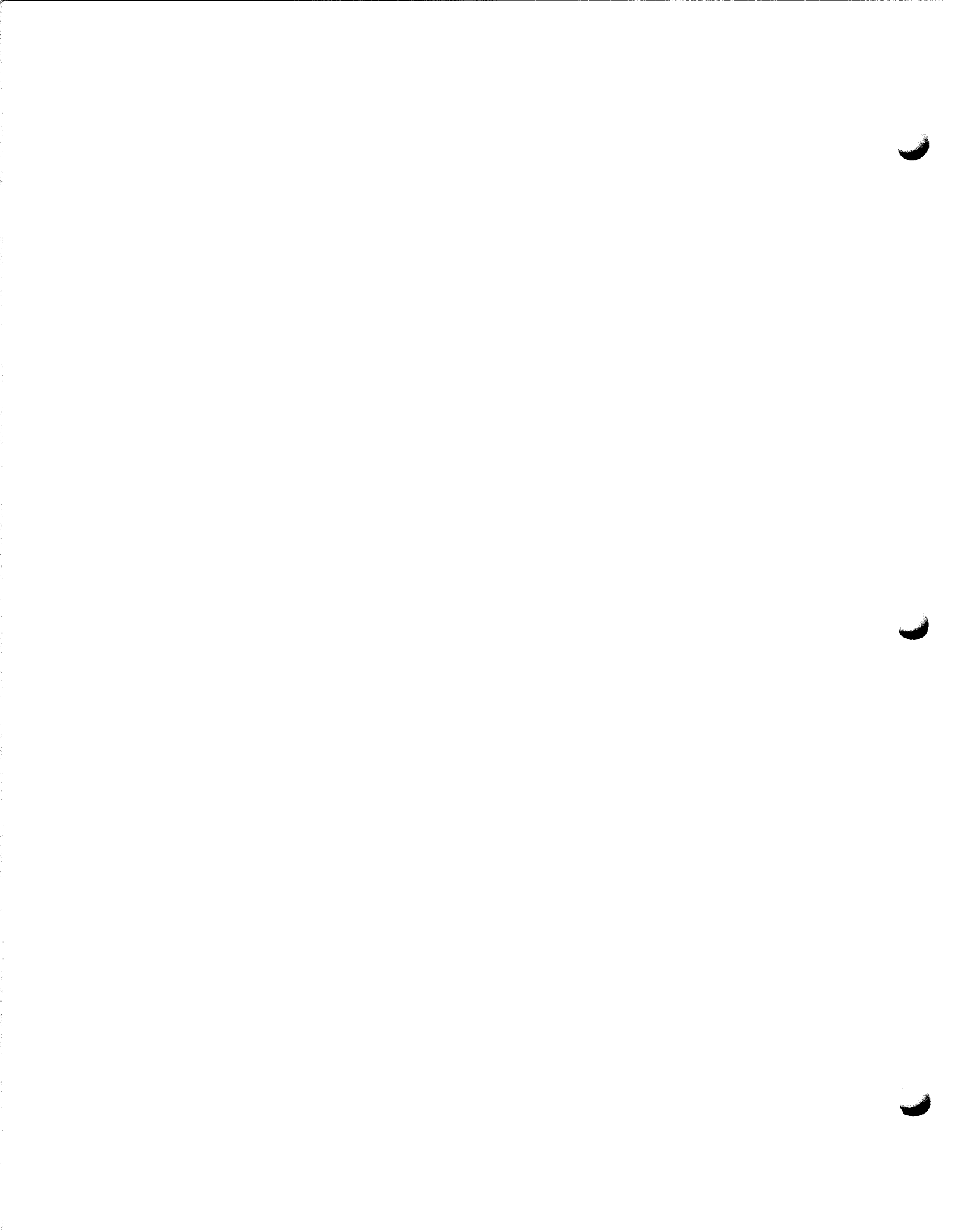
STEP 1: Find the rating for slope and vegetation from the Wildfire Hazard Severity Scale table and choose whichever rating is highest.

STEP 2: Add 9 to that rating (9 is the weather factor for Park City). The result is the total rating.

STEP 3: Find the total rating in the "Prohibition/Exemption Table" to determine whether wood roofs may be allowed on the specific lot.

Section 9.5(e) of the Land Management Code be amended to read:

9.5(e) Because of the steep grade changes within Park City, and the fact that residents and visitors are frequently in a position to look down on the city from the adjoining mountains, the appearance of roofs in Park City is of more significance than



in other communities. Some roof types do not perform well in Park City's harsh climate. In addition, the area's dry climate creates a high potential for wildland fires which makes the use of wood roofs unsafe in some areas. For these reasons, the following roof types are prohibited in Park City:

Untreated aluminum or metal (except that copper may be used),

Reflective materials,

Brightly colored roofing such as bright red, blue, yellow, or similar colors that are highly visible,

Wood shingles, including fire retardant (prohibited only in wildland interface zones). Wood roofs may be allowed on additions to existing structures with wood roofs. In addition, wood roofing may be allowed on later phases which continue the specific design of existing projects and where the original phase has wood roofing. Existing non-conforming structures must comply with this section when the structure's roof is replaced.

Except on historic renovations or reconstructions with adequate documentation, roof ornamentation such as scroll work, finials, and bead-and-dowel work are prohibited.

Section A.9 be added to the Sensitive Lands Ordinance to read:

A.9 Wood Roofs. Because of fire safety concerns, wood shingles, including fire retardant wood shingles, are prohibited in all wildland interface zones as defined in the Sensitive Lands Ordinance section 4.2 and Land Management Code Chapter 2. Wood roofs may be allowed on additions to existing structures with wood roofs. In addition, wood roofing may be allowed on later phases which continue the specific design of existing projects and where the original phase has wood roofing. However, existing non-conforming structures must comply with this section when the structure's roof is replaced.



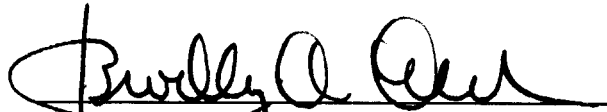
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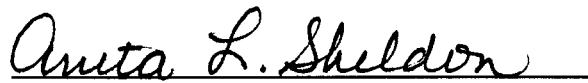


SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon January 1, 1994.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:


Anita L. Sheldon, City Recorder



PROOF OF PUBLICATION

STATE OF UTAH,
County of Summit

I, PAMELA HAINSWORTH PH

being first duly sworn, depose and say that I am the office secretary of The Park Record, a weekly newspaper of general circulation, published once each week at Park City, Utah, that the notice attached hereto and which is a:

Legal Notice

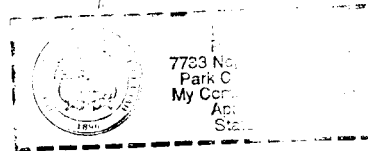
was published in said newspaper for one consecutive issues, the first publication having been made on the 23rd day of December, 1993, and the last on the 23rd day of December, 1993, that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication and the same was published in the newspaper proper and not in any supplement.

Subscribed and sworn to before me this 31st day of December, 1993.

Ram Carlin

Notary Public

My commission expires: APRIL 20, 1995



Aug 93-8

Legal Notice

Impact Fees:

At its regularly scheduled meeting of December 9, 1993, the City Council approved an amendment to the Municipal Code identifying development impact fees for all new construction. The ordinance becomes effective December 23; violations are a Class B misdemeanor. Copies of the ordinance are available in the City Recorder's Office.

93-8

Wood Roofs:

At its regularly scheduled meeting of December 16, 1993, the City Council approved an amendment to the Land Management Code and Appendix A of the Sensitive Lands Ordinance prohibiting wood roofs in unsafe zones. The ordinance becomes effective January 1, 1994; violations are a Class B misdemeanor. Copies of the ordinance are available in the City Recorder's Office.

93-9

Franchise Tax:

At its regularly scheduled meeting of December 16, 1993, the City Council approved an ordinance imposing a business license fee on franchised utilities to apply to franchised cable television operators. The ordinance becomes effective December 23; violations are a Class B misdemeanor. Copies of the ordinance are available in the City Recorder's Office.

93-10

Noise Ordinance:

At its regularly scheduled meeting of December 16, 1993, the City Council approved an ordinance establishing Title 6 - Health, Nuisance Abatement, and Noise of the Municipal Code. This comprehensive noise ordinance becomes effective December 23; violations are a Class B misdemeanor. Copies of the ordinance are available in the City Recorder's Office.

93-12

Peddlers and Solicitors:

At its regularly scheduled meeting of December 16, 1993, the City Council approved an amendment to the peddlers and solicitors ordinance dealing with unsolicited deliveries, foreign businesses, citations, and organizational amendments. The amendment becomes effective December 23; violations are a Class B misdemeanor. Copies of the ordinance are available in the City Recorder's office.

93-11

Published in The Park Record
December 23, 1993.

SENSITIVE AREA OVERLAY ZONE REGULATIONS

**Adopted September 24, 1992
Amended December 16, 1993**

**Park City Municipal Corporation
Park City, Utah**

**SENSITIVE AREA OVERLAY ZONE REGULATIONS
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**SENSITIVE AREA OVERLAY ZONE
REGULATIONS**

INTRODUCTION AND OVERVIEW

A. Conditions and Development Pressures Leading to Action

For many years, Park City has discussed the need to develop more comprehensive regulations to deal with development on sensitive lands within Park City. The need for new regulations has intensified with increasing development pressures and with the continued buildout of areas within Park City.

The City Council adopted a resolution in October of 1991 that directed the staff to update the current ordinances to include additional regulations for sensitive lands. A citizens focus group was formed and draft Comprehensive Plan amendments and implementation strategies were formulated. This document proposes changes to the Land Management Code to address development in the sensitive areas of Park City.

The basis for these regulations is the Comprehensive Plan for which amendments are proposed to stress the importance of protecting the characteristics that make Park City unique and desirable:

"The long-term viability of the community depends on its success as a year-round tourist destination and as a desirable place to live and work. Park City must maintain its identity to preserve and enhance its appeal."

The primary intent of the regulations included in this document is to restrict development in aesthetically and environmentally sensitive areas. This is done by requiring open space on hillsides, prohibiting development on ridgeline areas and wetlands and strictly regulating development in entry corridors. The intent is that these regulations will encourage large expanses of open space and the clustering of development while still allowing a reasonable use of property.

There are several different categories of land to which these regulations apply. Much of the property within the existing city limits of Park City is subdivided or master planned. Additionally, there is land within the City which is zoned but undeveloped, and land within the Annexation Policy Declaration which is unzoned and not within the current City Limits. The regulations will apply to land only within the Sensitive Area Overlay Zone and will have a different level of application for each of these situations. A matrix is included (Appendix B) as a part of these regulations to better understand how requirements apply to these different categories of land:

1. Unannexed, Unzoned Land - The City currently has a significant amount of negotiating power in these situations, but these regulations will provide a minimum basis for those negotiations and will set forth the intent so that new development can be made consistent with that intent.
2. Land within the City Limits and Zoned - All of the proposed regulations would apply to this category of land including the density transfer provisions.
3. Land within the City Limits which is Master Planned but not Subdivided - As site specific plans come before the City, these regulations shall be used for site planning and final density

determinations. The building design standards and tree/vegetation protection regulations shall apply.

4. Land within the City Limits which is Subdivided - The building design standards and tree/vegetation protection regulations shall apply to these areas.

It is the intent of this ordinance that the sensitive area regulations will also apply to unique or special developments like public works and utility projects, ski resorts, and industrial activities. However, given the special nature of these developments, the ordinance applies the regulations through special procedures.

These regulations are a beginning point. Because of limited staff resources, there has been an attempt to address the most vital issues relating to development on sensitive lands. Other future regulations may be appropriate as time and staffing allows.

B. Basic Regulatory Approach

The city staff and sensitive lands consultants analyzed a range of regulatory approaches and specific tools to deal with the development pressures on sensitive lands. For example, the team explored options such as a complete rewrite of the city's zoning ordinance to emphasize protection of sensitive lands. They examined innovative growth management systems involving performance zoning and development point systems that are being utilized in other fast-growing communities.

