

Ordinance No. 2024-21

AN ORDINANCE AMENDING RESORT SUPPORT COMMERCIAL IN LAND MANAGEMENT CODE SECTIONS 15-2.18-2 USES FOR THE GENERAL COMMERCIAL AND 15-2.19-2 USES FOR THE LIGHT INDUSTRIAL ZONING DISTRICTS, AND AMENDING ACCESSORY USES IN MASTER PLANNED DEVELOPMENTS IN SECTION 15-6-4(I) DEVELOPMENT AGREEMENTS, SECTION 15-6-6 REQUIRED FINDINGS AND CONCLUSIONS OF LAW, SECTION 15-6-8 UNIT EQUIVALENTS, AND SECTION 15-15-1 DEFINITIONS

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the historic character, and the unique mountain town community;

WHEREAS, the Land Management Code promotes the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City;

WHEREAS, the Land Management Code outlines allowances for Support Commercial Uses and exempts certain Residential and Resort Accessory Uses from counting toward the total Unit Equivalents within a Master Planned Development; these Accessory Uses are intended to provide services and support uses for patrons, employees, and residents within the development, and not for the general public;

WHEREAS, the Accessory Use exemptions from Unit Equivalents presents challenges for Master Planned Development review because they may result in increased mass and bulk of a project and over time, and uses intended for patrons, employees, and residents on site may be opened to the general public without mitigating impacts like increased traffic and parking, and without contributing to affordable housing obligations;

WHEREAS, on July 12, 2024, staff publicly noticed this Pending Ordinance to initiate this process and on August 14, 2024, the Planning Commission conducted the first public hearing;

WHEREAS, on August 14, 2024, September 11, 2024, and November 13, 2024, the Planning Commission conducted public hearings on the proposed amendments and forwarded a positive recommendation to the City Council;

WHEREAS, on December 12, 2024, the City Council conducted a public hearing on the proposed amendments and approved the amendments with modifications.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY TITLE 15 LAND MANAGEMENT CODE.

The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code Section 15-2.18-2 *Uses* for the General Commercial, Section 15-2.19-2 *Uses* for the Light Industrial Zoning District, Section 15-6-4(l) *Development Agreements* for Master Planned Developments, Section 15-6-6 *Required Findings and Conclusions of Law* for Master Planned Developments, Section 15-6-8 *Unit Equivalents* for Master Planned Developments, and Section 15-15-1 *Definitions* are hereby amended as outlined in Attachment 1.

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


PASSED AND ADOPTED THIS 12th day of December 2024.

PARK CITY MUNICIPAL CORPORATION

Signed by:
Nann Worel
57775BCB46414F6...

Nann Worel, Mayor

Attest:

DocuSigned by:
Michelle Kellogg
E5F905BB533F431...
DS


City Recorder

Approved as to form:

Signed by:
Mark Harrington
B7478B7734C7490...

City Attorney's Office

1 **Attachment 1**

2 **15-2.18-2 Uses**

3 Uses in the GC District are limited to the following:

4 A. **ALLOWED USES.**

- 5 1. Secondary Living Quarters
- 6 2. Lockout Unit¹
- 7 3. Accessory Apartment²
- 8 4. Nightly Rental
- 9 5. Home Occupation
- 10 6. Child Care, In-Home Babysitting³
- 11 7. Child Care, Family³
- 12 8. Child Care, Family Group³
- 13 9. Child Care Center³
- 14 10. Accessory Building and Use
- 15 11. Conservation Activity
- 16 12. Agriculture
- 17 13. Plant and Nursery Stock production and sales
- 18 14. Bed and Breakfast Inn
- 19 15. Boarding House, Hostel
- 20 16. Hotel, Minor
- 21 17. Hotel, Major
- 22 18. Office, General
- 23 19. Office, Moderate Intensive
- 24 20. Office, Intensive

- 25 21. Office and Clinic, Medical and Veterinary Clinic
- 26 22. Financial Institution without a drive-up window
- 27 23. ~~[Commercial, Resort Support]~~
- 28 24. Retail and Service Commercial, Minor
- 29 25. Retail and Service Commercial, Personal Improvement
- 30 26. Retail and Service Commercial, Major
- 31 27. Cafe or Deli
- 32 28. Restaurant, General
- 33 29. Hospital, Limited Care Facility
- 34 30. Parking Area or Structure with four (4) or fewer spaces
- 35 31. Parking Area or Structure with five (5) or more spaces
- 36 32. Food Truck Location¹⁰

