



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
September 17, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regular City Council meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Thursday, September 17, 2020.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 05-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Council members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, use eComment or raise your hand on Zoom. eComments submitted before the meeting date will be attached to the packet as appendices. eComments submitted on Council meeting days will be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org.

Exhibit A: Determination of Substantial Health and Safety Risk

On September 1, 2020, the Mayor determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021.
- Statewide COVID cases and hospitalizations are increasing.

This determination is valid for 30 days, and is set to expire on October 1, 2020.

CLOSED SESSION - 2:00 p.m.

To Discuss Property, Personnel and Litigation

WORK SESSION

3:00 p.m. - Discuss Triple Crown City Service Agreement Negotiations

[Triple Crown Contract Staff Report](#)

[Exhibit A: TCS Contract Proposal for Park City](#)

[Exhibit B: Public Comment Received](#)

3:30 p.m. - Discuss Cluster Mailboxes in Old Town

[Cluster Mailboxes Staff Report](#)

4:00 p.m. - Park Avenue Redesign Exploration
[Park Avenue Redesign Exploration Staff Report](#)
[Exhibit A: Park Avenue Engineering Cross Sections](#)
[Exhibit B: Park Avenue Interim Public Survey Report](#)
[Exhibit C: Park Avenue Parking Occupancy Report](#)

4:30 p.m. - Housing Resolution Update with Planning Commission
[Housing Resolution Revisions Staff Report](#)
[Exhibit A: Housing Resolution 2020 - Redlines](#)

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Old Town Neighborhood Pilot Projects Update
[Old Town Neighborhood Pilot Projects Staff Report](#)
2. Shop Dine and Stroll - Car Free Main Street Update
[Main Street Car Free Days Shop Dine and Stroll Staff Report](#)
[Exhibit A: HPCA Event Survey and Transportation Data Trends](#)

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from July 30, 2020 and August 4 and 31, 2020
[July 30, 2020 Minutes](#)
[August 4, 2020 Minutes](#)
[August 31, 2020 Minutes](#)

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Enter into a Construction Agreement with VanCon, Inc., for Construction Services for the Treasure Hill Trailhead, Not to Exceed \$172,135.00, in a Form Approved by the City Attorney
[Treasure Hill Trailhead Construction Award Staff Report](#)
[Exhibit A: Treasure Hill Trailhead at Lowell Avenue](#)
[Exhibit B: VanCon, Inc. Proposal - Trailhead at Lowell Avenue](#)
2. Request to Extend the Business Licensing Renewal Grace Period to January 31, 2021 Due to COVID-19 Impacts

VI. OLD BUSINESS

1. Consideration to Continue Ordinance 2020-39, an Ordinance Approving a New Zoning District to be known as Park City Land Management Code Chapter 15-2.26, Urban Park District, and a Zoning Map Amendment to Rezone Rotary Park, Creekside Park, Prospector Park, City Park, and the North Municipal Golf Course from Recreation and Open Space to Urban Park District Zoning
(A) Public Hearing (B) Continue to a Date Uncertain
[Urban Park Zoning District LMC Amendment and Rezone Staff Report](#)
2. Consideration to Approve the 20-Year Appendix with Rocky Mountain Power for the Elektron Solar Project I, in a Form Approved by the City Attorney
(A) Public Input (B) Action
[Renewable Energy Project Staff Report](#)
[Exhibit A: Renewable Resource Appendix 1](#)
3. Consideration to Approve the Marketing Communications Agreement with PacifiCorp and Elektron Solar, LLC, in a Form Approved by the City Attorney
(A) Public Input (B) Action
[Communications Marketing Agreement Staff Report](#)
[Exhibit A: Elektron Marketing Communications Agreement](#)
4. Consideration to Approve Resolution 19-2020, a Resolution Amending the Police Complaint Review Committee Policies and Procedures and Replacing Resolution No. 05-2017 in its Entirety
(A) Public Hearing (B) Action
[Police Complaint Review Committee Policy and Procedures Staff Report](#)
[Policy and Procedures Resolution](#)

VII. APPOINTMENTS

1. Consideration to Appoint to the Police Complaint Review Committee (PCRC) Amir Vonsover, Austin Lau and Mary Christa Smith for Three Year Terms Expiring June 30, 2023, and Michael Collins for a Two Year Term Expiring June 30, 2022; and to Appoint a Council Liaison
(A) Public Input (B) Action
[PCRC Appointments Staff Report](#)

VIII. NEW BUSINESS

1. Consideration to Approve Ordinance 2020-41, an Ordinance Approving the Aspen Springs Ranch Phase I Lot 18 Amended Plat Amendment, Located at 2524 Aspen Springs Drive, Park City, Utah
(A) Public Hearing (B) Action
[2524 Aspen Spring Dr. Plat Amendment Staff Report](#)
[Ordinance 2020-41](#)

[Exhibit A: Proposed Aspen Springs Ranch Phase I Lot 18 Amended Plat Amendment](#)

[Exhibit B: Aspen Springs Ranch Phase I](#)

[Exhibit C: Landscape Plan](#)

[Exhibit D: Aerial Photographs](#)

[Exhibit E: Existing Conditions Survey](#)

[Exhibit F: Applicant's Intent](#)

[Exhibit G: Homeowner's Association Approval](#)

2. Consideration to Approve Ordinance 2020-42, an Ordinance Amending the Land Management Code of Park City, Utah, Amending Chapters 15-2.1 Historic Residential-Low Density (HRL) District, 15-2.2 Historic Residential (HR-1) District, 15-2.3 Historic Residential (HR-2) District, 15-2.4 Historic Residential-Medium Density (HRM) District, 15-2.5 Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business (HCB) District, and 15-4 Supplemental Regulations, Section 15-5-5 Architectural Design Guidelines, and Chapter 15-15 Defined Terms
(A) Public Hearing (B) Action
[Historic District LMC Amendments Staff Report](#)
[Exhibit A: Draft Ordinance](#)
[Exhibit B: Public Comment](#)
3. Consideration to Approve Ordinance 2020-43, an Ordinance Approving the Prospector Square Supplemental Amendment to Lot G Amended and Restated, Located at 1775 Prospector Avenue, Park City, Utah
(A) Public Hearing (B) Action
[Prospector Lot G Staff Report](#)
[Exhibit A: Draft Ordinance](#)
[Exhibit B: Current Plat](#)
[Exhibit C: Applicants Written Description](#)
[Exhibit D: Existing Conditions Survey](#)
[Exhibit E: Aerial Photograph](#)
[Exhibit F: Site Photographs](#)
[Exhibit G: Prospector Square Parking Agreement](#)
[Exhibit H: Prospector Square Parking Study](#)
4. Consideration to Approve Ordinance 2020-44, an Ordinance Amending Park City Municipal Code 13-4; Providing for the Regulation and Enforcement of Storm Water Discharges Associated with Construction Activities
(A) Public Hearing (B) Action
[Water and Stormwater Code Staff Report](#)
[Exhibit A: Water and Stormwater Ordinance](#)

IX. ADJOURNMENT

X. PARK CITY HOUSING AUTHORITY MEETING

I. ROLL CALL

II. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

III. NEW BUSINESS

1. Consideration to Approve the Fifth Amendment to the Intermountain Healthcare (IHC) Housing Mitigation Plan to Make an In-Lieu Payment of \$794,793 to Satisfy 2.04 Affordable Unit Equivalents (AUEs)
(A) Public Input (B) Action
[IHC Housing Mitigation Plan Staff Report](#)
[Exhibit A: IHC Housing Mitigation Plan 5th Amendment Submission](#)
[Exhibit B: IHC Housing Mitigation Plan 5th Amendment Action Letter DRAFT](#)
2. Consideration to Approve the Third Amendment to the King's Crown Housing Mitigation Plan
(A) Public Input (B) Action
[Kings Crown Housing Mitigation Plan 3rd Amendment Staff Report](#)
[Exhibit A: Kings Crown 3rd Amendment Request July 2020](#)
[Exhibit B: Kings Crown Housing Mitigation Plan 3rd Amendment Approval-DRAFT](#)

IV. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for Council meeting attendees that park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Jenny Diersen

Submitting Department: Sustainability

Item Type: Work Session

Agenda Section:

Subject:

3:00 p.m. - Discuss Triple Crown City Service Agreement Negotiations

Suggested Action:

Attachments:

[Triple Crown Contract Staff Report](#)

[Exhibit A: TCS Contract Proposal for Park City](#)

[Exhibit B: Public Comment Received](#)



City Council Staff Report

Subject: Triple Crown City Service Agreement Negotiations
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: September 17, 2020
Type of Item: Work Session

Recommendation

Council should review a proposal (Exhibit A) from Triple Crown Sports (TCS) regarding a potential continuation of the City Services Agreement including:

- Extend current contract for one year to 2021 as a result of the cancellation of the 2020 event due to Covid 19 impacts; and
- Determine if a negotiating a new, long term contract (years 2022 to 2032) remains a Council priority.

From a fairness and Economic Development standpoint, staff strongly recommends a one year extension due to the unanticipated impacts of Covid-19. However, based on shifting Council priorities with regard to large tournaments, staff seeks additional Council direction prior to proceeding on a long term contract negotiation. Council should also consider soliciting additional stakeholder and public input given the potential economic impacts.

Executive Summary

The fourth and current [City Services Agreement with Triple Crown Sports](#) expires on November 30, 2020. TCS provided a proposal on March 26, 2020, however due to Covid 19 impacts, the discussion was delayed. TCS has expressed a desire to secure a contract by October 15, 2020, to begin planning for next year.

TCS is a boys baseball and girls fast pitch softball tournament held over 14 days (originally 21 days) in Park City. The event has a long [background](#), brought to Park City in 2003 by the Park City Chamber to boost the year round economy, and also is held various communities across the Country.

TCS has been an essential event in building Park City's year round economy. Different than other sporting tournaments in Park City, the City Service Contract with TCS is fundamentally rooted in the economic benefits it brings to the City in return for free fields and field preparation. The event has worked to showcase the community hosting opening ceremony parades on Main Street, organized pin trading, and in general partnering with the local business community for lodging and restaurant specials to boost tourism in Park City. The event brings high quality baseball and softball competition in the western region and uses all fields in Park City, as well as surrounding jurisdictions. Local Park City/Summit County baseball teams have continued to participate in the event (Triple Crown offers them a reduced fee if they volunteer). However, the community's general support for this event has dwindled overtime.

Background

The City has used City Service Contracts as a tool for managing large events that benefit from long term planning and stability, and which create especially large cultural and economic value to the residents, businesses and the City. These agreements outline a clear scope of service for each party including contract length, City Services and financial assistance, Use and Lease terms of City Facilities and property, performance measures and insurance and indemnification.

A major driver of the PCMC fields complex at Quinn's Junction was the ability to expand the TCS event. In 2017, the contract was renegotiated to better align with the community's critical priorities. Because there were no conflicts with local play, Council asked that the contract focus on additional mitigation for Transportation and Sustainability, and lowering the amount of Special Event Fee Waivers (SEFR). Specifically, Council:

- Lowered the annual fee waivers from \$93K to \$50K; TCS paid fees over \$50K;
- Reduced fee waivers by \$10K annually through 2020;
- Due to a conflict for the use area(s) in between Extreme Soccer and Triple Crown, Council agreed to hold the fee waiver at \$50K for TCS to share fields to accommodate both major events through their existing contract (2020).

Analysis

On [September 27, 2018](#) (p. 32) /minutes (p.6), City Council approved [major changes to section 4A of the municipal code regarding Special Events](#) to better manage impacts stemming from events. While significant changes have been implemented, there are still concerns in the community regarding event fatigue. On [June 25, 2020](#) (p. 14)/ [minutes](#) (p. 2) Council expressed concerns that some events could not adequately mitigate impacts from Covid 19 and asked staff to significantly increase mitigation regulations.

Since the 2020 TCS was cancelled, TCS has provided a new proposal (Exhibit A) requesting the following:

1. Extend current contract for one year to include 2021, due the 2020 cancellation from Covid 19.
2. Negotiate a new 10 year contract through 2032. TCS dates will create a conflict with Extreme Soccer in 2024, 2025, 2029 and 2030. Triple Crown has submitted in writing that they are willing to share fields during conflict years.
3. All City Service Fees and materials waived, estimated at \$60K annually. Triple Crown will provide an economic impact study performed in house, which is required to meet State requirements.
4. Exclusive use of all City Fields – City Park, Treasure Mountain, High School, Park City Sports Complex.
5. Continue hosting Main Street Parades (2) held Monday of each week, and (2) facility rentals at Santy for Coaches and Umpire meetings.

Outreach

Staff informed Extreme Soccer, HPCA, Lodging Association, Restaurant Association,

Park City Chamber and Basin Recreation of these discussions. Staff has included public comment received in Exhibit B there may be additional public input on the item.

Pros/cons

Item	Pros	Cons
Event Policy	TCS is a family owned business that embraces the community. They host parades, pin trading, offer community scholarships and pay for field improvements.	There are community concerns & event fatigue.
	In 2018, TCS moved games off City Park field with short notice to accomidate Big Stars Bright Nights concert series.	We must address creating break weekends and conflicts with Extreme Soccer, as these policies effect the overall event calendar (2024, 2025, 2029, 2030)
	TCS worked with Extreme Soccer to address a date conflict in 2019 and 2020 to share fields in return for additional fee waivers.	While Triple Crown has implemented sustainability and transportation mitigation as outlined in Ex A, staff believes we should set clear measures that align with community goals (to be determined).
Economic & Community Benefit	In addition to the annual estimated \$3M in economic impact, and establishing lodging and restaurant partnerships, this event is unique in bringing week day visitation and stays.	Park City has evolved since 2003. Now the event brings economic impact, with strong summer visitation and the busy event calendar. Staff is concerned this event doesn't align with Council's and community goals, and there is a perceived feeling of using Park City as a backdrop.
	Triple Crown has worked to increase mitigation focusing on their efforts to reduce transportation impacts and increase sustainable efforts.	Does Council support a 10 year contract and full waiver of City Services in exchange for extraordinary community benefits and mitigation?
Relationship Between Parties	There is a respected relationship between the Parks Department and Triple Crown - Park City is known for having the best operations, and morale between parties, especially the Parks crew is important.	TCS is concerned about negative comments regarding the event. TCS requests postive and supportive discussions and speaking engagements from City Officials.
	Recreation has continued to support this event. There is ample field space for local teams and programs.	Relationships are changing as as the City's policy on events have changed.

Economic Data

Item	2017	2018	2019**
Total Number of Teams*	140	124	124
Instate Teams*	29	27	35
Out of State Teams*	111	97	89
City Lodging	\$315,500 / 54%	\$309,727 / 60%	\$201,373 / 40%
County Lodging	\$266,000 / 46%	\$220,469 / 60%	\$227,788 / 40%
Total Lodging	\$581,000	\$530,196	\$429,161
Estimated Tax Revenue direct to PC from lodging	\$6,310	\$5,779	\$4,677
Economic Impact Overall	\$3,628,800	\$3,032,640	\$2,237,760
Local Economic Impact	\$94,349	\$78,849	\$58,182
*Estimated 36 people per team			
** Year which TCS was shortened to accomidate sharing fields with Extreme Soccer			
Average length of stay is 6 days			

Funding

City services and materials are estimated at \$59,000 based on current level of service the event requires and are included annually within the approved budgets. There is no cash subsidy from the City associated with this agreement.

Attachments

Exhibit A: Triple Crown Sports Contract Proposal

Exhibit B: Public Input Received

From: Matt Pilcher
Sent: Tuesday, September 1, 2020 4:03 PM
To: Jenny Diersen; Bob Kollar
Cc: Jonathan Weidenhamer; Keri King; Katrina Maestas; Matt Pilcher
Subject: Triple Crown / Park City Proposal #2

Jenny and Bob,

Please accept this proposal (#2) separate from the 10 year contract proposal (#1) Triple Crown Sports submitted on August 4th.

If both proposals are accepted, I am not sure what year the 10 year agreement would start.....'21 or '22.

Triple Crown Sports is requesting the final year in its existing contract with Park City (2020) to be honored in 2021 please.

Softball Dates: July 12-17, 2021

Baseball Dates: July 19-24, 2021

Please let me know what else you need from me at this time.

Thank you for your time and consideration.



Matt Pilcher

Western U.S. Baseball

Triple Crown Sports

3930 Automation Way

Fort Collins, CO 80525

Email: matt@triplecrownsports.com

Phone: (970) 672-0562

Web: tcspringtraining.com

Web: tcnorthwestbaseball.com





10-Year Proposal

TCS & Park City

Draft proposal - including contract terms - to produce the Triple Crown Girl's Youth Fast Pitch and Boy's Baseball World Series, (the "World Series") in Park City under the regulation and authority of annual special event permits issued by Park City:

- **Park City and TCS wish to enter into a 10-year contract** establishing Park City as the World Series headquarters, maximize planning efficiencies
- **TCS, desires to use certain facilities owned or controlled by Park City** (and Oakley, UT) and to obtain certain municipal services, fee waivers
- **Park City desires to contract with TCS to implement additional closures of Main Street**, perform marketing and event management services, and to make substantive changes to the transportation plan and parking management plan
- **Park City General Plan, particularly Tourism Economy, Economic Diversity, and Climate Adaptation Goals**, and provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the city
- **Park City Chamber/Bureau, reviews the direct economic benefit of the World Series event** to Park City on an annual basis. Study to be produced by TCS
- **The City Council also finds that numerous additional indirect and intangible benefits of the event create an additional overall positive economic, artistic and quality of life impact on the City**
- **Help Park City reach “net zero” goals of event sustainability**
- **2017 Sport Tourism Impact Estimates by PCM \$_____**

PRINCIPLES AND RESPONSIBILITIES

- Park City and TCS mutually acknowledge and agree to proceed through all stages of planning and operations for the Use Areas
- Final approval by the City Council.
- Supplemental Plans for the 2017 World Series are incorporated
- TCS is responsible for the timely submission to City of all annual plans related to the World Series

TERM AND LEASE OF USE AREAS DURING USE PERIODS

- 2021 July 12-24
- 2022 July 11-23
- 2023 July 10-22
- 2024 July 15-27
- 2025 July 14-26
- 2026 July 13-25
- 2027 July 12-24
- 2028 July 10-22
- 2029 July 16-28
- 2030 July 15-27

- *Park City and the Park City School District hereby acknowledge and agree that they are parties to a lease agreement dated November 8, 2007, which grants certain rights to Park City to use the Park City School District recreation fields (softball/baseball fields)*

VENDORS

- **TCS may (but shall not be obligated to) use of the Use Areas and may authorize or license others** to use the Use Areas at any time during the applicable Use Periods, with City Approval, for the purposes indicated on Exhibit A including for the moving in and out, and the construction, erection, and staging of decorations, trash, recycling, and other temporary facilities and installations and other temporary improvements, lighting, sound systems, booths, stages, tents, fencing and other equipment; for the sale of food, beverages, novelties, souvenirs, and other merchandise to persons attending the World Series; for advertising, marketing and promotion; and for any other purpose related to the World Series.
- **TCS shall, during any applicable Use Periods of Exclusive Use**, have the express, sole and exclusive right to sell (or give away) or license the right to sell (or give away) any *food and beverage* with the *exception of any currently approved and binding written contract for these services agreed upon between Park City and a third party, novelty, souvenir, advertising, promotion, merchandise or other goods and services to any person in or on the Use Area
- **Park City shall issue to TCS a Special Event Permit** that covers all activities of TCS described in this Agreement that may require such a Permit.
- **Governmental Ordinances-** The Special Events Department shall support and cooperate with TCS in obtaining permits as necessary concerning any local, City, County or State ordinances, rules, laws, and regulations to assist TCS in hosting and staging the operations of the World Series and related activities in Park City.

PARK CITY PLAY FACILITIES AND FINANCIAL STRUCTURE

- Full City Services- In accordance with the list of services below, Park City shall pay 100% in City Services:
 - Use of PLAY FACILITIES (softball and baseball fields) without other events held on these facilities
 - Maintenance and Full and Partial Field preps
 - Two (2) rentals of Santy Auditorium if requested by TCS
 - Special Use of Public Parking regarding Main Street closure if requested by TCS

- **Estimated \$93k/yr** in cost to PC with 12 days of facility usage- *based on 2017 City Services investigation by Park City*

Event Survey- TCS shall conduct a limited survey of the World Series attendees geared at measuring event impact as well as benefit to the local community and economy. Park City will have the right to provide input to said survey and methodology, and changes shall be mutually agreed upon by both parties. TCS will be responsible for any costs to complete this survey.

Event Representative- Prior to and during the Use Periods, Park City shall designate at least one (1) full-time employee to serve as its "City Representative" for the World Series

Management Meetings- The City Representatives and TCS Event Manager(s) shall confer no later than April 30 annually to review World Series operation

Cooperation in Main Street Closing-during "Parade of Teams" *appx 3 hr. special event*

- **Park City Venues**- Park City shall be recognized as the headquarters of the World Series. *Every effort will be made by TCS to prioritize the Park City and Summit County lodging and facilities to fulfill utilization.* The presentation for the World Series on the website, mailings, and phone communication to the teams will be directed at the Park City lodging community as a priority. Both parties acknowledge that the World Series may grow and evolve over the course of this Agreement.
- **Scheduling**- TCS shall schedule no more than one hundred twenty (120) teams per week in the World Series (playing in Park City)
- TCS Shall coordinate with Park City to ensure the use of local play and accommodation of other permitted tournament events. The parties shall mutually determine which field can be programmed for local play
- **Public Relations** - Press Releases and Promotional Materials provided by TCS Media Dept. (contact Andy@triplecrownsports.com, Andy Hansen)

Responsible Conditions. TCS acknowledges that Park City can still impose reasonable conditions as the World Series changes. Annually TCS shall report the following:

- Attendance** - average attendance targets shall be established and verified annually
- Sustainability Efforts and Impacts** -Create a plan to increase the use of reusable or recyclable event materials (banners, signage, brochures, etc...). Reduce the use of plastic bags, single use plastic bottles, and Styrofoam throughout the event (TCS to require use of reusable or compostable serving utensils/bags/packaging for all event vendors).

Cancellation

- TCS may terminate this Agreement upon ninety (90) days prior written notice prior to that year's World Series, without recourse or further claims by Park City
- TCS agrees to keep and maintain its financial books and records

INSURANCE AND RISK MANAGEMENT

TCS shall indemnify and hold the City, and their agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions,

penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution and/or performance of any items of this Agreement. However, if such claims are caused by or are the result of concurrent or contributory negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of TCS. Nothing herein shall require TCS to hold harmless or defend the City, its agents, employees, and/or officers from any claims arising from the sole negligence or intentional misconduct of the City, its agents, employees, and/or officers. TCS expressly agrees that the indemnification provided herein constitutes TCS's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of TCS claims or recovers compensation from the City for a loss or injury that TCS would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement. Nothing herein shall waive any provision, defense, or limitation of the Utah Government Immunity Act. 11.2 Waiver of Claims Against Park City. TCS shall not make any claim against Park City or its officers, employees, and agents with respect to any liability incurred by TCS to any third person on account of bodily or personal injury or damage to or loss of property arising out of this Agreement, use of the Use Areas, or the World Series, except to the limited extent such liability results from the negligence of Park City, its officers, employees, or agents.

Insurance-TCS shall procure and maintain at its own expense throughout the Use Periods the following insurance: (a) Five Hundred Thousand Dollars (\$500,000.00) Workers' compensation insurance for TCS employees, including statutorily required limits and other requirements of law. (b) All employee benefit programs and coverage required under ERIS A, unemployment insurance, and any other insurance required by State or federal laws.

TCS Liability Insurance- Prior to commencement of any activity in Park City under this Agreement, TCS shall procure and thereafter maintain during the entire period of such activity one or more policies of insurance providing all of the following coverage, whether by separate policies or by endorsement: (a) Commercial general liability policy, with combined single limits of Two Million Dollars (\$2,000,000.00) per occurrence and Four Million Dollars (\$4,000,000.00) in aggregate. (b) Automobile general liability policy, with a limit of Two Million Dollars (\$2,000,000.00). (c) TCS shall require any hired security company to provide a policy of liability insurance and name TCS and Park City as additional insured on the policy with limits set forth in 11.4 (a) and (b). (d) TCS shall require any hired transportation company to provide a policy of liability insurance and name TCS and Park City as insured on the policy with limits set forth in 11.4 (a) and (b) above. 11.5 Additional Requirements. The insurance provided by TCS pursuant to Section 11.4 of this Agreement: (a) Shall be written on an occurrence basis, and shall provide that Park City be named as additional insured with respect to liability arising out of or in connection with TCS' s activities under this Agreement, including those claims, set-offs, losses, damages, liabilities, fines, and expenses that arise out of or in connection with the acts or omissions of Park City incident to TCS 's above-referenced activities, but not including the negligence of Park City or its respective officers, employees or agents. (b) Shall provide that with respect to any covered claim arising under this Agreement, such insurance shall be primary coverage without reduction or right of set-off or contribution on account of any insurance provided by Park City for itself or for its officers, agents or employees. (c) Shall provide if reasonably possible that with respect to any covered claim arising under this Agreement, such insurance shall be primary coverage without reduction or right of set-off or contribution on account of any insurance provided by Park City for itself or for its officers or employees; and (d) Shall provide that such insurance shall not be altered or cancelled Without thirty (30) days' prior

written notice to Park City. 11.6 Park City Liability. Nothing herein shall waive any provision, defense, or limitation of the Utah Government Immunity Act.

OTHER

License for Use of TCS Marks. TCS grants to Park City.

License of Park City of Utah Logo, Name, and Marks. Park City hereby grants TCS a non-exclusive license to use for the effective term of this Agreement, any Park City-related symbols, emblems, marks, logos, trademarks, service marks, or pictures, paintings or likeness of the City, including without limitation the use of the name "Park City", and any variations thereof, the names of any officials of Park City, and the name and likeness of any buildings or grounds owned by Park City, in every case solely for the purposes of (a) broadcasting the World Series, (b) providing map and way finding information, and (c) advertising or promoting the World Series; but specifically excluding any license for the sale of any novelties or merchandise.

Photography and Broadcast Rights-TCS exclusive **Sponsorships-TCS Exclusive**

Unforeseen Circumstances- Either party may terminate or suspend its obligations under this Agreement if such obligations are rendered impossible of performance by any of the following events to the extent such event is beyond the reasonable control of the party whose performance is prevented: fire, flood, riot, earthquake, civil commotion, insurrection, Act of God, war, or any law or supervening illegality. In any such event, such party shall not be liable to the other for delay or failure to perform its obligations.