Based on this analysis and an assessment of the pros and cons of each option, the city staff and consultants concluded that given the need to act expeditiously, the best approach was to adopt a special overlay zoning protection district for all lands containing sensitive environmental areas (importantly, defined to include both sensitive visual and natural environmental areas). Such overlay protection districts are used frequently in localities throughout the United States, and in fact, Park City already utilizes this technique under its Land Management Code.

The overlay protection zone will work as follows. Within the new district, all existing land-use and building regulations now in place will continue to apply except to the extent the regulations contained in the protection district are stronger or more restrictive. In a few instances, new regulations are proposed that would amend existing zoning regulations (for example, the limits of disturbance regulations or building design standards would apply to all development, including residential and commercial, etc.). The overlay district regulations would also serve as minimum standards of review to guide annexation negotiations, but could be applied with a greater degree of discretion given the flexibility inherent in the annexation process.

The overlay review process, described in greater detail in the proposed regulations, will have four primary steps:

1. Sensitive area analysis and delineation: All applicants for development (defined as including applications for subdivision or other development permits, including significant changes in existing Master Planned Developments (MPD), and for annexation) whose property has been identified as being within the sensitive area overlay zone, will be required to undertake an analysis of their property to identify sensitive environmental and aesthetic areas such as steep slopes, ridgeline areas, wetlands, and stream corridors. The regulations set forth criteria for the staff delineation of sensitive environmental areas.
2. Application of overlay zone regulations: Once the staff delineates sensitive areas on a site, regulatory standards will apply depending on the type of area involved (for example, a setback from a crest of a hill or wetlands or a prescribed amount of open space and existing vegetation that must be retained).
3. Site Development Suitability Review: The site will be analyzed and the most appropriate location for development will be determined based upon criteria for suitability outlined in Sections 2.1.9.c and 2.2.3.c. The staff shall review the Sensitive Area Determination and the proposed locations for development at this time. A report shall be given to the Planning Commission which shall discuss appropriate areas for development and road restrictions. The Community Development Director may require that an application be reviewed by the Planning Commission prior to the master plan or subdivision review based upon size, location, and complexity of the project. A proposal will then continue with the design phase and will be reviewed and approved by the Planning Commission according to the process required in the Land Management Code. The MPD or Subdivision approval shall include density bonuses which may be appropriate as well as the open space requirement within the developed portion of an MPD site.
4. Hardship relief: Application of the sensitive area regulations may in a few cases, particularly involving smaller parcels, give rise to substantial economic hardship. Special procedures are recommended to obviate such hardship. If the applicant can demonstrate that the regulations would deny all reasonable use of the property, administrative steps are specified to provide relief through a special hearing process.

C. Effect on Existing Master Plans

There are number of existing, valid Master Plans which have been approved. Requests for site specific approval for parcels within Large Scale Master Plans which are located within the Sensitive Area Overlay Zone shall be required to go through the Sensitive Lands Analysis and the development will be required to be placed on the least sensitive portion of the parcels. In general, the site design criteria shall apply to these proposals.

If there is a request to change the form of density for a part or all of a Master Plan or a request to substantially modify the plan, the total permitted density will be reevaluated based upon the criteria in these provisions.

D. Changes in Existing Ordinance Provisions

In some instances, adoption of the sensitive area overlay zone regulations will require changes in existing city land development regulations to ensure consistency and compatibility. These provisions are identified in general terms.

E. Future Ordinance Revisions

In addition to recommendations for new sensitive area overlay regulations that should be adopted immediately, possible future revisions to the city's land development regulations are identified for consideration.

SENSITIVE AREA OVERLAY ZONE ORDINANCE PROVISIONS

SECTION 1: APPLICATION AND ANALYSIS REQUIREMENTS

In the Sensitive Area Overlay Zone as depicted in the accompanying map, the following application and analysis requirements and standards shall apply. The map requires that the following analysis be conducted to determine the exact boundaries of the sensitive areas and does not in and of itself define the sensitive areas.

1.1. Sensitive Area Analysis and Determination

Any applicant for any development approval must produce a sensitive lands analysis performed by qualified professionals that identifies and delineates all the following features and conditions.

- 1.1.1 Slope/topographic map, which shall be based on a certified boundary survey and depict contours at an interval of five (5) feet or less. Additionally, the map shall highlight areas of high geologic hazard, areas subject to landsliding, and all significant steep slopes in the following categories: (1) greater than fifteen (15) percent but less than or equal to thirty (30) percent; (2) greater than thirty (30) percent but less than or equal to forty (40) percent; and (3) over forty (40) percent. Steep slopes shall be defined as all areas within a parcel with a slope of greater than fifteen (15) percent. Slope determinations shall be made upon areas at least twenty-five (25) feet vertically and fifty (50) feet horizontally.
- 1.1.2 Ridgeline areas, which shall include all crests of hills or steep slopes as defined in Section 4.
- 1.1.3 Vegetative cover, generally by type and density of vegetation, including: 1) deciduous trees, 2) coniferous trees, 3) gamble oak or high shrub, and 4) sage, grassland, and agricultural crops. The Community Development Department shall have the discretion to require a more detailed tree/vegetation survey if the site has significant or unusual vegetation, stands of trees, or woodlands.
- 1.1.4 All designated entry corridors and designated vantage points present within or adjacent to the site, including Utah Highway 248 east of Wyatt Earpp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive.

1.1.5 Wetlands as established by using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989. Although the Federal Manual may change in the future, the City will use this referenced manual as a basis for wetlands determination.

1.1.6 Stream corridors as defined by their ordinary high-water mark.

1.2 Additional Information and Study Requirements

In addition to the analysis required by the preceding subsection, the Community Development Department may require the applicant to undertake the following studies and submit the following information and assessments to ensure that the City has adequate information to comprehensively assess all development proposals. Such information and studies may include, but are not limited to:

1.2.1 Visual assessment of the subject property from relevant designated vantage points as directed by the Community Development Department, depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping, and other visual features of the project to assist in analyzing the potential aesthetic impact and most advantageous location of structures and other improvements to reduce any adverse impact. The visual assessment shall be conducted using techniques as approved by the Community Development Director, including but not limited to sketches, models, drawings, renderings, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.

1.2.2 Soil investigation report, including but not limited to shrink-swell potential, elevation of water table, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action.

1.2.3 Geotechnical report, including but not limited to location of major geographic and geologic features, depth of bedrock, structural features (folds, fractures, etc.), and potential slide and other high-hazard areas such as mine shafts and avalanche paths.

1.2.4 Additional Slope Information. If the size of the proposed development and visual sensitivity of the site dictate, the Community Development Department may require the submission of a slope/topographic map depicting contours at an interval of two (2) feet.

1.2.5 Fire protection report, including but not limited to identification of potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability. The fire protection report shall address, as appropriate, the State Forester's Wildfire Hazards and Residential Development

Identification Classification and Regulation Report and the Summit County Wildfire Plan.

1.2.6 Hydrologic report, including but not limited to information on groundwater levels, drainage channels and systems, and base elevations in floodplains.

1.2.7 Wetland/stream corridor resource evaluation, including a delineation of wetland and stream corridor boundaries and a determination of resource significance pursuant to Section 2.4.

1.3 Waiver/Modification of Analysis and Study Requirements.

Based upon a preliminary assessment of the development proposal and a site field inspection, the Community Development Director may modify or waive any of the sensitive area analysis requirements upon a determination that the information is not necessary for a full and adequate analysis of the development or is sufficient at a reduced level of detail.

1.4 Sensitive Area Determination.

The Community Development Department shall delineate all sensitive areas on the parcel, including steep slope areas, ridgeline areas, entry corridors, and wetlands and stream corridors based on information submitted pursuant to this section, any other information and data available to or acquired by the Community Development Department, and an analysis thereof. Such delineation shall be used as the basis for all calculations of open space, density, buffers, setbacks, and density transfers permitted or required by this ordinance.

1.5 Density Transfer.

Whenever land within the Sensitive Areas Overlay Zone is subject to more than one density transfer provision, the more restrictive provision shall apply.

1.6 Annexations

Whenever an Annexation Petition is presented to the City, that Annexation shall be required to provide a Sensitive Area Analysis according to this code and may require varying levels of detail based upon existing conditions on the site. The Sensitive Area will be determined based upon that analysis. The analysis may lead to the designation of additional significant ridgelines, wetlands or vantage points which may not have been previously included as a part of this ordinance or of the accompanying maps.

SECTION 2: SENSITIVE AREA REGULATIONS

The following provisions shall apply to all delineated sensitive areas contained in the Sensitive Area Overlay Zone, including steep slopes, ridgeline areas, meadows, entry corridors, wetlands, and stream corridors.

2.1 Slope Protection Regulations

- 2.1.1 Intent. It is the intent of these regulations to protect Park City's visual character and environmentally sensitive areas on hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids sensitive natural areas, minimizes erosion, recognizes the need for water conservation and locates structures in the least visually sensitive location. These regulations shall apply to all slopes in excess of fifteen (15) percent.
- 2.1.2 Prohibitions. No development shall be allowed on or within fifty (50) feet of slopes in excess of forty (40) percent, areas subject to landsliding, and other high-hazard geological areas as determined by a geotechnical or soils report produced pursuant to Section 1.2.2 and 1.2.3 herein.
- 2.1.3 Graded or filled slopes. Cutting and filling to create additional or larger building sites shall be kept to a minimum and avoided to the maximum extent feasible. All proposed grading and filling shall be subject to review by the Community Development Department to ensure minimum visual impact and geotechnical safety. Graded or filled slopes shall be limited to thirty-three a 3 to 1 slope or less. All graded slopes shall be recontoured to the natural, varied contour of surrounding terrain. Exceptions to this provision may be made for grading associated with ski area development based upon Section 3.2.
- 2.1.4 Benching or terracing to provide additional or larger building sites is prohibited.
- 2.1.5 Streets and roads. Road construction in hillsides can be the most visually disruptive portion of a development. Development in some areas may not be appropriate if roads cannot be constructed to access it without causing significant visual impacts. Where streets and roads, public and private, are proposed to be constructed on steep slopes:
- (a) Streets and roads that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the Community Development Director upon a favorable recommendation by the Planning

Director and the City Engineer that such streets or roads will not have significant adverse visual, environmental, or safety impacts.

(b) Where streets and roads, public and private, are proposed to cross slopes greater than ten (10) percent, the following standards shall apply:

- (1) Evidence must be presented that such streets and roads will be built with minimum environmental damage and within acceptable public safety parameters.
- (2) Such streets and roads shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation.
- (3) Cutting and filling shall be held to a minimum and retaining walls employed to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed during road construction.

2.1.6 Retaining walls. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive to revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the Community Development Department based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

2.1.7 Landscaping and revegetation. In order to mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or revegetated in accord with a revegetation/landscaping plan as provided in Sections 15.4.2 (d) and 10.9 (k) of the Park City Municipal Land Management Code (Limits of Disturbance/Vegetation Protection), as amended. See Appendix B herein. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support plant growth.

2.1.8 Private development design standards. All development on steep slopes shall comply with the design standards set forth in Chapter 9 of the Land Management Code—Architectural Review (See Appendix A attached hereto.).