37 **B. CONDITIONAL USES.**

- 38 1. Single Family Dwelling
- 39 2. Duplex Dwelling
- 40 3. Triplex Dwelling
- 41 4. Multi-Unit Dwelling
- 42 5. Group Care Facility
- 43 6. Public and Quasi-Public Institution, Church, and School
- 44 7. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 45 8. Telecommunication Antenna⁴
- 46 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- 47 10. Timeshare Project and Conversion

- 48 11. Timeshare Sales Office, off-site within an enclosed Building
- 49 12. Private Residence Club Project and Conversion⁸
- 50 13. Financial Institution with a Drive-up Window⁶
- 51 14. Retail and Service Commercial with Outdoor Storage
- 52 15. Retail and Service Commercial, Auto Related
- 53 16. Transportation Service
- 54 17. Retail Drive-Up Window⁶
- 55 18. Gasoline Service Station
- 56 19. Restaurant and Cafe, Outdoor Dining⁷
- 57 20. Restaurant, Drive-up Window⁶
- 58 21. Outdoor Event⁷
- 59 22. Bar
- 60 23. Sexually Oriented Businesses⁸
- 61 24. Hospital, General
- 62 25. Light Industrial Manufacturing and Assembly
- 63 26. Temporary Improvement⁷
- 64 27. Passenger Tramway and Ski Base Facility
- 65 28. Ski tow rope, ski lift, ski run, and ski bridge
- 66 29. Commercial Parking Lot or Structure
- 67 30. Recreation Facility, Public
- 68 31. Recreation Facility, Commercial
- 69 32. Recreation Facility, Private⁹
- 70 33. Indoor Entertainment Facility

- 71 34. Heliport
- 72 35. Temporary Sales Trailer in conjunction with an active Building permit for
- 73 the Site.⁸
- 74 36. Fences greater than six feet (6') in height from Final Grade⁷
- 75 37. Household Pet, Boarding⁷
- 76 38. Household Pet, Daycare⁷
- 77 39. Household Pet, Grooming⁷
- 78 40. Dwelling Unit, Fractional Use¹¹
- 79 **41. Commercial, Resort Support**

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

82 ¹Nightly rental of Lockout Units requires Conditional Use permit.

83 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

84 ³See Section 15-4-9, Child Care and Child Care Facilities.

85 ⁴See Section 15-4-14, Telecommunication Facilities.

86 ⁵See Section 15-4-13, Placement of Satellite Receiving Antennas.

87 ⁶See Section 15-2.18-6 for Drive-Up Window review.

88 ⁷Requires an Administrative Conditional Use permit.

89 ⁸See Section 15-4-16 for additional criteria.

90 ⁹See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

91 ¹⁰The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
92 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
93 letter.

94 ¹¹Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use.

95 HISTORY

96 *Adopted by Ord. 00-51 on 9/21/2000*

97 Amended by Ord. 04-39 on 9/23/2004

98 Amended by Ord. 06-76 on 11/9/2006

99 Amended by Ord. 14-57 on 11/20/2014

100 Amended by Ord. 2018-55 on 10/23/2018

101 Amended by Ord. 2020-45 on 10/1/2020

102 Amended by Ord. 2021-51 on 12/16/2021

103 Amended by Ord. 2022-08 on 4/28/2022

104 Amended by Ord. 2022-21 on 10/27/2022

105 **15-2.19-2 Uses**

106 Uses in the LI District are limited to the following:

107 A. **ALLOWED USES.**

108 1. Secondary Living Quarters

109 2. Accessory Apartment¹

110 3. Nightly Rental

111 4. Home Occupation

112 5. Child Care, In-Home Babysitting²

113 6. Child Care, Family²

114 7. Child Care, Family Group²

115 8. Child Care Center²

116 9. Agriculture

117 10. Plant and Nursery Stock

118 11. Office, General

119 12. Office, Moderate Intensive

- 120 13. Office, Intensive
- 121 14. Financial Institution without drive-up window
- 122 15. Retail and Service Commercial, Minor
- 123 16. Retail and Service Commercial, Personal Improvement
- 124 17. Retail and Service Commercial, Major
- 125 18. ~~Commercial, Resort Support~~
- 126 19. Hospital, Limited Care
- 127 20. Parking Area or Structure with four (4) or fewer spaces
- 128 21. Food Truck Location⁸