PLAY FACILITIES:

- 1) City Park Field Use Area
- 2) Treasure Mountain Middle School Fields Use Area
- 3) High School Fields Use Area
- 4) Park City Sports Complex Field Preparation and Maintenance Agreement Traffic Control Agreement

Field Preparation and Maintenance Agreement

Full field Preparation done on the fields prior to the first game

Week 1: Bases at 60'; pitching rubber at 35' (40' or 43') age dependent

Week 2: Bases at 70'; pitching rubber at (block) 50' – for 12s, or 46' pitching 65' bases for 9s, hammer down at 46' or 50' Portable fencing at 210' Trash and recycling receptacles to be placed by PCMC staff at appropriate locations for safety and effective service

Partial Field Preparation Description: A partial prep is light watering and a light drag inside foul lines with minimal chalking or full chalk touching up in bad areas.

Full Field Preparation Description: A full field prep includes the following: • Removal of bases • *Watering the whole infield.* • A complete infield drag with scarifying tool and mat drag. • Some hand raking. • Full chalk.

Materials Stored at Each Facility Each field will have the necessary tools and supplies to field prep including **50 bags of quick dry** in the event of inclement weather.

Traffic Control Agreement- When opening ceremonies are located within PCMC Limits, TCS shall work in conjunction with the Park City Chamber/Bureau and City staff to utilize sustainable practices consistent with current City Council policy. TCS shall encourage use of PCMC's free public transportation system as an alternative in and around the region. (*see Traffic Control Communication Plan in bullets*)

General Statement -- Keri King (Triple Crown Sports, CEO)

In 2004, Triple Crown Sports relocated the girls fastpitch softball World Series from Steamboat Springs, CO to Park City, UT. The move was due to Steamboat's lack of desire for additional weeks of events in their growing community. Triple Crown had already gobbled up 6 of the 12 warm weather summer weeks. The primary driver of Triple Crown Sports to Park City was Bob Malone, through the city of Park City, to court Triple Crown Sports after spending a large chunk of his career in Steamboat Springs. He knew this economic impact event could assist the growth of Park City.

The move sparked a great outcome for Triple Crown as it still covered the bases: a destination location and a supportive community. Triple Crown Sports helped to generate needed economic impact in a time where there was little. Park City helped to generate a destination World Series that rivaled any location. As the city and Triple Crown Sports grew in size and complexity, the city experienced a ground swell of support to **reduce or remove** concessions from existing or new events. "Event fatigue" set in with the citizens of Park City as noted by several city officials.

At TCS, we understand that sports are saving the lives of children and adults. Research conducted by NPR in Colorado shows that our highest county for teen suicide is directly linked to the lowest access to recreational sports: Mesa County, CO (Grand Junction is largest city). Triple Crown events are designed to create sports experiences that embed lasting lifetime memories of Joy, Challenge and Grandeur. Our events are some of the very reason that people stay alive. The memories they make in Park City are more profound than the memories made in their home towns- especially when that home town is Dallas, TX at 117 degrees and 98% humidity. Thousands of summer tourists from Triple Crown Sports revisit Park City in the winter based on the great memories TCS facilitates. Our premium, must-attend sports events are #1 in the industry. We received a 70 NPS (Net Promotor Score) on our latest event in Kansas City (VB NIT). This score is just below the 76 that Apple enjoys.

Our organization thrives to bring people from all around the country to experience magical events and locations. Triple Crown Sports is actively seeking the support of Park City to extend a 10-year agreement from 2021-2030 that covers these basics:

- 1. Concessions from Park City**
 - a. No cost for facility usage
- 2. A mutual understanding of the economic impact that Triple Crown Sports brings to Park City**
- 3. Support from the city in the highest ranks**
 - a. Positive word of mouth from city officials
 - b. Speaking engagements with support

Katrina Maestas (Triple Crown Fastpitch Director)

Triple Crown Sports will coordinate the following to encourage the preservation and enhancement of the environment for the Park City community and the Triple Crown Sports World Series guests during the duration of the event stay.

- Triple Crown and Vendors will use electric spider boxes for power needs. (no generators)
- Use sand to fill buckets for securing event tents.

- Ensure recycling is required in all areas of the event and provide recycling containers next to trash cans.
- World Series has hired paid staff at each facility to manage waste and recycling.
- Triple Crown World Series is and has been a paper free event.
- The World Series has committed to no longer use plastic bags when selling merchandise.
- Remind guests to bring reusable bags and water bottles.
- All banners are reusable from year to year.
- All table covers and table wraps are reusable.
- Encourage all teams and families to use public transportation or carpool when driving to fields, restaurants and other activities within Park City.
- **TRAFFIC CONTROL:** Triple Crown will get an electronic map of all of the public transportation routes, post on World Series website, and distribute electronically to all of the coaches and parents in advance. *(*planned email communication plan to parent rosters of PUBLIC TRANSPORTATION MAP and recommendations)*
- Enforce a no idling policy for all Triple Crown staff.
- If any serving utensils are used, the utensils will be eco-friendly. (concessionaires)
- Triple Crown is Styrofoam free and glass free.
- If any food is going to be prepared, all food will have reusable cutlery and dishes.
- Wastewater will be disposed of properly into the sanitary sewer system.
- Triple Crown Sports has been committed for the past several years to not hand out any printed materials to teams. All communication pre, during, and post event has been and will continue to be distributed electronically.
- **Post a Sustainability Efforts letter from Triple Crown on the World Series website,** as well as, electronic distribution to all coaches and parents.
- The continued vendor, **YSPN**, has agreed to no longer use plastic bags to distribute team photos and does not use any type of generator during the event. *(has been informed)*
- Triple Crown has tried with fail, for the past several years to utilize local concessions. When concessions are in use, the World Series has always provided local food vendors and/or local youth organizations. 100% of the monies made from the concessions stays with the local food vendors and/or youth organizations. (Triple Crown does NOT gain any money from any of the food sold from local vendors and/or youth organizations).
- **FUNDRAISING: Though Triple Crown is an outside organization and not locally based, thousands of dollars have been given back to the community to upkeep and improve the facilities in Park City. i.e., new dirt in the infields, fencing, updated dugouts, etc. Triple Crown has and always will be open to assisting in any improvements the facilities need in Park City and other communities.**
- Triple Crown will continue to partner with local restaurants and businesses to promote and market to all teams and families visiting Park City. This is reliable business every year for the local partners.
- Not only do local partners thrive from the business Triple Crown provides, the local lodging community benefits by providing jobs and guaranteed room nights during the summer timeframe.

Triple Crown is willing and open to any new ideas Park City may have to work together to maintain a sustainable event for the community.



PARK CITY SOCCER CLUB

Dear Mayor & City Council,

The Park City Soccer Club, with over 500 local youth participants, would ask that the Council consider potential scheduling conflicts with our Club's Extreme Cup Tournament when discussing the possibility of doing another long-term agreement with Triple Crown Sports.

Several years ago, the Park City Soccer Club adjusted dates for our Extreme Cup soccer tournament to respond to City requests to move the Club tournament off the Arts festival weekend. In doing so, the club has had to work with the Utah Youth Soccer Association to slot this tournament into other Utah based tournaments during that time of year. This has occasionally caused scheduling challenges with the Triple Crown Softball & Baseball tournaments. While Triple Crown has been amenable to sharing facilities, the overlap has a negative financial consequence for our event. As the Council considers the priorities and impacts of holding large scale summer events going forward, we would like to highlight the following thoughts and recommendations:

1. Triple Crown Sports is an out-of-state, for-profit entity who has done some excellent work in attracting destination sports tournaments to Park City. This has served a great role in building summer tourism in our region. We now have a problem in that we have more interest in groups doing tournaments and events "in town" than we have acceptable capacity for.
2. To that end, the Park City Soccer Club suggests that a priority now be given to local organizations who not only bring in similar destination visitors and a corresponding economic impact, but also more affirmatively support ongoing City goals relating to sustainability and social equity priorities. PCSC -- as a non-profit charged with engaging our whole region's youth in character building sport -- has for many years adopted environmentally friendly tournament protocols and has used tournament proceeds to fund a scholarship program that goes right back into our community. In the past year alone, PCSC has awarded over \$74,000 in 80 need-based scholarships to local children.
3. As the City created a priority on social equity, we would argue that our club is doing more to integrate and break down community cultural barriers than any other sport club in the region.

The club would like to see our tournament scheduling interests elevated above Triple Crown's. As shown in 2019, our tournament can be coordinated to allow both to happen, however we would kindly ask that our scheduling interests be prioritized over Triple Crown's. Our interest is to provide both economic benefit to the region, but also long-term community building priorities.

Your consideration is appreciated!

Sincerely,

Colin Hilton

Colin Hilton

PCSC Board President

Shelley Gillwald

Shelley Gillwald

PCSC Executive Director



August 9, 2020

Jenny Diersen
Special Event & Economic Development Program Manager
Park City Municipal

Dear Jenny,

Thank you for reaching out and giving the Park City Area Lodging Association (PCALA) the opportunity to share their comments and feedback regarding the Triple Crown Tournament returning to Park City.

Overall the board feels strongly that this event should be given the opportunity to return in 2021, especially as we know this event brings benefits to our community and we will need to count on them as we continue to try and bounce back from the effects of this summer. We know that many of our members benefit directly from this event. Points of consideration from the PCALA Board are:

- 6-night stays generate transient room tax. The longer 30 day stays we are seeing this year due to COVID do not.
- Unlike events or concerts that all start or end at the same time, there is no load in/out traffic.
- Attracts families here in the summer that often times return
- Provides revenue for restaurants

The only point the board would like to the Council to consider is not entering a contract that would extend to 2032. The overall consensus of the board is that a contract of this length is too long.

If you have questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Ginger". The ink is dark and the signature is fluid and elegant.

Ginger Wicks
Administrator
Park City Area Lodging Association
info@pcala.org
435.640.1168



CHAMBER OF COMMERCE | CONVENTION & VISITORS BUREAU

Dear City Council:

Before City Council makes a determination on whether or not to extend its City Services Agreement to host Triple Crown World Series, the Park City Chamber of Commerce/Convention & Visitors Bureau would like to provide some information in support of extending Triple Crown's City Services Agreement as requested by Triple Crown.

1. With a significant drop in corporate and group business due to COVID-19, lodging occupancy during the week (Monday through Friday) has dropped significantly. Triple Crown can help provide some mid-week business that will likely be desperately needed by many lodging properties, restaurants, and retailers due to the delayed return of corporate/group travel beyond 2021.
2. Triple Crown is familiar with Park City and works closely with the Park City Chamber/Bureau to showcase to Triple Crown's customers all that Park City has to offer. Participating teams (and family members) patronize not just Park City lodging properties but also our activity providers, our resorts (Deer Valley, Park City Mountain, UOP, and Woodward Park City), our restaurants, and our retailers. Losing Triple Crown World Series would require significant effort to find another special event to replace the amount of business that is generated by the participants of the Triple Crown World Series.
3. Triple Crown provides opportunities for local Park City teams to participate in the World Series at reduced rates.
4. Triple Crown makes a financial contribution each year (based on the number of participating teams) to a capital improvement fund to upgrade periodically the fields and facilities in Park City and Summit County.
5. Triple Crown attracts families with children who often are first-time visitors to Park City and, as surveys have shown, are likely to return to our community in the future.

In short, I urge you to consider extending Triple Crown's City Services Agreement to help with the economic recovery of our community.

Sincerely,

Bill Malone
President and CEO
Park City Chamber of Commerce/Convention and Visitors Bureau





August 9, 2020

Jenny Diersen
Special Event & Economic Development Program Manager
Park City Municipal

Dear Jenny,

On behalf of the Park City Area Restaurant Association board, I am writing to express our support to allow the Triple Crown Tournament to return to the Park City area in 2021. We feel very strongly that this event brings great value to our "overall" community. Given that they have proven to be a successfully run event organization and as we move into bringing events back online, we should align with those that we know complement our community, which we believe they do.

Thank you for your consideration.

Ginger

Ginger Wicks
Executive Director

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Hannah Tyler

Submitting Department: Planning

Item Type: Work Session

Agenda Section:

Subject:

3:30 p.m. - Discuss Cluster Mailboxes in Old Town

Suggested Action:

Attachments:

[Cluster Mailboxes Staff Report](#)

City Council Staff Report



Subject: Follow-Up Information RE: Cluster Mailboxes in Old Town
Author: Hannah M. Tyler, AICP – Senior Planner
Jonathan Weidenhamer – Economic Development Manager
John Robertson – City Engineer
Date: September 17, 2020
Type of Item: Work Session

Summary Recommendation

Staff recommends Council review the follow-up information requested at the July 16, 2020 Work Session and provide direction on the following policy questions:

1. Does the City Council want to change their current policy regarding the installation of cluster mail boxes within the Public Right-of-Way in the Old Town area?
2. If the City Council does not want to change their current policy, would you like to pursue any of the following alternatives:
 - a. Does the City Council want to allow individual HOAs to request cluster mail boxes?
 - b. Is the City Council interested in subsidizing primary residents' P.O. Boxes within the area deemed deliverable within Old Town?
 - c. Does the City Council want to refer this issue to the Planning Commission for review?

Acronyms

HOA	Homeowner's Association
P.O. Box	Post Office Box
ROW	Right-of-Way
USPS	United States Postal Service

Executive Summary and Background

On July 16, 2020 ([Staff Report](#) and [Minutes](#), page 3) the Council reviewed the history of cluster mailboxes in Old Town and gave staff direction to return with additional information prior to making any policy decisions. Council requested information on:

- Quantity of cluster mailboxes needed.
- Possible locations for cluster mailboxes in Old Town.
- Staff has also brought approximate costs associated with the purchase of the cluster mailboxes and installation.

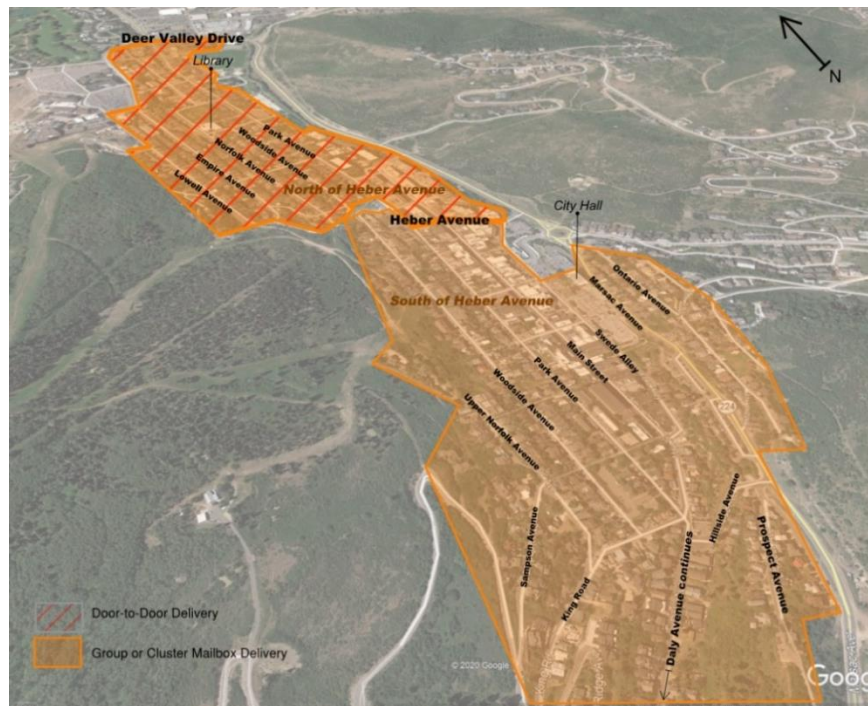
Analysis

The follow-up information requested at the July 16, 2020 Work Session includes:

- **Quantity of cluster mailboxes required** (see Map 1 for delivery areas).
 - One (1) cluster mailbox is required per dwelling unit. The following quantities identify the number of dwelling units based on information available in GIS and Summit County property records.
 - 1550 units in door to door area (red hatched door-to-door delivery area)
 - 1173 units in cluster area (orange shaded group or cluster mailbox delivery area)

- 2723 total units = 2723 cluster mailboxes required.

Map 1: Delivery areas defined by the Postmaster's delivery methods.



- **Possible locations for cluster mailboxes.**
 - The Planning, Engineering, and Economic Development Departments have convened to determine possible locations for groupings of cluster mailboxes. While there will be operational challenges with each location (snow removal, parking, access, Sundance Film Festival operations, etc.), staff is confident that some locations could be successful with infrastructure improvements and careful site planning. Staff created an [interactive map](#) on Google Maps which identifies all possible locations. A list of possible locations includes:
 - Behind Miner's Hospital
 - Library Parking Lot
 - Woodside Park Phase I
 - Woodside Park Phase II
 - Lower Main Trolley Turnaround
 - Flagpole Parking Lot
 - Bob Wells Plaza
 - North Marsac Parking Lot
 - Lower Sandridge Parking Lot
 - Upper Sandridge Parking Lot
 - Upper Main Trolley Turnaround
 - New Treasure Hill Trailhead
 - Near Alice Claim Retaining Wall
 - *Not included on the map:* Within Certain Unbuilt Platted Right-of-Ways (to be determined on a case-by-case basis by the City Engineer)

- On average, most cluster mailbox units contain 16 individual mailboxes. This would equate to 171 cluster mailbox units. Some locations could serve more cluster mailboxes than others – staff believes that 171 could be scattered throughout the area with careful site planning at some or all of the locations outlined above.
- **Approximate cost of purchase and installation of cluster mailboxes.**
 - The average cost of a 16-unit cluster mailbox is \$1,500. This does not include installation.
 - Without assuming a discount for a bulk order or installation, the total cost of 171 cluster mailbox units would be: **\$256,500.**
 - Installation would require a concrete foundation/base for each cluster mailbox unit and site improvements that will likely differ at each cluster mailbox location. This will be an increased cost that would be dependent on what the improvements of each location are required.

Based on the additional information outlined above, staff requests that the Council consider the following policy questions:

1. Does the City Council want to change their current policy regarding the installation of cluster mail boxes within the Public ROW in the Old Town area?

Staff has outlined potential opportunities and challenges to shifting the current policy decision:

Opportunity	
Respond to Constituent Requests	There have been multiple requests by constituents for the Council to reconsider their decision regarding cluster mailboxes. They have cited the increased cost, lack of convenience, and desire for door-to-door delivery*.
Neighborhood Nodes	The cluster mailbox locations could serve as a location for more precise and focused public outreach. While notices are posted at the Post Office, these smaller neighborhood nodes could allow for notification of very neighborhood-centric issues, events, etc.
Resolve USPS Issues	As stated previously, the USPS experiences significant issues with second homeowners forwarding mail to their undeliverable physical address which creates issues for returning mail and packages.
Challenge	
Cost	The City Council denied a previous request by the USPS to pay for and install cluster mailboxes within the Old Town area. City Staff has reached out to the USPS to determine if the USPS would still be willing to incur the cost and responsibility to install cluster mailboxes in the future – their answer was no. Any future cluster mailbox installations would be the responsibility of- and paid for by the homeowners or the City.
Maintenance	The City would likely be responsible for maintenance of the mailboxes – including, but not limited to: general upkeep, snow removal, etc.
Public ROW Concerns	Generally speaking, the safety concerns and site constraints for the Public ROW have not changed since 2011. Snow removal, vehicular movement, maintenance, etc. all remain concerns.
Aesthetic	Staff has concerns about the aesthetic of the cluster mailboxes within the Historic Districts. This may compound the cost challenge because as the cluster mailboxes become more customized or non-generic, the cost increase is significant.
Sustainability	In 2011, City Council identified a concern regarding increased carbon footprint resulting from the cluster mailboxes. This could probably go either way. While people are probably more likely to idle while they get mail out of a cluster mailbox, many

residents still do drive to the post office on Main Street. This is a concern in either scenario.

Not all locations are deemed deliverable for door-to-door delivery so this request may not be possible depending on the location within Old Town.

2. If the City Council does not want to change their current policy, would Council like to pursue any of the following alternatives:

a. Does the City Council want to allow individual HOAs to request cluster mailboxes?

City Staff has determined that there may be instances where cluster mailboxes are appropriate for condominium projects within the Old Town area. The City Engineer would review any installation within the ROW to mitigate any challenges outlined above, but the cluster mailboxes would ideally be installed on the condominium's property. This scenario would also require that the cluster mailboxes be the responsibility of the condominium (most likely the HOA). No cost would be incurred by the City. The cluster mailboxes would be subject to a Building Permit Review, Work in the ROW Permit (when applicable), and the Design Guidelines for Historic Districts and Historic Sites – a Historic District Design Review Pre-Application would be required.

b. Is the City Council interested in subsidizing primary residents' P.O. Boxes within the area deemed deliverable in Old Town?

The City Council could set aside funds to offset the Post Office's costs for the P.O. Box fees. In 2018, the City GIS department determined that there are approximately 300 Old Town primary residents with a P.O. Box. Since 2013, the rate for a P.O. Box has increased to ~\$100-\$200/year per P.O. Box – this would equate to an expenditure of ~\$3,000-\$6,000/year. The City could consider using the base price for a P.O. Box (~\$100) and any amount over that would be the responsibility of the primary resident.

c. Does the City Council want to refer this issue to the Planning Commission for review?

The City Council may refer this issue to the Planning Commission to review for issues related to ROW, aesthetics, etc. The Planning Commission would make a recommendation to City Council for final policy direction.

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Alexis Verson

Submitting Department: Transportation Planning

Item Type: Staff Report

Agenda Section:

Subject:

4:00 p.m. - Park Avenue Redesign Exploration

Suggested Action:

Attachments:

[Park Avenue Redesign Exploration Staff Report](#)

[Exhibit A: Park Avenue Engineering Cross Sections](#)

[Exhibit B: Park Avenue Interim Public Survey Report](#)

[Exhibit C: Park Avenue Parking Occupancy Report](#)

City Council Staff Report

Subject: Park Avenue Redesign Exploration
Authors: John Robertson, Engineering
 Alexis Verson, Transportation Planning
Departments: Transportation Planning, Engineering, Parking, Economic Development,
 Special Events, Public Works
Date: September 17, 2020
Type of Item: Work Session

Recommendation

Review and consider a new temporary street redesign for Park Avenue (from Deer Valley Drive/Empire intersection up to 9th Street) and, if comfortable, recommend an alternative for a fall implementation.

Background

In July, Council directed staff to reimagine Park Avenue's design and explore low cost and paint-based solutions to test new concepts prior to contemplating a full street reconstruction project. Staff has presented several alternatives to the public that consider a shift from traditional street design priorities away from vehicle throughput and parking storage to pedestrian safety and walkability, bicycle, and public transit amenities.

In order to test community sentiment and receive feedback, staff conducted door to door outreach, created an EngagePC website, and pushed a survey to Old Town residents and Main Street businesses and employees. At publish of this report, data is still being compiled, yet preliminary findings are attached in **Exhibit B**. Initial results demonstrate that Residents along Park Avenue prefer a design that gives the Park Avenue a stronger neighborhood feel and a shift away from traditional street prioritization, yet concerns remain regarding the loss of on-street parking.

Project Area Existing Conditions

The project area is approximately 1 mile in length, extending from the intersection of Deer Valley Drive/Empire, southbound to 9th Street. Within that one mile corridor, Park Avenue varies greatly in width: the lower (northern) portion is 64' wide; the narrowest portion near the library is 22' wide, with the majority of the roadway at 39' wide. The four design alternatives vary greatly between each section to appropriately and safely accommodate various roadway users.

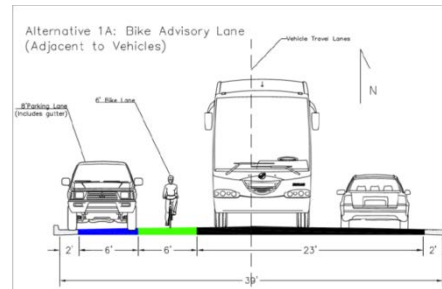
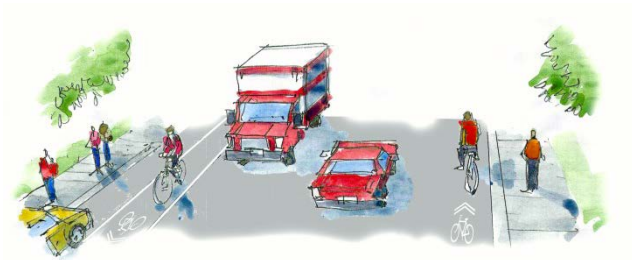
There is currently parking on both sides of the street. A majority is free and untimed, and frequently utilized by Old Town/Main Street employees and rental properties, especially the Southern portion. The Parking Department believes that almost all residences in the project area have off-street parking, much of which is accessed from Woodside Ave rather than Park Ave. There are approximately 193 on-street parking spaces Park Avenue; 80 on the west side and 113 on the east. This is somewhat fluid, as parking is not delineated and therefore subject to vehicle length.

Crowd-sourced bicycle trip data indicates there are over 6,000 trips per year on Park Avenue (compared to 600 on Norfolk and 375 on Woodside). Strava is only used by a subset of the active bicycling population, and annual trips on this corridor are likely much higher.

Design Alternatives

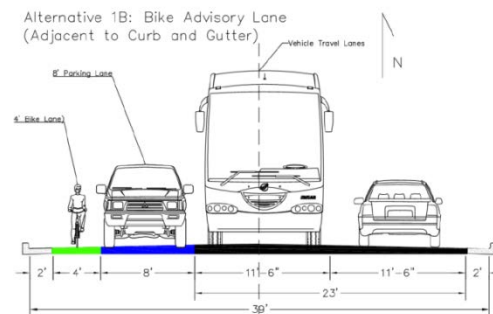
Staff feels the following alternatives could be implemented this fall. For details on cross sections (as there are three layouts per alternative due to the roadway width changes), see **Exhibit A**.

Alternative 1A: Curbside Parking with Uphill Bike Lane Adjacent



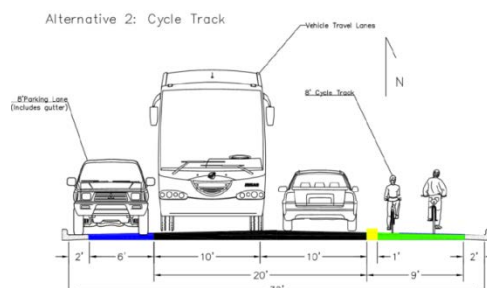
PROS	CONS
Provides bike lane for uphill bicyclists which addresses the speed differential (between bikes and vehicles) and provides a factor of safety.	Loss of approximately 102 parking spaces on the east side of the roadway.
Curbside on street parking is maintained on one side.	No snow storage
Removing the centerline stripe provides motorists the ability to shift as necessary within the travel space.	Because of the narrow widths of these facilities, a person in a parked car opening their door risks 'dooring' a cyclist.
Downhill bikes will share the lane with traffic, and a "sharrow" will be added. Bicyclist downhill speeds will be similar to that of the vehicles.	No center line stripe can be a concern to some.
Provides a relatively wide travel lane (11.5') for vehicles and buses.	

