

**ORDINANCE No. 2021-06**

**AN ORDINANCE AMENDING FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1) TO ESTABLISH NIGHTLY RENTALS AS A CONDITIONAL USE IN THE LOWER ROSSI HILL SUB-NEIGHBORHOOD OF THE HISTORIC RESIDENTIAL LOW – DENSITY ZONING DISTRICT**

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

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, Goal 7 of the General Plan includes objective 7C: “Focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley;”

WHEREAS, the Lower Rossi Hill area is located east of Old Town and west of the Deer Valley Resort;

WHEREAS, the Lower Rossi Hill area was zoned Residential – Medium prior to 2017 and Nightly Rentals are allowed in Residential – Medium Zoning Districts;

WHEREAS, the Lower Rossi Hill area contains three Landmark Historic Structures on the City’s Historic Sites Inventory: 622, 652, and 660 Rossi Hill Drive;

WHEREAS, to protect the Landmark Historic Structures, the Council directed staff to research a potential rezoning of the area to restrict future density in the area and to preserve certain vacant property as Recreation Open Space;

WHEREAS, on February 16, 2017, the City Council adopted Ordinance No. 2017-05, *Approving a Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossi Hill Drive as well as the BLM-Owned Parcels, Park City, Utah;*

WHEREAS, the staff report prepared for the Planning Commission’s recommendation to City Council for the rezone contained an oversight and represented that Nightly Rentals would be a Conditional Use when the area was rezoned;

WHEREAS, the staff report prepared for the City Council’s review contained an oversight and represented that Nightly Rentals would be a Conditional Use when the area was rezoned;

WHEREAS, Footnote 2 of Land Management Code § 15-2.1-2(B)(1) restricts Nightly Rentals to the western Historic Residential Low – Density Zoning District and by default, Nightly Rentals were prohibited in the Lower Rossi Hill neighborhood when the area was rezoned to Historic Residential Low – Density;

WHEREAS, to align the Land Management Code with the information presented to the Commission and Council at the time the area was rezoned, Nightly Rentals are a Conditional Use in the Lower Rossi Hill HRL area;

WHEREAS, the Lower Rossi Hill HRL area is surrounded by property zoned Residential – Medium and Residential Development and Nightly Rentals are an allowed use in both Zoning Districts;

WHEREAS, to protect the three Landmark Historic Structures in the Lower Rossi Hill HRL area, additional Conditional Use Permit criteria shall be considered for Nightly Rentals, including a requirement that Nightly Rental vehicles be restricted to the number of on-site parking spaces and that property management contact information be displayed in a prominent location inside the Nightly Rental;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on January 13, 2021, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing on February 4, 2021.

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

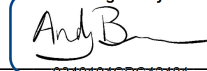
SECTION 1. MUNICIPAL CODE OF PARK CITY FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1), *Historic Residential – Low Density District Uses*. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2(B)(1), Footnote 2, of the Land Management Code of Park City is hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of February, 2021

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:



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Andy Beerman, Mayor



Attest:

DocuSigned by:

*Michelle Kellogg*

E5F905BB533F431...

City Recorder

Approved as to form:

DocuSigned by:

*Margaret Plane*

41523ECF3101489...

Margaret Plane, Special Counsel

Attachment 1

1 **15-2.1-2 Uses**

2 . . .

3 **B. CONDITIONAL USES.**

4 1. Nightly Rentals<sup>2</sup>

5 2. Lockout Unit

6 3. Accessory Apartment<sup>3</sup>

7 4. Child Care Center<sup>1</sup>

8 5. Essential Municipal and Public Utility Use, Facility, Service and Structure

9 6. Telecommunication Antenna<sup>4</sup>

10 7. Satellite dish greater than thirty-nine inches (39") in diameter<sup>5</sup>

11 8. Residential Parking Area or Structure five (5) or more spaces

12 9. Temporary Improvement<sup>6</sup>

13 10. Passenger Tramway Station and Ski Base Facility<sup>7</sup>

14 11. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge<sup>6</sup>

15 12. Recreation Facility, Private

16 13. Fences greater than six feet (6') in height from Final Grade<sup>5,8</sup>

17 . . .

18 <sup>2</sup> The HRL Zoning District is divided into three sub-neighborhoods: the western  
19 sub-neighborhood along Sampson Avenue, Ridge Avenue, and King Road; the  
20 McHenry Avenue sub-neighborhood; and the Lower Rossi Hill sub-neighborhood  
21 along Deer Valley Loop and Rossi Hill Drive. No more than twelve (12)

22 Conditional Use Permits shall be allowed ~~only~~ in the ~~West western~~ sub-  
23 neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and

24 Daly Avenues, and east of King Road. Nightly Rentals are prohibited in the

25 McHenry Avenue sub-neighborhood. Nightly Rentals in the Lower Rossi Hill sub-

Attachment 1

26 neighborhood require a Conditional Use Permit. ~~No Nightly Rentals are allowed~~  
27 ~~elsewhere in this Zoning District.~~ For Nightly Rentals in the western sub-  
28 neighborhood, ~~in~~ in addition to the Conditional Use Permit criteria in LMC § 15-1-  
29 10(E), the Planning Commission shall consider whether or not the proposed  
30 Nightly Rental mitigates the impacts of and addresses the following items: (a) all  
31 rental agreements for Nightly Rental shall include language that limits the  
32 vehicles allowed to the number of on-site Parking Spaces; (b) all rental  
33 agreements shall include language indicating that all-wheel drive vehicles are  
34 required during the winter season; (c) all rental agreements shall provide Nightly  
35 Renters with information regarding walkable access to skiing, to Park City's  
36 Historic Main Street, to Old Town, and to Park City's free transit service; and (d)  
37 property management contact information shall be displayed in a prominent  
38 location inside the Nightly Rental. For Nightly Rentals in the Lower Rossi Hill sub-  
39 neighborhood, in addition to the Conditional Use Permit criteria in LMC § 15-1-  
40 10(E), the Planning Commission shall consider whether or not the proposed  
41 Nightly Rental mitigates the impacts of and addresses the following items: (a) all  
42 rental agreements for Nightly Rental shall include language that limits the  
43 vehicles allowed to the number of on-site parking spaces; and (b) property  
44 management contact information shall be displayed in a prominent location  
45 inside the Nightly Rental.