B. **CONDITIONAL USES.**

- 130 1. Multi-Unit Dwelling
- 131 2. Group Care Facility
- 132 3. Child Care Center²
- 133 4. Public and Quasi-Public Institution, Church, and School
- 134 5. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 135 6. Telecommunication Antenna³
- 136 7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁴
- 137 8. Accessory Building and Use
- 138 9. Raising, grazing of horses
- 139 10. Bed and Breakfast Inn
- 140 11. Boarding House, Hostel
- 141 12. Hotel, Minor
- 142 13. Private Residence Club Project and Conversion⁶

- 143 14. Office and Clinic, Medical and Veterinary Clinic
- 144 15. Financial Institutions with Drive-Up Window⁵
- 145 16. Retail and Service Commercial with Outdoor Storage
- 146 17. Retail and Service Commercial, Auto-Related
- 147 18. Transportation Services
- 148 19. Retail Drive-Up Window⁵
- 149 20. Gasoline Service Station
- 150 21. Café or Deli
- 151 22. Restaurant, General
- 152 23. Restaurant, Outdoor Dining
- 153 24. Restaurant, Drive-Up Window⁵
- 154 25. Outdoor Event⁶
- 155 26. Bar
- 156 27. Hospital, General
- 157 28. Light Industrial Manufacturing and Assembly Facility
- 158 29. Parking Area or Structure with five (5) or more spaces
- 159 30. Temporary Improvement⁶
- 160 31. Passenger Tramway Station and Ski Base Facility
- 161 32. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- 162 33. Recreation Facility, Public
- 163 34. Recreation Facility, Commercial
- 164 35. Recreation Facility, Private⁷
- 165 36. Entertainment Facility, Indoor

- 166 37. Commercial Stables, Riding Academy
- 167 38. Heliports
- 168 39. Commercial Parking Lot or Structure
- 169 40. Temporary Sales Office, in conjunction with an active Building permit.
- 170 41. Fences and Walls greater than six feet (6') in height from Final Grade⁶
- 171 42. Household Pet, Boarding⁶
- 172 43. Household Pet, Daycare⁶
- 173 44. Household Pet, Grooming⁶
- 174 **45. Commercial, Resort Support**

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

177 ¹Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

178 ²See Section 15-4-9, Child Care and Child Care Facilities.

179 ³See Section 15-4-14, Telecommunication Facilities.

180 ⁴See Section 15-4-13, Placement of Satellite Receiving Antennas.

181 ⁵See Section 15-2.19-8, Criteria for Drive-Up Windows.

182 ⁶Subject to an Administrative Conditional Use permit.

183 ⁷See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

184 ⁸The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with
185 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval
186 letter.

187 HISTORY

188 *Adopted by Ord. 00-51 on 9/21/2000*

189 *Amended by Ord. 04-39 on 9/23/2004*

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192 *Amended by Ord. 2018-55 on 10/23/2018*

193 *Amended by Ord. 2020-45 on 10/1/2020*

194 *Amended by Ord. 2021-51 on 12/16/2021*

195 *Amended by Ord. 2022-08 on 4/28/2022*

196 **15-6-4 Process**

197 A. **PRE-APPLICATION CONFERENCE**. An Applicant may request a pre-
198 Application conference with Planning Department staff to become acquainted
199 with the Master Planned Development procedures and requirements.

200 B. **APPLICATION**. An Applicant shall submit a Master Planned Development
201 Application to the Planning Department. The Application shall include written
202 consent by all Owners of the Property to be included in the Master Planned
203 Development. The Planning Director shall assign the Application to a staff
204 planner who will review the Application for completeness. The staff planner will
205 inform the Applicant if additional information is required to constitute a complete
206 Application.

207 C. **PUBLIC OUTREACH**. It is recommended that the Applicant conduct public
208 outreach and that the Applicant host neighborhood meetings prior to submitting
209 an Application for a Master Planned Development.

210 D. **WORK SESSION**. After the staff planner determines a Master Planned
211 Development Application is complete, the Applicant may request a work session

212 with the Planning Commission in order to provide an opportunity for the public
213 and the Planning Commission to give preliminary input.