2.1.9 Open space and density on delineated portions of sites with steep slopes greater than fifteen (15) percent but less than or equal to forty (40) percent. In addition to the specific development regulations set forth above, the following

general open space, limits of disturbance, and density transfer regulations shall apply:

- (a) Open space. Seventy-five (75) percent of the steep slope area shall remain in natural open space as defined in the Land Management Code. Twenty five (25) percent may be developed in accordance with the underlying zoning subject to the following conditions.
 - (1) Maximum development density. The maximum allowable density that may be developed on the portion of the steep slope area not set aside for open space shall be governed by the underlying zoning. However, the maximum allowable density shall be permitted only by approval of the Community Development Department pursuant to the visual and environmental analysis provided for in Sections 1.1 and 1.2, and a finding that development at that density will not have a significant adverse visual or environmental affect on the community as set forth in Section 2.1.9(c).
 - (2) Location of development within sensitive areas. Any development permitted in steep slope areas pursuant to this section shall be located in such a manner to reduce visual and environmental impacts to the maximum extent feasible. To determine the most appropriate location for development, the Community Development Department shall require that the applicant conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon such analysis, the Community Development Department may require any one or a combination of the following measures:
 - (i) clustering of development within the sensitive area, or
 - (ii) dispersal of development throughout the sensitive area, or
 - (iii) transferral of development density to non-sensitive or less sensitive portions of the site not subject to Section 2. In transferring development to less sensitive portions of the site, meadows must also

be considered as important visual resources. A low lying meadow area may not always be the most appropriate location for all the development on a site to occur. Development shall be sited to preserve the open meadow vistas which are also desirable.

- (b) Density transfer. Up to twenty-five (25) percent of the densities otherwise permitted in the underlying zone attributable to the 75% open space portion of the site may be transferred to other portions of the site. The density transfer shall be subject to a suitability determination as set forth in Section 2.1.9(c). In addition to density transfers permitted above, up to one (100) hundred percent of the remaining preexisting density as set forth in Section 2.1.9(a) is eligible for transfer.
- (c) Suitability determination. A suitability determination certifying that a development will have no significant adverse impact on adjacent properties or development shall be granted by the Planning Commission at the time of master plan or subdivision review if the following conditions are satisfied:
 - (1) The overall development density of the entire parcel (not limited to the portion of the parcel receiving the transferred densities) is compatible with that of adjacent properties or developments. The fact that individual lot sizes in the receiving area may vary from those of adjacent properties or developments shall not be determinative of incompatibility.
 - (2) The architecture, height, building materials, and other design features of the development in the receiving area are compatible with adjacent properties or developments.
 - (3) The applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Community Development Department to buffer the adjacent properties from the receiving area.

2.1.10 Open space and density on portions of sites with very steep slopes (in excess of 40 percent).

- (a) One hundred (100) percent of the very steep slope area shall remain in open space. No vegetation within fifty (50) feet of the very steep slope area shall be disturbed.

- (b) Up to ten (10) percent of the densities otherwise permitted in the zone may be transferred to other portions of the site, including delineated sensitive areas. The density transfer shall be subject to a suitability determination by the Community Development Department as set forth in Section 2.1.9(c).

2.1.11 Land Management Code Master Planned Development (MPD) Open Space Requirements. The sixty (60) percent open space requirements contained in Chapter 10.9.(c) of the Land Management Code shall continue to apply to the developed portion of an MPD site. However, the Community Development Department may recommend to the Planning Commission at master plan or subdivision approval to reduce the sixty (60) percent open space requirement on non-sensitive areas on the site receiving a density transfer upon a determination that:

- (a) The sensitive area open space set aside is sufficient to provide adequate natural open space for the entire development, and
- (b) Sufficient neighborhood and recreational open space is set aside within the developable portion of the site to serve residents of the development.
- (c) In no case shall less than twenty (20) percent of the developable portion of the MPD site be set aside for neighborhood and recreational open space.

2.1.12 Density bonuses. In addition to the density transfers permitted pursuant to this Section, the Community Development Department may recommend that the Planning Commission grant, at the MPD or subdivision review, up to a maximum of twenty (20) percent increase in transferrable densities if the applicant:

- (a) Donates open space either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such density bonus shall only be granted upon a finding by the Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive area; or
- (b) Provides public access other than trails normally required through the development process and as shown on the Trails Master Plan; or
- (c) Restores degraded wetlands or stream areas on the site or makes other significant environmental improvements.

2.2 Ridgeline Area Protection Regulations

- 2.2.1 Intent. The intent of these provisions is to protect the unique visual and environmental character of all designated ridgeline areas within the Sensitive Area Overlay Zone and to ensure that development near ridgeline areas blends in with rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a natural state, and development should be sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated vantage points.
- 2.2.2 Minimum setback. No building, roof, or other appurtenant device shall encroach upon the ridgeline area, as defined in Section 4.2. Additionally, no roof or other appurtenant device, including mechanical equipment, on any building may visually intrude on the ridgeline area from any of the eight designated vantage points as depicted on the accompanying map, determined by a visual assessment.
- 2.2.3 Open space and density. In addition to the specific development regulations set forth above, the following general open space, limits of disturbance, and density transfer regulations shall apply to all ridgeline areas in the Sensitive Area Overlay Zone as defined in Section 4.2:
- (a) No vegetation within the ridgeline area shall be disturbed. One hundred (100) percent of the ridgeline area shall remain in open space.
 - (b) Density transfer. Up to twenty-five (25) percent of the densities otherwise permitted in the zone attributable to the ridgeline area may be transferred to portions of the site determined not to be subject to regulations contained in Section 2 herein. The density transfer shall be subject to a suitability determination as set forth below.
 - (c) Suitability determination. A suitability determination certifying that a development will have no significant adverse impact on adjacent properties or development shall be granted by the Planning Commission at the time of master plan or subdivision review if the following conditions are satisfied:
 - (1) The overall development density of the entire parcel (not limited to the portion of the parcel receiving the transferred densities) is compatible with that of adjacent properties or developments. The fact that individual lot sizes in the receiving area may vary from those of adjacent properties or developments shall not be

determinative of incompatibility.

- (2) The architecture, height, building materials, and other design features of the development in the receiving area are compatible with adjacent properties or developments.
- (3) The applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Community Development Department to buffer the adjacent properties from the receiving area.

2.2.4 Density bonuses. In addition to the density transfers permitted pursuant to this Section, the Community Development Director may recommend that the Planning Commission grant, at MPD or subdivision review, up to a maximum of twenty (20) percent increase in transferrable densities if the applicant:

- (a) Donates open space either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such density bonus shall only be granted upon a finding by the Director that the donation will ensure the long-term protection of a significant environmentally or aesthetically sensitive area; or
- (b) Provides public access for trails, other than those normally required as a part of the development process and as shown on the Trails Master Plan; or
- (c) Restores degraded environmental areas on the site or makes other significant environmental improvements.

2.3 Entry Corridor Protection

2.3.1 Intent. To protect the image of Park City as a mountain community with sweeping, attractive vistas, it is the intent of this section to maintain the visual character of all designated entry corridors into Park City including open space and meadows located in the entry corridor protection areas, views of hillsides and ridgeline areas, and natural areas such as streams and wetlands. This objective can be attained by eliminating or mitigating visually obtrusive development and ensuring that significant portions of meadows remain in open space.

2.3.2 Applicability to property within existing Park City limits. The regulations contained in this subsection shall apply to all structures on lots adjacent to or within two-hundred and fifty (250) feet of the nearest right-of-way of entry corridors within the existing boundaries of Park City including (1) Utah State

Highway 224 north of Holiday Ranch Loop Road and Payday Drive, (2) Utah State Highway 224 south of Prospect Avenue, and (3) Utah Highway 248 east of Wyatt Earpp Way.

- 2.3.3 Applicability to future annexed properties. Upon submission of an annexation petition, the Community Development Department shall identify relevant entry corridors for designation by the City Council and to the maximum extent feasible open vistas and meadows shall be maintained.
- 2.3.4 Access/traffic. Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing city streets that join with the corridor roadways rather than direct roadway access. Common driveways between adjoining projects shall be encouraged. Whenever direct driveway access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.
- 2.3.5 Setbacks.
- (a) A setback line shall be established by the Community Development Department based upon a visual assessment of the property. However, in no case shall the setback be less than one-hundred (100) feet from the nearest entry roadway right-of-way. In areas where open meadow vistas are considered important, the required setback may be increased significantly. The 100 foot standard is intended to be more appropriate for properties currently within the City Limits. Upon Annexation request, the appropriate setback will be determined based upon a site specific visual analysis.
 - (b) Building setbacks shall vary from structure to structure within any one lot or development. Setbacks shall also vary from those on adjoining roadway-oriented property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment provided for in Section 1.2.1.
 - (c) Agricultural or stock fences shall be permitted in the setback area subject to approval by the Community Development Department.
- 2.3.6 Parking lots. Parking lots shall be located to the rear or sides of buildings to the maximum extent feasible.
- 2.3.7 Berms/earthwork screening. All earthen berms and earthwork screening shall be graded and planted in such a manner so as to permit views of primary uses on the site from the adjacent entry corridor roadway. Additionally, berm

crests shall be contoured and varied in height to avoid a straight-line barrier effect.

2.3.8 Fencing. In addition to the requirements contained in Section 8.7 of the Land Management Code, all fences in the entry corridor shall be of one of the following styles:

- (a) Wooden rail
- (b) Architecturally compatible solid wood and natural stone.
- (c) Stock fences
- (d) Various forms of steel fencing as determined by the Community Development Department, not including chain link fencing.

2.3.9 Height controls. No building shall exceed the following height limits, as defined in Section 2 of the Land Management Code:

- (a) Twenty (20) feet if the entry corridor setback is less than one-hundred fifty (150) feet.
- (b) Twenty-five (25) feet if the entry corridor setback is greater than one-hundred fifty (150) feet but less than two-hundred (200) feet.
- (c) Up to the maximum height allowed by the underlying zone if the setback is two-hundred (200) feet or greater.

In addition, buildings may be required to be stepped back to preserve and enhance important views defined in the visual assessment as provided in Section 1.2.1.

2.3.10 Pedestrian facilities. Trails and sidewalks shall be provided in all entry corridor developments in accordance with the Park City Trails Master Plan.

2.3.11 Landscaping/vegetation protection. A landscaping plan shall be required for all entry corridor developments, and vegetation protection shall be undertaken pursuant to Chapter 15.4.2.(d) of the Land Management Code as amended (See Appendix B).

2.3.12 Design standards. All development within an entry corridor shall comply with the design standards contained in Chapter 9 of the Land Management Code, as amended. (See Appendix A).

2.4 Wetlands and Stream Corridors

- 2.4.1 Intent. Park City finds that the wetlands and stream corridors provide important hydrologic, biological and ecological, aesthetic, recreational, and educational functions. Important functional values of wetlands and streams have been lost or significantly impaired as a result of various activities and additional functional values of these important resources are in jeopardy of being lost. The following requirements and standards have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts.
- 2.4.2 Jurisdiction. All significant wetlands and stream corridors in the Sensitive Areas Overlay Zone are regulated as provided herein and are subject to the jurisdiction of this ordinance.
- 2.4.3 Prohibited Activities. No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation, ("surface disturbance") within significant wetlands and significant stream corridors and their respective setbacks, except as may be expressly allowed herein.
- 2.4.4 Boundary Delineations. Wetland and stream corridor delineations shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. The qualified professional shall be approved by the Community Development Director and shall perform the work on behalf of Park City Municipal Corporation through a third-party contract where all fees, costs and expenses are borne by the applicant. Delineation of wetlands and stream corridors shall be subject to the approval of the Community Development Director.
- (a) Pursuant to Section 1.1.5, boundary delineation of wetlands shall be established using the Federal Manual For Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil conservation Service. Subsequent revisions to the Federal Manual shall not be incorporated as part of the methodology. Although the Federal Manual may change in the future, the City will use this referenced manual as a basis for wetlands determination.
 - (b) Stream corridors shall be delineated at the ordinary high water mark as defined in Section 4.2.
- 2.4.5 Determination of Significance.
- (a) A wetland delineated pursuant to the 1989 Federal Manual shall be found significant based upon the following criteria:

- (1) Size. All wetlands that occupy a surface area greater than 1/10 acre or are associated with permanent surface water are significant.
 - (2) Location. All wetlands that are adjacent to or contiguous with a stream corridor are significant.
- (b) All stream corridors are significant. Stream Corridors shall not include ditches which are commonly known to be irrigation ditches and do not contribute to the preservation or enhancement of fisheries or wildlife.