Alternative 1B: Uphill Curbside Bike Lane with a Parking Buffer



The pros and cons for Alternative 1B are the same as those for Alternative 1A. The concern for bicyclists getting 'doored' is slightly higher with Alternative 1B due to the constrained bike lane and curb not allowing bicyclists to quickly avoid a hazard like that.

Alternative 2: Two Way Cycle Track with Parking on One Side

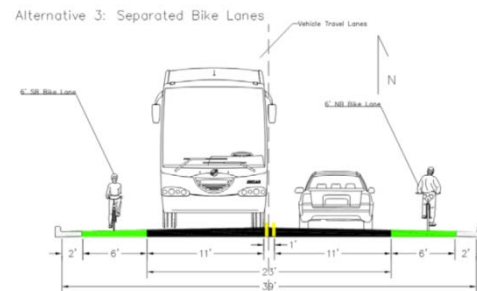
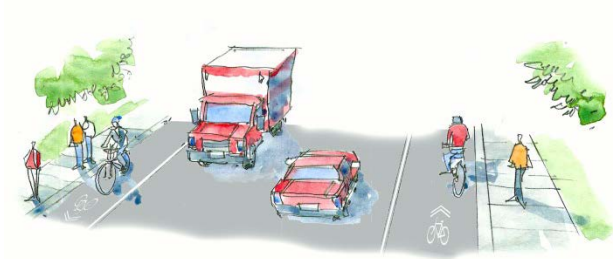


PROS	CONS
Provides an innovative two-way bikeway.	Loss of approximately 102 parking spaces on the east side of the roadway.
Curbside on street parking is maintained on one side.	The recommended width for a cycle track is 12', this option only allows for a 9' cycle track.
Existing parking on west side of roadway is maintained.	Relatively narrow parking area, though consistent with existing parking conditions.
Removing centerline stripe provides motorists the ability to shift as necessary within the travel way.	Relatively narrow (10') vehicle lanes, Park City buses are 10 feet mirror to mirror.

Provides an area for snow storage during storm events (using the cycle track).

In the narrowest section near the Library the proposed cycle track does not fit - **the cycle track would deviate onto Sullivan Road to bypass the choke point.**

Alternative 3: Bike Lanes on Each Side and no Parking



PROS	CONS
Provides two wide separated bike lanes, offering the safest design for bicyclists with the least vehicle conflicts.	Loss of 193 on-street parking stalls.
Provides two 11' travel lanes for vehicles.	May increase vehicle speeds as there appears to be less 'friction' on the street that parked cars tend to add. Including paint or bollard buffered bike lanes could help mitigate that.
Provides snow storage on both sides of the street.	
Prioritizes space for active transportation users, and away from cars and car storage.	

Alternative 4: Existing Design



PROS	CONS
Low-cost solution that requires minimal paint.	Does not address community concerns for change.
Preserves parking on both sides of the street.	Cost has already been expended to resurface the road in anticipation of a new paint design.

Design Alternative Ranking from Staff

Staff has ranked the alternatives based on factors related to safety, parking loss, and complexity of installation:

1. Alternative 1A
2. Alternative 2
3. Alternative 1B
4. Alternative 3

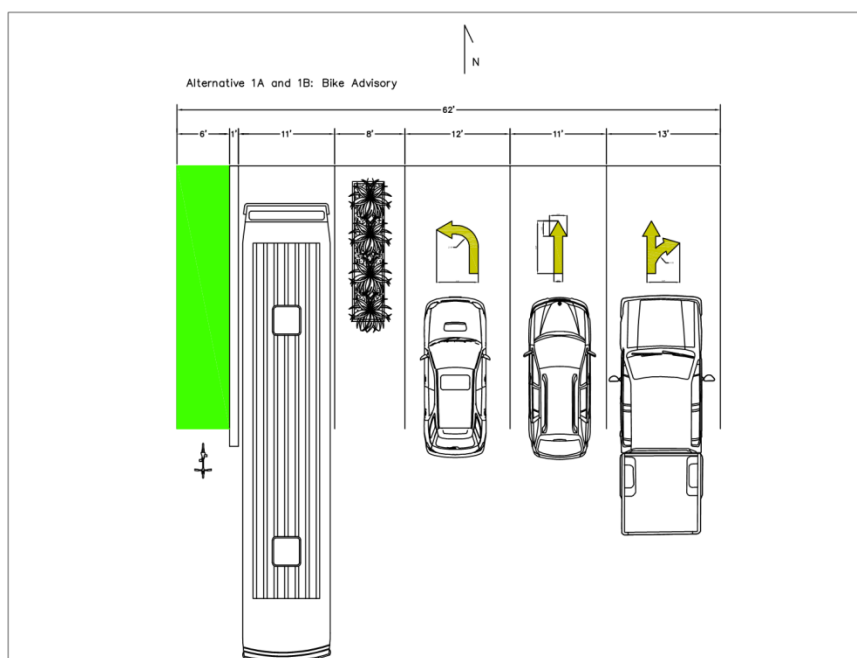
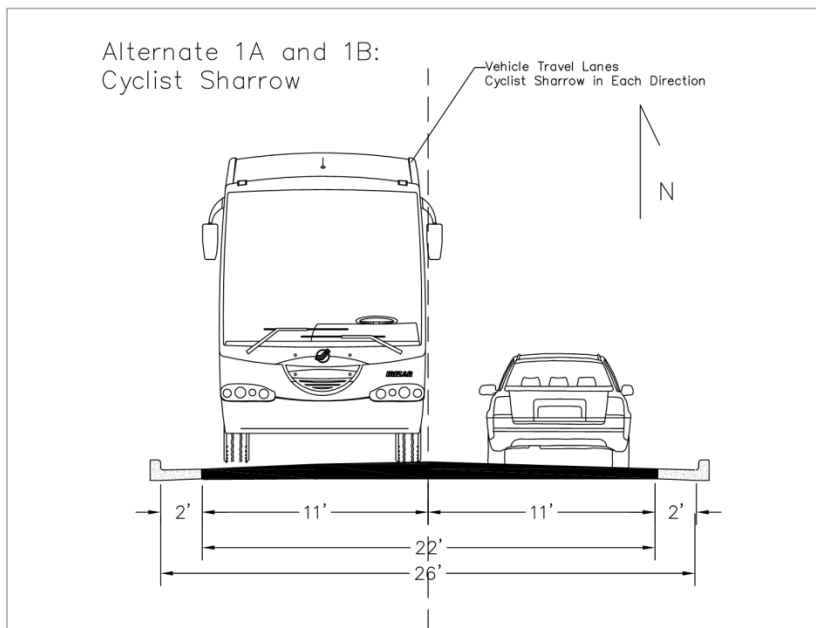
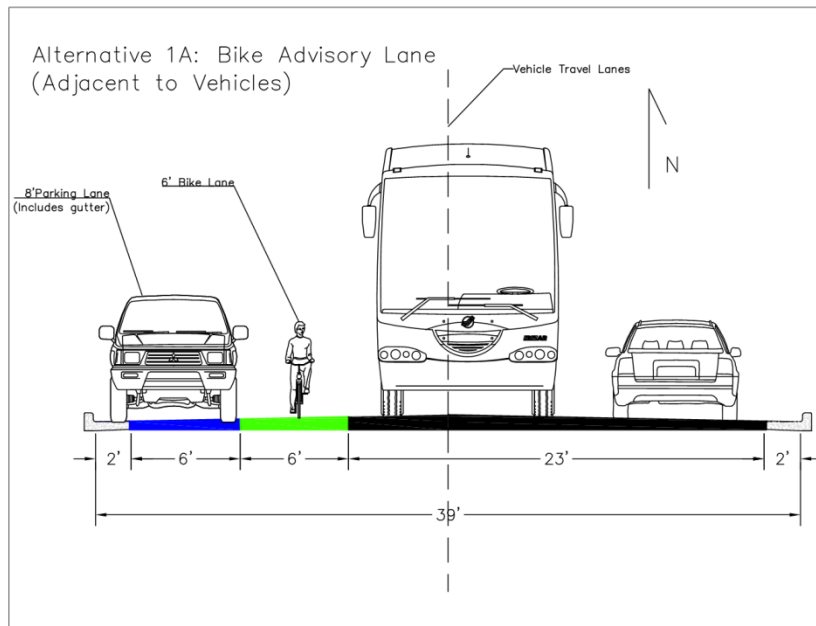
In addition, the Parking Department recommends implementation of a residential permit parking program if a design is selected that reduces or eliminates parking. In addition, some timed parking would be considered on the southern portion to accommodate some employee and visitor parking. The cost for this work is estimated between \$50,000-60,000 and will allow us to test strategies and define success prior to the multi-million dollar street reconstruction slated in the future.

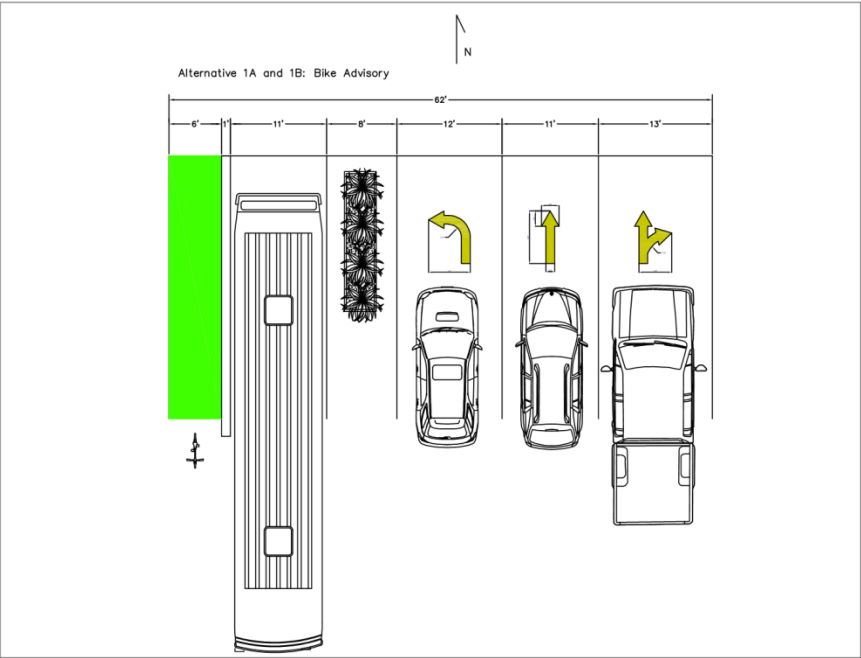
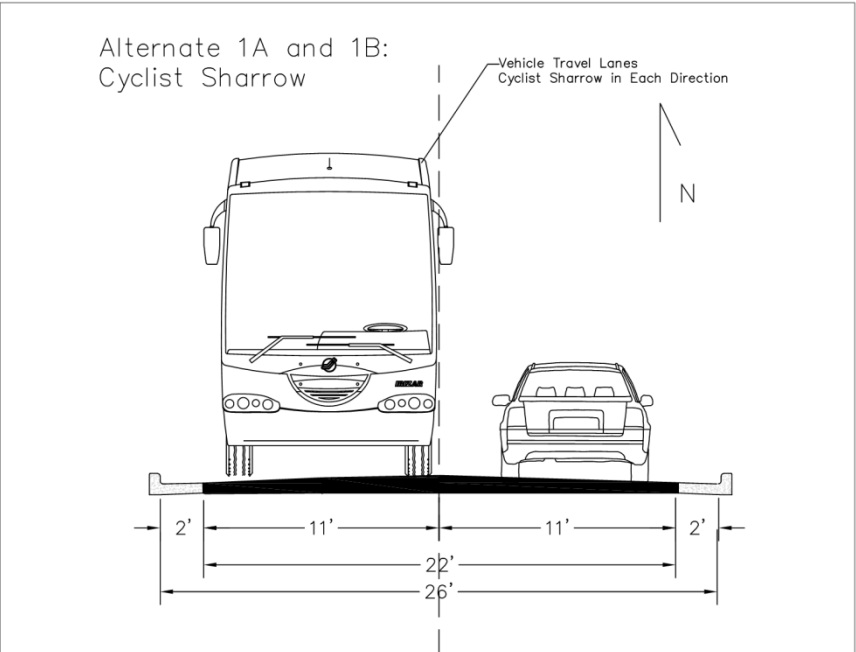
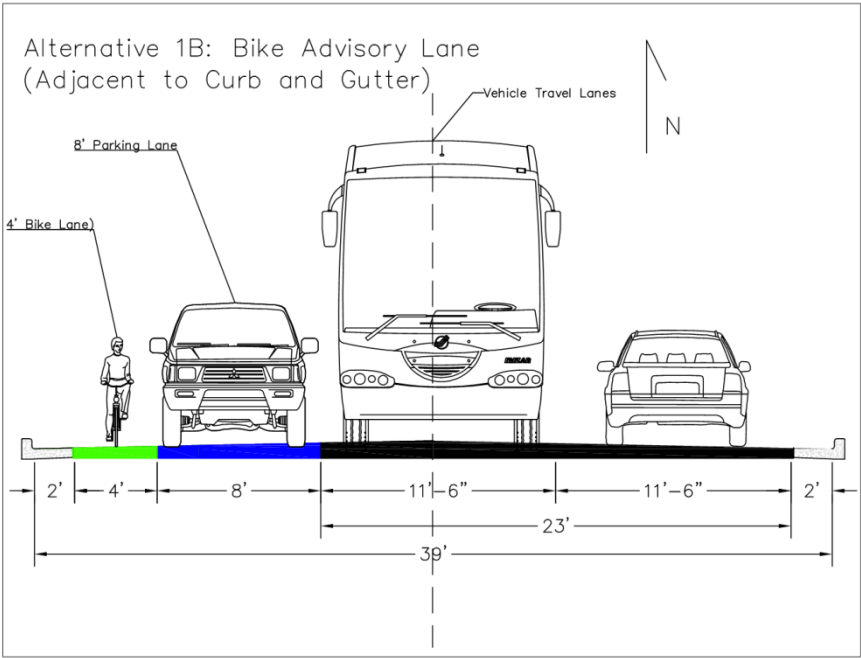
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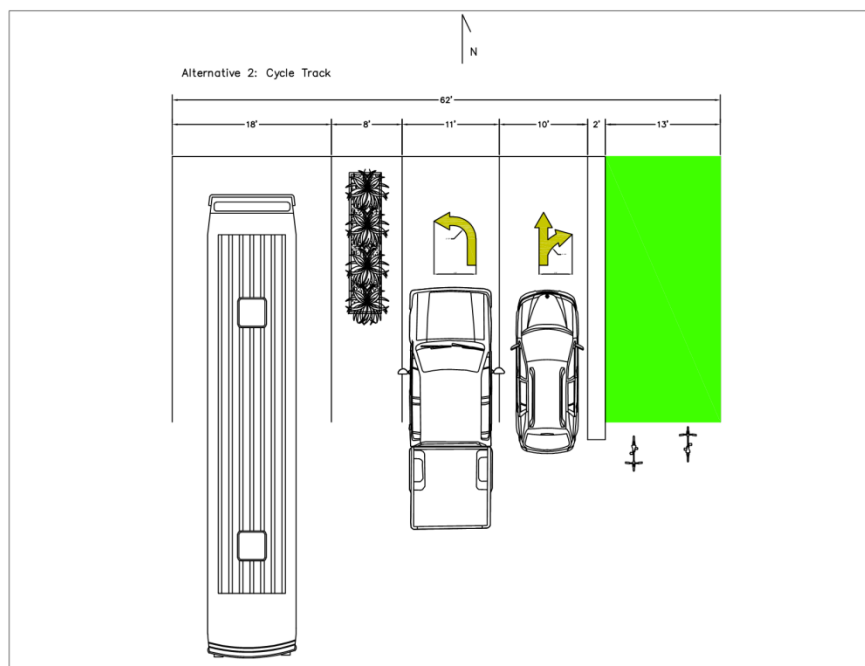
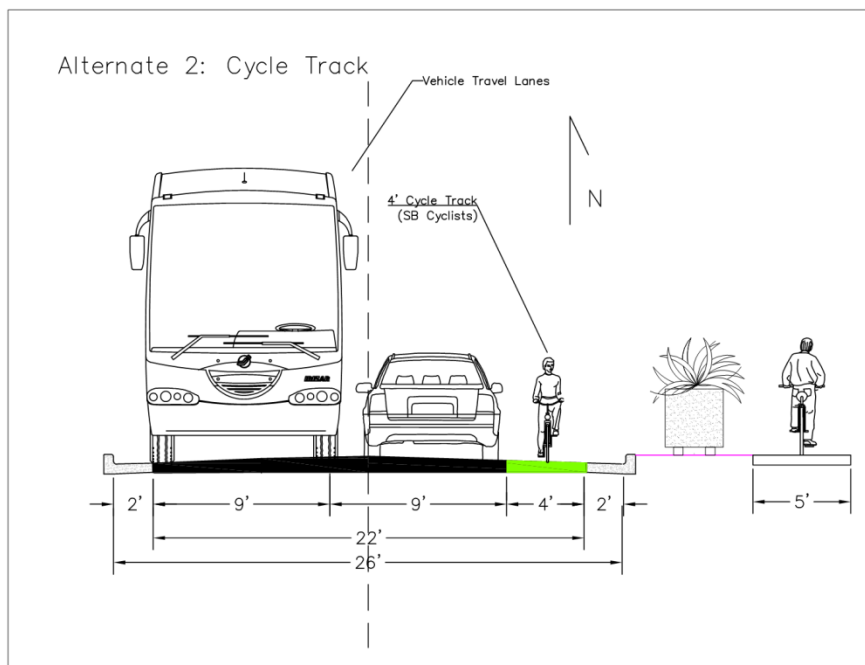
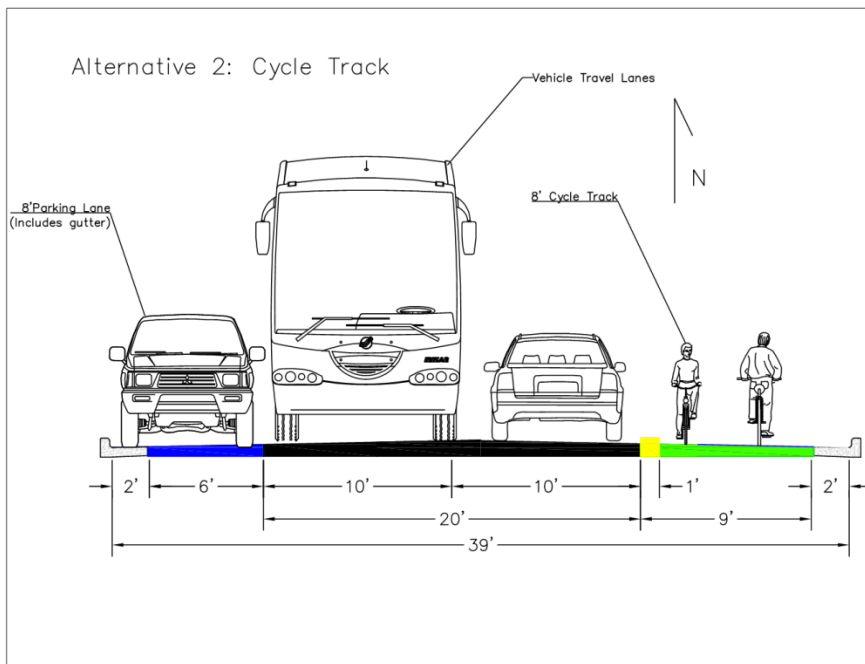
Exhibit A: Park Ave Engineering Cross Sections

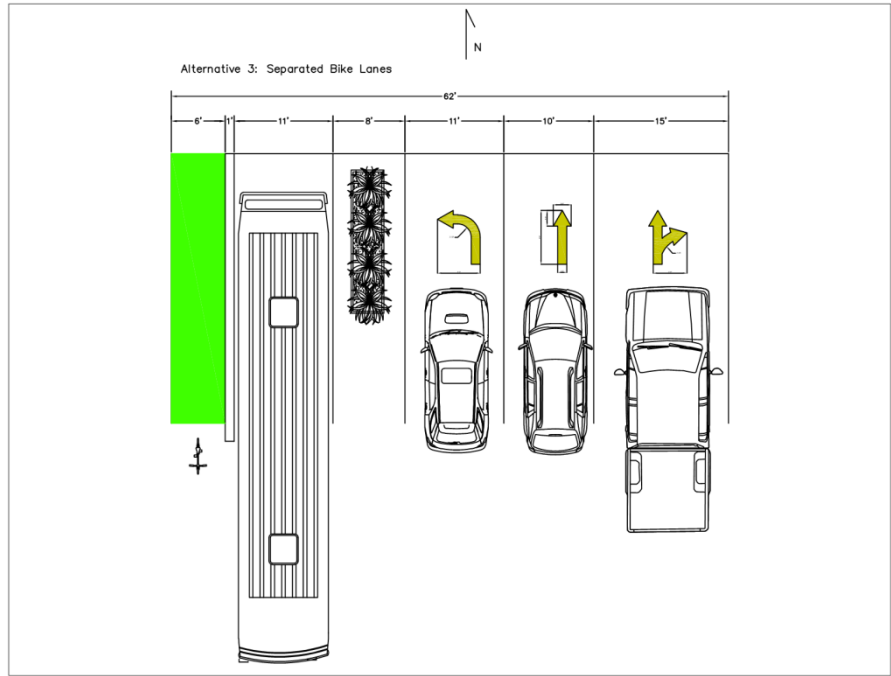
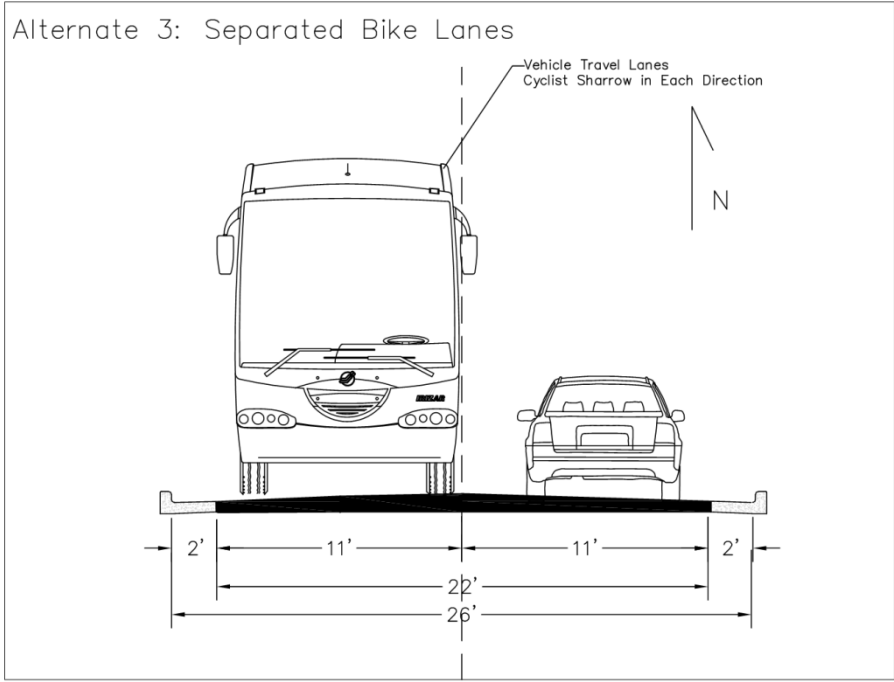
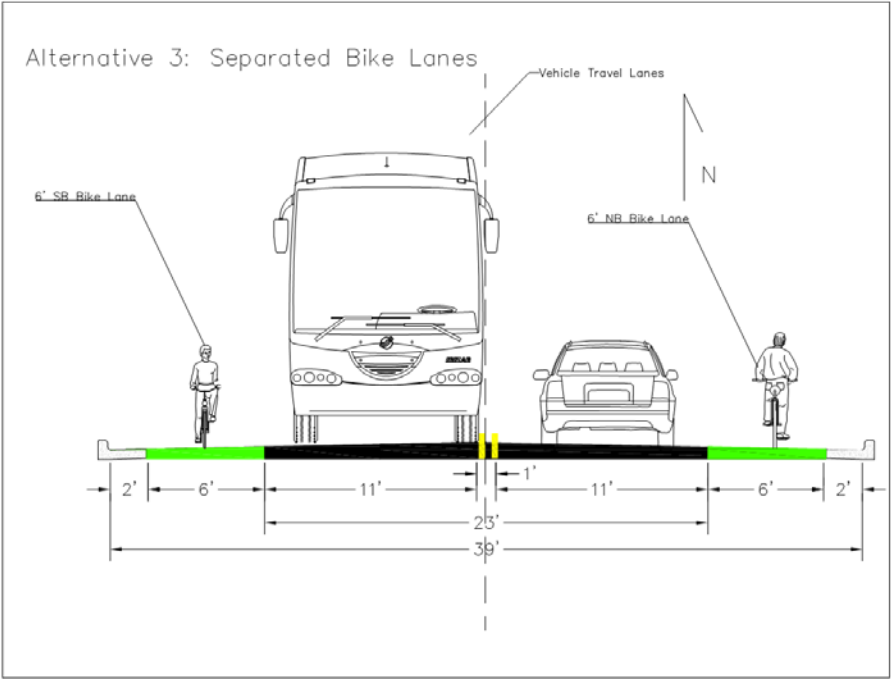
Exhibit B: Interim Public Survey Report

Exhibit C: Park Avenue Parking Occupancy Report (9th-12th Streets)









Help Park City Redesign Park Avenue

Tuesday, September 08, 2020

100

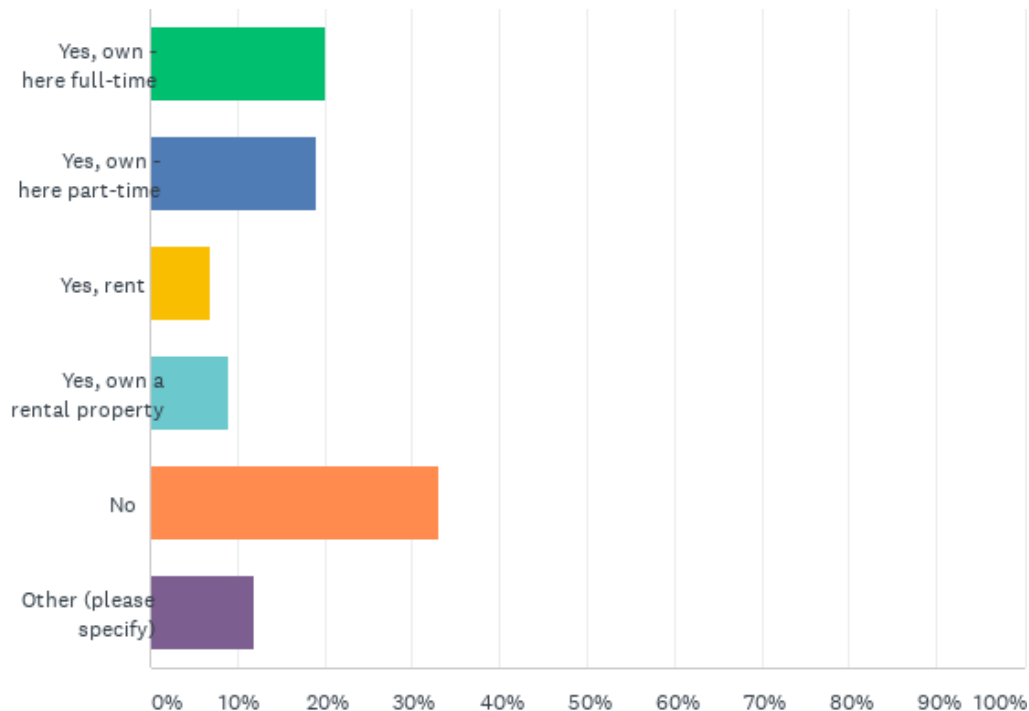
Total Responses

Date Created: Tuesday, August 25, 2020

Complete Responses: 100

Q1: Do you own or rent a property on Park Avenue?