214 E. **ADDITIONAL STUDIES.** The Commission may require Applicants to submit and
215 fund additional studies for Master Planned Development proposals that
216 significantly increase the Density and intensity of Use of a Site. If the
217 Commission requires an Applicant to submit a traffic study, the Transportation
218 Department and City Engineer shall recommend a method of modeling and
219 scope of the study area.

220 F. **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary
221 review body for Master Planned Developments.

222 G. **PUBLIC HEARING.** The Planning Commission is required to hold a public
223 hearing prior to taking action on a Master Planned Development. Multiple public
224 hearings may be necessary for larger, complex projects. Staff shall notice each
225 public hearing in accordance with Sections 15-1-12 and 15-1-21.

226 H. **PLANNING COMMISSION ACTION.** The Planning Commission shall approve,
227 approve with modifications, or deny a requested Master Planned Development.
228 To approve a Master Planned Development, the Planning Commission shall
229 make the findings outlined in Section 15-6-6. The Planning Commission action
230 shall be in the form of written findings of fact, conclusions of law, and in the case
231 of approval, conditions of approval. Appeals of Planning Commission action shall
232 be conducted in accordance with Section 15-1-18.

233 I. **DEVELOPMENT AGREEMENT**. Once the Planning Commission approves a
234 Master Planned Development, the approval shall be put in the form of a
235 Development Agreement approved by the City Attorney and shall contain, at a
236 minimum, the following:

- 237 1. A legal description of the land;
- 238 2. All relevant zoning and Land Management Code parameters, including all
239 findings, conclusions, and conditions of approval, specifying any
240 exceptions pursuant to Chapter 15-6 outlining more or less restrictive
241 Height or Setbacks;
- 242 3. An express reservation of the future legislative power and zoning authority
243 of the City;
- 244 4. A copy of the approved Site plan, architectural plans, Landscaping plans,
245 Grading plan, trails and Open Space plans, and other plans, which are a
246 part of the Planning Commission approval;
- 247 5. A description of all Developer exactions or agreed upon public
248 dedications;
- 249 6. The Developers agreement to pay all specified impact fees;
- 250 7. The form of ownership ~~anticipated~~ and operation of ~~for~~ the project;
- 251 8. A specific project phasing plan;

252 9. A list and map of all known Physical Mine Hazards on the Property, as
253 determined through the exercise of reasonable due diligence by the
254 Owner, as well as a description and GPS coordinates of those Physical
255 Mine Hazards;

256 10. A map and inventory of all Historic Structures on the Property and a
257 Historic Structures Report prepared by a qualified Historic Preservation
258 Professional.

259 The Planning Commission shall hold a public hearing prior to ratifying a
260 Development Agreement. A Development Agreement ratified by the
261 Commission shall be signed by the Mayor and the Applicant and recorded
262 with the Summit County Recorder. The Development Agreement shall
263 contain language to allow for minor, administrative modifications without
264 revision of the agreement. The Applicant shall submit a draft Development
265 Agreement to the Planning Department within six (6) months of the date
266 the Planning Commission approved the Master Planned Development, or
267 the Planning Commission approval shall expire.

268 J. **LENGTH OF APPROVAL**. Construction, as defined by the International Building
269 Code, is required to commence within two (2) years of the date of the execution
270 of the Development Agreement. After construction commences, the Master
271 Planned Development shall remain valid as long as it is consistent with the
272 approved project phasing plan set forth in the Development Agreement. The
273 project phasing plan may require Planning Commission review and reevaluation
274 of the project at specified points in the Development of the Master Planned

275 Development.

276 The Planning Commission may grant an extension of a Master Planned

277 Development for up to two (2) additional years when the Applicant demonstrates

278 no change in circumstance that would result in unmitigated impacts or that would

279 result in a finding of non-compliance with the Master Planned Development

280 requirements in the Land Management Code in effect at the time of the extension

281 request. Change in circumstance includes physical changes to the Property or

282 surrounding Properties. Applicants must submit written extension requests to the

283 Planning Department prior to the expiration of the Master Planned Development.

284 Staff shall notice extension request and public hearings according to Sections

285 15-1-12 and 15-1-21.

286 K. **MPD MODIFICATIONS**. The Planning Commission shall determine whether a

287 proposed modification to an approved Master Planned Development is minor or

288 substantive.