2.4.6 Setbacks. The following setbacks are considered minimum distances:

- (a) Setbacks from wetlands shall extend a minimum of 50 feet outward from the delineated wetland edge.
- (b) Setbacks from stream corridors shall extend a minimum of 50 feet outward from the ordinary high water mark.
- (c) Setbacks from irrigation ditches shall extend a minimum of 20 feet from the ordinary high water mark.

2.4.7 Runoff Control. All projects adjacent to wetlands will provide appropriate temporary and permanent runoff control to minimize sediment and other contaminants to the maximum extent feasible.

2.4.8 Habitat Restoration Projects. The Community Development Department may approve wetland and stream restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate state and federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

2.4.9 Land Management Code Master Planned Development (MPD) Open Space Requirements. The sixty (60) percent open space requirements contained in Chapter 10.9.(c) of the Land Management Code shall continue to apply to the developed portions of an MPD site. However, the Community Development Department may recommend to the Planning Commission at master plan or subdivision approval to reduce the sixty (60) percent open space requirement in the developed portion of an MPD site upon a determination that:

- (a) The sensitive area open space set aside is sufficient to provide adequate natural open space for the entire development, and

- (b) Sufficient neighborhood and recreational open space is set aside within the developable portion of the site to serve residents of the development.
- (c) In no case shall less than twenty (20) percent of the developable portion of the MPD site be set aside for neighborhood and recreational open space.

SECTION 3: ADMINISTRATIVE PROVISIONS

3.1 Development Approvals For Public Projects/Public Works/Public Utilities

All public development projects and public works that visually impact or otherwise adversely impact sensitive areas, and all public utility installations including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, constructed or undertaken within the Sensitive Area Overlay Zone shall be reviewed according to the following process and guidelines. It is the intent of this section that the proposed public utilities projects, both private and public, make all reasonable attempts to comply with the standards and guidelines of the Sensitive Lands regulations. The primary emphasis shall be on reasonable and practical reclamation and revegetation of areas disturbed by major public works and utility projects. In some situations, it may be necessary to encroach upon certain environmentally sensitive lands in order to maintain a desirable level of public service and safety. In those cases, an evaluation of alternatives and possible mitigation shall be required prior to such projects being submitted.

3.1.1 Consultation.

- (a) Public Utilities projects. The project sponsor shall notify the Community Development Director of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall be submitted with such notification. If the Community Development Director determines that the project may have significant visual and environmental impacts, a consultation meeting shall be scheduled. No development shall occur until after the consultation meeting and compliance with the steps outlined in the following subsections, unless the Community Development Director has determined that no significant visual or environmental impact will result from the proposed project.
- (b) Public Works and other public projects. The department director shall notify the Community Development Director of all proposed projects which may have significant visual and environmental impacts and a consultation meeting shall be scheduled. No development shall occur until after the consultation meeting and compliance with the steps outlined in the following subsections.

Minor projects which are determined by the Community Development Director to have no potential for significant visual or environmental impacts shall be exempt from the process outlined in Sections 3.1.2 through 3.1.6.

- 3.1.2 Mitigation. The Community Development Director shall review the proposed project and after the consultation meeting may request the project sponsor to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive area and locate it in areas not visible from major public rights-of-way or public property such as parks.
- 3.1.3 Adoption of Recommendations. The project sponsor shall, before undertaking the project, to the maximum extent feasible, adopt the modifications and mitigation measures recommended by the Community Development Department or state in writing why adoption of such measures is not feasible before the project shall proceed.
- 3.1.4 Wetlands and Stream Corridors. All public utilities and public works, constructed or undertaken within significant wetlands and significant stream corridors and their respective setbacks, including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, shall be governed pursuant to the procedures set forth in Section 3.1. They shall be exempted from the requirements of this Section 2.4 providing that: (a) no practical alternative location exists outside the significant wetland and significant stream corridor and their respective setbacks; and (b) the project meets the technical guidelines defined below.
- (a) To the maximum extent feasible, disturbed areas within the setbacks shall be revegetated using native species common to the native vegetation community.
 - (b) Maintenance access shall be provided at specific access points rather than parallel access roads. To the extent that access roads must be located within a corridor, the roads shall be kept to a minimum width. Parallel access roads shall be sited contiguous to the utility corridor to minimize disturbance and shall be sited on the outside edge of the utility corridor away from the resource.
 - (c) Surface materials used for trail construction and other access routes shall be approved by the Community Development Director.
 - (d) Road construction techniques for stream crossings shall use appropriate methods demonstrated to provide fisheries protection.
- 3.1.5 Emergency Repairs. In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may

go forward without the immediate consent of the Community Development Director. The Community Development Director shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

- 3.1.6 Maintenance. Maintenance projects shall proceed only after notification of and approval by the Community Development Director. If the Community Development Director, due to the size or nature of the maintenance activity, determines that it may have a significant adverse impact on the sensitive area, the project shall proceed through the review procedures set forth in Sections 3.1.1 through 3.1.5.

3.2 Development Approvals for Ski Area Construction and Expansion

- 3.2.1 Consultation. Development of skiing and recreation related facilities within existing ski areas and expansion of ski facilities shall remain a permitted use. The project developer shall notify the Community Development Director of the proposed project. A plan detailing the location, alignment and scope of the undertaking shall be submitted with such notification. If the Community Development Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No development shall occur until after the consultation meeting.

- 3.2.2 Mitigation. The Community Development Director shall review the proposed project and after consultation may request the project developer to prepare alternatives for consideration and to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the developer shall design the ski facilities to preserve the natural character of the sensitive area. The mitigation plan shall also address revegetation disturbed areas and temporary and permanent erosion control measures.

- 3.3 Substantial Compliance. To avoid unnecessary review by city agencies and disputes over the application of the Sensitive Area Overlay Zone ordinance provisions, whenever there are practical difficulties over the application of the provisions or whenever the aims of the ordinance can be better achieved through alternatives to strict compliance, the Community Development Director, pursuant to the authority granted under Ordinance No. 83-3, may make specific modifications to strict compliance with the Sensitive Area Overlay Zone ordinance provisions.

3.4 Economic Hardship Relief Provisions.

- 3.4.1 Hardship Relief Petition. Any applicant for development, after a final decision on its development application is taken by the City Council, may file a Hardship Relief Petition with the Community Development Director seeking relief from the overlay zone regulations on the basis that the denial of the

application has created a substantial economic hardship, depriving the applicant of all reasonable use of its property.

3.4.2 Affected Property Interest. The hardship relief petition must provide information sufficient for Community Development Director and the City Attorney to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah and the Fifth Amendment to the United States Constitution.

3.4.3 Economic Hardship Standard. For purposes of this ordinance, a substantial economic hardship shall be defined as a denial all reasonable use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable use of the property, the Park City Municipal Corporation may provide the petitioner with relief from the overlay zone regulations.

3.4.4 Time for Filing Notice of Petition and Petition. No later than ten (10) calendar days from final action by the City Council on any development application, the applicant shall file a notice of petition in writing with the City Recorder. Within thirty (30) days of filing of a Notice of Petition, the applicant shall file a Hardship Relief Petition with the City Recorder.

3.4.5 Information to be Submitted with Hardship Relief Petition.

(a) The hardship relief petition must be submitted on a form prepared by the Community Development Director, and must be accompanied at a minimum by the following information:

- (1) Name of the petitioner;
- (2) Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.
- (3) Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;
- (4) Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;

- (5) Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
 - (6) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
 - (7) The assessed value of and ad valorem taxes on the property for the previous three years;
 - (8) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
 - (9) All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
 - (10) All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
 - (11) For income producing property, itemized income and expense statements from the property for the previous three years; and
 - (12) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property;
- (b) The Community Development Director or the appointed Hearing Officer may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable use constituting a substantial economic hardship.

3.4.6 Failure to Submit Information. In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

- 3.4.7 Preliminary determination of substantial economic hardship. Prior to the appointment of a hearing officer, and based on a review of documents submitted by the applicant, the City Council, upon advice of the Community Development Director and City Attorney, shall make a determination whether the applicant has made a prima facie case that the subject property has suffered a serious diminution of value or a denial of all reasonable use that amounts to a substantial economic hardship. If a determination is made that a prima facie case has been established, then the Community Development Director and City Attorney shall recommend whether the hearing shall be formal or informal under the Utah Administrative Procedures Act. Such determination shall be made within thirty (30) days of the filing of a Hardship Relief Petition and submission of all information required by the Community Development Director and City Attorney necessary to make such determination. Upon such showing, the City Council may appoint a hearing officer, elect either formal or informal administrative proceedings, and proceed with a review of the hardship petition. If upon advice of the Community Development Director and the City Attorney, the City Council finds that the applicant has not made a prima facie case of economic hardship as defined above, the petition for hardship relief shall be denied and no hearing officer shall be appointed.
- 3.4.8 Appointment of Hearing Officer. The Community Development Director shall, within thirty (30) days following a preliminary determination of hardship by the City Council, appoint a Hearing Officer to review information submitted by the petitioner, to hold a hearing to determine whether there is an affected property interest and whether a substantial economic hardship has been created as a result of the final action on the application, and to make a recommendation to the City Council concerning approval or denial of the Hardship Relief Petition.
- 3.4.9 Qualifications of the Hearing Officer. Every appointed Hearing Officer shall have demonstrated experience in either development, real estate finance, real estate analysis, real estate consulting, real estate appraisal, planning, real estate or zoning law, or in other real estate related disciplines sufficient to allow understanding, analysis and application of the economic hardship standard. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest.
- 3.4.10 Notice of the Public Hearing. Within ten (10) days following appointment of the Hearing Officer, written notice shall be published and posted in accordance with Section 1.15 of the Land Management Code. The hearing shall be held within thirty (30) days following the final date of written notice, unless a reasonable extension of time is agreed to by both the Community Development Director and the petitioner.

- 3.4.11 Rules for Conduct of the Hearing. The hearing shall be conducted according to the rules of the Utah Administrative Procedures Act.
- 3.4.12 Application of the Economic Hardship Standard. In applying the economic hardship standard in Section 3.4.3 above, the Hearing Officer shall consider among other items the following information or evidence.
- (a) Any estimates from contractors, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the application, and in the reasonably near future;
 - (b) Any evidence or testimony of the market value of the property both considering and disregarding the Sensitive Area Overlay Zone designation; and
 - (c) Any evidence or testimony concerning the value or benefit to the petitioner from the availability of opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein;
- 3.4.13 Burden of Proof. The petitioner shall have the burden of proving that the denial of the application creates a substantial economic hardship under the standard provided in Section 3.4.3.
- 3.4.14 Findings of the Hearing Officer. The Hearing Officer shall, on the basis of the evidence and testimony presented, make the following specific findings as part of its report and recommendations to the City Council:
- (a) Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition;
 - (b) Whether the petitioner has a protectable interest in property;
 - (c) The market value of the property considering the Sensitive Area Overlay Zone designation;
 - (d) The market value of the property disregarding the Sensitive Area Overlay Zone designation;
 - (e) The market value of, or benefit accruing from opportunities to transfer density or cluster development on other remaining

contiguous property owned by the petitioner eligible for such transfer as provided herein;

- (f) Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter;
- (g) Whether, in the opinion of the Hearing Officer, the denial of the application would create a substantial economic hardship as defined in Section 3.4.3.

3.4.15 Report and Recommendations of the Hearing Officer.

- (a) The Hearing Officer, based upon the evidence and findings, shall make a recommendation to the City Council concerning the Hardship Relief Petition.
- (b) If the Hearing Officer recommends that the City Council approve the Hardship Relief Petition, then the report of the Hearing Officer shall discuss the type and extent of incentives necessary, in the opinion of the Hearing Officer, to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the substantial economic hardship. The types of incentives that the hearing officer may consider include, but are not limited to, the following:
 - (1) An increase in the opportunity to transfer density or cluster development on other property owned by the applicant outside the Sensitive Area Overlay Zone;
 - (2) A waiver of permit fees;
 - (3) Development finance assistance on property outside the Sensitive Area Overlay Zone;
 - (4) Approval of development on some portion of the property within the Sensitive Lands Protection District; and
 - (5) Acquisition of all or a portion of the property at market value.
- (c) The report and recommendation shall be submitted to the City Council and mailed to the petitioner within thirty (30) days following conclusion of the public hearing.