Answered: 100 Skipped: 0



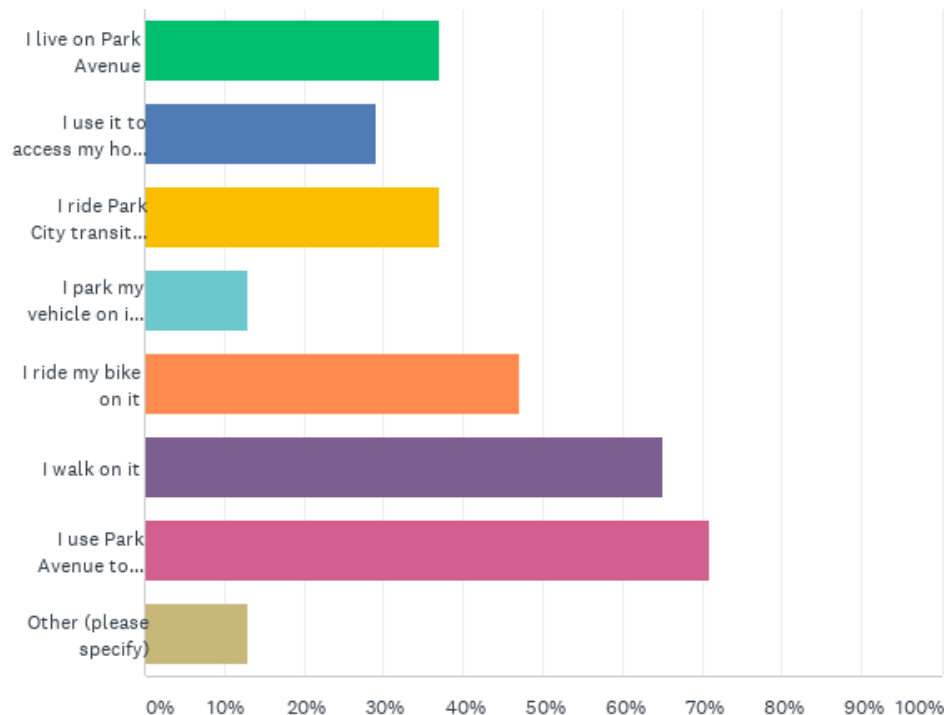
Q1: Do you own or rent a property on Park Avenue?

Answered: 100 Skipped: 0

ANSWER CHOICES	RESPONSES	
Yes, own - here full-time	20.00%	20
Yes, own - here part-time	19.00%	19
Yes, rent	7.00%	7
Yes, own a rental property	9.00%	9
No	33.00%	33
Other (please specify)	12.00%	12
TOTAL		100

Q2: How do you currently use Park Avenue? Select all that apply.

Answered: 100 Skipped: 0



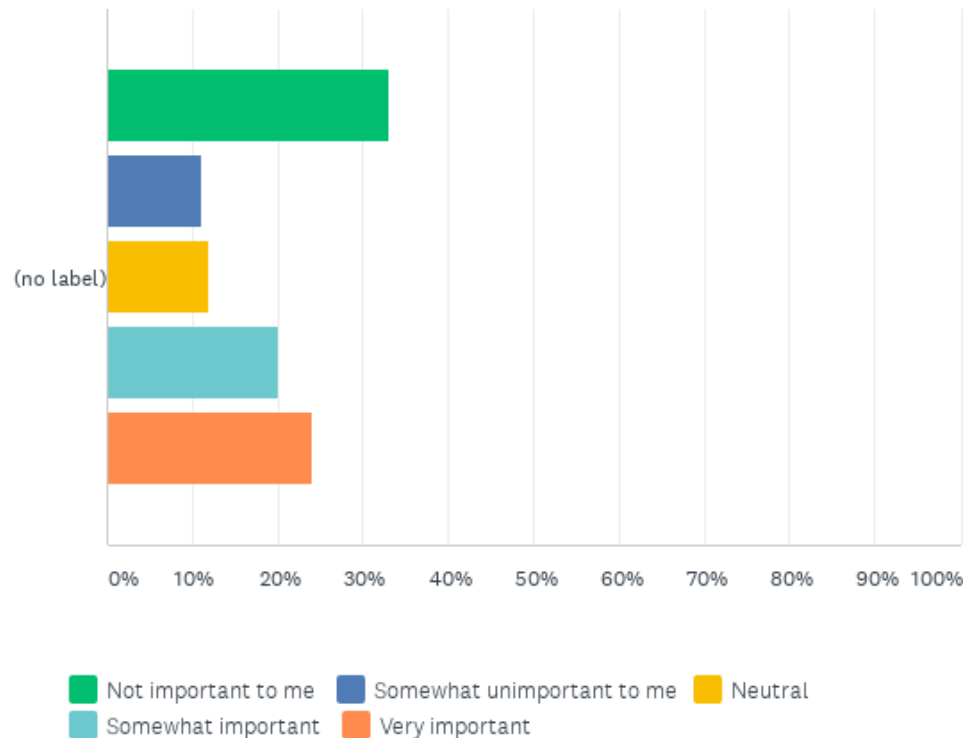
Q2: How do you currently use Park Avenue? Select all that apply.

Answered: 100 Skipped: 0

ANSWER CHOICES	RESPONSES	
I live on Park Avenue	37.00%	37
I use it to access my home on a different street in Old Town	29.00%	29
I ride Park City transit on it	37.00%	37
I park my vehicle on it when I go to work	13.00%	13
I ride my bike on it	47.00%	47
I walk on it	65.00%	65
I use Park Avenue to access other areas of Old Town	71.00%	71
Other (please specify)	13.00%	13
Total Respondents: 100		

Q3: How important is on-street parking to your use of Park Avenue?

Answered: 100 Skipped: 0



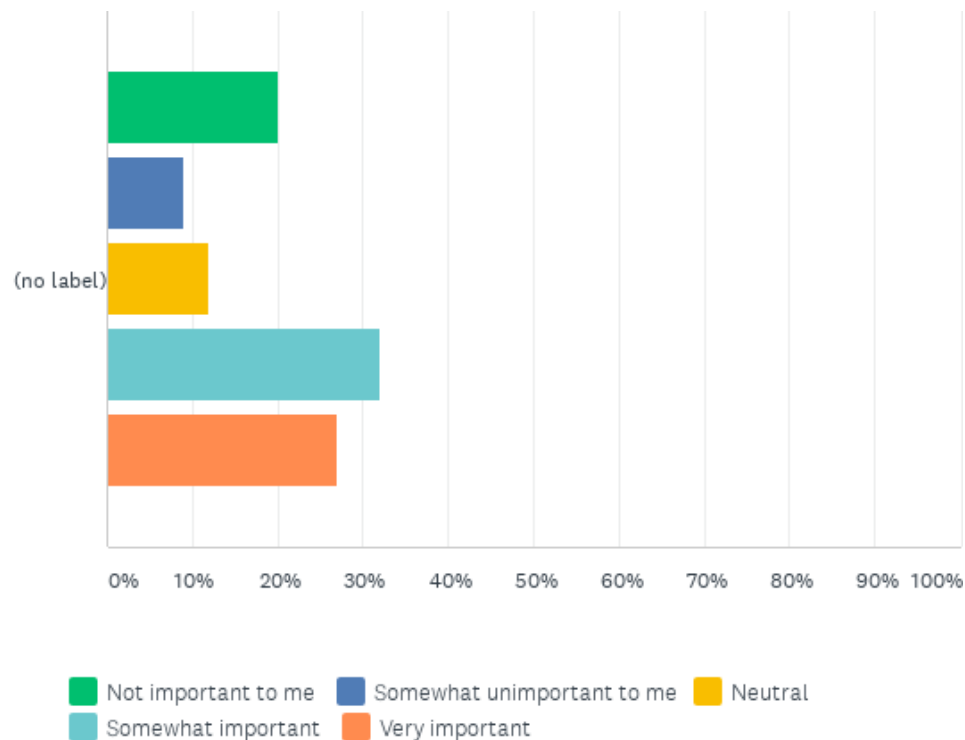
Q3: How important is on-street parking to your use of Park Avenue?

Answered: 100 Skipped: 0

	NOT IMPORTANT TO ME	SOMEWHAT UNIMPORTANT TO ME	NEUTRAL	SOMEWHAT IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
(no label)	33.00% 33	11.00% 11	12.00% 12	20.00% 20	24.00% 24	100	2.91

Q4: How important is a designated bike lane to you?

Answered: 100 Skipped: 0



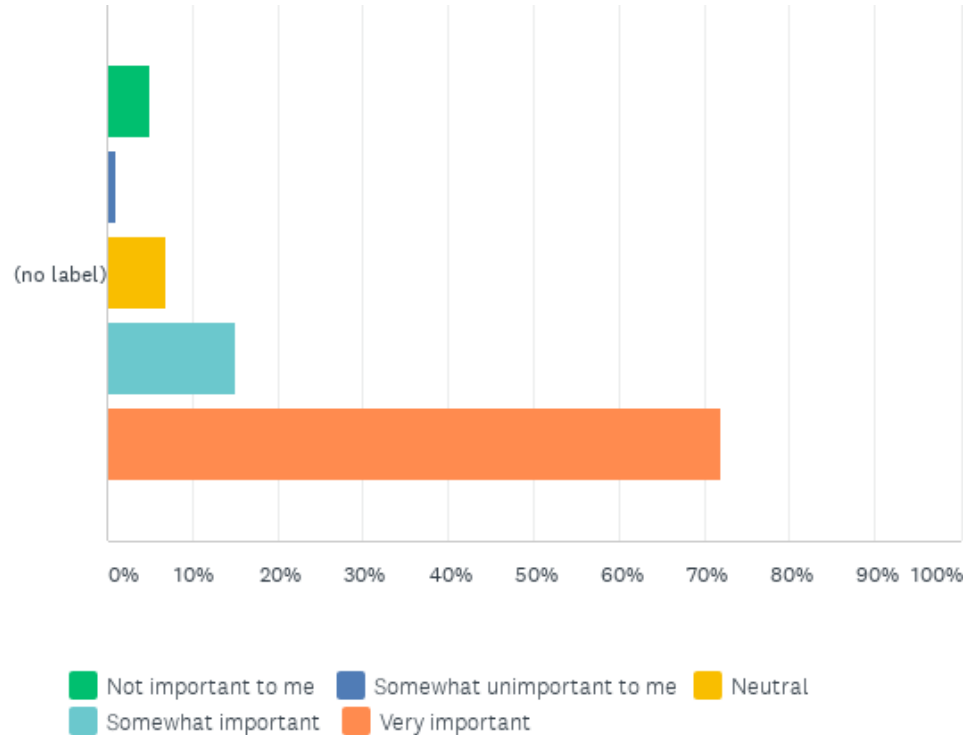
Q4: How important is a designated bike lane to you?

Answered: 100 Skipped: 0

	NOT IMPORTANT TO ME	SOMEWHAT UNIMPORTANT TO ME	NEUTRAL	SOMEWHAT IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
(no label)	20.00% 20	9.00% 9	12.00% 12	32.00% 32	27.00% 27	100	3.37

Q5: How important is pedestrian walkability to your use of Park Avenue?

Answered: 100 Skipped: 0



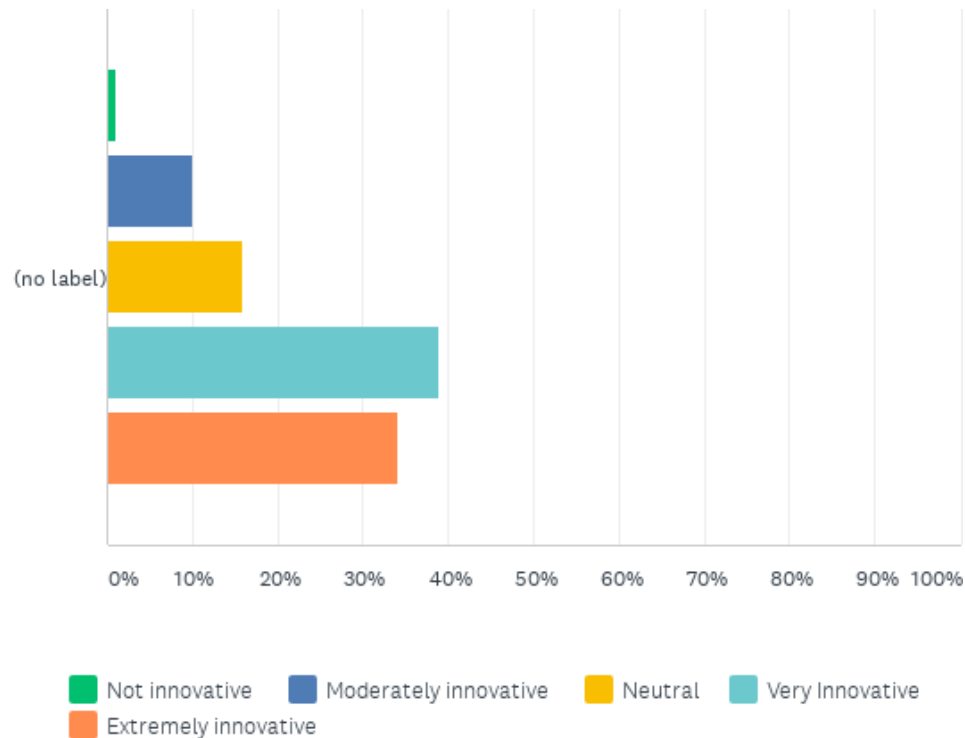
Q5: How important is pedestrian walkability to your use of Park Avenue?

Answered: 100 Skipped: 0

	NOT IMPORTANT TO ME	SOMEWHAT UNIMPORTANT TO ME	NEUTRAL	SOMEWHAT IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
(no label)	5.00% 5	1.00% 1	7.00% 7	15.00% 15	72.00% 72	100	4.48

Q6: How innovative should City transit options be?

Answered: 100 Skipped: 0



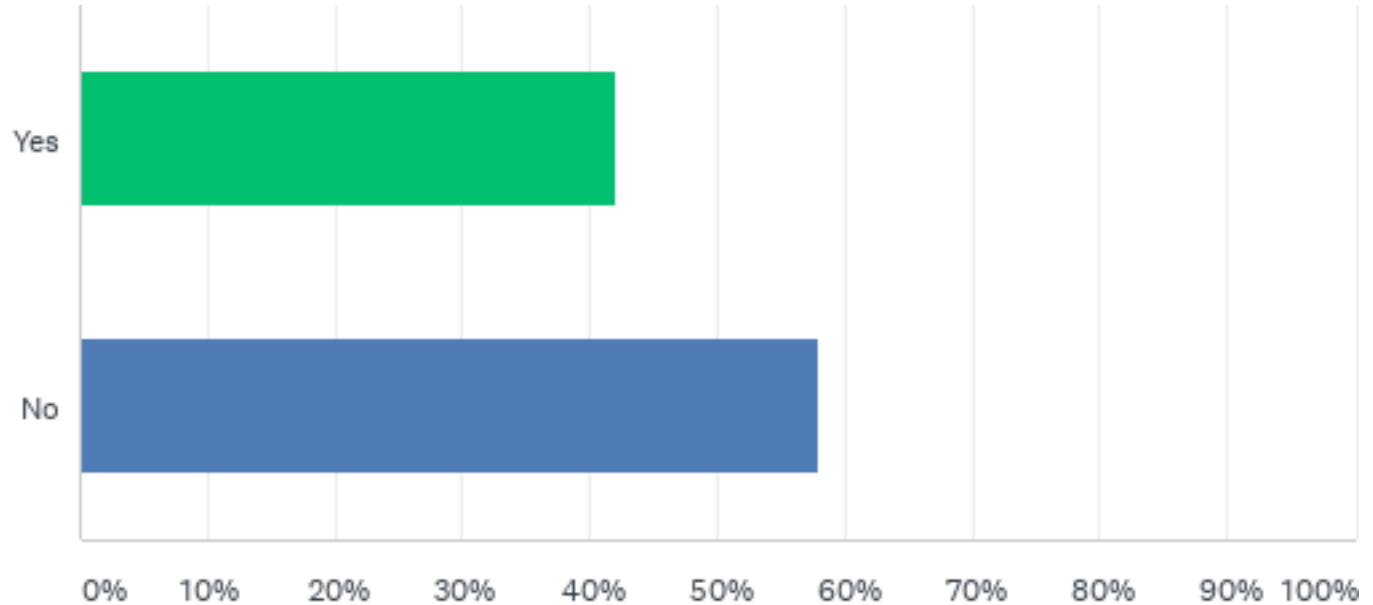
Q6: How innovative should City transit options be?

Answered: 100 Skipped: 0

	NOT INNOVATIVE	MODERATELY INNOVATIVE	NEUTRAL	VERY INNOVATIVE	EXTREMELY INNOVATIVE	TOTAL	WEIGHTED AVERAGE
(no label)	1.00% 1	10.00% 10	16.00% 16	39.00% 39	34.00% 34	100	4.94

Q7: Do you use off-street parking along Park Avenue?

Answered: 100 Skipped: 0



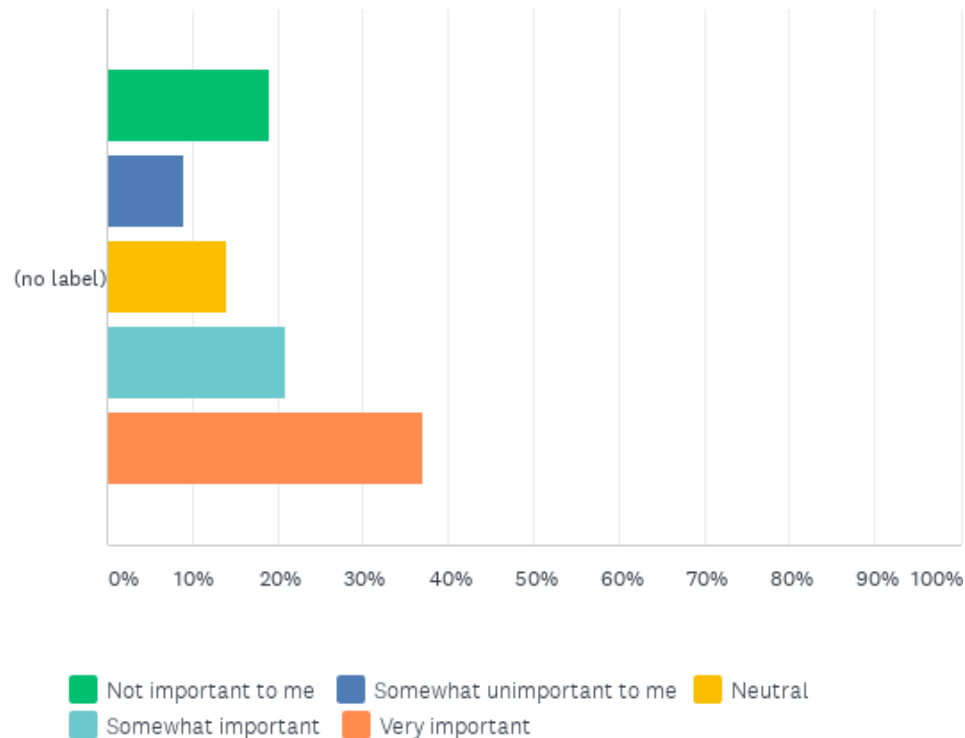
Q7: Do you use off-street parking along Park Avenue?

Answered: 100 Skipped: 0

ANSWER CHOICES	RESPONSES	
Yes	42.00%	42
No	58.00%	58
TOTAL		100

Q8: How important is a residential parking permit program to you?

Answered: 100 Skipped: 0



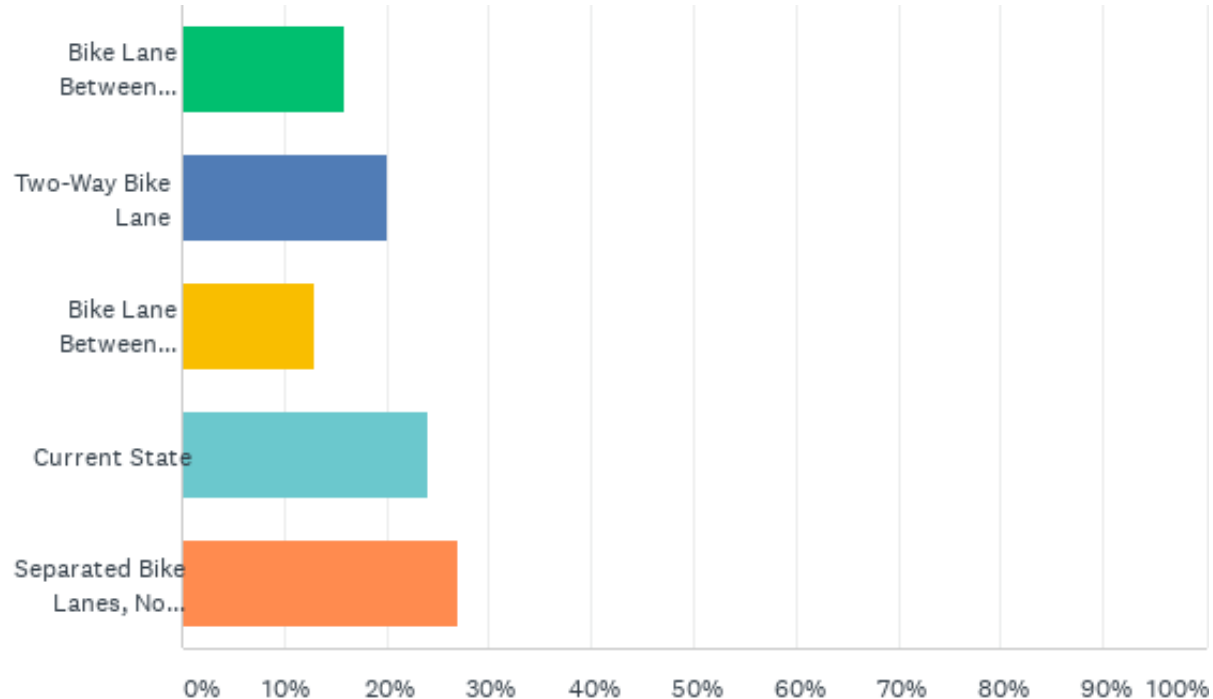
Q8: How important is a residential parking permit program to you?

Answered: 100 Skipped: 0

	NOT IMPORTANT TO ME	SOMEWHAT UNIMPORTANT TO ME	NEUTRAL	SOMEWHAT IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
(no label)	19.00% 19	9.00% 9	14.00% 14	21.00% 21	37.00% 37	100	3.48

Q9: Which street use design is most exciting to you?

Answered: 100 Skipped: 0



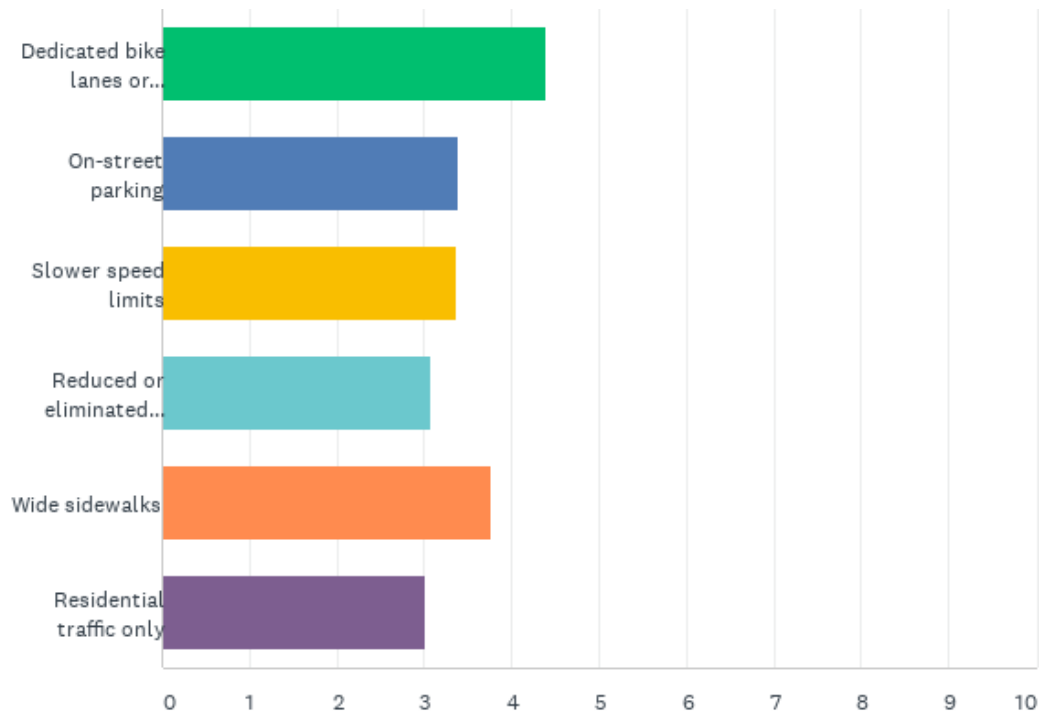
Q9: Which street use design is most exciting to you?

Answered: 100 Skipped: 0

ANSWER CHOICES	RESPONSES	
Bike Lane Between Parking/Sidewalk	16.00%	16
Two-Way Bike Lane	20.00%	20
Bike Lane Between Parking/Traffic	13.00%	13
Current State	24.00%	24
Separated Bike Lanes, No Parking	27.00%	27
TOTAL		100

of the list will be your first priority, the bottom of the list will be your last priority.