289 1. **Minor Modification**. A minor modification to an approved Master Planned

290 Development is a modification that complies with the Land Management

291 Code and Master Planned Development approval and does not trigger

292 additional Off-Street Parking requirements, does not reduce Open Space,

293 and does not increase traffic by 5% or more as demonstrated by a traffic

294 generation study. The Planning Director shall review and take Final Action

295 on a minor modification to a Master Planned Development and shall issue

296 an Administrative Permit for an approval. The Administrative Permit

297 approval of minor modifications may be appealed to the Planning
298 Commission.

299 2. **Substantive Modifications.** Substantive modifications to an approved
300 Master Planned Development create additional impacts and require
301 review of the entire Master Planned Development and Development
302 Agreement by the Planning Commission, unless otherwise specified in the
303 Development Agreement. Substantive modifications include but are not
304 limited to a change to a Finding of Fact or Condition of Approval, a change
305 in Use or an increase in Floor Area that triggers additional Off-Street
306 Parking requirements, a change in Use or an increase in Floor Area that
307 generates more than a 5% increase in traffic demonstrated by a traffic
308 generation study, or a reduction in Open Space.

309 L. **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned
310 Development may require additional review by the Planning Commission as a
311 Conditional Use permit, if so required by the Planning Commission at the time of
312 the Master Planned Development approval.
313 Site specific approvals must comply with the review criteria of the Master
314 Planned Development approval and the Conditional Use permit criteria. The
315 Planning Department will review Site specific plans, including Site layout,
316 architecture, and Landscaping plans for compliance with the Master Planned
317 Development and Land Management Code prior to issuance of a Building Permit.

318 M. **PRIOR APPROVALS.** Prior to final approval of a Master Planned Development
319 that is subject to an Annexation Agreement, the Commission shall make findings
320 that the project is consistent with the Annexation Agreement.

321 HISTORY

322 *Adopted by Ord. 02-07 on 5/23/2002*

323 *Amended by Ord. 06-22 on 4/27/2006*

324 *Amended by Ord. 09-10 on 3/5/2009*

325 *Amended by Ord. 11-05 on 1/27/2011*

326 *Amended by Ord. 2016-44 on 9/15/2016*

327 *Amended by Ord. 2017-15 on 3/30/2017*

328 *Amended by Ord. 2020-45 on 10/1/2020*

329

330 **15-6-6 Required Findings And Conclusions Of Law**

331 The Planning Commission must make the following findings in order to approve a
332 Master Planned Development. In some cases, conditions of approval will be attached to
333 the approval to ensure compliance with these findings. The Master Planned
334 Development, as conditioned:

- 335 A. complies with all requirements of the Land Management Code;
- 336 B. meets the minimum requirements of Section 15-6-5;
- 337 C. provides the highest value of Open Space, as determined by the Planning
338 Commission;
- 339 D. strengthens and enhances the resort character of Park City;

- 340 E. compliments the natural features on the Site and preserves significant features or
341 vegetation to the extent possible;
- 342 F. is Compatible in Use, scale, and mass with adjacent Properties, and promotes
343 neighborhood Compatibility, and Historic Compatibility, where appropriate, and
344 protects residential neighborhoods and Uses;
- 345 G. provides amenities to the community so that there is no net loss of community
346 amenities;
- 347 H. is consistent with the employee Affordable Housing requirements as adopted by
348 the City Council at the time staff determined the Application to be complete;
- 349 I. meets the Sensitive Lands requirements of the Land Management Code and is
350 designed to place Development on the most developable land and least visually
351 obtrusive portions of the Site;
- 352 J. promotes the Use of non-vehicular forms of transportation through design and by
353 providing trail connections;
- 354 K. was noticed and the Planning Commission held a public hearing in accordance
355 with this Chapter;
- 356 L. incorporates best planning practices for sustainable development, including
357 water conservation measures and energy efficient design and construction, per
358 the Residential and Commercial Energy and Green Building program and codes
359 adopted by the Park City Building Department in effect at the time of the
360 Application;
- 361 M. addresses and mitigates Physical Mine Hazards according to accepted City
362 regulations and policies;

- 363 N. addresses and mitigates Historic Mine Waste and complies with the
- 364 requirements of the Park City Soils Boundary Ordinance;
- 365 O. addresses Historic Structures and Sites on the Property, according to accepted
- 366 City regulations and policies, and any applicable Historic Preservation Plan;
- 367 P. addresses and mitigates traffic;
- 368 **Q. addresses the long-term operation of the project.**