- 3.4.16 City Council Review and Consideration. The City Council shall review the report and recommendations of the Hearing Officer and approve or disapprove the Hardship Relief Petition within sixty (60) days following receipt of the Hearing Officer's report. The City Council may hold a public hearing and provide notice as provided in the Land Management Code. Only new testimony and evidence shall be presented at any public hearing held by the City Council. The City Council may adopt any incentive reasonably necessary to offset any substantial economic hardship as defined in Section 3.4.3 and may condition such incentives upon approval of specific development plans.
- 3.4.17 Time Limits/Transferral of Incentives. Any incentives adopted by the City Council pursuant to this section may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the incentives be valid after the expiration date of the development approval.

SECTION 4: DEFINITIONS

4.1 Definition Usage.

For the purposes of this ordinance, certain terms and words used herein shall be used, interpreted, and defined as set forth in this subsection and the Park City Municipal Corporation Land Management Code.

4.2 Definitions.

Compatible. A development is compatible with an existing development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

Crest of hill. The highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hill crest.

Substantial economic hardship. Means denial of all reasonable economic use of the property.

Development Approval Application. Includes any application for any development approval including but not limited to grubbing, grading, an alteration or revision to an approved MPD, conditional use permits, zoning or rezoning, subdivision, or annexation. The term "development approval application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

Land Management Code. The official Park City Municipal Corporation Land Management Code adopted December 22, 1983, and effective January 1, 1984, as amended.

Maximum extent feasible. Means no prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Open space. Shall have the meaning set forth in Chapter 2 of the Land Management Code.

Ordinary high water mark. Means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of

the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

Qualified professional. Means a professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

Ridgeline area. Means the crest of a hill or slope plus the land located within one-hundred fifty (150) feet horizontally (map distance) on either side of the crest.

Significant wetland. All wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water or which are adjacent to or contiguous with a stream corridor.

Slope. The level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slopes must cover at least twenty five (25) feet vertically and fifty (50) feet horizontally.

Steep slope. Slopes greater than fifteen (15) percent but less than or equal to forty (40) percent.

Stream. Means those streams, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year around or intermittently during years of normal rainfall.

Stream corridor. Means the corridor defined by the stream's ordinary high water mark.

Suitability determination. A determination carried out by the Community Development Director to ascertain if a development at increased densities due to a density transfer from a sensitive area is compatible with development on surrounding or adjacent property.

Vantage points. A height of five feet above a set reference marker in the following designated vantage points within Park City that function to assist in analyzing the visual impact of development on hillsides and steep slopes:

1. Osguthorpe Barn
2. Treasure Mountain Middle School
3. Intersection of Main Street and Heber Avenue
4. Park City Ski Area Base
5. Snow Park Lodge
6. Park City Golf Course Clubhouse
7. Park Meadows Golf Course Clubhouse

8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
9. Highway 224, 1/2 mile south of the intersection with Kilby Road.

Wildland interface zone. Those areas with special safety considerations because of their location on the urban fringe. All areas within the Sensitive Areas Overlay Zone shall be considered to be in the wildland interface zone unless the City Fire Marshall determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

The following table shall be used to determine exemption from the wood roof prohibition. The rating column applies to each of the categories of slope, aspect, fire department response time, and vegetation.

WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	< = 10%	Pinion-juniper
2	10.1-20%	Grass-sagebrush
3	> 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
< = 11	wood roofs are allowed
> = 12	wood roofs are prohibited

STEP 1: Find the rating for slope and vegetation from the Wildfire Hazard Severity Scale table and choose whichever rating is highest.

STEP 2: Add 9 to that rating (9 is the weather factor for Park City). The result is the total rating.

STEP 3: Find the total rating in the "Prohibition/Exemption Table" to determine whether wood roofs may be allowed on the specific lot.

APPENDIX A--DESIGN STANDARDS

All private development within the Sensitive Area Overlay Zone shall comply with the following design standards which supplement, and supersede in the case of a conflict, Chapter 9 of the Land Management Code

- A.1 Building color and material. All buildings shall be constructed of material of a muted earth tone color that reflects the dominant color of the surrounding vegetation. Building materials shall comply with the provisions of Chapter 9 of the Park City Municipal Land Management Code (Architectural Review).
- A.2 Windows and other glass. Glass areas shall be reviewed to avoid highly reflective surfaces. Mirrored glazing is prohibited on any building, except that solar absorption glazing is an acceptable material.
- A.3 Parking. Subdivision lots and streets shall be designed so that wherever possible parking is located behind buildings on the uphill lots. Uses other than single-family residences shall break up parking areas into smaller lots that should be located in linear strips running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural elements.
- A.4 Rooftop mechanical equipment. All rooftop mechanical equipment, including HVAC equipment and similar appurtenances, must be screened so as not to be visible from nearby properties or hillsides above the equipment.
- A.5 Roof pitch, color, and materials. The pitch of any roof shall generally parallel the slope upon which the building is located, but in any case shall not exceed a height to horizontal ratio of 9/12 and shall not descend closer than seven (7) feet from the ground. The minimum roof pitch shall be 4/12. Roofs shall be of a dark, muted earth tone color in a shade of dark gray, dark brown, or black that reflects the dominant color of the surrounding vegetation and shall be constructed of materials as set forth in Chapter 9 of the Park City Municipal Corporation Land Management Code (Architectural Review).
- A.6 Height controls. Upon review of any subdivision or MPD within the Sensitive Area Overlay Zone, an analysis of appropriate building heights will be conducted. Based upon the visual analysis, building heights may be reduced for all or part of a proposed development.
- A.7 Dwelling size. Maximum single-family dwelling size shall be evaluated at the time of project approval taking into consideration visual impact and community character.
- A.8 Underground utilities. All utility lines in steep slope developments shall be underground, except that the Community Development Director may allow above-ground utilities if burying would result in severe damage to significant vegetation or sensitive environmental areas.

A.9 Wood Roofs. Because of fire safety concerns, wood shingles, including fire retardant wood shingles, are prohibited in all wildland interface zones as defined in the Sensitive Lands Ordinance section 4.2 and Land Management Code Chapter 2. Wood roofs may be allowed on additions to existing structures with wood roofs. In addition, wood roofing may be allowed on later phases which continue the specific design of existing projects and where the original phase has wood roofing. However, existing non-conforming structures must comply with this section when the structure's roof is replaced.

APPENDIX B--TREE/VEGETATION PROTECTION REGULATIONS

- B.1 The following provisions are hereby adopted as amendments to existing limits of disturbance regulations contained in Section 15.4.2(d) and Section 10.9 (k) of the Park City Municipal Corporation Land Management Code and will apply to existing platted subdivisions in the Sensitive Area Overlay Zone, to include the following criteria to be used in establishing limits of disturbance.
- B.1.1 Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline area protection, and protection of critical viewsheds as defined in the Sensitive Area Overlay Zone District Regulations Section 1 herein.
 - B.1.2 Erosion prevention and control, including but not limited to protection of natural drainage channels.
 - B.1.3 Fire prevention and safety, including but not limited to location of trees and vegetation near structures.
 - B.1.3 Irrigation and water conservation.
 - B.1.4 Wildlife habitat, including but not limited to preservation of critical wildlife habitat and migration routes.
 - B.1.5 Stream and wetland protection and buffering.
- B.2 Tree/vegetation removal. No trees or vegetation within the Sensitive Area Overlay Zone shall be removed for the purpose of providing open views to or from structures on a site.
- B.3 Irrigation limits. The amount of irrigated area shall be minimized depending on the amount existing natural vegetation on the site prior to construction and type of irrigation proposed to be used.
- B.4 Revegetation plan. All applicants for developments on land subject to Sensitive Area Overlay Zone regulations involving cut and fill and graded slopes shall submit a revegetation/landscaping plan for approval by the Community Development Department. The plan shall depict the type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured in such a fashion and with sufficient topsoil to ensure that revegetation is feasible. The plan shall also indicate a time frame for revegetation which is acceptable to the Community Development Department. Retaining walls shall be used to provide breaks in man-made steep slopes exceeding fifteen (15) percent and to provide planting pockets.

B.5 Violation/Replacement provision. Any applicant who violates the provisions of this subsection by removing trees or vegetation or exceeding the prescribed limit of disturbance shall replace two for one in number all trees/vegetation illegally removed. Size of trees planted in replacement of illegally removed trees must be approved by the Community Development Department.

APPENDIX C--LAND USE MATRIX

APPLICATION OF SENSITIVE LANDS PROVISIONS

	Building Design Standards	Limits of Disturbance & Vegetation Protection Standards	Site Planning Standards	Density Limitations
Annexations	Used as a basis for negotiation			
Projects within City Limits, but not Master Planned	YES	YES	YES	YES
Projects within approved Large Scale MPD's	YES	YES	YES	Where changes in concept are proposed
Small Scale MPD's	YES	YES	YES	Where changes in concept are proposed
Building Permits within subdivisions on visually sensitive hillsides	YES	YES	NO	NO

Ord. No. 93-10

AN ORDINANCE AMENDING ORDINANCE NO. 82-24, IMPOSING A BUSINESS LICENSE TAX ON FRANCHISED UTILITIES, TO APPLY TO FRANCHISED CABLE TELEVISION OPERATORS.

Ordinance No. 82-24 of Park City, Utah, is hereby amended to read as follows:

SECTION 1. LICENSE REQUIRED. All franchised utilities and cable television operators must obtain from the city a license to do business within the city. It shall be unlawful for a franchised utility or cable television operator to conduct business in Park City without a license.

SECTION 2. LICENSE FEETAX. The license feetax shall be three and one-half (3.5%) of the gross revenue of the franchised utility or cable television operator derived from the sale of its service or product within Park City's corporate limits. For purposes of this ordinance, gross revenue shall include all revenue generated from the sale of the franchisee's product or service. The franchise feetax imposed by other ordinances as consideration for the granting of the franchise shall be excluded from the gross revenue.

SECTION 3. EXCLUSIONS. This gross revenue tax shall not apply to revenue derived from the sale of household appliances by a franchisee, service of appliances, or to the sale or rental of telephone switching equipment not included in "basic local exchange service". "Basic local exchange service" revenue shall mean revenue received from the furnishing of telecommunications within

Franchise Utility Tax Amendment 1

Park City and access to the telecommunications network to business, residential or other customers whether on a flat rate or a measured basis, by means of access to telephone line. Basic local exchange service shall not include revenues obtained by the franchised telephone company from the provision of terminal telephone equipment services (such as telephone sets, private bench exchanges or key systems), or from the sale or lease of other telephone equipment that is obtainable at a retail consumer level from both the franchised telephone company and other suppliers.

SECTION 4. PAYMENT OF FEETAX. The license tax is payable in monthly installments which shall be due on or before the fifteenth (15th) of the month following the billing cycle of the utility or cable television operator. The ~~feetax~~ shall be paid on the basis of the preceding month's actual collections. ~~The first monthly payment shall be made on or before January 15, 1983, based on collections for December of 1982.~~

SECTION 5. PENALTY. The operation of a franchised utility or cable television business within Park City without paying the required ~~feetax~~ shall be a Class "B" misdemeanor punishable by a fine of not more than two hundred and ninety-nine dollars (299.00) for each day of each violation and imprisonment of the corporate officials responsible for the violation for not more than six (6) months in the county jail for each day of each violation. These criminal penalties are in addition to, and not in lieu of a civil action to recover the license ~~feetax~~ due, or a civil action to terminate the franchise. Each connection to the

utility or cable television system through which service is provided by the franchisee is hereby deemed a separate transaction or sale, and each such sale while unlicensed shall constitute a separate violation.