Answered: 100 Skipped: 0



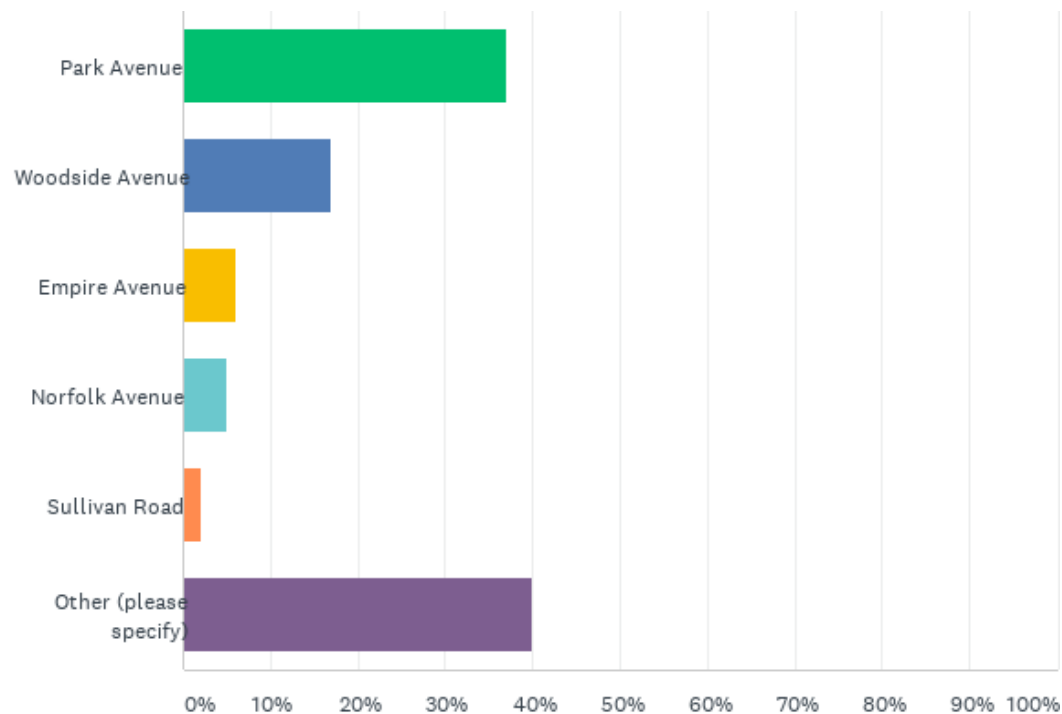
of the list will be your first priority, the bottom of the list will be your last priority.

Answered: 100 Skipped: 0

	1	2	3	4	5	6	TOTAL	SCORE
Dedicated bike lanes or pathways for active transportation	39.00% 39	16.00% 16	15.00% 15	13.00% 13	10.00% 10	7.00% 7	100	4.40
On-street parking	26.00% 26	13.00% 13	7.00% 7	13.00% 13	9.00% 9	32.00% 32	100	3.38
Slower speed limits	6.00% 6	18.00% 18	23.00% 23	21.00% 21	24.00% 24	8.00% 8	100	3.37
Reduced or eliminated on-street parking	7.00% 7	18.00% 18	17.00% 17	16.00% 16	18.00% 18	24.00% 24	100	3.08
Wide sidewalks	14.00% 14	19.00% 19	24.00% 24	21.00% 21	16.00% 16	6.00% 6	100	3.76
Residential traffic only	8.00% 8	16.00% 16	14.00% 14	16.00% 16	23.00% 23	23.00% 23	100	3.01

Q14: I live on:

Answered: 100 Skipped: 0



Q14: I live on:

Answered: 100 Skipped: 0

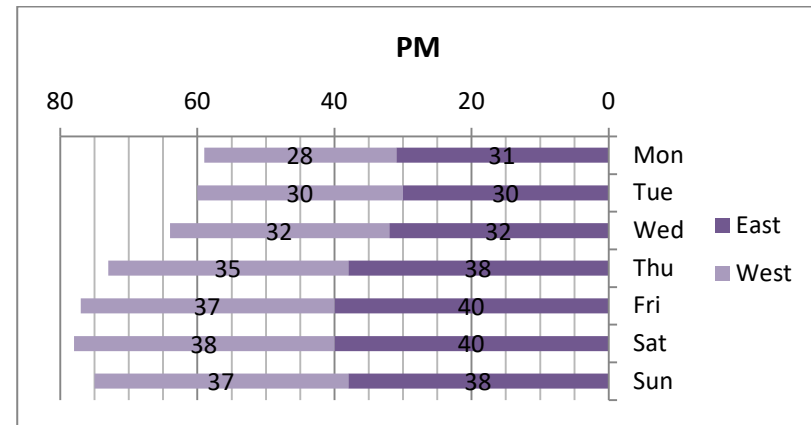
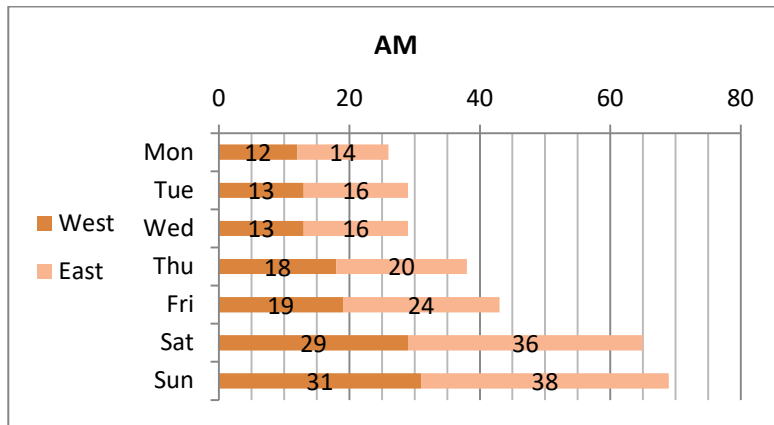
ANSWER CHOICES	RESPONSES	
Park Avenue	37.00%	37
Woodside Avenue	17.00%	17
Empire Avenue	6.00%	6
Norfolk Avenue	5.00%	5
Sullivan Road	2.00%	2
Other (please specify)	40.00%	40
Total Respondents: 100		

EXHIBIT C

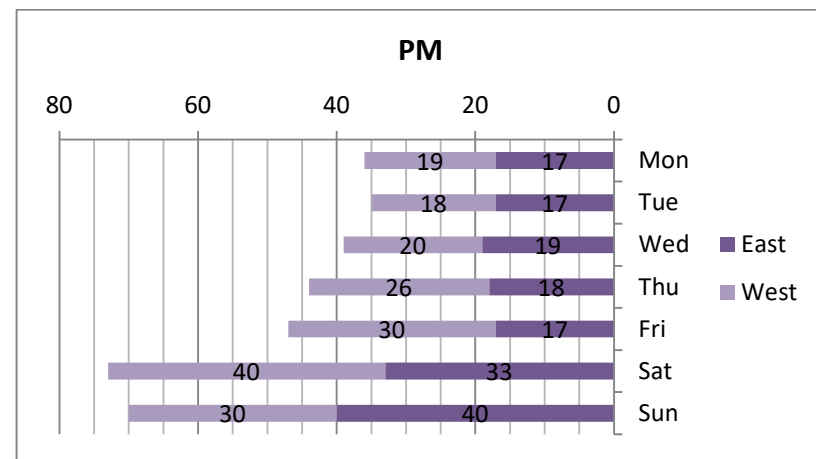
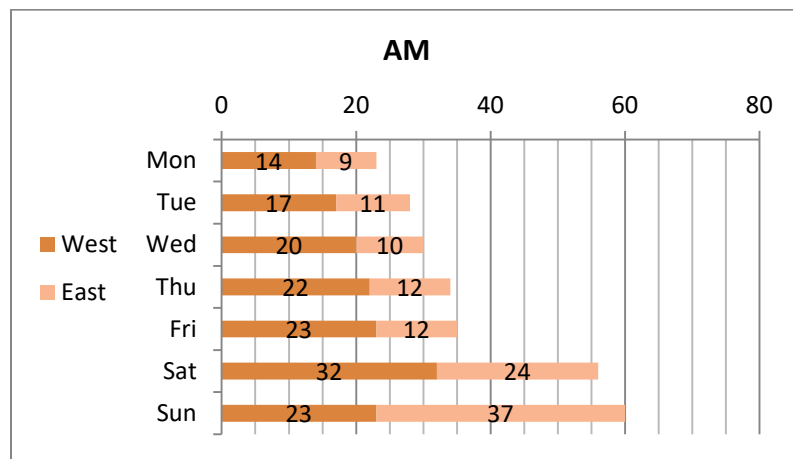
Park Avenue Parking Occupancy Report- 9th Street to 12th Street

As Staff assess design alternatives for Park Avenue this fall, careful consideration has been given to the way parking is utilized on the street. This occupancy report provides information for Park Ave between 9th and 12th Streets - the area that would likely see the most displacement with future corridor changes; the rest of the project area feels parking impacts primarily only during the busiest ski/peak days. There are 78 parking stalls between 9th and 12th Streets – 40 on the east side and 38 on the west side.

PRE-COVID PARKING OCCUPANCY RATES:



POST-COVID PARKING OCCUPANCY RATES:



* It should be noted that the suspension of paid parking since March 2020 has reduced Old Town employee parking usage of this corridor and much of the free parking lots, including Main Street, are seeing increased use by employees/business owners.

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Jason Glidden

Submitting Department: Community Development

Item Type: Work Session

Agenda Section:

Subject:

4:30 p.m. - Housing Resolution Update with Planning Commission

Suggested Action:

Provide direction regarding amendments to the 03-2017 Housing Resolution, which mitigates the impacts of new development on affordable housing needs in Park City.

Attachments:

[Housing Resolution Revisions Staff Report](#)

[Exhibit A: Housing Resolution 2020 - Redlines](#)

City Council Staff Report



Subject: Amendments to the Park City Municipal Housing Resolution
Author: Rhoda Stauffer & Jason Glidden, Affordable Housing Program
Rebecca Ward, Planning Department
Department: Housing
Date: September 17, 2020
Type of Item: Administrative

Recommendation

In a joint meeting with the Park City Planning Commission, consider proposed amendments to the 03-2017 Housing Resolution, which further mitigate the impacts of new development on affordability of housing in Park City.

Executive Summary

The City last revised its affordable housing policy in 2017, including many changes recommended by the Blue Ribbon Housing Commission (BRHC). The BRHC was a citizen advisory group that met from October of 2015 to April of 2016 to serve as a sounding board for the work being done by EPS. EPS, a Denver based consulting firm, was hired to review the history, outcomes and effectiveness of our Housing Resolution. EPS submitted a final report to Council on March 29, 2016, [attached here](#), and the BRHC submitted recommendations to City Council on April 14, 2016 ([linked here](#)).

Staff requested early direction from the City Council on June 11 ([staff report linked here](#)), 2020, and subsequently developed recommendations to:

- **Update renter/owner qualifications to match current deed restrictions.** This would also include increasing the net worth limit for seniors to potentially increase their participation.
- **Allow rental of deed-restricted units.** Add provisions that clarify when and how deed restricted units may be rented for the inclusion of long term roommates (not nightly rentals).
- **Require ongoing needs-based qualification after purchase.** Require ongoing compliance program monitoring standards to ensure ongoing program compliance.
- **Increase the housing requirement for residential development.** Increase the housing obligation for residential and establish a trigger related to residential unit equivalents (RUEs) instead of units. RUEs are calculated at one unit per every 2,000 sf.
- **Broaden applicability of inclusionary housing requirements.** Change the LMC to decrease the trigger for residential projects required to go through the MPD process from ten RUEs (20,000 square feet) to five RUEs (10,000 square feet).
- **Allow recordation of deed restrictions on existing housing stock to fulfill a housing obligation.** Formally adopt the practice of allowing a housing obligation to be fulfilled by a placing deed restriction on already constructed units, that the entity

that has the requirement does not own the unit but has negotiated with the owner to place the restrictions on the unit for some form of compensation.

- **Update carbon footprint requirements.** Update green building requirements for building affordable housing to align with the requirements within the City's Building code that support the City's net zero goals.

As requested at the June 11, 2020, work session, staff has also conducted research regarding potential affordable requirements for single family home construction. The research includes the number of undeveloped lots in Park City and those not under an MPD or annexation agreement. Staff seeks direction before conducting additional research associated with creating an inclusionary housing policy for single family home construction.

Background

The City's first Housing Resolution was adopted in 1993 and included a provision to review the policy every two years. Since 1993, Council has updated the Housing Resolution as community needs and economic circumstances have changed. The latest revision was adopted in 2017 ([linked here](#)).

The Resolution also helps meet State of Utah moderate income housing annual planning and reporting requirements for municipalities over 1,000 in population (2019 Senate Bill 34). Finally, the Housing Resolution is one tool used to meet [Goals 7 and 8 of the General Plan](#): provide a diversity of housing types to meet the life-cycle needs of Park City residents; and increase the number of affordable units to ensure that workforce members have affordable options to live in Park City.

Since 1993, of the 606 affordable units in Park City, as a result of the Housing Resolution, 305 units (50%) were built entirely or in part by private parties to satisfy affordable housing obligations. The City has also collected \$1,380,064 of in-lieu fees.

As with any initiative, there are lessons learned during implementation and changing circumstances that compel us to adapt and refine. Based on experience and feedback from policymakers, developers, and recipients, staff prepared a list of potential refinements for review.

Analysis

For Applicants and Owners:

1. Update Renter and Buyer Qualification Criteria. Update qualifications for rental and ownership programs to better match the current deed restriction template and 2020 Housing Needs Assessment. Changes include:
 - a. *Criteria for approving online, remote, or non-place-based employment:* There is already a requirement that self-employed applicants demonstrate that 75% of their clients live within the Park City School District. This is often difficult and time consuming for both applicants and staff. Furthermore, more jobs are completely internet-based and serve national and international audiences while the employee works from home. This has presented challenges to qualify applicants

that have lived in Park City over two years but work from home for a company not based in Park City. Staff recommends that applicants working from home either work for a company that contributes to the local economy by paying local taxes or the applicant has lived in Park City for more than 5 years.

- b. *Revise Senior Net-Worth Limits:* Council requested a review to consider altering the formula used to qualify seniors. In some cases, older members of the community have a substantial net worth, yet defining “sufficient resources” is a complicated proposition. Staff interviewed a financial advisor with experience in working with older generations who felt that the City’s current limits are satisfactory and do not require an update.

Staff also conducted a survey of other communities and found that net worth limits for seniors ran the gamut from no special treatment to allowing up to 150% increase from normal net-worth limits. Staff recommends an increase to 150% of the base net-worth limit for non-seniors.

PROPOSED LIMITS TO NET WORTH FOR SENIORS		
	CURRENT	150% of BASE
Household of one at or below 80% of AMI	\$ 318,920	\$ 478,380
Household of one at or 81 to 150% of AMI	\$ 558,110	\$ 837,165
Household of two at or below 80% of AMI	\$ 364,480	\$ 546,720
Household of two at or 81 to 150% of AMI	\$ 637,840	\$ 956,760

- c. *People with disabilities:* Currently, applicants must meet the American Disability Act guidelines to qualify as disabled and are exempt from work qualifications. Staff is recommending the applicant must also be a community member defined by involvement in community programs, such as serving in local civic or nonprofit organizations (NAC, Lucky Ones, Summit County Club House); or an immediate family member of a local family with five to ten years in the community (demonstrated through active involvement with local civic and nonprofit organizations, working full-time, or engaged in a civic leadership role).
 - d. *Revising qualifications for affordable household income limits:* The current resolution defines affordable as 100% AMI or below. Staff recommends changing the definition to 80% AMI or below in order to better reach a broader pool of housing applicants.
2. Allow for Rental of Deed Restricted Units. Clarify when and how privately-owned deed restricted units may be rented to include long term roommates. This would include rental rates, occupancy standards, inspections, upgrades, and the approval process for either rental of an entire unit or an individual room. Allowing owners to rent a portion of their unit could help offset costs and increase affordable rental inventory. Rental of entire units would still be limited to very specific and limited situations.

3. Require ongoing qualification after purchase. Currently, the City certifies that the owner maintains the unit as their primary residence after closing. Staff recommends requiring continuing adherence to the owner maintaining place of work within the Park City School District.

For Private Developers:

4. Increase the Housing Requirement for Multifamily Residential Development. Increase the residential requirement from 15% to 20%, or 25%, and establish a trigger related to residential unit equivalents (RUEs) instead of units. RUEs are calculated at one unit per every 2,000 sf.

Using the RUE calculation is a more accurate way to measure the size of a development because individual units generally average between 1,000 and 3,500 sf, and even higher, depending on the type of development. Rather than a housing obligation of 1.5 affordable unit equivalents (AUEs) for a 10 unit development, the housing obligation could be 2.1 AUEs or higher if we utilize RUEs. See chart below for examples of how calculations would change if using the RUE methodology.

Market Units being built	Total Square footage	HR 03-2017 # of units	Based on RUEs (2000sf/RUE)
3 two bedroom units (2200sf/unit)	6600	3	3.3
4 three bedroom units (2800sf/unit)	11200	4	5.6
3 four bedroom units (3300sf/unit)	9900	3	4.95
Total sf and AUE obligation based on current requirement and RUE calculation	27700	10	13.85
Housing Obligation			
15% (current)		1.5	2.08
20% (possible)		2	2.77
25% (possible)		2.5	3.46

5. Broaden applicability of inclusionary housing requirements. Adjust the size of residential development that would trigger the use of the MPD approval process. Currently, any development over 10 RUEs (20,000 square feet) triggers the MPD process. The City could lower this threshold to any residential development over 5 RUEs (10,000 square feet). This would make it consistent with the triggers for a commercial project.
6. Allow recordation of deed restrictions on existing housing to fulfill housing obligations. The recent Council decision to allow housing obligations to be fulfilled by placing deed restrictions on already constructed units without ownership raises the question of whether or not this method should be a future option. While this is not an optimal strategy, it is a tool for protecting existing units from market escalations.
7. Update carbon footprint requirements. Update green building requirements to align with the City's net zero goals. Staff has been working with the Environmental

Sustainability Team to ensure that the Housing Resolution requirements conform to the City's environmental goals and would propose language that matches what is currently required by the City's Building Department to meet green building requirements.

Large Single Family Units:

During the June 11, 2020, work session, Council asked staff to consider requiring large single-family dwellings to contribute AUEs to the City's affordable housing supply. The following is the summary of that research.

Park City is nearly built out. The current City boundary encompasses 13,030 acres. Approximately 7,300 acres is open space – 56% of all City land. When the City completes the annexation of City-owned open space along the City's perimeter, an additional 2,260 acres of open space will raise this percentage to 73%. The majority of future AUEs will be triggered by redevelopment MPDs. However, vacant lots remain within approved subdivisions in the Residential Density, Single-Family, and Estate Zoning Districts.

For this initial research, staff established a single-family dwelling size of 7,500 sf to trigger AUE obligations and looked to lots large enough to accommodate such a home. Next, staff eliminated vacant lots in known approved MPDs (difficult to identify MPD approvals from the 1980s through 2004 unless associated with an annexation; as a result, initial numbers are rough estimates). Last, staff eliminated vacant lots in the Historic Districts due to lot size requirements and steep slopes that would most likely inhibit large single-family dwelling construction. The analysis identified 81 vacant lots within approved subdivisions that met the criteria.

Additionally, there are approximately 240 undeveloped acres located in the Estate Zoning District. This low-density zoning restricts development to one single-family dwelling per three acres. As a result, these properties may be developed lot by lot rather than through the MPD approval process.

The City also has an Estate-40 Zoning District in the Land Management Code – without any land that is zoned Estate-40. Estate-40 Zoning restricts development to one single-family dwelling per 40 acres. As the City considers annexation petitions, Estate-40 Zoning may be a possible zoning designation. Enacting an affordable housing obligation for large homes in the Estate-40 Zoning District may provide an opportunity to capture housing impacts that are not triggered by an MPD.

However, amending the Housing Resolution to encompass large Single-Family dwellings not associated with a Master Planned Development will require extensive legal research and a study showing the nexus between employee generation.

Also, further research would be needed to determine how these affordable housing obligations could be fulfilled. Zoning regulations establish minimum house sizes. A single-family dwelling housing obligation may not trigger a full AUE. As a result, property

owners may be limited to paying a fee-in-lieu or to construct an affordable Accessory Apartment on site. Accessory Apartments must be at least 400 sf, but not larger than 1,000 sf. The interplay between these obligations and the restrictions within the Land Management Code would need to be further researched.

Funding

Funding would be required to further research legal issues surrounding inclusionary housing on large single family dwellings. Staff would require an outside firm to conduct the legal audit, and costs may exceed \$5,000.

1 **XX-2020 Affordable Housing**

2 **RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR**
3 **PARK CITY, UTAH**

4 WHEREAS, the livability and viability of Park City is directly affected by the availability of a
5 sufficient amount of housing affordable to ~~all~~ the workforce and residents; and

6 WHEREAS, the City Council desires to establish policies to ensure a reasonable opportunity for
7 a variety of housing and which bears an essential nexus to maintaining the social, economic,
8 and ~~political~~ cultural fabric of the community; and

9 WHEREAS, the ~~2016 Park City Housing Needs Assessment~~ 2019 Regional Housing Needs
10 Assessment concluded that housing costs continue to outpace wages in the service sector
11 areas of the resort-based economy and has resulted in making housing unaffordable to working
12 residents of the City; and

13 WHEREAS, the ~~2016 Park City Housing Needs Assessment~~ 2019 Regional Housing Needs
14 Assessment projects that the Leisure and Hospitality employment sector will continue to drive
15 the demand for additional workforce housing in Park City; and

16 WHEREAS, it is in the best interest of the community and a legitimate government interest to
17 formulate guidelines and standards to establish a consistent criteria for review of Master
18 Planned Development applications and annexation petitions where affordable housing is
19 needed to mitigate the impact of the project on the community; and

20 WHEREAS, the cost of providing affordable housing should be equitably apportioned, based on
21 impact generation, growth inducement, and the underlying goal to provide a diversity of housing
22 types and prices in the community, in order to maintain a healthy economy and diverse
23 population.

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. The following housing standards and guidelines are hereby adopted. Unless otherwise defined separately herein, all words and terms shall have the same meaning as defined in the Land Management Code, as amended.

SECTION 2. APPLICABILITY. These standards shall apply to all new Housing and Commercial Development created under Title 15, Chapter 6 *Master Planned Developments*, and Title 15, Chapter 8 *Annexation*, of the Park City Land Management Code. These standards shall apply to prior agreements on density or configuration unless specifically addressed within Development Agreements.

SECTION 3. PURPOSE. The purpose of this Resolution is to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain the social, economic, and ~~political~~ cultural fabric of Park City's community character. It is intended that the requirements imposed herein are roughly proportionate and reasonably related to the impacts of the Development.

SECTION 4. REVIEW. This Resolution shall be reviewed by the City Council at least biennially to ensure that these standards are meeting the housing goals and objectives.

SECTION 5. DEFINITIONS.

A. Affordable Housing: Housing that is priced affordable to households with incomes at or below 100% of AMI. Based on local wages, Park City defines affordable housing as those units affordable to households with incomes at or below 100 percent of AMI.

B. Affordable Housing Cost: Monthly housing costs that consume no more than 30 percent of a household's income. Housing costs include rent or mortgage, basic utilities, and/or Homeowners/Condo Association Dues.

C. Affordable Housing Unit or Housing Unit: Dwelling units that are deed restricted to the housing size and type for individuals meeting occupancy guidelines approved by the Park City Council.

D. Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.

E. Alter or Alteration: Alter or alteration means any change, addition, or modification in construction or occupancy.

F. Annual Compliance Report: A report, as amended from time to time by the City or its designee, required to be provided to the City by each Unit Owner yearly to certify compliance with deed restrictions on a unit.

G. Applicant: A Household that has submitted the required application either for qualification as a Buyer or for placement on the Ownership Waiting List, as the context requires.

H. Assets:

1. **Assets:** Anything owned by an individual that has commercial or exchange value. Assets consist of specific property or claims against others, in contrast to obligations due others.
2. **Gross Assets:** Anything which has tangible or intangible value, including property of all kinds, both real and personal; includes among other things, patents and causes of action which belong to any person, as well as any stock in a corporation and any interest in the estate of a decedent; also, the entire property of a person, association, corporation, or estate that is applicable or subject to the payment of debts. Gross Assets shall include funds or property held in a living trust or any similar entity or interest, where the person has management rights or the ability to apply the assets to the payment of debts. Assets are evaluated at current fair market value, not accounting book value.

- 73 3. Household Gross Assets: Combined Gross Assets of the Household.
- 74 4. Household Net Assets: Gross Household Assets less Gross Household Liabilities.
- 75 5. Net Assets: Gross Assets minus liabilities. Retirement accounts will be reviewed on
- 76 a case-by-case basis to determine whether or not they shall be included as a net
- 77 asset.

78 I. **Area Median Income (AMI):** Area Median Income is a calculation of annual household

79 income determined by the US Department of Housing and Urban Development (HUD). ~~that~~

80 ~~categorizes income levels as: extremely low income <=30 percent of AMI; very low income =~~

81 ~~31 to 50 percent of AMI; low income = 51-80 percent of AMI; and moderate income = 81 to~~

82 ~~100 percent of AMI. Based on local wages, Park City defines affordable housing as those~~

83 ~~units affordable to households with incomes at or below 100 percent of AMI.~~

84 J. **Attainable Housing:** Housing that is priced affordable to households with incomes

85 between 101 and 150 percent of AMI.

86 K. **Bedroom:** Designed to be used for sleeping purposes and which contains closets and

87 meets all applicable City Building Code requirements for light, ventilation, sanitation, and

88 egress.

89 L. **Buyer:** A person who is buying or has purchased a Housing Unit.

90 M. **Capital Improvements:** Material improvements or structural changes to a Unit that are

91 more than repairs or cosmetic changes, including changes that would adapt a Unit to a new

92 or different use or materially affect the value or use of the Unit and including, but not limited

93 to all Permitted Capital Improvements.

94 N. **City Code:** The Municipal Code of Park City, Utah, as amended.

95 O. **Commercial Property:** Property which is used for any commercial uses as defined by the

96 Park City Land Management Code.

P. **Co-signer:** A joint signatory of a promissory note whose obligations are the same as those of the primary borrower. If the primary borrower does not repay the loan, the co-signer accepts responsibility for the debt.

Q. **Deed Restriction:** A contract entered into between Park City Municipal Corporation and the owner or purchaser of real property identifying the conditions for occupancy and resale.

R. **Dependent:** A minor child (18 years or younger) or other person related by blood or adoption to a Tenant or Owner of a Housing Unit declared as a dependent for federal income tax purposes by such Tenant or Owner, or by Tenant's or Owner's present or former spouse.

S. **Designee:** A person or entity who is named and authorized to act in place of the person or entity granting the designation.

T. **Developed Residential Property:** Property that contains at least one (1) dwelling unit as defined in the Park City Land Management Code.

U. **Disability:** A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

V. **Domicile:** The place where an individual has a fixed permanent home and principal establishment to which the individual, if absent, intends to return and in which the individual and/or his or her family voluntarily reside not for a special or temporary purpose but with the intention of making a permanent home for a minimum of nine (9) months out of each calendar year.

