

Ordinance No. 2021-52

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-2.13-2 TO PROHIBIT NIGHTLY RENTALS IN THE HIDDEN OAKS AT DEER VALLEY SUBDIVISION PHASES 2 AND 3

WHEREAS, property owners within the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3 petitioned the City Council to amend the Land Management Code to prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3; and

WHEREAS, on October 27, 2021, staff posted notice according to the requirements of the Land Management Code; and

WHEREAS, on October 27, 2021, staff mailed courtesy notice to all affected property owners and legal notice was published in the Park Record and the City and Utah Public Notice Websites; and

WHEREAS, on November 10, 2021, the Planning Commission held a public hearing to receive input on the proposed Land Management Code amendments;

WHEREAS, on November 10, 2021, the Planning Commission forwarded a positive recommendation to the City Council;

WHEREAS, on December 16, 2021, the City Council held a public hearing;

WHEREAS, it is in the best interest of Park City, Utah, to amend the Land Management Code to prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3;

WHEREAS, Staff finds that the amendment to the Land Management Code will not cause undue harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met; and

WHEREAS, the proposed Land Management Code amendment is consistent with the following purposes of the Utah Municipal Land Use, Development, and Management Act (LUDMA) Section 10-9a-102, Purposes – General land use authority.

- 1) The purposes of this chapter are to:
 - a. provide for the health, safety, and welfare;
 - b. promote the prosperity;
 - c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
 - d. protect the tax base;
 - e. secure economy in government expenditures;
 - f. foster the state's agricultural and other industries;

- g. protect both urban and nonurban development;
- h. protect and ensure access to sunlight for solar energy devices;
- i. provide fundamental fairness in land use regulation;
- j. facilitate orderly growth and allow growth in a variety of housing types; and
- k. protect property values.

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

SECTION 1. MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Section 15-2.13-2 is hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED this 16th day of December 2021.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
Andy B

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Andy Beerman, MAYOR

ATTEST:



DocuSigned by:

Michelle Kellogg

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City Recorder

APPROVED AS TO FORM:

DocuSigned by:

Margaret Plane

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City Attorney's Office

1 **15-2.13-2 Uses**

2 Uses in the RD District are limited to the following:

3 A. **ALLOWED USES.**

4 1. Single-Family Dwelling

5 2. Duplex Dwelling

6 3. Secondary Living Quarters

7 4. Lockout Unit¹

8 5. Accessory Apartment²

9 6. Nightly Rental³

10 7. Home Occupation

11 8. Child Care, In-Home Babysitting⁴

12 9. Child Care, Family⁴

13 10. Child Care, Family Group⁴

14 11. Accessory Building and Use

15 12. Conservation Activity Agriculture

16 13. Parking Area or Structure with four (4) or fewer spaces

17 14. Recreation Facility, Private

18 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

19 16. Food Truck Location¹⁶

20 B. **CONDITIONAL USES.**

21 1. Triplex Dwelling⁶

22 2. Multi-Unit Dwelling⁶

23 3. Guest House

- 24 4. Group Care Facility
- 25 5. Child Care Center⁴
- 26 6. Public and Quasi-Public Institution, Church, and School
- 27 7. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 28 8. Telecommunication Antenna⁷
- 29 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
- 30 10. Raising, grazing of horses
- 31 11. Cemetery
- 32 12. Bed and Breakfast Inn
- 33 13. Hotel, Minor⁶
- 34 14. Hotel, Major⁶
- 35 15. Private Residence Club Project and Conversion¹⁰
- 36 16. Office, General^{6,9}
- 37 17. Office, Moderate Intensive^{6,9}
- 38 18. Office, Medical^{6,9}
- 39 19. Financial Institution without drive-up window^{6,9}
- 40 20. Commercial Retail and Service, Minor^{6,9}
- 41 21. Commercial Retail and Service, personal improvement^{6,9}
- 42 22. Commercial, Resort Support^{6,9}
- 43 23. Café or Deli^{6,9}
- 44 24. Restaurant, Standard^{6,9}
- 45 25. Restaurant, Outdoor Dining¹⁰
- 46 26. Outdoor Event¹⁰

- 47 27. Bar^{6,9}
- 48 28. Hospital, Limited Care Facility^{6,9}
- 49 29. Parking Area or Structure with five (5) or more spaces
- 50 30. Temporary Improvement¹⁰
- 51 31. Passenger Tramway Station and Ski Base Facility¹¹
- 52 32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- 53 33. Recreation Facility, Public
- 54 34. Recreation Facility, Commercial⁶
- 55 35. Entertainment Facility, Indoor^{6,9}
- 56 36. Commercial Stables, Riding Academy¹²
- 57 37. Master Planned Development with moderate income housing density
- 58 bonus¹²
- 59 38. Master Planned Development with residential and transient lodging Uses
- 60 only¹²
- 61 39. Master Planned Development with Support Retail and Minor Service
- 62 Commercial Uses¹²
- 63 40. Heliport¹²
- 64 41. Vehicle Control Gate¹³
- 65 42. Fences and walls greater than six feet (6') in height from Final Grade¹⁰
- 66 43. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴
- 67 44. Amenities Club
- 68 45. Club, Private Residence Off-Site¹⁵

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

71 ¹Nightly rental of Lockout Units requires a Conditional Use permit

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

73 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not
74 permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision

75 Phases #1A and #1B, and Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and
76 3.

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

78 ⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
79 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
80 on the original Property set forth in the services agreement and/or Master Festival License

81 ⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

82 ⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

83 ⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

84 ⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a
85 convenience for residents or occupants of adjacent or adjoining residential Developments.

86 ¹⁰Requires an administrative Conditional Use permit.

87 ¹¹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

88 ¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development.

89 ¹³See Section 15-4-19 for specific review criteria for gates.

90 ¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
91 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
92 in an Area other than the original location set forth in the services agreement and/or Master Festival
93 License.

94 ¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit.

95 Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more

96 units with approved Support Commercial space. A Parking Plan shall be submitted to determine site
97 specific parking requirements.

98 ¹⁶The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with
99 Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.