SECTION 6. REPEALER. Ordinance No. 82-22 is hereby repealed in its entirety.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect on January 1, 1994. ~~upon publication, provided however, that the fee shall not be imposed until October 1, 1982.~~

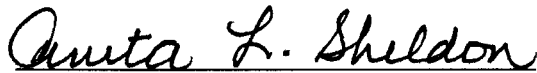
PASSED AND ADOPTED this 16th day of December, 1993.

Park City Municipal Corporation



Bradley A. Olch
Mayor, Park City, Utah

Attestation:



Anita Sheldon
Park City Recorder

Ord. No. 93-11

AN ORDINANCE AMENDING TITLE 4, CHAPTERS 1, 2 AND 3 OF THE MUNICIPAL CODE OF PARK CITY WITH REGARD TO SOLICITING AND PEDDLING.

The Definitions of Title 4, Chapter 1, Section 1 of the Municipal Code of Park City are hereby amended to read as follows:

PEDDLER DEFINED. A person ~~or business entity that~~ who carries goods or merchandise with him or her and sells or offers for sale those goods or merchandise on a door-to-door or transient basis rather than from a fixed location.

ROUTE DELIVERY. Any delivery made to customers of a business which makes repeated door-to-door deliveries to the same households along designated routes with an established time interval in between delivery visits. The majority of such deliveries must be to fulfill orders previously made by the customer. However, nothing in Chapter 3 shall prevent orders from being taken from established customers and filled during such delivery visits. Such businesses will include, but not be limited to, dairies and sellers of bulk meats or produce.

SOLICITED DELIVERY. A delivery of previously ordered goods or services or the United States Mail. Solicited delivery includes, but is not limited to, the delivery of newspapers or publications pursuant to a subscription, the United States Mail, parcel delivery services, businesses engaging in route delivery or persons delivering previously ordered goods or services on behalf of an established retailer of those goods or services.

SOLICITOR. A person who contacts individuals or the general public for the purpose of taking orders for goods or services, or encouraging attendance at sales presentations, lectures, seminars, or the like at which goods or services are promoted or offered for sale (whether the presentation is held within Park City or not), provided that the solicitor makes ~~his~~ contact with the public at a location other than as the regular place of business at which the goods or services are actually sold or performed. For purposes of Chapter 3, the term "goods or services" shall include merchandise, produce, personal services, property services, investment opportunities, franchises, time intervals in the use of ownership or real property, and any other kind of tangible or intangible thing that is given in exchange for a valuable consideration. ~~A solicitor shall not carry goods or merchandise with him for sale, but may deliver previously ordered goods or merchandise.~~

UNSOLICITED DELIVERY. The delivery of any unsolicited newspaper or publication, sample product or advertising material. Unsolicited newspapers or publications, sample products or advertising material shall include, but not be limited to, handbills describing or offering goods or services for sale, any

goods or products that were not previously ordered by the home owner or occupant, any newspaper or publication delivered without a subscription by the owner or occupant, and any coupons or rebate offers for goods and services.

Title 4, Chapter 2, Section 21 is hereby amended to read as follows:

(i) **Residential garage sales** - No license shall be required for sales of surplus household goods or furnishings at a private residence in the garage or yard. If a garage sale is held more frequently than ~~two (2)~~three (3) days in any one calendar quarter at the same residence, it shall be deemed to be conducting business on a regular basis and a regular business license for the sale of that kind of merchandise is required. If the sale is in a zone that does not permit the sale of merchandise as a permitted or conditional use, further sales are unlawful. Sales tax on all sales is required under state law, and this Title shall not be construed as attempting to waive the requirement that tax be collected.

Title 4, Chapter 3, is hereby amended to read as follow:

CHAPTER 3 - PEDDLERS AND SOLICITORS LICENSING

4- 3- 1. LICENSE REQUIRED. Unless exempted by state or federal law or by this Title, it ~~it~~ shall be unlawful for any ~~person, business, corporation, partnership, or other entity to~~ solicitor to conduct business within Park City, whether sales are actually made or orders taken, without first ~~have~~ having obtained a solicitor's license from the City. ~~Solicitation of business, whether sales are actually made or orders taken, shall be conducting of business within this Title.~~ All licenses issued under this Chapter are non-transferable.

4- 3- 2. BUSINESS CONFINED TO ENCLOSED BUILDING. Except as authorized by this Title, all businesses within Park City are to be conducted within a fully enclosed building, except for outdoor dining or other permanent conditional uses which have been given approval under Title 13 Land Management Code.

4- 3- 3. BUSINESS CONFINED TO PRIVATE PROPERTY. Unless specifically licensed to do so under this or other ordinances, it shall be unlawful for any person to solicit ~~conduct~~ business within any public street, sidewalk, alleyway, within the public parks, golf course, or publicly owned parking areas, unless said person has received prior ~~City~~ approval from the appropriate City department and executed a concession contract with the City.

4- 3- 4. PEDDLERS OF GOODS OR MERCHANDISE. Unless

authorized and licensed by this Chapter, peddlers ~~Peddling~~ of goods or merchandise are ~~is~~ prohibited from conducting business within Park City.

4- 3- 5. TERMS AND CONDITIONS OF SOLICITATION LICENSES SOLICITORS OF SERVICES, INVESTMENTS, ACCOMMODATIONS, OR PROPERTY.

The Finance Department may issue a license to solicitors of goods and services, accommodations, franchises, investments, or any interest in real property or time intervals in the use or ownership of property, subject to the following terms and conditions:

~~_____ (a) **Licensing Exceptions.** Solicitors who hold valid state issued licenses to act as real estate brokers or salesmen, stock brokers, or insurance agents or salesmen need not obtain a separate solicitors license from the City, but shall conduct their solicitation activities in accordance with the provisions of this Code. [moved to § 4 3 16(g)]~~

~~_____ (b) **Solicitor License.** A solicitor's license shall permit the holder thereof to solicit individuals or the general public on behalf of any business regularly licensed to conduct business within Park City. All solicitation activities shall be conducted within a fully enclosed building with the written consent of the owner. It shall be unlawful to make solicitation on the streets, sidewalks, or other public property.~~

~~_____ (c) **License Fee.** The annual fee for a solicitor's license shall be as set forth in the Fee Resolution. Persons soliciting on behalf of a regularly licensed Park City business shall pay a minimal annual license fee. A solicitor's license shall be valid for a maximum of one calendar year, provided that all such licenses will expire on December 31 of the year of issue. The fee may be prorated on a monthly basis for applications filed between October 1 and December 31 if the applicant makes payment for the entire following year as well. [moved to § 4 3 6(a)]~~

~~_____ (d) **Denial of Application.** If the application is denied, 25% of the fee shall be retained to cover the costs of investigating the application, and the balance refunded. [moved to § 4 3 6(b)]~~

~~_____ (e) **Application.** The application for a solicitor license shall be signed by both the person to be licensed as a solicitor and by an authorized representative of the business or businesses for which the licensee will be soliciting, (referred to as the "primary business" below). The application shall require the disclosure of the existence of any investigations by any local, state, or federal regulatory agency into allegations of fraud, deceit, securities violations, real estate sales or brokerage license suspension proceedings, or any pending charges on any felony, provided, however, that if the applicant is a licensed real estate or securities salesman, the foregoing information concerning~~

~~the applicant's background may be supplied by providing the date of the issuance of that state license by the Utah Department of Business Regulation and such other information as necessary to correctly identify the applicant with that department. The application shall contain the date of birth and social security number of the applicant. The application shall be forwarded to the Police Department for review prior to the license being acted upon. No license shall be issued to persons who have been convicted of or entered a guilty plea to any felony involving receiving stolen goods, burglary, theft, fraud, the possession or sale of controlled substances, securities violations, or prostitution within the preceding three (3) years. [moved to § 4 3 6]~~

~~(f) **Photo Identification Required.** All licensed solicitors shall wear an identification badge prepared by the City (which shall be the City license) in full view at all times while soliciting. The badge shall state that the wearer is a solicitor for a specified primary business, and contain the photograph of the licensee. [moved to § 4 3 6(c)]~~

~~(g) **Handbills, Enticements, Etc.** No solicitor shall give or pass handbills, literature, or other printed matter to passersby or place them on cars, buildings, or porches. The licensee, including the primary business signing the license application, shall be responsible for any littering caused by that licensee's handbills being discarded. No solicitor shall attempt to entice the public to stop and engage in a promotional discussion or solicitation by means of offering candy, food, drink, toys, or any other kind of property without reasonable consideration being given for it. [moved to 4 3 5(f g)]~~

~~(h) **Solicitation from Motor Vehicle Prohibited.** It shall be unlawful for any person to solicit from any motor vehicle by means of calling or hailing from inside or on the vehicle, or to use any sound amplification equipment to broadcast solicitations from the vehicle. Persons offering others free transportation in exchange for listening to a sales solicitation shall, by clearly printed signs (all lettering to be legible from at least ten (10) feet away by persons of normal vision) attached to the outside of both sides of the vehicle, identify the vehicle as a point at which sales solicitations will be made and display the name of the business for which the solicitation will be made. [moved to § 4 3 5 (h)]~~

~~(i) **Business Responsible for Solicitors.** The business or businesses which have signed the application for a solicitor's license shall be jointly liable for the conduct of that solicitor while engaged in conduct intended to further the business interests of the primary business. The City Council, may, after hearing, revoke the license of the primary business as a result of frequent violations of this Chapter by solicitors licensed to solicit on behalf of that primary business. For purposes of the section,~~

~~frequent violations shall mean that more than five (5) solicitors licensed for that primary business have been convicted of violations within any one calendar year. [moved to 4-3-6(d)]~~

(a) The solicitor makes contact with the public at a location other than at the regular place of business at which the goods and services are actually sold or performed; and

(b) The solicitor shall only contact the public on a door-to-door basis; and

(c) No solicitation activities shall be conducted on public streets, sidewalks, or public property; and

(d) The solicitor shall not enter any premises in which a "No Solicitors Allowed" sign, or the equivalent thereof, has been posted; and

(e) The solicitor may only carry goods or merchandise for display, not for sale, but the solicitor may deliver previously ordered goods or merchandise; and

(f) No solicitor shall give or pass handbills, literature, or other printed matter to passersby or place them on cars, buildings, driveways, doorways or porches. The licensee, including the primary business signing the license application, shall be responsible for any littering caused by that licensee's handbills being discarded or not being picked up; and

(g) No solicitor shall attempt to entice the public to stop and engage in a promotional discussion or solicitation by means of offering candy, food, drink, toys, or any other kind of property without reasonable consideration being given for it; and

(h) It shall be unlawful for any person to solicit from any motor vehicle by means of calling or hailing from inside or on the vehicle, or to use any sound amplification equipment to broadcast solicitations from the vehicle. Persons offering others free transportation in exchange for listening to a sales solicitation shall, by clearly printed signs (all lettering to be legible from at least ten (10) feet away by persons of 20/20 vision) attached to the outside of both sides of the vehicle, identify the vehicle as a point at which sales solicitations will be made and display the name of the business for which the solicitation will be made; and

(i) The solicitor shall inform each buyer of the right to cancel a home solicitation sale pursuant to U.C.A § 70C-5-102 or any successor provision.

4- 3- 6. Application. The application for a solicitor

license shall be signed by both the person to be licensed as a solicitor and by an authorized representative of the business or businesses for which the licensee will be soliciting, (referred to as the "primary business" below). The application shall require the disclosure of the existence of any investigations by any local, state, or federal regulatory agency into allegations of fraud, deceit, securities violations, real estate sales or brokerage license suspension proceedings, or any pending charges on any felony, provided, however, that if the applicant is a licensed real estate or securities salesman, the foregoing information concerning the applicant's background may be supplied by providing the date of the issuance of that state license by the Utah Department of Business Regulation and such other information as necessary to correctly identify the applicant with that department. The application shall contain the date of birth and social security number of the applicant. ~~The application shall be forwarded to the Police Department for review prior to the license being acted upon.~~

Applicants are subject to a criminal background investigation conducted by the State of Utah and the Park City Police Department. No license shall be issued to persons who have been convicted of or entered a guilty plea to any felony crime involving receiving stolen goods, burglary, theft, fraud, the possession or sale of controlled substances, securities violations, or prostitution within the preceding three (3) years.