W. **Down Payment:** The initial payment one makes to establish debt or otherwise paid in installments. Buyer may convert personal assets held for two (2) years or greater to cash for use as a Down Payment without said cash considered Income for purposes of Qualification. Additionally, a one-time gift of up to 30% of the Original Purchase Price used exclusively as

a down payment for the purchase of a Housing Unit may be considered as a net asset and not as earned income for the purposes of initial qualification.

X. **Financial Statement:** A statement detailing all personal assets, liabilities, and net assets (the difference between gross assets and liabilities) as of a specific date.

Y. **Fixture:** 1) A tangible thing which previously was personal property and which has been attached to or installed on land or a structure thereon in such a way as to become a part of the real property; 2) Any non-portable lighting device built in or attached securely to the structure; 3) The permanent parts of a plumbing system and fixtures.

Z. **Household:** ~~All related and unrelated individuals occupying a unit.~~ All individuals that are or will be occupying a unit regardless of legal status. A single individual, doing his/her their own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

AA. **Housing costs:** Rent plus basic utilities or mortgage, tax, insurance, basic utilities and/or Homeowners Association payments – that consume no more than 30 percent of a household's income.

BB. **Housing Unit:** See Affordable Housing Unit.

CC. **Household Income:** Combined income of all individuals who are or will be occupying the unit regardless of legal status. Adjustments to the gross for business expenses can be made for persons who are self-employed.

DD. **Immediate Family:** Husband or wife, siblings, parents and/or offspring, either biologically, by marriage, civil union, or by legal adoption, regardless of age.

EE. Income:

1. Earned Income:

- a. Income derived from one's own labor or through active participation in a business and including retirement funds, Social Security benefits, alimony, and child support; and
- b. Net income derived from a business or from income-producing property, after reasonable deductions for expenses, depreciation, taxes, and similar allowances.
- c. Retirement and/or pension income for Qualified Elderly, regardless of origin, is considered earned within the Park City School District boundaries.

2. Household Income: Combined Gross Income of all individuals in the Household.

FF. Initial Sale Price: The Original Purchase Price [OPP] of that Housing Unit at the time the original Deed Restriction for the Housing Unit is executed and recorded.

GG. Land: All land or water surfaces, whether public or private, including lots, parcels, or other ownership categories and all rights (including potentially but not limited to: surface, subsurface, or air) that may be attached or detached from the land.

HH. Lease: A written agreement between an Owner and a tenant Household that creates a Leasehold Interest.

II. Maximum Rental Rate: The total amount per month according to Section 20 that a Qualified Owner is allowed to charge to a Household in leasing a Housing Unit.

JJ. Maximum Resale Value: The price above which a Unit may not be Sold as calculated by the City, its designated agent, department, or assign, using the formula set forth in Section 10.

KK. Net Livable Square Footage: ~~Is~~ Calculated on interior living area and ~~is~~ measured interior wall to interior wall, including all interior partitions. Also included, but not limited to, habitable

basements and interior storage areas, closets, and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks, and porches.

LL. **Net Worth:** The amount of total assets of the individuals or family that exceed total liabilities, as determined by the City.

MM. **Non-qualified Buyer:** A buyer of a Unit that is not a Qualified Buyer.

NN. **Non-qualified Buyer Tenant:** A tenant of a Unit/Space that is not a Qualified Tenant.

OO. **Option to Purchase:** A legal document signed by the Mortgagee, acknowledging the provisions of the Deed Restriction and granting a right to the PCMC or to the Park City Housing Authority to purchase the Housing Unit in a foreclosure under certain conditions.

PP. **Owner-Occupied:** A Unit that is occupied by the Unit Owner as the Unit Owner's Primary Residence.

QQ. **Park City School District Boundaries:** The latest school district boundaries as duly adopted and as reflected on the most current mapping issued by the Utah State Automated Geographic Reference Center school district map.

RR. **PCMC:** Park City Municipal Corporation. As used in this Resolution, PCMC may also mean the Board of Directors of the Park City Housing Authority, or PCMC Staff as the context requires.

SS. **PCMC Board:** The Board of Directors of the Park City Housing Authority.

TT. **PCMC Staff:** The person or persons who Park City Municipal or the Park Housing Authority employs for the purpose of administering this Housing Resolution.

UU. **Permitted Capital Improvements:** Capital Improvements made by a Unit Owner to the Unit Owner's Unit with the prior written consent of the City; are completed with all necessary building permits, including final inspections required by such permits, and deemed

195 completed by the City building department; and that may increase the Maximum Resale
196 Value subject to Section 10.

197 VV. **Primary Residence:** The place where Domicile has been established as the sole and
198 exclusive place of residence.

199 WW. **Property:** Includes all real estate of any kind, developed or undeveloped, including but
200 not limited to land, commercial property, investment property, and residential property.

201 XX. **Qualifications:** The minimum standards of employment, residency and/or net assets that
202 are applied to a Qualified Household according to Section 16 as well as any additional
203 qualifications under a particular Housing Program.

204 YY. **Qualified Buyer:** Qualified Buyer shall be a person or persons who are determined by the
205 City to meet the criteria defined Section 16.

206 ZZ. **Qualified Tenant:** Qualified Tenant shall be a person or persons who are determined by the
207 City to meet the criteria defined Section 20.

208 AAA. **Residential Unit Equivalent:** In accordance with the Park City Land Management
209 Code, Title 15, Section 6-8 *Unit Equivalents*, one Residential Unit Equivalent (RUE) is equal
210 to 2,000 square feet of Multi-Family Dwelling floor area or one single family lot.

211 BBB. **Sale:** For purposes of this Resolution, a sale is the exchange of a Housing Unit for an
212 agreed amount of money not to exceed the Maximum Resale Prices in a single transaction
213 in which title to the Housing Unit is transferred to a new Qualified Household.

214 CCC. **Senior:** A person who is over the age of 65.

215 DDD. **Storage Space:** Space intended and commonly utilized as location for preservation or
216 later use or disposal of items.

217 ~~Studio Unit: Living quarters designed around a relatively large single room incorporating~~
218 ~~features of a living room, bedroom, dining room/kitchen and bathroom.~~

219 EEE. **Target Income:** The specific household income to be served by affordable or attainable
220 units which is determined by PCMC based on current need at the time units are put in
221 service.

222 FFF. **Tenant:** A person who has the temporary use and occupation of real property owned by
223 another subject to this Resolution.

224 GGG. **Volunteer Community Service:** Work which is performed for recognized non-profit
225 community organizations for which no monetary or other material compensation is received.
226

227 **SECTION 6. EXEMPTIONS.** The development of affordable housing units ~~as defined by the~~
228 ~~Land Management Code is~~ that are not part of any housing obligations resulting from a Master
229 Planned Development or an Annexation Agreement are exempt from the requirements of this
230 Resolution. This may also include projects developed by or sponsored by nonprofit
231 organizations and or projects for which agreements have been executed that provided
232 affordable housing or land for said purpose.

233 **SECTION 7. FEE WAIVERS.** Title 11, Chapter s12 and 13 of the Municipal Code provides that
234 “any part of the fees included in this Title may be waived by the City Council upon
235 recommendation of the City Manager, for those projects which are deemed to serve a beneficial
236 public purpose that would be harmed by the City requiring the payment of such fees, such as
237 low income housing projects.” Pursuant to Title 11, Chapter 13-4(A) of the Municipal Code, the
238 City Council ~~can~~ may waive impact fees for construction of affordable housing.

239 Affordable housing projects that ~~are in fulfillment of fulfill~~ housing obligations resulting from
240 ~~development agreements in Annexations or MPDs~~ Master Planned Developments and/or
241 Annexations are not eligible for fee waivers.

242 **SECTION 8. CALCULATION OF MINIMUM AFFORDABLE HOUSING REQUIREMENTS**

A. Residential Development.

For projects where units are offered for sale or rent, the Developer shall provide affordable housing units in an amount equal to ~~fifteen percent (15%)~~ twenty percent (20%) of the total ~~residential units constructed.~~ RUEs in the project. Affordable Housing Units developed on-site in fulfillment of this requirement are not included in the density calculation for the project.

RESIDENTIAL GENERATION CALCULATION EXAMPLE

An Applicant has received approval for a 128 unit Master Planned Development. The units are of varying sizes totaling 328,000 square feet which equals 164 RUEs.

1. ~~128 units~~ 164 RUEs (total units approved) multiplied by ~~.15~~ .20 (residential mitigation rate) equals ~~19.2~~ 32.8 Affordable Unit Equivalents (AUEs).
2. One ~~Affordable Unit Equivalent~~ AUE equals 900 square feet of net livable space.
3. The total approved units for this ~~MPD~~ Master Planned Development is 128 market rate units plus ~~19.2~~ 32.8 AUEs equaling ~~17,280~~ 29,520 total net square feet of additional livable space.

B. Commercial Development

The Developer shall be required to mitigate 20 percent of the employees generated. For projects with a commercial component, the minimum affordable housing requirements shall be determined according to the following formulas:

Table 1: Employee Generation by Type of Use.

Type of Use	Full Time Equivalents (2080 hours) per 1,000 net leasable square feet
-------------	---

Type of Use	Full Time Equivalents (2080 hours) per 1,000 net leasable square feet
Restaurant/Bar	6.5
Education	2.3
Finance/Banking	3.3
Medical Professional	2.9
Other professional services	3.7
Personal services	1.3
Real Estate/Property management	5.9
Commercial/Retail	3.3
Recreation/amusements	5.3
Utilities	2.9
Lodging/hotel	0.6/room
Condominium Hotel	Greater of lodging/hotel calculation or residential mitigation rate
Overall/General	4.4

262 The Overall/General Type of Use shall apply to any use not listed in the Employee Generation
263 Table if an Independent Calculation is not performed.

264 **EMPLOYEE GENERATION CALCULATION EXAMPLE**

265 An application for a Master Planned Development of 20,000 square feet of commercial space
266 and 100 hotel rooms has been submitted. The commercial uses include:

- 267 • 10,000 square feet of retail space

- 5,000 square feet of restaurant/bar space

- 5,000 square feet of professional services

1. Using the above Employee Generation Table, the project will generate 144 employees.

~~2.~~ 1. *Retail* at 3.3 employees per 1,000 square feet equals 33 employees

~~3.~~ 2. *Restaurant/Bar* at 6.5 employees per 1,000 square feet equals 32.5 employees

~~4.~~ 3. *Professional Services* at 3.7 employees per 1,000 square feet equals 18.5 employees

~~5.~~ 4. *Hotel* at .6 employees per unit equals 60 employees.

~~6.~~ 144 (total number of employees) multiplied by .20 (mitigation rate) equals 28.8 employees.

~~7.~~ 28.8 employees divided by 1.5 (workers per household) equals 19.2 employee unit

equivalents required.

~~8.~~ The Developer is required to provide 19.2 Affordable Unit Equivalents or a total of 17,280 net square feet of livable space in addition to approved commercial and hotel density.

C. Reduction of Employee Generation for Institutional/Nonprofit Use. The City Council may reduce the base employee generation rate by up to fifty percent for uses that are “non-commercial or non-residential in nature, which provide educational, social or related services to the community and which are proposed by public agencies, nonprofit agencies, foundations and other similar organizations” upon finding that the benefits/impacts of such Development as they relate to ~~other general plan goals and/or action items~~ the City Council’s Critical Priorities and/or General Plan goals outweigh the housing impacts.

D. Independent Calculation. An applicant may submit an independent calculation of the number of employees to be generated by a proposed development, to be used in place of the Employee Generation Table. The independent calculation ~~shall be accepted by the City Council~~ must be described in detail as to formulas used and the basis for those formulas. The City Council may choose to accept the independent calculation if the Council determines the

calculation constitutes compelling evidence of a more accurate calculation of employee generation than Table 1: Employee Generation Table. Should the independent calculation not be accepted, then the applicable employee generation factor from the Employee Generation Table shall be applied to the proposed Development. Any acceptance of an Independent Calculation shall be site and use specific, non-transferable and be memorialized in a Development Agreement between the ~~property owner~~ developer and the City. Such Agreement shall be executed prior to the issuance of any building permit.

E. Redevelopment: Additions and Conversions of Use. Redevelopment or remodeling ~~in an existing use or the change in use from one use to another is exempt from the requirements of this Resolution, provided such activity does not create additional employment generation as determined in Table 1: Employee Generation by Type of Use. Only the uses and areas that existed prior to the redevelopment or remodeling shall be exempt from the requirements of this Resolution. Any new area or unit or any change in use which creates additional Employee Generation as determined in Table 1: Employee Generation by Type of Use shall be subject to the provisions of this Resolution. Mitigation shall be required for the employees generated by the proposed total square footage (including addition) minus the employment generation of the total structure. If the developer converts one land use to another with higher employment generation rates, the mitigation will be based on the increase in FTEs. of an existing structure or a change in use that results in additional employee generation shall require additional housing mitigation. In order for this Section to apply, the original structure and use must have resulted from an approved Master Planned Development or Annexation Agreement. Any new area or unit or any change in use or amendment to an existing approved Master Planned Development which creates additional Employee Generation as determined in Table 1: Employee Generation by Type of Use shall be subject to a recalculation of housing obligation. Mitigation shall be required for the employees generated by the proposed total square footage (including addition)~~

minus the original employment generation prior to the change. For example, Example 1: a
conversion of a 1,000 sq. ft. retail establishment with an employee generation rate of 3.3 FTEs
per 1,000 square feet to a private club with a generation rate of 6.5 FTEs per 1,000 square feet
results in a net increase in 3.2 FTEs and would require additional mitigation. Example 2: a bar-
restaurant expands their space by expanding the building into back parking area, adding 1,000
square feet which is a net increase of 6.5 FTEs and would require additional mitigation.

F. Final Unit Requirement Calculations. The final calculations for the number of ~~inclusionary~~
affordable units and the rental or sales price for these units shall be made by staff utilizing the
calculation formulas in Section 8 and Section 20 of this Housing Resolution. All calculations are
subject to approval by the Park City Housing Authority prior to the issuance of building permits
for the covered project.

SECTION 9. METHODS ~~OF HOUSING REQUIREMENT COMPLIANCE TO FULFILL~~ **HOUSING OBLIGATIONS**

A. Methods of Meeting Minimum Requirements. [FORMERLY SECTION 9.G]

The following methods, in order of priority, may be used to meet the minimum affordable
housing mitigation requirements.

1. Construction of unit(s) on the site on which the development is

proposed. Affordable housing units shall be constructed on the project site, unless the
developer can demonstrate compelling evidence that an alternative method would result in a
better design, enhanced level of affordability or that the construction on-site would adversely
affect the design of the project.

2. Construction of the unit(s) within the Park City corporate limits provided such **land, site or structure had not been previously deed-restricted for affordability.**

3. Dedication of existing units within Park City corporate limits provided such units have not been previously deed-restricted for affordability. ~~Units must be of equivalent value, quality and size of the deed restricted units that would have been constructed on-site. Existing units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. The value of dedicated existing units will be determined, at the expense of the developer, or by such alternative means of valuation as to which a developer and the City may agree. All units shall be inspected and shall meet applicable Park City building codes. Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any reports required to assess the suitability for occupancy and compliance with the standards of the proposed units. All appliances and products including light bulbs shall be Energy Star qualified products. Developers may deed restrict units by purchasing an open-market unit, placing a Deed Restriction on that unit, and renting or reselling the unit to a Qualified Household.~~

It is the developer's responsibility to demonstrate approval by the homeowners association for the open-market unit proposed for deed restriction, including any limitations on the homeowners association dues for the Housing Unit.

It is the developer's responsibility to demonstrate approval by the jurisdiction in which the proposed unit is located for any unit proposed to be deed restricted to provide Affordable Housing, including approval of the provisions of the deed restriction.

Units so deed restricted are subject to all size and construction standards and notes, except that PCMC may consider an exception to the size standards on a case-by-case basis. An exception to the size standards shall not be greater than 100 square feet from the minimum or maximum allowable square footage per Section 9.C. A developer may request this

exception in its Housing Mitigation Plan, or may apply for such exception as an amendment to the Housing Mitigation Plan.

Any existing unit which is to be deed restricted must be in a good state of repair and condition. Acceptance of existing units shall be at the sole discretion of the Park City Housing Authority. If accepted by the Park City Housing Authority, existing units must meet the following criteria, unless a variance from these requirements is approved by the Park City Housing Authority:

- a. Units must be freshly painted in the interior, and exterior walls shall be freshly painted within one year of approval;
- b. All appliances must be in good condition and working order;
- c. Yards and landscaping, windows, heating, plumbing, and electrical systems and equipment shall be in good condition and working order;
- d. Units must meet the Energy Efficiency requirements set out in Section 9.F below.
- e. The roof must have a remaining useful life of at least ten (10) years and Units shall meet applicable building codes in effect at the time, pursuant to inspection and approval by a qualified Building Inspector accepted by PCMC.
- f. The Applicant shall bear the costs and expenses of any required upgrades as well as any structural/engineering reports required by PCMC to assess the suitability for occupancy and compliance with required standards.
- g. In order to complete an inspection and to receive approval for deed restricting an existing unit, the Developer may be required to pay an Inspection Fee to PCMC, which is not refundable.

4. Construction of units outside Park City, but within the Park City School District boundary as it stands on January 1, 2015.

389 **5. Conveyance of land within the Park City School District boundary as it stands on**
390 **January 1, 2015 provided such land has not been previously deed-restricted for**

391 **affordability.** The developer may elect to (a) convey land to the City or its designee that is
392 of equivalent value to the cash in lieu contributions required under this Resolution, plus an
393 additional 25 percent to cover costs associated with holding, developing, improving, or
394 conveying such land; or (b) convey land to the City or its designee that is of equivalent value
395 (as of the date of conveyance) to that land upon which required units would otherwise have
396 been constructed and properly zoned such as to allow construction of at least that number
397 of units for which the obligation of construction is being satisfied by the dedication of the
398 land. Land conveyance shall occur prior to the issuance of any building permit for the free
399 market portion of the development. Should the City Council later elect to sell the land, all
400 proceeds from the sale of the land shall be placed in a dedicated housing fund.

401 **6. Payment of Fees in Lieu of Development.** If the Park City Housing Authority
402 determines that (1) no other alternative is feasible, or (2) such a payment would result in
403 more immediate development of housing or (3) such a payment would leverage additional
404 resources, then a Payment of Fees in Lieu of Development may be accepted. The collected
405 funds may only be expended for projects located within the corporate limits of Park City or
406 within the Park City School District boundary as it stands on January 1, 2015. The In Lieu
407 Fee shall be based on the actual cost of construction in the prior year and published
408 annually in June on the City's affordable housing webpage. Updates may occur more
409 frequently at the request of the City Council to reflect changing real estate conditions. Any
410 Fees in Lieu collected and any interest accrued shall be used only for the purpose of
411 planning for, subsidizing, or developing affordable ~~and employee~~ housing.

412 **AB. Unit Types:** The distribution of dwelling unit types that meet the deed restricted affordable
413 unit requirements of this section shall be as follows:

1. Single-Family: In developments where only single-family detached dwelling units are being produced, the required on-site Affordable Unit Equivalents shall also be single-family detached dwelling units.
2. Multi-Family: In developments where only multi-family buildings are being produced, the required on-site Affordable Unit Equivalents shall also be within the multi-family building or buildings.
3. Mixed: In developments where there is a mix of dwelling unit types such as: detached single-family, townhomes, duplexes or attached single-family, or multi-family condominium or apartment buildings, or other types of units, the required on-site Affordable Unit Equivalents shall also be a mix in the same proportion as the market rate dwelling units.
4. Alternative Distribution Ratios: Different unit distribution among the Affordable Unit Equivalents may be permitted by the Park City Housing Authority on a case-by-case basis if doing so would accomplish additional benefits or result in a better design than not using the distribution of units provided for in this section.

B-C. Minimum Square Footage Standards: In order to assure livability, the standard net livable square footage for affordable units shall be as follows:

UNIT TYPE	MINIMUM SQUARE FEET	MAXIMUM SQUARE FEET
Dormitory	150	250
Single Room Occupancy	275 <u>200</u>	350
Studio	400 <u>350</u>	600
1 Bedroom	650 <u>600</u>	800
2 Bedroom	900 <u>800</u>	1,100
3 Bedroom	1,150 <u>1,100</u>	1,300
4 Bedroom	1,400 <u>1300</u>	1,600

- 432 1. Minimum square footage is the actual minimum square footage allowed to be
433 constructed or otherwise provided under the provisions of the Park City Land
434 Management Code. Maximum square footage is the maximum amount of square
435 footage which may be credited against the required square footage for a given unit type,
436 regardless of the actual size of the unit provided. For projects which have Affordable
437 Housing comprised of single family, duplex, or triplex structures, Park City Housing
438 Authority may, at its sole discretion, approve increases to Maximum Square Footage for
439 each Unit Type up to twenty five (25) square feet per bedroom if it is demonstrated and
440 the Park City Housing Authority finds the variance will benefit the overall affordable
441 housing program.
- 442 2. All newly constructed deed restricted Affordable Housing Units must comply with the
443 applicable building codes in effect in Park City and with all rules, regulations and codes
444 of all governmental bodies and agencies having jurisdiction.
- 445 3. All deed restricted Affordable Housing Units must have a fully equipped kitchen (Sink,
446 Refrigerator, Stove Top, Microwave) and a full bathroom (Sink, Shower/Tub, and toilet),
447 areas for living and sleeping and designated areas for storage. Areas designated for
448 sleeping and/or bedrooms shall be a minimum of 100 square feet, with a minimum width
449 dimension of 10 feet. PCMC shall be the final judge of the adequacy of facilities provided
450 in the unit.
- 451 4. Any deviation from these standards shall be approved by Park City Housing Authority as
452 part of the applicable Affordable Housing Mitigation Plan. The Building Department prior
453 to the issuance of any building permits for either the free market or employee housing
454 component of the project must verify square footage. The Building Department may
455 check the actual construction of the Affordable Unit Equivalents.

CD. Winter Seasonal Units. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy the employee housing requirements by provision of dormitory/lodge units designed for occupancy by seasonal employees. The dormitory/lodge units must satisfy all requirements of the applicable Guidelines and shall be required to meet the following minimum standards:

1. Occupancy of a dormitory unit shall be limited to no more than 8 persons.
2. There shall be at least 150 square feet of net livable square footage per person, ~~including sleeping and bathroom uses.~~
3. At least one bathroom shall be provided for shared use by no more than four persons. The bathroom shall contain at least one toilet, one wash basin, one bathtub with a shower and a total area of at least 60 ~~net livable~~ square feet.
4. A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Building Department's approval and determination that the facilities are adequate in size to service the number of people using the facility.
5. Use of 20 net leasable square feet per person of enclosed storage area located within, or adjacent to, the unit.
6. Rents for dormitory units will be set approved by ~~Special Review on a case-by-case basis, given the unique and varying characteristics of dormitory units, with affordability as the key issue~~ the Park City Housing Authority in conjunction with approval of the Housing Mitigation Plan.
7. Seasonal Lodge Developments may be required to house qualified employees of the community at large.

D-E. Special Needs Emergency/Transitional Housing. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy a portion of its employee housing requirements by provision of special needs emergency/transitional housing units through either direct construction, land donation or

the donation of existing units. There must be a quantified, demonstrated need for the emergency/transitional housing within the Park City boundaries. The housing must be developed in collaboration with a federally recognized, 501(c)(3) nonprofit organization. The housing must ~~satisfy all requirements of the applicable Housing Guidelines and Standards as well as~~ comply with all applicable local, state and federal requirements. Given the unique and varying characteristics of the population to be served, the rents for emergency/transitional housing must be approved in advance by the ~~City Council~~ Park City Housing Authority.

EF. Minimum Green Building Requirements. ~~All new construction or substantial rehabilitation projects developed in fulfillment of the affordable housing obligations must demonstrate that it meets the NAHB Green Standards or a LEED Certification level.~~ All appliances and products including light bulbs shall be Energy Star qualified products for all new construction or substantial rehabilitation. Development is encouraged to meet Park City Resolution 28-2017, Net Zero Energy Performance Requirements.

FG. Affordable Unit Amenities. ~~Inclusionary~~ Affordable units may differ from the market units with regard to interior amenities and gross floor area provided that:

1. These differences, excluding differences related to size differentials, are not apparent in the general exterior appearances of the project's units; ~~and~~
2. These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units.; ~~and~~
3. The gross floor area of the ~~inclusionary~~ affordable units is not less than the minimum requirements listed in Section ~~9.B~~ 9.C above, unless waived by the City.

~~G. Methods of Meeting Minimum Requirements.~~

~~The following methods, in order of priority, may be used to meet the minimum affordable housing mitigation requirements.~~

~~1. Construction of unit(s) on the site on which the development is proposed.~~ Affordable housing units shall be constructed on the project site, unless the developer can demonstrate compelling evidence that an alternative method would result in a better design, enhanced level of affordability or that the construction on-site would adversely affect the design of the project.

~~2. Construction of the unit(s) within the Park City corporate limits provided such land, site or structure had not been previously deed-restricted for affordability.~~

~~3. Dedication of existing units within Park City corporate limits provided such units have not been previously deed-restricted for affordability.~~ Units must be of equivalent value, quality and size of the deed restricted units that would have been constructed on-site. Existing units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. The value of dedicated existing units will be determined, at the expense of the developer, by an appraiser selected by the developer from a list of certified appraisers provide by the City or by such alternative means of valuation as to which a developer and the City may agree. All units shall be inspected and shall meet applicable Park City building codes. Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any reports required to assess the suitability for occupancy and compliance with the standards of the proposed units. All appliances and products including light bulbs shall be Energy Star qualified products.

