

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.7-1. PURPOSE.

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

(Amended by Ord. No. 09-10)

15-2.7-2. USES.

Uses in the ROS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE
CONDITIONAL USES.**¹

- (1) Trail and Trailhead Improvement
- (2) Outdoor Recreation Equipment
- (3) Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.
- (4) Accessory Building, less than 600 sq. ft.
- (5) Ski-related Accessory Building, less than 600 sq. ft.

¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process. Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the Master Festival permit.

<ul style="list-style-type: none"> (6) Parking Area or Structure with four (4) or fewer spaces (8) Temporary Construction Improvement (9) Raising, grazing of horses (10) Raising, grazing of livestock (11) Anemometer and Anemometer Towers 	<ul style="list-style-type: none"> (7) Outdoor Event, Outdoor Music (17) Commercial Stable, Riding Academy (18) Vehicle Control Gates² (19) Resort Support, Commercial (20) Cemetery (21) Parking Area or Structure with five (5) or more spaces
<p>(C) <u>CONDITIONAL USES.</u></p> <ul style="list-style-type: none"> (1) Agriculture (2) Recreational Outdoor and Trail Lighting (3) Recreation Facility, Private (4) Recreation Facility, Public (5) Recreation Facility, Commercial (6) Golf Course (7) Passenger Tramway Station and Ski Base Facility (8) Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge (9) Recreational Sports Field (10) Skating Rink (11) Skateboard Park (12) Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft. (13) Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. (14) Accessory Building, greater than 600 sq. ft. (15) Ski-Related Accessory Building, greater than 600 sq. ft. (16) Child Care Center 	<ul style="list-style-type: none"> (22) Telecommunications Antenna³ (23) Mines and Mine Exploration (24) Plant and Nursery stock products and sales (25) Fences greater than six feet (6') in height from Final Grade. (26) Small Wind Energy Systems <p>(D) <u>PROHIBITED USES.</u> Any use not listed above as an Allowed or Conditional Use is a prohibited Use.</p> <p><i>(Amended by Ord. Nos. 04-08; 09-10)</i></p> <p>15-2.7-3. LOT AND SITE REQUIREMENTS.</p> <p>All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.</p> <p>(A) <u>FRONT, SIDE, AND REAR YARD EXCEPTIONS.</u> Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved</p> <hr/> <p>²See Section 15-4-19 for specific review criteria for gates</p> <p>³Subject to LMC Chapter 15-4-14, Telecommunications</p>

Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear Yards.

(Amended by Ord. No. 09-10)

15-2.7-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for a pitched roof and to provide usable space within the Structure, the following height exceptions apply:

- (1) A gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Ski lift or tramway towers may extend above the maximum Zone Height subject to a visual analysis and administrative approval by the Planning Director.

(5) Anemometers and Anemometer Towers used to measure wind energy potential for future Wind Energy Systems may extend above the maximum Zone Height subject to a visual analysis and Administrative Conditional Use approval, see Section 15-2.7-8.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point, see Section 15-2.7-9.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.7-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of Departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 09-10)

15-2.7-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. Nos. 04-08; 09-10)

15-2.7-7. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Department. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay

(Amended by Ord. No. 09-10)

15-2.7-8. ANEMOMETERS AND ANEMOMETER TOWERS.

Anemometers and Anemometer Towers require an Administrative Conditional Use permit for temporary installation, for up to three (3) years, to measure wind energy potential for a Site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including Access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the Anemometer, an Application for and all other submittal requirements for Administrative Conditional Use permits and a narrative addressing the following:

- (A) No violation of the City noise ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and height requirements, see height exceptions. Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided and the public Rights-of-Way and power lines are not impacted by the location.
- (D) Compliance with FAA regulations.
- (E) Compliance with the International Building Code.
- (F) At the time of Application for an Administrative Conditional Use permit, standard engineering drawings for the tower, base, and footings shall be submitted.
- (G) **BUILDING PERMIT.** Prior to issuance of a Building Permit, the plans shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.
- (H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five feet (5') shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1 to determine visual impacts on Ridge Line Areas and entry corridors.
- (I) **REMOVAL AND DECOMMISSIONING.** Anemometers

and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of twelve (12) months or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the systems Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within three (3) years of the removal of the installation.

(Created by Ord. No. 09-10)

15-2.7-9. SMALL WIND ENERGY SYSTEMS.

Small Wind Energy Systems (system) require a Conditional Use permit. The Use must comply with Section 15-1-10, Conditional Use Review and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all Access roads and installation details, such as Grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the

tower and turbines; Property survey showing size of Property and location of Structures, utilities, easements, Streets and Rights-of-Way on the Property and on adjacent Properties within a horizontal distance equivalent to 110% of the proposed height; an Application for and all other submittal requirements for Conditional Use permits; and a narrative addressing the following review criteria:

(A) **LOCATION**. Location on the Property and associated wind data shall indicate the optimum citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system, due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

(B) **SETBACKS AND HEIGHT**. See Section 15-2.7-4(A) Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. EXCEPTION: Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

(C) **LOT SIZE**. Small Wind Energy Systems that are greater than eighty feet (80') in height shall be located on a Lot size of one (1) acre or more.

(D) **DESIGN**. Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) **LIGHTING**. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

(F) **NOISE**. No violation of the City noise ordinance.

(G) **SIGNS**. Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs comply with the Park City Sign Code.

(H) **BUILDING PERMIT**. Prior to issuance of a Building Permit, the system shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.

(I) **VISUAL ANALYSIS**. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

(J) **SYSTEM CONDITIONS**. The Applicant/system Owner shall maintain the

system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) **REMOVAL AND DECOMMISSIONING.** Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more.

Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the System.

(L) **REPLACEMENT.** Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

(Created by Ord. No. 09-10)

15-2.7-10. SIGNS.

Signs are allowed within the ROS District as provided in the Park City Sign Code, Title 12.

(Renumbered by Ord. No. 09-10)

15-2.7-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3 -3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E)
- Parking Ratio Requirements. LMC Chapter 15-3-6.

(Amended by Ord. No. 09-10)