(a) **License Fee.** The annual fee for a solicitor's license shall be as set forth in the Fee Resolution. ~~Persons soliciting on behalf of a regularly licensed Park City business shall pay a minimal annual license fee.~~ A solicitor's license shall be valid for a maximum of one calendar year, provided that all such licenses will expire on December 31 of the year of issue. ~~The fee may be prorated on a monthly basis for applications filed between October 1 and December 31 if the applicant makes payment for the entire following year as well.~~

(b) **Denial of Application.** If the application is denied, 25% of the fee shall be retained to cover the costs of investigating the application, and the balance refunded.

(c) **Photo Identification Required.** All licensed solicitors shall wear an identification badge prepared by the City (which shall be the City license) in full view at all times while soliciting. The badge shall state that the wearer is a solicitor for a specified primary business, and contain the photograph of the licensee.

(d) **Business Responsible for Solicitors.** The business or businesses which have signed the application for a solicitor's license shall be jointly liable for the conduct of that solicitor while engaged in conduct intended to further the business interests of the primary business. As a result of frequent violations of this Chapter by solicitors licensed to solicit on behalf of that

primary business. ~~The the~~ City Council, may, after hearing, revoke the license of ~~the primary any local business which is the primary business of a solicitor or prohibit any foreign business from doing business within Park City for up to one year , as a result of frequent violations of this Chapter by solicitors licensed to solicit on behalf of that primary business.~~ For purposes of the section, "frequent violations" shall mean ~~that more than five (5) solicitors licensed for that primary business have been convicted of three (3) or more violations citations issued under this Chapter within any one calendar year twelve month period.~~

4- 3- 7-6. STREET MUSICIANS. Persons playing musical instruments, performing pantomime, magic, dancing, or any other visual or audible performances with the intent or expectation to receive valuable consideration therefor shall be licensed by the City as street musicians before any such performance. The Finance Department may issue such a license upon payment of the license fee set forth in the Fee Resolution and no license shall be granted for more than ten (10) days at a time.

4- 3- 8-7. STREET VENDORS. It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from push carts, mobile wagons, or motor vehicles on private or public property except as authorized and licensed under this Chapter.

(a) **Sales at Construction Sites.** At bona fide construction sites a license, as described in Section 4-2-18 of the this Title may be obtained to sell food ~~or other merchandise~~ from motor vehicles located on private property. Licensees must list the construction sites they intend to serve on the license application, and update the list as needed throughout the year. Licensees shall not remain at any one site for more than a two (2) hour period per day.

(b) **Sales on within the Public Streets and Sidewalks Right-of-Way.** In order to abate ~~street~~ vending within any public right-of-way in Park City, except at construction sites, only those ~~street~~ vendors who have continuously renewed their Street Vendors license since 1987, as grandfathered by the City Council pursuant to the minutes of the March 5, 1987 meeting may renew licenses to continue such business. Absent such a license, vending within any public right-of-way is strictly prohibited.

(c) **Terms and Conditions.** Licensed vendors shall be subject to the following terms and conditions:

(1) **License Fee.** The license fee for a street vendor's license shall be as set forth by resolution. Licenses shall expire on December 31 of the year of issuance. ~~License fees may be prorated on a monthly basis on licenses granted after March 1 of the year of issue.~~ If the license is not granted, the City shall retain twenty

five percent (25%) of the fee to help defray the costs of processing and refund the balance.

(2) Health Department Approval. All vendors serving food or garden produce for human consumption from any cart, wagon, or motor vehicle must have the means of preparing, keeping, and serving the foods approved by the Summit County Health Department. This approval, in writing, must be submitted as part of the license application. Withdrawal of Health Department approval for sanitary or health violations is grounds for revocation of the City license.

(3) Limitation on Locations. Street vendors operating from carts or wagons that are powered by the operator (whether pushed, pulled, or peddled), or with a motor assist may be used on the sidewalks, but not in the streets in any commercial zone within the City. No cart or wagon with an assist motor larger than ten (10) horsepower shall be permitted to operate on the sidewalks. Vending from motor vehicles (which shall include any motorized means of conveyance that is required to be licensed by the State Department of Motor Vehicles) shall be restricted to the sale of food at construction sites only, and all sales from motor vehicles shall occur on private property.

(4) Vendors required to move location. It shall be unlawful for any street vendor to obstruct pedestrian or vehicular traffic on streets or sidewalks. It shall also be unlawful for any street vendor to remain in a fixed location on public sidewalks for more than one hour at a time. Vendors shall move a distance of at least fifty (50) feet from their prior location every hour during which they are conducting business. It shall be unlawful for any street vendor to conduct business in a location that impairs reasonable pedestrian or vehicular access to any adjoining building, alley, yard or other property.

4- 3- 9-8. CONVENTION SALES. The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention and meeting rooms within any licensed convention or meeting facility for the purpose of temporary retail sales of goods or services, whether in conjunction with a convention or not. Solicitation of orders for future sales or deliveries of goods or services is permissible without licensure. The licenses may be issued on the following terms:

(a) License Fee. The license fee shall be as set forth in the Park City License Fee Schedule.

(b) State Tax Number. The applicant must provide his sales tax identification number as a part of the license application to assist in verifying the collection and reporting of sales tax.

~~(c) Review by Police. Applications for convention sales~~

~~licenses shall be sent to the Police Department for review and consideration prior to their approval. No convention sales license shall be issued to any person or business which has entered a guilty plea or been convicted of any felony involving receiving stolen goods, burglary, sale or possession of any controlled substance, or prostitution, or securities fraud within the preceding three (3) years. Applicants shall provide their date of birth and social security number to assist in the investigation.~~

(c-d) **Applications**. Applications must be filed at least ten (10) days prior to the proposed date of commencement of business to permit adequate time for the Police Department review and investigation. The police may request reasonable evidence of title to goods proposed to be offered for sale as a part of the review.

(d-e) **Responsibility of Host Business to Ensure Licensing**. Businesses which make a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and possess Utah state sales tax numbers listed in Park City. In the event a licensed hotel, motel, inn or bed-and-breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location.

4- 3-10-9. OUTDOOR SALES. The Finance Department may grant a license to regularly licensed Park City businesses, excluding restaurants and food and beverages services, to hold outdoor sales five (5) times a year for a duration of no longer than five (5) days for each outdoor sale, either within the business' own property or on public sidewalks or streets adjoining the business on the following terms:-

(a) **License Fee**. The license fee for an outdoor sale license shall be as set forth in the Fee Resolution in addition to regularly issued business license for that business. No outdoor sale license shall be issued if the regular business license is not currently paid in full.

(b) **Promotion by Merchant's Association**. An association representing tenants in a shopping center or other merchant's association representing the businesses in a specific area may apply for an outdoor sale license for the members of that association by providing a list of the merchants participating, and paying a fee which shall be in lieu of and not in addition to the fee assessed against individual businesses.

(c) **Seasonal Plants**. The Finance Department may issue licenses of longer duration to permit the outdoor sale, on a temporary basis, of Christmas trees, landscaping materials, or

plants that are of a type and nature that reasonably require the sale to be conducted out of doors. The license fee for this kind of outdoor sale shall be as set forth in the Fee Resolution and no license shall have a duration of more than eight (8) weeks. These licenses may be issued to any person or business. Sales shall be confined to commercial zones and to property under the possession and control of the applicant.

4- 3-11-10. LICENSE TO BE DISPLAYED. All licenses issued under this Title all be displayed by the licensee in a prominent place at the licensee's place of business. Solicitors shall carry the license on their person in a visible position.

4- 3-12-11. MULTIPLE LICENSING. Any one person may be issued any of the licenses described and created in this Title and may simultaneously hold more than one license, and/or a regular Park City business license. The granting of multiple licenses shall not grant privileges not specifically granted by the licenses issued, nor shall the issuance of multiple licenses extend the time limitations imposed on any of these special licenses that are of a temporary nature. Suspension or revocation of one of the multiple licenses shall not act as a suspension of any other license then in effect, unless the grounds for the suspension of one are also the grounds for suspension of other licenses held by the licensee.

4- 3-13-12. GROUNDS FOR DENIAL OF LICENSE. Licenses under this Chapter shall be denied if the applicant fails to meet the standards set within the license classification or for giving false or misleading information in any application category included in the application. Licenses may also be denied on the grounds that the general health, welfare, and public safety of the community makes the issuance of such a license inappropriate., License which conflict in location with other applications or issued licenses may be denied. Applicants whose licenses have been denied have the right to a hearing before the City Council on the reasons for denial.

4- 3-14-13. USE OF PUBLIC PROPERTY. With the exception of those licenses listed above which specifically grant the right to make use of the streets or sidewalks, all commercial activity shall be confined to private property and to fully enclosed buildings on that property except as provided by this Title. The City Council may, however, grant specific temporary licenses to applicants to sell food, beer, or merchandise in city parks or at other locations on public property. In granting these temporary licenses, preferences shall be given to non-profit organizations and civic groups before profit-making businesses are licensed to conduct a temporary business within the parks or on other city property. Such licenses shall be issued only after receiving the approval of the appropriate City department ~~consideration in a regularly noticed meeting of the Council~~ and execution of a concession contract with the City.

~~4- 3-14. **TIME FOR APPLICATION.** With the exception of the festival master license or the street closure permit, which have special hearing requirements, all applications which are to be heard by the City Council (those using City property) shall be filed with the Finance Director at least fifteen (15) days in advance of the desired effective date of the license. Licenses approved by the Finance Department shall be filed at least five (5) days prior to the requested effective date to allow adequate time for the police review and processing of the application.~~

4- 3-15. CERTAIN ACTS PROHIBITED. It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

4- 3-16. EXEMPTIONS. The licensing provisions of this Chapter shall not apply to the following kinds of activities that would otherwise fall within the purview of this Chapter:

~~(a) **Residential garage sales** - No license shall be required for sales of surplus household goods or furnishings at a private residence in the garage or yard. If a garage sale is held more frequently than two (2) days in any one calendar quarter at the same residence, it shall be deemed to be conducting business on a regular basis and a regular business license for the sale of that kind of merchandise is required. If the sale is in a zone that does not permit the sale of merchandise as a permitted or conditional use, further sales are unlawful. Sales tax on all sales is required under state law, and this Title shall not be construed as attempting to waive the requirement that tax be collected. {moved to 4 2 21(i)}~~

(a-b) **Political actions** - No license shall be required to solicit signatures on petitions of a political nature or to canvass or solicit funds on behalf of candidates for office or ballot issues. Campaign literature may be delivered to homes, subject to the delivery conditions set forth in subsection (f) below ~~notwithstanding the general prohibition of the posting or passing of handbills.~~

(b-e) **Religious actions** - No license shall be required of persons exercising their right to express their religious views, provided however, that no person shall use this exemption to ~~solicit money or to sell merchandise.~~ Delivery of any publication or material shall be subject to the delivery conditions set forth

in subsection (f) below.

(c-d) **Civic groups** - No licensing shall be required of local civic organizations, such as Boy Scouts, Girl Scouts, historic preservation groups, schools, museums, not-for-profit organizations, or other charities. Delivery of any publication or material shall be subject to the delivery conditions set forth in subsection (f) below.

(d-e) **Wholesale solicitation** - Persons who are soliciting business on a wholesale basis only who are exempt under the provision of Utah Code Annotated § 10-8-80 or any successor provision. For purposes of this Chapter, the solicitation of orders to place advertising in periodicals or for later broadcasts shall be deemed wholesale solicitation, and exempt from licensing.