~~4. Construction of units outside Park City, but within the Park City School District boundary as it stands on January 1, 2015.~~

528 ~~5. **Conveyance of land within the Park City School District boundary as it stands on**~~
529 ~~**January 1, 2015 provided such land has not been previously deed-restricted for**~~
530 ~~**affordability.** The developer may elect to (a) convey land to the City or its designee that~~
531 ~~is of equivalent value to the cash in lieu contributions that would be required under this~~
532 ~~Resolution, plus an additional 25 percent to cover costs associated with holding,~~
533 ~~developing, improving or conveying such land; or (b) convey land to the City or its~~
534 ~~designee that is of equivalent value (as of the date of conveyance) to that land upon~~
535 ~~which required units would otherwise have been constructed and properly zoned such~~
536 ~~as to allow construction of at least that number of units for which the obligation of~~
537 ~~construction is being satisfied by the dedication of the land. Land conveyance shall~~
538 ~~occur prior to the issuance of any building permit for the free market portion of the~~
539 ~~development. Should the City Council later elect to sell the land, all proceeds from the~~
540 ~~sale of the land shall be placed in a dedicated housing fund.~~

541 ~~6. **Payment of Fees in Lieu of Development.** If the City determines that (1) no other~~
542 ~~alternative is feasible, or (2) such a payment would result in more immediate~~
543 ~~development of housing or (3) such a payment would leverage additional resources,~~
544 ~~then a Payment of Fees in Lieu of Development may be accepted. The collected funds~~
545 ~~may only be expended for projects located within the corporate limits of Park City or~~
546 ~~within the Park City School District boundary as it stands on January 1, 2015. The In~~
547 ~~Lieu Fee shall be based on the actual cost of construction in the prior year~~
548 ~~and published annually in June on the City's affordable housing webpage. Updates may~~
549 ~~occur more frequently at the request of the City Council to reflect changing real estate~~
550 ~~conditions. Any Fees in Lieu collected and any interest accrued, shall be used only for~~
551 ~~the purpose of planning for, subsidizing or developing affordable and employee housing.~~

H. Homeowners Association Dues. If an affordable housing unit is developed as part of a mixed free market and affordable housing project, then any documents creating the condominium association or homeowners association shall state that the affordable housing unit shall only be assessed monthly dues and other shared assessments based on whichever of the following two (2) formulas results in the lower cost for the affordable housing unit:

1. The size of affordable housing unit in square feet as compared to the total size of the other units in the development; or
2. The size of the lot on which the affordable housing unit is located as compared to the total size of the other lots in the development.
3. The annual common expenses assessment for the Affordable Housing Unit shall not exceed one and a quarter percent (1.25%) of the initial allowed sales price of the Affordable Housing Unit.
4. Any annual common expenses assessment, special assessment, or any other assessed charge for such Affordable Housing Unit shall be subject to an initial assessment and/or annual assessment increase limitation equal to 3% of the prior year's general annual assessment for the Affordable Housing Unit, or the increase applied to the entire homeowners association, whichever is less.

Example: Home buyer purchases a deed restricted unit for \$300,000.00. The annual common expenses assessment for this unit should not exceed \$3,750 (\$300,000 X .0125), or \$312.50 per month.

SECTION 10. DEED RESTRICTION. Prior to the plat recordation, provisions to ensure continued affordability of ~~inclusionary~~ affordable units shall be embodied in legally binding ~~agreements and/or~~ deed restrictions, which shall be prepared by the developer to meet the

requirements outlined in this Resolution. PCMC Staff shall provide the Developer with template deed restriction documents for review. The deed restrictions ~~but which~~ shall not be recorded ~~or filed~~ until reviewed and approved by the City Attorney with such modifications as ~~it~~ may be deemed necessary to carry out the purpose of this Resolution. In addition, prior to issuance of any Certificate of Occupancy, the deed restrictions shall be amended, if necessary, to reflect changes approved by PCMC and governing bodies which may have occurred during construction or conversion of the units(s) (e.g., net livable square footage). Deed Restrictions for Affordable Units must meet the requirements of the Park City Municipal Land Management Code in addition to the general requirements of this Resolution.

No building permit application shall be accepted in the absence of proof of the execution of requirement agreements and covenants. In the event such restrictions are voided by bankruptcy or other legal action, the City may revoke the Certificate(s) of Occupancy until such time as the subsequent owner complies with the standards herein.

A. The Deed Restriction shall specify:

1. The definition of a "Qualified Buyer" and/or a "Qualified Renter".
2. For sale units must be owner occupied.
3. Unit Owner shall not rent or lease all or any portion of their Units, including nightly rentals; provided, however, that only with the prior written consent of the City, Unit Owners may rent or lease their Units under the following circumstances:
 - a. Subject to other zoning and land use regulations, each Unit Owner may rent out a portion of his or her Unit to a roommate for a minimum term of six (6) months and a maximum term of twelve (12) months, and the amount of respective rent a Unit Owner may charge such roommate per month shall not exceed forty-five percent (45%) of the sum of the mortgage payment, Project association assessments, and utilities owed per month for such Unit.

- b. At a rate determined by the City after accounting for the Unit Owner's costs, a Unit Owner may rent out the Unit Owner's Unit for a period not to exceed twelve (12) months if the Unit Owner is unable to Sell the Unit after one-hundred-and-twenty (120) days of Reasonable Effort. The option to rent under this Section shall not be exercised by any Unit Owner more than once.
- c. At a rate determined by the City after accounting for the Unit Owner's costs, a Unit Owner may rent out the Unit Owner's Unit if the Unit Owner is required to relocate for a period not to exceed two (2) years by the Unit Owner's employer; for religious, civic, or community service; or for military service.
- d. Other circumstances as may be required by law.
4. The process for resale of the unit in accordance with the PCMC Housing Resolution.
5. The method of calculation of the allowed Maximum Resale Value ("MRV"). MRV shall include:
- a. An increase in price of three percent (3%) per year from the date of purchase to the date of Owner's notice of intent to sell (compounded annually and prorated at the rate of .25 percent per each whole month of any part of a year);
- b. PLUS, The costs of Qualified Capital Improvements as defined, not to exceed five percent (5%) of the MRV for the current owner or as determined by PCMC on a project specific basis provided that:
- i. Improvements are pre-approved by PCMC prior to commencement of any work or installation.
- ii. Proof of homeowners association approval must be provided to PCMC prior to commencement of work.
- iii. Improvements must be properly permitted and inspected by the Park City Municipal Corporation Building Department if applicable.

- iv. Improvements are documented by the Owner and submitted to PCMC via final detailed paid invoices.
- e. LESS, the Depreciation on Permitted Capital Improvements
- f. LESS, any costs to bring unit up to Minimum Standards for MRV.
6. The Housing Unit may be used in a Home Occupation if:
- g. Proof of compliance with the Park City Municipal Code, as amended, or its successor document, is provided to PCMC;
- h. HOA approval of the specific Home Occupation is filed with PCMC, if applicable;
- i. The business holds a current PCMC business license; and
- j. The business holds current state and federal tax identification numbers, if applicable.
7. PCMC does not make any guarantees of the Owner's ability to sell the Housing Unit for its MRV or rent the Housing Unit for the Maximum Rent Allowed.
8. Violation of any of the covenants, conditions and terms of the Deed Restriction shall also be a violation of the Housing Resolution whether or not a corollary provision exists.
9. An Option to Purchase shall be granted by the Lender to PCMC to redeem the Housing Unit in the event of default by purchasing the unit from the holder of the trustee's deed at the redemption price plus reasonable costs of the holder.
10. The Deed Restriction shall be binding on all Owners, successors and assigns including any holder of a deed in lieu of foreclosure.
11. The Deed Restriction, Option to Purchase, and any amendments thereto must be recorded in the property records of Summit County. The original executed and recorded documents must be returned to PCMC for their files.
12. Deed Restrictions may not be transferred off the property unless otherwise approved though the Park City Housing Authority.

650 13. All Deed Restrictions must be approved by PCMC. No modification or amendment to the
651 Deed Restriction shall be effective unless agreed to in writing by PCMC.

652 **SECTION 11. TIMING OF OCCUPANCY.** The affordable units shall be ready for occupancy no
653 later than the date of the initial or temporary occupancy of the free market portion of the
654 project. If the free market units are to be developed in phases, then the affordable housing can
655 be developed in proportion to the phasing of the free market units as approved in the Housing
656 Mitigation plan.

657 **SECTION 12. APPLICABILITY OF RESOLUTION TO PRIOR APPROVALS OR PENDING**
658 **APPLICATIONS.**

659 **A. Prior Development Agreements.** Developments, which received development plan
660 approvals prior to the adoption of this housing resolution, shall conform to the provisions of the
661 resolution in place at the time of applicable complete application. Any modifications to an
662 existing Development Agreement that results in an increase in housing units or employee
663 generation shall be subject to the provisions of this Resolution.

664 **B. Prior Annexation.** Unless otherwise provided in Conditions of Approval or a Development
665 Agreement, Developments subject to affordable housing requirements imposed by annexation
666 agreements entered into prior to the effective date of this Resolution may develop in conformity
667 with the Resolution in place at the time the Annexation Agreement was approved.

668 **C. Pending Project Approval Actions.** Developments for which complete applications were
669 filed prior to the effective date of this Resolution, but have not been reviewed by the appropriate
670 body, must conform to the Resolution in place at time of application.

671 **SECTION 13. HOUSING MITIGATION PLAN.** The Applicant shall submit a Housing Mitigation
672 Plan. The Housing Mitigation Plan shall be developed using the Housing Mitigation Checklist,

reviewed by the Planning Commission as part of the application to the City for the Annexations or Master Planned Development with a recommendation forwarded to the City Council. The Housing Mitigation Plan shall include the following:

A. **Calculation and Method.** The calculation of, and method by which housing is to be provided, in compliance with Section 8 “Calculation of Minimum Affordable Housing Requirement” and Section 9 “Method of ~~Housing Requirement~~ Compliance.”

B. **Unit Descriptions.** If affordable housing units are to be developed, a site plan and building floor plans (if applicable), illustrating the number of units proposed, their location, the number of bedrooms in and square foot~~age~~age of each unit, and the rental/sale mix of the development. The proposed sale prices and rent levels shall also be included.

SECTION 14. CONSTRUCTION TIMING.

A. **Construction of Market Units.** Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy (temporary or permanent) for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the ~~inclusionary~~
affordable units. Other phasing agreements may be accepted, if doing so would accomplish additional benefits ~~for~~ for the City consistent with the purposes of this Resolution. A schedule setting forth the phasing of the total number of units in a covered project, along with a schedule setting forth the phasing of the required ~~inclusionary~~
affordable units shall be approved prior to the issuance of a building permit.

B. **Fulfillment in Advance of Obligation.** Affordable units may be completed in advance of development that triggers an affordable housing obligation. In instances where a residential or commercial developer wants to build and deed restrict units in advance of incurring an affordable housing obligation, the units will be valued as to number of AUEs

under the Housing Resolution in existence at the time the market development occurs. The future development shall be identified within the recorded deed restriction document. The units shall be built in accordance with prevailing Land Management Code and deed restricted at the time of approval. The total square footage of deed restricted units will be converted to Affordable Unit Equivalents in compliance with the Housing Resolution in effect at the time a plat is approved for the development that triggers the housing obligation. If for some unforeseen reason, the development triggering the obligation is not completed, the City will entertain a request that the recorded deed restriction(s) on the affordable units be removed.

SECTION 15. GOOD FAITH MARKETING REQUIRED. All sellers or owners of deed restricted affordable units shall engage in good faith marketing efforts each time a deed restricted unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance of becoming informed of the availability of such units. A public marketing plan shall be submitted by the developer for the initial sale or lease of the units.

SECTION 16. ~~LOCAL PREFERENCE OPTION~~ HOUSEHOLD QUALIFICATIONS

~~In order to address the City's local preference options, any deed restricted affordable housing project shall give preference to full-time employees (a minimum of 30 hours per week) of businesses within the Park City School District boundaries. Preference is also given to Senior Citizens (62 & older) and persons who are physically and/or mentally challenged.~~

A. "Qualified Household" Defined

Qualified Households must:

1. meet the Employment Requirement;
2. meet the Income Limits;

- 720 3. meet the Residency Standard;
- 721 4. meet the Property Ownership Standard; and
- 722 5. meet the Net Assets Standard.

723 B. **Employment Requirement**

- 724 1. **Ownership:** Qualified Households must include a minimum of one
- 725 adult in his or her Household who meets one of the following criteria:
- 726 a. A full-time (aggregate of 30 hours of employment per week)
- 727 employee of an entity or entities located within the Park City
- 728 School District Boundaries; or
- 729 b. An owner of a business or entity with a primary place of business
- 730 within the Park City School District Boundaries; or
- 731 c. A full-time (aggregate of 30 hours of employment per week)
- 732 worker who is self-employed or works out of their home and can
- 733 provide proof that a minimum of 75% of their clients are based
- 734 within the Park City School District Boundaries.
- 735 2. **Qualifying Volunteer Hours:** Up to ten percent (10%) of the
- 736 required employment hours may be filled by verifiable Volunteer
- 737 Community Service within the boundaries of the Park City School
- 738 District.
- 739 3. **Exemptions.** Those who have been determined by PCMC to be
- 740 Qualified Retired or Qualified Disabled prior to application for

ownership or rental, as well as Immediate Family of a Qualified Employee are exempt from the required employment hours.

a. **Qualified Disabled:** A person who is unable to work or does not have a work history required due to a disability as defined by the Americans with Disabilities Act and who immediately prior to becoming disabled, worked or was an active member of the Park City Community for a minimum of two years.

b. **Qualified Retired:** Those who are 65 years or older may apply to be Qualified Retired by providing a verifiable history of employment meeting the ownership or rental occupancy Employment Requirements for at least two (2) years immediately prior to retirement.

C. **Earned Income Standard**

1. Households must earn a minimum of seventy-five percent (75%) of their Gross Income within the Park City School District Boundaries. To qualify for ownership of a Housing Unit, Household Income is limited to 80% of AMI for Affordable Units and 150% of AMI for Attainable Units. Income limits change with size of household. Area Median Income is a calculation of annual household income determined by the US Department of Housing and Urban Development (HUD).

2. **Exemptions** – The following are exempt from the earned income standard:

a. Those who are Qualified Disabled per the provisions of Section 16.B.3a; and

- b. Those who are Qualified Retired per the provisions of Section 16.B.3b.

D. Residency Standard

1. Applicants purchasing or renting must intend to occupy, and will be required on an ongoing basis to occupy the Housing Unit, as their sole and primary residence.

E. Property Ownership Standard

1. At the time of application, a Household may own other undeveloped or developed residential or commercial property. The fair market value less remaining mortgage loan against of such property will be taken into consideration when determining Household Net Assets.
2. Ownership of undeveloped or developed residential or commercial property is restricted.
- a. At the time a Real Estate Purchase Contract is signed, the Household will be required to sell the property prior to closing on the Housing Unit.
- b. Households that desire to acquire developed residential property after taking ownership of a Housing Unit must sell the Housing Unit to a Qualified Individual prior to any acquisition of additional undeveloped or developed residential or commercial property.

F. Net Assets Standard

1. The combined Net Worth of the persons eighteen years of age and older in the Household shall not exceed four times the AMI for the household size. Assets include business assets, real estate, stocks, bonds, cash and retirement accounts. See "Definitions" for further information. Persons who are qualified as Senior may not exceed a Net Worth calculation of 150% higher than four times the AMI for the household.
2. A one-time gift of up to thirty percent (30%) of the Housing Unit purchase price used for the purchase of a Housing Unit may be considered in Net Assets, and not as Income, for the purposes of initial qualification.
3. Disposition of Assets – Any member of a Household who has assigned, conveyed, transferred or otherwise disposed of property or other assets within the last two (2) years without fair consideration in order to meet the net asset limitation or the property ownership limitation shall be ineligible.

G. **Household Size** – The total number of people in a Household shall not be less than the following Minimum Household Sizes:

<u>UNIT TYPE</u>	<u>MINIMUM # IN HOUSEHOLD</u>	<u>MAXIMUM # IN HOUSEHOLD</u>
<u>Dormitory</u>	<u>1</u>	<u>1</u>
<u>Single Room Occupancy</u>	<u>1</u>	<u>1</u>

<u>Studio</u>	<u>1</u>	<u>2</u>
<u>1 Bedroom</u>	<u>1</u>	<u>2</u>
<u>2 Bedroom</u>	<u>1</u>	<u>4</u>
<u>3 Bedroom</u>	<u>2</u>	<u>5</u>
<u>4 Bedroom</u>	<u>3</u>	<u>6</u>

803

804 ~~**SECTION 17. MAXIMUM RENTS AND SALES PRICES.** The following provision shall apply to~~
805 ~~the calculation of rents, selling prices and/or carrying charges of deed restricted affordable units.~~

806 ~~**A. Occupancy.** In calculating the rents or carrying charges of inclusionary units, the following~~
807 ~~relationship between unit size and household size shall apply:~~

- 808 ~~• Dormitory/Single Room Occupancy: 1 person per 150 net livable square feet.~~
- 809 ~~• Studio/Efficiency: 1 person per household~~
- 810 ~~• One bedroom: 1.5 person household~~
- 811 ~~• Two bedrooms: 2.5 person household~~
- 812 ~~• Three bedroom: 4 person household~~
- 813 ~~• Four bedroom: 6 person household.~~

814 ~~**B. Rental Units.** In general, inclusionary rental units in any one development shall be rented at~~
815 ~~a price, which, on average, is affordable to a household with an annual income of 45 percent of~~
816 ~~Summit County AMI.~~

817 ~~**C. For Sale Units.** In general, the initial sales price for an affordable unit in any one~~
818 ~~development shall average a price affordable to a household earning 80 percent of Summit~~

County AMI. ~~Target Household Income Sale Price shall be calculated according to the following guidelines: mortgage payment for the Owner Occupied Unit, including principal, interest, taxes and insurance ("PITI"), shall not exceed 30% of the Target Household Income. The assumptions used to calculate the sales price shall be: (i) a 5% down payment; (ii) a 30-year term; and (iii) an interest rate equal to the prevailing FirstHome rate, or its program equivalent, of the Utah Housing Corporation (www.utahhousingcorp.org) at the time of the offer.~~

~~**D. Appreciation Limits.** Provisions to ensure continued affordability of inclusionary units offered for sale shall include a formula limiting equity appreciation to either a shared percentage of the equity appreciation or a cap on the equity appreciation, with such adjustments for improvements made by the seller and necessary costs of sale as may be approved by the City. The form of the resale restriction shall be determined by the City at the time of approval of the Housing Mitigation Plan.~~

~~**E. Limitation on Rental Rates and Terms.** The rate at which an Owner shall rent the Units shall not exceed the Maximum Rent as established by the City in accordance with Section 17.B. above. The Maximum Rent shall be adjusted annually by the percentage increase in the Consumer Price Index for the western region. Allowable increase will be published in June of each year on the City's affordable housing webpage. Unless otherwise approved, the minimum lease term shall be six months.~~

~~**F. Income Limits.** The City reserves the right to place an income/asset limitation for prospective owners or renters as needed to further the goals of this Resolution.~~

SECTION 18. APPLICATION PROCESS. In order to address the priorities and goals of the City, all sales and resales of units must be in accordance with the process outlined in this section.

842 A. Household Application & Selection Process. PCMC has created an application and
843 selection process for the sale and resale of all units in the City's housing program. The
844 initial creation of a waitlist was done through a lottery process. Selection for future sales
845 and resales of units will be done utilizing the established waitlist. People wishing to be
846 placed on the waitlist must complete the online pre-application.

847 1. Pre-Application: Pre-Applications provided by the Housing Office shall be
848 submitted. Pre-Applications may be completed online, scanned and submitted
849 via email, or submitted in hard copy form. Submission of the Pre-Application form
850 shall consist of the one-page form plus the signed Indemnification form. No
851 attachments will be accepted. Pre-applications will be placed at the bottom of the
852 established waitlist in the order they are received.

853 2. Full Application: When selected, the applicant will be requested to submit a Full
854 Application in the form provided by PCMC. In addition, PCMC may request any
855 combination of documentation reasonably related to proof of income, assets, and
856 employment. The Full Application includes a release of information form which
857 must be signed by the Household so that PCMC may obtain such information.
858 The Full Application also includes a sworn statement of the facts contained in the
859 application including at least the following certifications:

- 860 a. that the facts contained in the application are true and correct to
861 the best of the Applicant's knowledge;
862 b. that the Applicant has been given the standard application
863 information packet by PCMC Staff; and,
864 c. that the Applicant, on the basis of the application presented,
865 believes that the Household qualifies to occupy the Housing Unit
866 in question according to the Deed Restriction, this Resolution and
867 all other applicable procedures, rules and regulations.

868 B. **Verification of Qualification:** Verification of Qualification and Eligibility Standards will
869 be completed once a Full Application is received. Full Applications are not accepted on a
870 rolling basis. The City will notify those on the waitlist when applications are being
871 accepted and for what property or project.

872 C. **Misstatement of Fact or Deliberate Fraud:** Any material misstatement of fact or
873 deliberate fraud by the Household in connection with any information supplied to PCMC
874 shall be cause for immediate expulsion from the application process and/or forced sale
875 or vacation of the Housing Unit. In addition, any material misstatement of fact or
876 deliberate fraud by the Household shall be considered as intent to commit affordable
877 housing fraud as defined in City Code § 8-3-6. Ordinance 14-47 was ratified to “ensure
878 that any fraud and unjust enrichment in the process is stopped and that buyers, sellers .
879 . . and other intended beneficiaries of deed restricted affordable housing are protected
880 from any fraudulent acts or statements.” A violation of City Code § 8-3-6 is subject to
881 criminal prosecution.

882 D. **Confidentiality:** All personal and financial information provided to PCMC Staff will be
883 kept strictly confidential, except as follows:

- 884 1. Signed contracts between the Applicant or Household and PCMC including but
885 not limited to Contracts to Purchase a Housing Unit, Deed Restrictions, any
886 document to be recorded with the sale of the Housing Unit along with the Deed
887 Restriction, and any document that would customarily be a matter of public
888 record in the property records of the applicable jurisdiction;
- 889 2. The names and lottery positions of all persons who have participated in any
890 ownership lottery held by PCMC;
- 891 3. Any other information that a court of competent jurisdiction rules must be
892 released under the Freedom of Information Act or the Utah Government Records
893 Access and Management Act;

- 894 4. Personal and private information necessary for an independent audit of PCMC
895 records, provided such person or entity provides authorization; and
896 5. Personal and private information to the extent PCMC determines the information
897 is necessary for its deliberation of a request for an Exception or for consideration
898 during a violation hearing.

899 E. **Third Party Verification:** PCMC may require third-party verification for all self-employed
900 Applicants at initial qualification and during compliance checks. PCMC may also employ
901 outside accounting expertise to evaluate the reasonability of an Applicant's or
902 Household's representations of Income and Assets.

903 **SECTION 19. CALCULATION OF SALE PRICE** In general, the initial sales price for an
904 affordable unit in any one development shall average a price affordable to a household earning
905 100 percent of Summit County AMI "Target Household Income Sale Price shall be calculated
906 according to the following guidelines: mortgage payment for the Owner Occupied Unit,
907 including principal, interest, taxes and insurance ("PITI"), and HOA Operating Dues shall not
908 exceed 30% of the Target Household Income. The assumptions used to calculate the sales
909 price shall be: (i) a 5% down payment; (ii) a 30-year term; and (iii) an interest rate equal to the
910 prevailing FirstHome rate, or its program equivalent, of the Utah Housing Corporation
911 (www.utahhousingcorp.org) at the time of the offer.

912 **SECTION 20. RENTAL PROCEDURES.** In cases where rental of Housing Units is allowed, the
913 general Rental Procedures contained in this section are required.

914 **A. Standards for the rental of Housing Units:**

- 915 1. Affordability Standards are based on Maximum Rental Rates cannot
916 exceed thirty percent (30%) of Household Income. Maximum Rental

Rates and methodology for calculating Maximum Rental Rates are found in this section.

2. Maximum Rental Rates may include the cost of utilities and HOA fees.

Rental rates shall not exceed 30% of the household income of the tenant and shall be calculated at 45% AMI for Summit County base on unit size and appropriate household size for the unit set forth in Section 16. Owner shall submit a lease which includes the proposed monthly rental rate along with proof of utility costs to PCMC staff. PCMC staff will evaluate the lease and either approve or deny the rental rate proposed based on the standards established herein.

3. Rental rates shall apply whether the units are provided furnished or unfurnished.

4. The Owner of Affordable Housing rental units, at its cost and expense, must keep and maintain the interior and exterior of the total structure (including all residential units therein) and the adjacent open areas in a safe and clean condition and in a state of good order and repair, reasonable wear and tear and negligent or intentional damage by tenants excepted.

B. **Occupancy:** In calculating the rents or carrying charges of affordable units, the relationship between unit size and household size in Section 16 shall apply:

C. **Households:** Households shall include all Tenants occupying the Housing Unit.

1. Households shall meet the Household Initial Qualification criteria as set forth in Section 16.

2. Household Qualification shall be recertified by PCMC Staff at Lease renewal and any time there is a change in Household.

D. **Tenants:** All Tenants shall be Qualified Employees.

1. PCMC Staff shall certify the qualification of all Tenants prior to tenancy and/or the signing of a lease.
2. Tenants shall meet the Income Eligibility Criteria and not exceed 80% AMI at time of tenancy.
3. If a Qualified Tenant cannot be found after 90 days, the owner may rent to a Non-Qualified Tenant with written permission from the City.

E. Leases: Rental and or occupancy of Housing Units must be memorialized by a written Lease.

1. Leases must include reference to applicable provisions of the Deed Restriction including but not limited to restrictions on rental rates.
2. Leases must be for a minimum of six (6) months with a maximum of twelve (12) calendar months.
3. Executed copies of Leases shall be on file with PCMC at all times during the period in which rental of the Housing Unit is required or has been approved.
4. Lease Renewal: At the time of any Lease renewal, Maximum Rental Rate may be adjusted up or down in conformity with amendments to this Resolution. Tenants will have to re-qualify as Qualified Employees prior to the renewal of the lease.

F. Requirements for Occupancy of a Room or Portion of a Housing Unit

1. Unit Owner may charge such roommate an amount per month not to exceed forty-five percent (45%) of the sum of the mortgage payment, Project association assessments, and utilities owed per month for such Unit.
2. A Lease between Owner and Tenant must be executed and filed with PCMC.

SECTION ~~18~~ 21. TERM OF AFFORDABILITY. The Term of Affordability shall be for a period of not less than forty (40) years. At the expiration of the initial forty (40) year term, ~~this Agreement~~ Affordable Housing Units shall be reviewed for additional consecutive ten (10) year terms, unless the City shall determine, based on an independent housing needs assessment, that the Unit is no longer necessary to satisfy the affordable/employee housing needs in Park City. If the City makes no such determination, the Term of Affordability shall automatically renew for one or more additional consecutive ten (10) year terms.

SECTION ~~19~~ 22. WAIVERS. The City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development.

SECTION ~~20~~ 23. ADMINISTRATIVE RELIEF. The City Council may waive all or part of the requirements of this Resolution where the applicant can establish by clear and convincing financial data and other evidence relating to the character of the development or surroundings that the imposition of the requirements set forth in this ~~article~~ Resolution shall create an economic hardship. The Council shall use the same standards that it applies to historic properties in making a determination of economic hardship. A waiver under this section shall be granted only to the extent necessary to relieve the hardship or difficulty that serves as the basis for the requested waiver and shall not be considered precedent for future requests for administrative relief.

SECTION ~~21~~ 24. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent

992 provision and such holding shall not affect the validity of the remaining portions of the
993 Resolution.

994 **SECTION ~~22~~ 25. EFFECTIVE DATE.** This Resolution shall take effect upon adoption by the
995 City Council. All prior Housing Resolutions and parts of Resolutions in conflict with the
996 provisions of this Resolution are hereby repealed. This Resolution repeals and replaces all prior
997 housing resolutions including Resolutions 37-91, 8-93, 6-94, 7-95, 17-99, 10-2006, 20-07, 25-
998 12, 02-15, ~~and 13-15.~~ and 03-17.