369 HISTORY

- 370 *Adopted by Ord. 02-07 on 5/23/2002*
- 371 *Amended by Ord. 06-22 on 4/27/2006*
- 372 *Amended by Ord. 10-14 on 4/15/2010*
- 373 *Amended by Ord. 13-23 on 7/11/2013*
- 374 *Amended by Ord. 2016-44 on 9/15/2016*
- 375 *Amended by Ord. 2020-35 on 7/9/2020*
- 376 *Amended by Ord. 2020-45 on 10/1/2020*
- 377

378 **15-6-8 Unit Equivalents**

379 Density of Development is a factor of both the Use and size of Structures built within a
380 project. In order to allow for, and to encourage, a variety of unit configurations, Density
381 shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1)
382 Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family
383 Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot
384 equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned
385 Development (MPD). The MPD may stipulate maximum Building Footprint and/or

386 maximum floor area for single family and duplex Lots. Residential Unit Equivalents for
387 Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per
388 2,000 square feet and portions of Unit Equivalents for additional square feet above or
389 below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23
390 Unit Equivalents.

391 Affordable Housing units required as part of the MPD approval, and constructed on Site
392 do not count towards the residential Unit Equivalents of the Master Plan. Required ADA
393 units do not count towards the residential Unit Equivalents.

394 ~~[Support Uses and accessory meeting space use Unit Equivalents as outlined in~~
395 ~~Section 15-6-8(C) and (D) below.]~~

396 A. **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage
397 shall be measured from the interior of the exterior unit walls. All bathrooms, halls,
398 closets, storage and utility rooms within a unit will be included in the calculation
399 for square footage. ~~[Exterior hallways, common circulation and hotel use areas,~~
400 ~~such as lobbies, elevators, storage, and other similar Areas, will not be included.]~~
401 Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating
402 rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

403 B. **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be
404 included in the overall square footage of a unit.

405 C. **SUPPORT COMMERCIAL WITHIN ~~[RESIDENTIAL MASTER PLANNED~~**
406 **~~DEVELOPMENTS HOTELS]~~**. ~~[Within a Hotel or Nightly Rental condominium~~
407 ~~project, the] The Floor Area of Support Commercial Uses [uses] may not exceed~~
408 five percent (5%) of the total Floor Area of the approved residential Unit

409 Equivalents. ~~Any unused Support Commercial floor area may be utilized for~~
410 ~~meeting space Uses.~~ Signage for Support Commercial Uses is limited to interior
411 spaces. Marketing for Support Commercial Uses is limited to primary Uses on
412 Site. Support Commercial shall be included in Affordable Housing obligations and
413 calculations subject to Housing Resolution No. 05-2021, as amended.

414 D. **MEETING SPACE.** Within a Hotel ~~[or Condominium project]~~, Floor Area of
415 meeting space may not exceed five percent (5%) of the total Floor Area of the
416 approved residential unit equivalents. Any unused meeting space floor area may
417 be utilized for support commercial uses within a Hotel ~~[or Nightly Rental~~
418 ~~Condominium]~~ project.

419 E. **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part
420 of a Master Planned Development, shall be calculated on the basis of one (1)
421 Unit Equivalent per 1,000 square feet of Net Leasable Floor Area, exclusive of
422 common corridors, for each part of a 1,000 square foot interval. For example:
423 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

424 F. **RESIDENTIAL ACCESSORY USES.** ~~[Residential Accessory Uses include~~
425 ~~typical back of house uses and administration facilities that are for the benefit of~~
426 ~~the residents of a commercial Residential Use, such as a Hotel or Nightly Rental~~
427 ~~Condominium project and that are common to the residential project and are not~~
428 ~~located within any individual Residential unit.]~~ Residential Accessory Uses do not
429 require the use of Unit Equivalents ~~[and include, but are not limited to, such Uses~~
430 ~~as]:~~
431 ~~[Ski/Equipment lockers~~

- 432 ~~Lobbies~~
- 433 ~~Registration~~
- 434 ~~Concierge~~
- 435 ~~Bell stand/luggage storage~~
- 436 ~~Maintenance Areas]~~
- 437 Mechanical rooms and shafts limited to electrical, heating, ventilation, plumbing,
- 438 and air conditioning equipment and ductwork necessary for the operation of the
- 439 Building
- 440 Laundry facilities ~~[and storage]~~
- 441 Employee facilities related to the operation of the property
- 442 ~~[Common pools, saunas and hot tubs, and exercise areas not open to the public~~
- 443 ~~Telephone Areas~~
- 444 ~~Guest business centers~~
- 445 ~~Public restrooms~~
- 446 ~~Administrative offices]~~
- 447 Hallways and circulation
- 448 Elevators and stairways
- 449 Child Care Facilities
- 450 Enclosed Bicycle Storage that exceeds the requirements of Section 15-3-9