(e-f) **Solicited Deliveries** - No license shall be required of any person making a "solicited delivery." ~~Persons delivering newspapers or soliciting subscriptions, the United States Mail, parcel delivery services, or persons delivering dairy products on behalf of a regularly licensed retailer of these products.~~

(f) **Unsolicited Deliveries** - No license shall be required of any person making an "unsolicited delivery." However, any person making an unsolicited delivery of any kind shall not cause unsolicited material to be stacked, piled or accumulated on any driveway, porch, automobile, building, yard, doorway, stairwell, or doorknob, without the prior express consent of the occupant of the premises. It shall be unlawful for any person to deliver any unsolicited material to a residence where that person's previously delivered material remains uncollected. Additionally, any person making such an unsolicited delivery to a residence, who finds prior uncollected material there, shall properly dispose of that person's uncollected material.

(g) **State licensees** - Solicitors who hold valid state issued licenses to act as real estate brokers or salesmen, stock brokers, or insurance agents or salesmen need not obtain a separate solicitors license from the City, but shall conduct their solicitation activities in accordance with the provisions of this Code.

(h) **Delivery Prohibition** - It shall be unlawful for any person to deliver any unsolicited material to any person, residence or premises where the occupant thereof has requested that such delivery cease or where such occupant has posted his/her desire not to receive such unsolicited material.

4- 3-17. RELATION TO BUSINESS LICENSE CHAPTER. This Chapter is intended to supplement Chapter 2 of this Title to provide for greater flexibility in the manner of doing business. In the event that a conflict exists between the provision of this

Chapter and that, so that it is unclear which category of license is required, the Finance Director shall determine the proper class of license or licenses to be issued, subject to review by the City Manager and appeal to the Council.


PASSED AND ADOPTED this 16th day of December, 1993. This ordinance shall become effective upon publication.

Park City Municipal Corporation



Bradley A. Olch
Mayor, Park City, Utah

Attest:



Anita Sheldon
Recorder

Ordinance No. 93-12

**AN ORDINANCE REPEALING CHAPTER 16 OF THE 1976 MUNICIPAL CODE,
ESTABLISHING TITLE 6 - HEALTH, NUISANCE ABATEMENT, NOISE
AND ADOPTING TITLE 6, CHAPTER 3, NOISE
OF THE 1992 MUNICIPAL CODE OF PARK CITY, UTAH**

WHEREAS, the City Council is authorized to exercise legislative and executive powers; and

WHEREAS, the City Council deems it in the best interest of the community to adopt a comprehensive noise ordinance; and

WHEREAS, a public hearing was advertised and held before the City Council on December 9, 1993;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. COMPREHENSIVE NOISE ORDINANCE ADOPTED. The City Council finds that abating various unreasonable noise in the community protects the health, safety and general welfare of citizens and hereby establishes Title 6 of the 1992 Municipal Code of Park City, Utah and adopts Chapter 3, Noise, for the reasons outlined in Section 6- 3- 2.

TITLE 6 - HEALTH, NUISANCE ABATEMENT, NOISE

CHAPTER 3 - NOISE

6- 3- 1. DEFINITIONS. For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

Continuous sound. Any sound that exists, essentially without interruption, for a period of ten minutes or more.

Cyclically varying noise. Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.

Device. Any mechanism that is intended to produce, or that actually produces noise when operated or handled.

Dynamic braking device. A device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".

Emergency. A situation or occurrence, which in the opinion of the City Manager, Chief of Police, Chief Building Official, or City Engineer, presents an imminent threat to the health, safety or welfare of any person, place or property.

Emergency work. Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.

Emergency vehicle. A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

Impulsive noise. A noise containing excursions usually less than one second.

Motor vehicle. Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, and racing vehicles.

Muffler. An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.

Noise disturbance. Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

Noise. Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

Plainly audible noise. Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

Property boundary. An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.

Sound. A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates at finite speed to distant points.

Stationary noise source. Any device, fixed or movable, that is located or used on property other than a public right-of-way.

6- 3- 2. PURPOSE. These regulations establish minimum standards to:

(a) reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Park City, Utah;

(b) prevent the making, creation, or maintenance of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and

(c) secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the City.

6- 3- 3. JURISDICTION. All noise control in this Chapter shall be subject to the direction and control of the Police Department, Building Department and City Manager.

6- 3- 4. POWERS AND DUTIES. The Police Department and Building Department shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall:

(a) make inspections of any premises and issue orders as necessary to effect the purposes of these regulations; and

(b) do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

6- 3- 5. SCOPE. It shall be unlawful for any person not to comply with any rule or regulation promulgated by this Chapter, unless expressly waived by these rules and regulations.

6- 3- 6. EMERGENCY ORDERS. Whenever the Chief of Police, Building Official, City Manager or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

(a) Public Calamity. In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of 72 hours, at which time the incident will be assessed and further suspension of these rules ended or extended.

(b) Approve Application for Exemption for Emergency Reasons. An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances. See definitions.

6- 3- 7. GENERAL PROHIBITION OF NOISE. It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Park City as defined in this Chapter.

6 - 3- 8. SPECIFIC NOISE PROHIBITIONS. The following acts are declared to be in violation of these rules and regulations:

(a) Horns and signaling devices. The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the City, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.

(b) Radios, television sets, tape players, compact disc players, musical instruments, and similar devices. Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound:

- (1) between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible beyond the property boundary of the source; or
- (2) on public property, public rights-of-way, or private property at any time so as to be plainly audible 50 feet (15.25 meters) from the device. Permits to exceed the limits of Section 6- 3- 8(b)(2) may be issued for special events on public property by the Chief of Police, Building Official or City Manager upon approval from the agency operating the public property.

(c) Public loudspeakers. The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of Section 6- 3- 9, or cause a noise disturbance, unless a permit is first obtained as provided by Section 6- 3-11 or approval is granted in a master festival license.

(d) Hawkers and peddlers. Selling anything by outcry within any area of the City in such a manner as to violate Section 6- 3- 9. It shall be unlawful for any person to solicit from any motor vehicle.

(e) Animals. Owning, keeping, possessing, or harboring any animal or animals that, by frequent or habitual noisemaking, violates Section 6- 3- 9. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.

(f) Loading operation. Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects between the hours of 10 p.m. and 7 a.m.

(g) Construction work. In the Historic Residential (HR-1), Historic Transitional Overlay (HTO), Residential Development (RD), Residential Development-Medium Density (RDM), Residential (R-1), Residential-medium Density (RM), Recreation Open Space (ROS), Estate (E), Historic Residential Development Low-Density (HR-L), Single Family (SF), Single Family Nightly Rental (SF-N), Historic Residential Low Intensity Commercial Overlay Zone (HR-2), and Regional Commercial Overlay (RCO) Districts; it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under his control or at which he is employed between the hours of 10 p.m. and 7 a.m. of the following day, or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. and 6 a.m. of the following day. The Building Official or City Engineer may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

(h) Domestic power equipment. Operating or permitting the operation of any power equipment rated five horsepower or less in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment, or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 10 p.m. and 7 a.m. of the following day or before 9 a.m. on Sunday.

(i) Fireworks or explosives. The use of explosives, fireworks, discharge guns or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining a permit as provided by Section 6- 3-11. The provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

(j) Liquor licensed premises:

(1) Failure to control noise. Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors

may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

- (2) Outdoor speakers. Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining. As defined in the Land Management Code conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(k) Main Street businesses - outdoor speakers. Permitting or causing to exist any speaker or sound amplification equipment on the outside of any premise on Main Street with the exception of those businesses which are allowed to have outside speakers as a part of their conditional use permit for outdoor dining or performances or events approved by staff as a part of a master festival license. As defined in the Land Management Code conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(l) Racing events. Permitting any motor vehicle racing event at any place in violation of Section 6- 3- 9, without first obtaining a permit as provided by Section 6- 3-11.

(m) Powered model mechanical devices. Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices, between the hours of 10 p.m. and 7 a.m. or in such a way as to violate Section 6- 3- 9.

(n) Dynamic braking devices. Operating any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger.

(o) Defect in vehicle. Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violates Section 6- 3- 9.

(p) Garbage collection. Collecting garbage, waste, or refuse between the hours of 10 p.m. and 7 a.m. in any area zoned residential or within 300 feet of an area zoned residential.

(q) Standing motor vehicles. Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Section 6- 3- 9, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.

(r) Bells and alarms. Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime or clock, including but not limited to, bells, chimes, or clocks in schools, houses of religious worship or governmental buildings that fail to meet the standards in Section 6- 3- 9 for longer than five minutes in any hour.

(s) Fixed siren, whistles, and horns. Sounding or causing the sounding of any whistle, horn, or siren as a signal for commencing or suspending work or for any other purpose in violation of Section 6- 3- 9, except as a sound signal of imminent danger.

(t) Recreation vehicles and snowmobiles. Operating a recreational vehicle or snowmobile in a way that violates Section 6- 3- 9.

6- 3- 9. NOISE LEVELS. The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (a), or identified and measured in the manner prescribed in Subsection (b), or in violation of restricted hours as outlined in Subsection (c) is unlawful.

(a) On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of 50 feet or on private property, as to be plainly audible at the property line.

(b) The noise shall be measured at a distance of at least 25 feet from the source of the device upon public property or within the public right-of-way or 25 feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels shall be considered to be excessive and unusually loud.

(c) Hours of restriction are as follows:

Residential	10 p.m. to 7 a.m. Not before 9 a.m.	Monday through Saturday Sunday
Commercial	10 p.m. to 6 a.m.	Monday through Saturday

6- 3-10. EXEMPTIONS. The following uses and activities shall be exempt from noise level regulations:

(a) noise of safety signals, warning devices, and emergency pressure relief valves;

(b) noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;

(c) noise resulting from emergency work;

(d) noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;

(e) any noise resulting from activities of temporary during permitted by law for which a license or permit has been approved by the Director in accordance with Section 11;

(f) any noise resulting from snowmaking activities at ski areas; and

(g) any noise resulting from the maintenance of golf courses.

(h) any noise resulting from snow plowing or removal services.

(i) Ten o'clock whistle.

6- 3-11. RELIEF FROM RESTRICTIONS. Requests for relief from the noise restrictions in these rules and regulations may be made by the Building Official as it pertains to building issues and by the Chief of Police as it pertains to special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied by the applicant and failure to do so will cause the relief agreement to be suspended.

6- 3-12. MOTOR VEHICLE NOISE. No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction; equipped with a muffler or other noise dissipative device; and not equipped with any cut-out, by-pass or similar device.

6- 3-13. ENFORCEMENT RESPONSIBILITY. Enforcement responsibility will reside jointly with the Police Department and the Building Department.

16- 3-14. ENFORCEMENT. The Police Department and Building Department may, upon discovery or report of a violation or violations of this Chapter, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the City Prosecutor's Office for review

and issuance of an information and summons to court to answer the charges.

6- 3-15. PENALTY:

(a) Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26-24-22, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor, pursuant to Section 26-24-22, Section 26-24-22, Utah Code Annotated, 1953, as amended.

(b) Each day such violation is committed or permitted to continue shall constitute a separate violation.

(c) The City Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations.

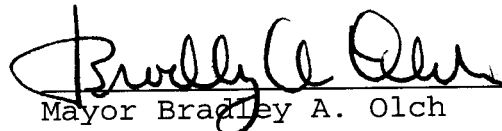
(d) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance or other noise disturbance.

SECTION 2. SEVERABILITY. If any provision, clause, sentence, or paragraph of these rules and regulations or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations and/or the Municipal Code of Park City, Utah. The valid part of any clause, sentence, or paragraph of these regulations shall be given independence from the invalid provisions or application and to this end, the provisions of these regulations are hereby declared to be severable.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.


PASSED AND ADOPTED this 16th day of December, 1993.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Attest:



Anita L. Sheldon, City Recorder