451 G. **RESORT ACCESSORY USES.** The following Uses are considered accessory for
452 the operation of a resort for winter and summer operations. These Uses are
453 ~~[considered typical back of house uses and are]~~ incidental to and customarily
454 found in connection with the principal Use or Building and are operated for the

455 convenience of the Owners, occupants, employees, customers, or visitors to the
456 principal resort Use. Accessory Uses associated with an approved summer or
457 winter resort do not require the Use of a Unit Equivalent but shall be included in
458 the Affordable Housing obligations and calculations subject to Housing
459 Resolution No. 05-2021, as amended, and shall be calculated as part of the
460 parking demand requirements and traffic impact study. These Uses and square
461 footages require Planning Commission review and approval. Resort Accessory
462 Uses may include~~[, but are not limited to, such Uses as]:~~
463 ~~[Information]~~
464 ~~[Lost and found]~~
465 First Aid Mountain patrol
466 ~~[Administration]~~
467 Maintenance ~~[and storage]~~ facilities
468 Emergency medical facilities
469 ~~[Public lockers]~~
470 Public restrooms
471 Employee restrooms, employee locker rooms, and employee break rooms~~[, and~~
472 ~~employee dining areas]~~
473 ~~[Ski school/day care facilities]~~ Child Care Facilities ~~[Instruction facilities]~~
474 ~~[Ticket sales]~~
475 Equipment/ski check
476 Circulation and hallways for these Resort Accessory Uses

477 HISTORY

478 *Adopted by Ord. 02-07 on 5/23/2002*

479 *Amended by Ord. 06-22 on 4/27/2006*

480 *Amended by Ord. 09-10 on 3/5/2009*

481 *Amended by Ord. 10-14 on 4/15/2010*

482 *Amended by Ord. 11-05 on 1/27/2011*

483

484 **15-15-1 Definitions**

485

486 ~~**[Commercial Use, Resort Support.** A Commercial Use that is clearly incidental to, and~~
487 ~~customarily found in connection with, the principal resort Use, and which is operated~~
488 ~~and maintained for the benefit or convenience of the Owner, occupants, employees,~~
489 ~~customers of, or visitors to, the principal Use.]~~

490

491 **HOTEL/HOTEL CONDOMINIUM/MOTEL.** A Building containing ~~sleeping lodging~~ rooms
492 for the occupancy of guests for compensation on a nightly basis that includes ~~accessory~~
493 facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies,
494 recreation facilities, group dining facilities, and/or ~~services other facilities and activities~~
495 customarily associated with ~~Hotels hotels~~, such as concierge services, shuttle services,
496 room service, and daily maid service ~~(collectively referred to as a "Hotel")~~. ~~[Hotel/Motel~~
497 ~~does not include Nightly Rental Condominium projects without restaurants, bars, spas,~~
498 ~~and on-site check-in lobbies.]~~ Lockout Units ~~or~~ Bed and Breakfast Inns and Boarding
499 Houses are not Hotels. Hotels are considered a lodging Use and ownership of units

500 may be by a condominium or timeshare instrument Hotel rooms may include a Lockout
501 ~~as part of the~~ Unit.

502 1. **Hotel, Major.** A Hotel with more than fifteen (15) Hotel Rooms.

503 2. **Hotel, Minor.** A Hotel, ~~Motel,~~ with fewer than sixteen (16) Hotel Rooms.

504

505 **RESIDENTIAL CONDOMINIUM PROJECT.** A condominium project for Residential Use
506 and not for Hotel or Hotel Condominium Use.

507

508 **RESIDENTIAL USE.** Uses and project that consist primarily of activities that are
509 residential in nature ~~[that may include other support Uses, such as support commercial,~~
510 ~~but]~~ where the primary Use is for human habitation and associated activities.

511 Residential Use includes occupancy of a dwelling as living quarters and all associated
512 Uses, but not including temporary Structures such as tents, railroad cars, trailers, or
513 similar units.

514