999 HISTORY

1000 *Adopted by Res. ~~03-2017 on 2/16/2017~~*

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Alexis Verson

Submitting Department: Transportation Planning

Item Type: Staff Report

Agenda Section:

Subject:

Old Town Neighborhood Pilot Projects Update

Suggested Action:

Attachments:

[Old Town Neighborhood Pilot Projects Staff Report](#)

City Council Staff Report

Subject: Old Town Neighborhood Pilot Projects Update
Authors: Alexis Verson, Transportation Planning
Departments: Transportation Planning, Engineering, Economic Development, Special Events, Public Works, and Parking
Date: September 17, 2020
Type of Item: Administrative

Recommendation

Review the following update on pilot projects and circulation changes, both implemented and proposed, in Old Town. As directed by City Council in June 2020, staff has continued to roll out neighborhood betterment projects that address walkability (active transportation), safety, and circulation. This effort has been incredibly collaborative and includes expertise from Engineering, Parking, Police, Economic Development, Special Events, Public Works/Streets, and Transportation Planning.

Background

Council and Staff recognize unprecedented times create a unique environment to experiment with fewer visitors, less pressure on constrained residential and commercial streets, as well as the need to test more aggressive right of way mobility options and creative crosswalks and street designs. Staff has implemented changes to rebalance Old Town residential neighborhoods and circulation overall including: new intersection designs to create deterrents for commercial traffic, altered traffic patterns to increase vehicular and pedestrian safety, and neighborhood quality of life.

Neighborhood Projects – Completed

The following projects and circulation changes have been implemented by Staff over the summer, the table below provides updates.

PROJECT	DESCRIPTION	STATUS
Hillside Trolley Turnaround	New intersection striping and planters have been installed in the intersection to discourage large vehicles and commercial traffic; improve pedestrian safety, and delineate turn lanes.	Completed
Swede Alley / Main St. Intersection	New intersection striping, planters in right-of-way, additional signage to visually discourage traffic from entering residential area and encouraging left turn down Swede Alley to public parking garage.	Completed
4th & 5th Street One Way	Extend one way directionality west of Main Street to avoid confusion and reduce neighborhood cut through traffic (this is in addition to the changes made in 2019 for the same streets, but to the East).	Completed
Marsac Signage & Roundabout	Addition of a flashing stop sign at Marsac and Hillside intersection, relocation of the 'Stop Ahead' sign, and better paint at the stop bar and roundabout.	Completed
Landscaping at Chambers Ave	Planting native shrubs and grasses to create vegetation barrier from Marsac traffic noise as buffer for neighborhood residents. Cooler temperatures are required to complete this work and establish plantings.	In Progress – September
Chamber Trail Wayfinding	Adding paint-based sidewalk markings to indicate the trail access from Hillside Ave to access Main Street – instead of walking down Hillside.	Completed
Repainting Crosswalks	Restriped all crosswalks in Old Town and Main St. and Swede to better indicate pedestrian safety.	Completed
'No Left Turn' onto Hillside	Installed a No Left Turn sign at Marsac and Hillside Ave for downhill (northbound) traffic. UDOT has indicated they are supportive of this in a permanent capacity, not to be a temporary treatment. This is currently being enforced by providing warnings primarily, and tickets for egregious violations.	Completed
Sunday Car Free Main St.	Special Events is leading the closure of Main to cars, opening it up to pedestrians on Sundays through Labor Day.	In Progress – Ongoing into mid-October
Data Collectors	Purchased three additional data counters for Old Town. Once they are delivered and installed, traffic volumes can be collected on an ongoing basis.	In Progress
New Reflective Tape & Striping	Addition of reflective tape in 70 locations to illuminate signage/structures to enhance safety; new Yield arrows on Hillside Ave to slow vehicles.	Completed



Neighborhood Projects – Slated for Fall 2020

Staff continues to evaluate additional paint-based projects, new signage, and other circulation treatments. The intent is for these projects to be pilot or temporary treatments, and evaluate the successes and constraints in the field to determine and better refine long term efforts. The following projects will be implemented this fall between now and mid-to-late-October.

PROJECT	DESCRIPTION	STATUS
Park Avenue Artistic Crosswalk	An artistic stenciled design connecting the two bus stops at the Park Ave library stops. A phase 2 could include a pedestrian activated flashing sign for better visibility.	In Progress - Design
4th Street Walkway	The hatched walkway along 4 th Street will be repainted shortly, to delineate space for pedestrians. A CIP request for next year will be submitted to apply for funds to pour a permanent sidewalk.	In Progress
9th Street Drop and Load	The trolley turnaround area at Main and 9 th Street will receive hatched paint treatment and signage to increase visibility and safety for a future drop and load zone.	In Progress – Design
Bob Wells Plaza Turnaround	A paint-only design for the Bob Wells Plaza will be implemented to better delineate space for a drop and load zone for ground transportation vehicles and other users.	In Progress
King/Park/Daly/Main Intersection Treatment	A paint-only treatment is being designed for this intersection to help slow motorists and indicate the approach to a residential area. This will be similar to what has been implemented at the Hillside intersection, however, due to steep grades at King, planters will not be used.	In Progress
Bicycle 'Sharrows' on Swede Alley	The addition of painted sharrows will be added to Swede Alley to indicate to motorists to share the roadway with cyclists.	In Progress - Design
Permanent VMS sign at the Box of Rocks (Park Ave and intersection of DVD)	A permanent sign is being purchased and installed for the Box of Rocks area (the intersection of Park/224, Deer Valley Drive, and Empire Ave). This will greatly help Streets, Special Events, and Police with residential impact mitigation and peak event/winter conditions.	In Progress – Sign Ordered
Park Avenue Redesign	Staff is bringing several design alternatives to Council for consideration during the Work Session on September 22, 2020 to discuss tradeoffs, right of way dedication, and design factors and ultimately choose a striping design for Park Avenue that will be implemented this fall. The intent is to reallocate space for bicycles and make better access for Transit.	In Progress - Design
Circulation Changes	Staff is in the process of going through the NTMP working group to explore and get direction on changing circulation patterns on the following streets: Woodside, 9 th Street, 7 th Street, Swede, Main Street, Sullivan Ave, and Park Avenue. Staff will report back with the final list.	In Progress - Evaluation

Neighborhood Projects – Approach for 2021

Staff plans to take a methodical approach to street redesign next year. The following strategies will be deployed to allow for adequate outreach, analysis, design work, and implementation:

1. **Utilize the street resurfacing program.** Staff will identify what streets will be resurfaced next year with the intent to 'follow behind' and put down a new design once a clean slate has been provided.
 - a. This will save on costs during the redesign phase, and allow staff to leverage existing contractors and efforts.
 - b. This design approach will vary for each roadway based on street width, traffic/bicycle/pedestrian volumes, access, and community desires. New planning efforts will embrace bold changes and look at traffic and streets through an elevated lens: prioritizing pedestrians, transit, and bicyclists over cars and car storage. New designs can

include separated bicycle facilities, wider sidewalks, paint or concrete bulb-outs, artistic crosswalks, better bus stops, and more.

2. **Adopt a new set of street typologies and a modal hierarchy.** Transportation Planning staff is working with the City Engineer to finalize recommendations for a blueprint that provides updated standards for prioritizing modes, and provides design guidelines for Park City's street network. The street cross sections provided in the nearly ten year old [Traffic and Transportation Master Plan](#) prioritizes cars over vulnerable roadway users and doesn't reflect the current goals of the community and Council. In lieu of updating the transportation master plan (Park City Forward, which is currently on hold) this new street typologies document can act as an interim guiding policy for staff in Planning, Engineering, Transportation, Transit, as well as for private developers. An update will be provided to Council in partnership with Engineering (scheduled for October 1, 2020) on these new design standards.
3. **Refine Proposed Projects.** The project team has begun to evaluate potential projects for next year above and beyond utilizing the street resurfacing efforts that may include:
 - a. New crossing design above the Silver King Rd and Empire Ave intersection
 - b. Lighting or paint markings to indicate accesses to Old Town staircases
 - c. On-street public parklets (would require removing on-street parking)
 - d. Sidewalk widening of upper Main Street on the east side, below Hillside Ave
 - e. Better soft surface trail connections for Poison Creek at 11th Street, and Marsac Trail at the Old Town Transit Center
 - f. Artistic crosswalks

While staff will continue to push forward, Old Town Park City is ultimately somewhat limited by very constrained historic roadways, and inadequate and aging infrastructure. Prioritizing other modes over vehicle through-put and parking can have unintended consequences including increased car congestion and travel times, until a fundamental shift in the user occurs and when other modes become faster and more convenient.

Budget Considerations

Funding to implement these projects has come primarily from the Streets Department budget with supplemental help from Engineering, Transportation Planning, and Economic Development. For the first set of projects completed over the summer, costs incurred were approximately \$25,000. The remaining projects slated for this fall are likely to come in at a higher amount, with the largest expenses being the Park Avenue redesign at \$40,000 and the new permanent VMS sign at \$16,000. Upfront costs do not include ongoing maintenance costs, which have been calculated at 5% of the total project costs.

Council should expect budget requests as part of any budget amendment this year and in next year's CIP process, if the intent is to continue to implement and maintain projects like this ongoing.

Public Sentiment

Staff has received primarily positive feedback from residents in Old Town. There is support for the circulation changes implemented at Hillside Ave, and 4th and 5th Streets with requests to expand one ways to other areas like Woodside Ave. Negative feedback from building owners on upper Main Street has been noted about the left hand turn restriction on Hillside Ave. A robust outreach effort has been underway for the Park Avenue redesign specifically; the scheduled work session will cover that.

Next Steps

Staff will continue to implement, propose, and refine projects that are low-cost and quick to implement this fall. Over the winter, we will continue conversations about reinventing streets. As we advance these types of projects, staff will schedule ample time for the planning, outreach, design, and implementation phase – in order to look at Old Town streets as a network and implement changes that have a significant positive impact.

Staff will return to council this winter for a more robust discussion; and to get direction on the intentions with maintaining and expanding existing projects.

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Jenny Diersen

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Shop Dine and Stroll - Car Free Main Street Update

Suggested Action:

Attachments:

[Main Street Car Free Days Shop Dine and Stroll Staff Report](#)

[Exhibit A: HPCA Event Survey and Transportation Data Trends](#)



City Council Staff Communications Report

Subject: Main Street Car Free Days – Shop, Dine & Stroll Update
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: September 17, 2020

Executive Summary

On August 28, 2020, staff received a request from HPCA to cancel the previously approved Saturday, October 3 as a Car Free Day. Staff includes this request with the monthly update, as there were two public meetings requesting Saturday closures. Staff intends to administratively approve HPCA's request to open the street to traffic and parking on October 3, unless otherwise directed by Council.

Background

On [May 28, 2020](#) (p. 7 to 34/ [minutes](#) p.3 to 11), in response to a [request from the Historic Park City Alliance \(HPCA\)](#), the City Council approved a Level 4 Special Event Permit for Shop, Dine and Stroll – Main Street Car Free Sundays through September 6. The Special Event Permit was issued to allow temporary outdoor business activation to facilitate phased business reopening and increased physical distancing during Covid 19 economic recovery. As part of the approval, Council:

- Delegated administrative approval of operational changes and overall street management to the City Manager (CM);
- Approved \$80,000 for Special Event Fee Reduction (SEFR) for City Services;
- Directed staff to return for monthly updates, which were completed on [July 9](#) (p. 66) and [August 4](#);
- Agreed to Council Liaison walkthroughs.

At the request of HPCA:

- On [June 25](#) (p.13), Council approved the addition of Saturday, July 4;
- On [July 30](#) (p.199), during a Special Event Update, Council was supportive of the HPCA's request to add 2 Saturday road closures, which [City Council formally approved on August 4, 2020](#) including:
 - Extension the event permit through October 25;
 - Addition of three Saturdays (August 1, September 5 and October 3);

Additionally due to the HPCA changes, Council approved:

- An increase the SEFR not to exceed \$120,000;
- Termination of Council/HPCA Main Street walkthroughs;
- Switch from formal Council staff reports to written Staff Communications.

Analysis

During the approval process, on May 28, 2020 Council discussed how to measure success of the event. While lacking individual business year over year sales data, staff believes the event can be considered "successful" based on anecdotal comments as well as various data sets and trends as presented on August 4 (minutes not yet

published). However, many local businesses are still suffering due to the mandated spring closures, social distancing regulations, and lack of Special Events and overall visitation. While the time table for “recovery” and the future of many local businesses remains uncertain, Economic Development staff continues to support efforts to create a more flexible and adaptive business environment especially as we head into the fall (shoulder) season.

Merchant Participation, Sales, Marketing Efforts

- Staff worked with HPCA to create [Guidelines for outdoor activities](#). With 6 weeks of the event left, additional businesses continue to join and participate weekly. Of the 51 businesses actively participating, 20 are Restaurants/Bars, 20 are Retail, 2 are Activities, 3 are Cafes, 5 are Galleries and 1 Real Estate.
- HPCA is supportive of continuing the event – while the program has been successful for some businesses; other businesses are struggling and do not attribute increased sales to car-free Sundays.
- HPCA’s continued marketing efforts drive brand awareness and interest in the Main Street business district, and should be seen as a huge positive.
 - Due to concerns of potential crowds during the 4th of July holiday, Wasatch Front marketing efforts were paused.
 - Trackable digital efforts are consistent across platforms with Car-Free Sunday messaging outperforming our brand awareness efforts.
 - Traffic to historicparkcityutah.com is up 53% compared to 2019 (11,303 sessions in 2020 compared to 7,387 sessions in 2019).
- HPCA has tailored marketing to those within 6 hour drive of Park City, and continues all merchants and patrons to support local business safely. [Images from the event can be found here/dropbox.](#)

Operations & Programming

- Staff continues to collaborate with HPCA on a weekly basis regarding changes in operations, which were delegated by City Council to the CM to approve including:
 - Closing Heber Avenue;
 - Implementing closure at 7 a.m. (instead of 11 a.m.);
 - Opening street earlier than 10 p.m. due to inclement weather or quieter evenings
 - Staff is making changes and will continue to monitor earlier reopening based on weather, attendance and time changing.
 - Facilitate further expansion of outdoor areas for restaurant dining and ensure fire/emergency lanes maintained.
 - Allow tents as requested as long as they do not block storefronts.
- Programming has been implemented by the City to help build vibrancy yet not draw large crowds, including: E-Bike station, Balloon Art, Chalk Art, Street Murals and Music (non amplified), Piano and Opera pop up concerts, Glass Blowing, and Kimball Art Center activations, and Miner’s Day Virtual Running of the Balls.

Transportation, Parking, Transit

While transportation data shows participation is strong, staff anticipates data will be similar to June as we head into the fall.

- Parking remains free. Surface lots along Swede Alley and Park Avenue remain near capacity, which is consistent with trends on other days of the week. While cars are parking on Park Avenue, staff has not received any complaints about traffic or parking from residents on Park Avenue during the event.
- Parking in China Bridge reached its highest point on August 1 and September 5 when occupancy was 100%, compared to other weekly averages between 45% and 70%.
- Many attendees enjoy riding bikes and ebikes to the event. Data trends show that ebike stations around Main Street are popular. Staff worked to mitigate bikers riding too fast down the street with “slow your roll” signs.
- Transit ridership is showing increased rider trends on Sundays system wide since the beginning of the event (despite reduced routes). While ridership has dropped compared to pre Covid 19 numbers, ridership in August and September are outperforming June and July.
 - The event started on June 14, with 2,596 rides (compared to the week before the event began on June 7, with 1,521 rides system wide).
 - Ridership has increased by nearly 56% since the beginning of the event with highest point on September 6 with 4,009 riders system wide.
 - Weekly, the most popular route is the 10 White (Electric Xpress). At its lowest day during the event on June 28, it had 622 riders, compared to the highest days on August 2 – 1,064, September 5 – 1,049 and September 6 – 1,012 riders.
 - The Trolley runs on Swede Alley to the Brew Pub Lot. Ridership varies from week to week; 388 people rode the Trolley on September 6—the busiest day yet.
- Residential and neighborhood impact mitigation is working. Staff received three concerns from Hillside residents that efforts were slipping. Staff confirmed operations have remained consistent and are working to ensure signage is properly posted and enforced.

Physical Distancing & Face Coverings

- Face coverings seem to be more common since the Mask Order. Staff continues weekly mask distribution, distributing more than 3,000 masks to date.
- Staff continues to provide increased sanitation services including restroom attendants, hand sanitizer stations and constant wiping down of shared surfaces such as hand railings and public benches. At the request of HPCA, the public restrooms adjacent to the Museum have been opened with an attendant. Each restroom costs \$280/day for an attendant and is scheduled Fri-Sun and holidays.
- Attendance is difficult to estimate. Removal of vehicles has allowed ample distancing space for patrons. While staff has received a few concerns, staff continues to monitor; gathering or lack of physical distancing has not been a concern.

Funding Attachments

The original cost increased largely due to earlier road closures (requires more staff time). Staff anticipates overall cost not to exceed \$120,000.

Attachments

Exhibit A: HPCA Event Survey and Transportation Data Trends

Shop, Dine & Stroll
Main Street Car Free
Update –September 17
HPCA Survey & Transportation Data

PARK CITY

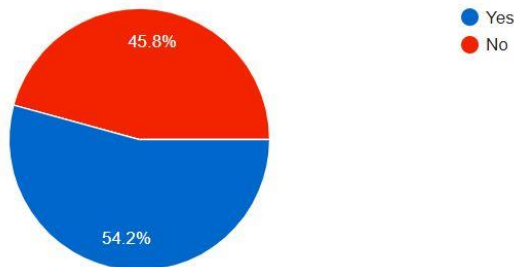
1884

119

HPCA Car Free Saturday Survey Results

Do you activate on the street during Car-Free days? (merchandise, dining, sandwich board, Staff presence, etc)

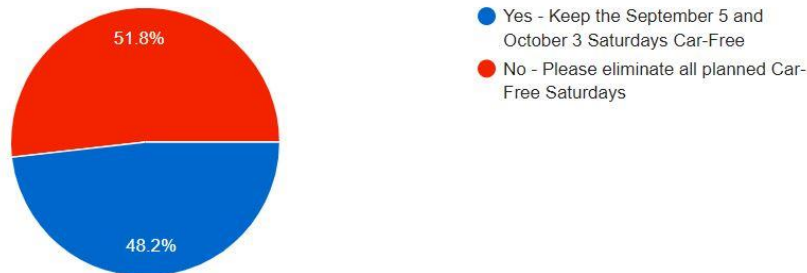
83 responses



HPCA survey was split. HPCA requests to cancel Saturday, October 3, opening the street to parking and traffic.

Should Main Street remain Car-Free on Saturday, September 5, and Saturday, October 3?

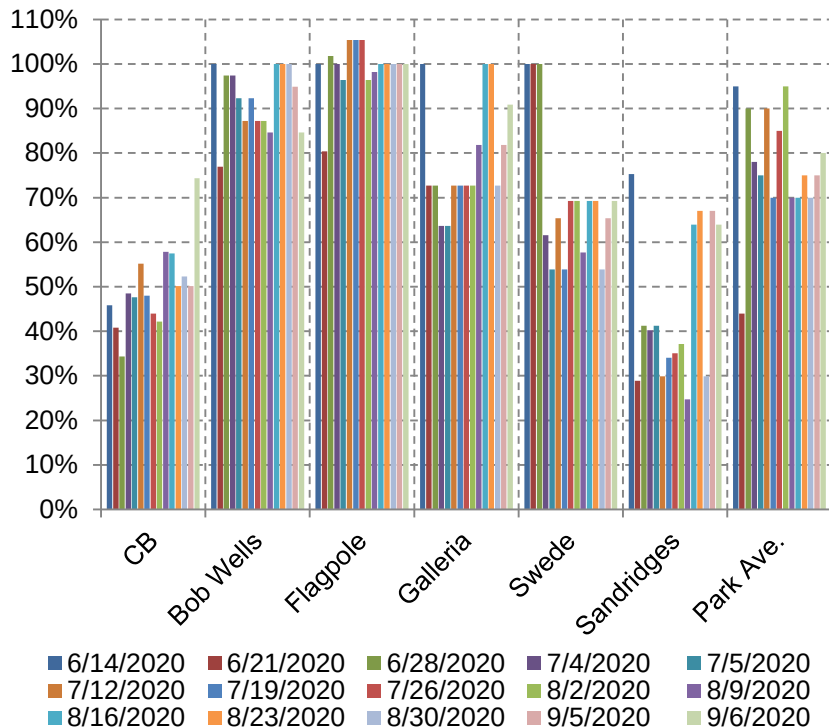
83 responses



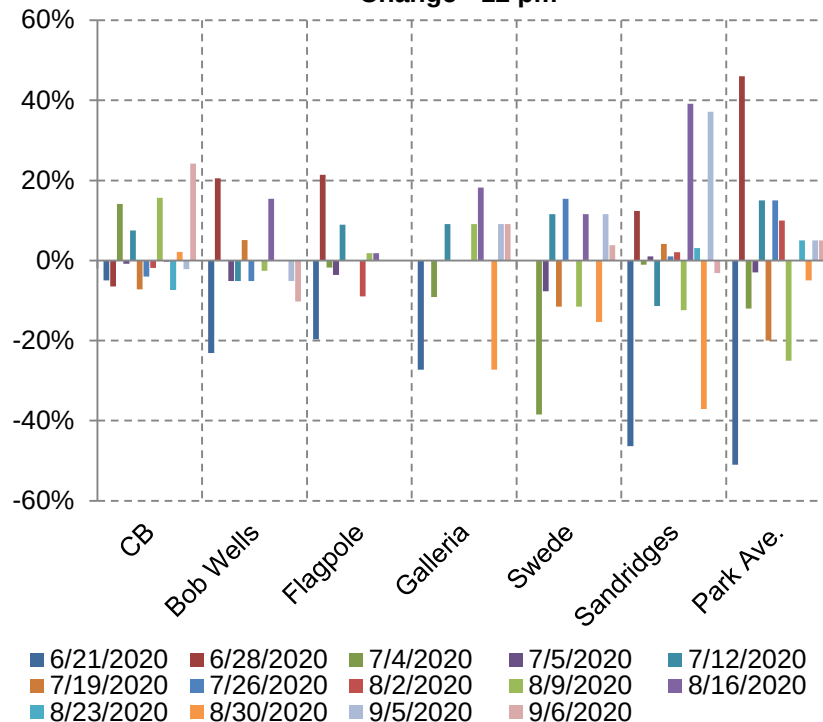
Parking Utilization Over Time

City parking lot utilization measured at 12 pm over time

Park City Parking Lots - % Utilization - 12 pm



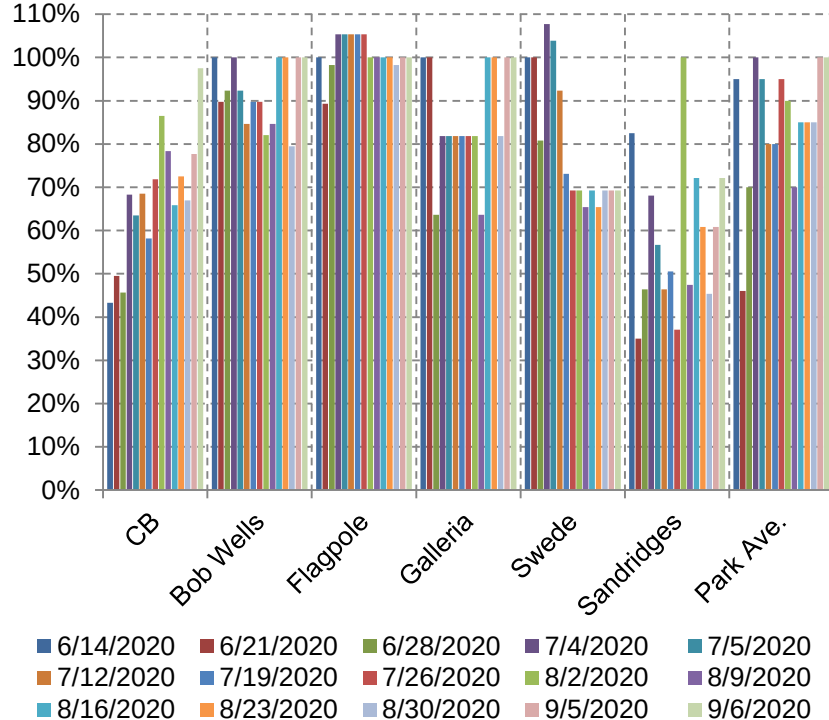
Park City Parking Lots - % Utilization WoW Change - 12 pm



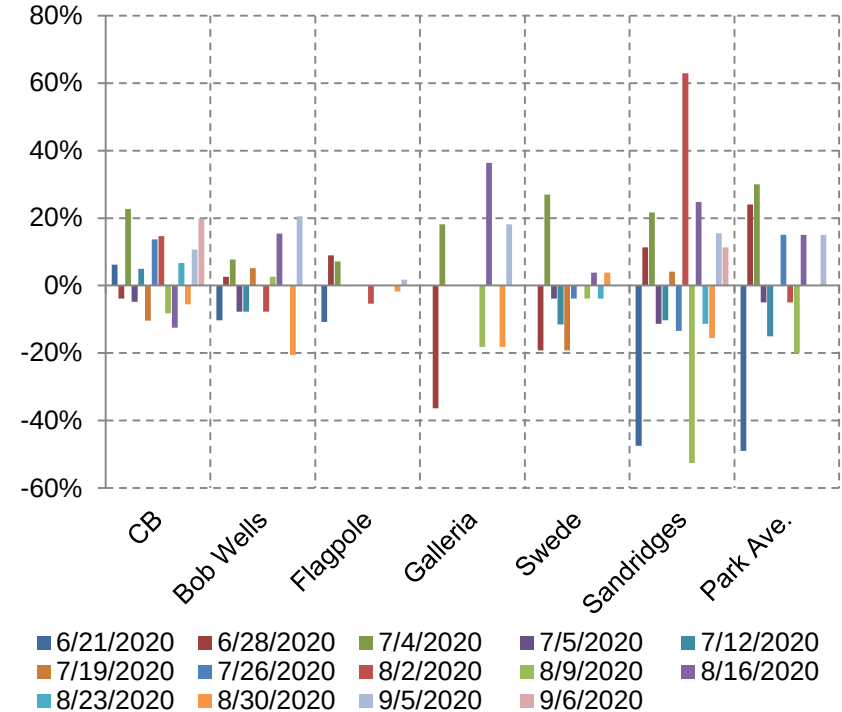
Parking Utilization Over Time

City parking lot utilization measured at 4 pm over time

Park City Parking Lots - % Utilization - 4 pm



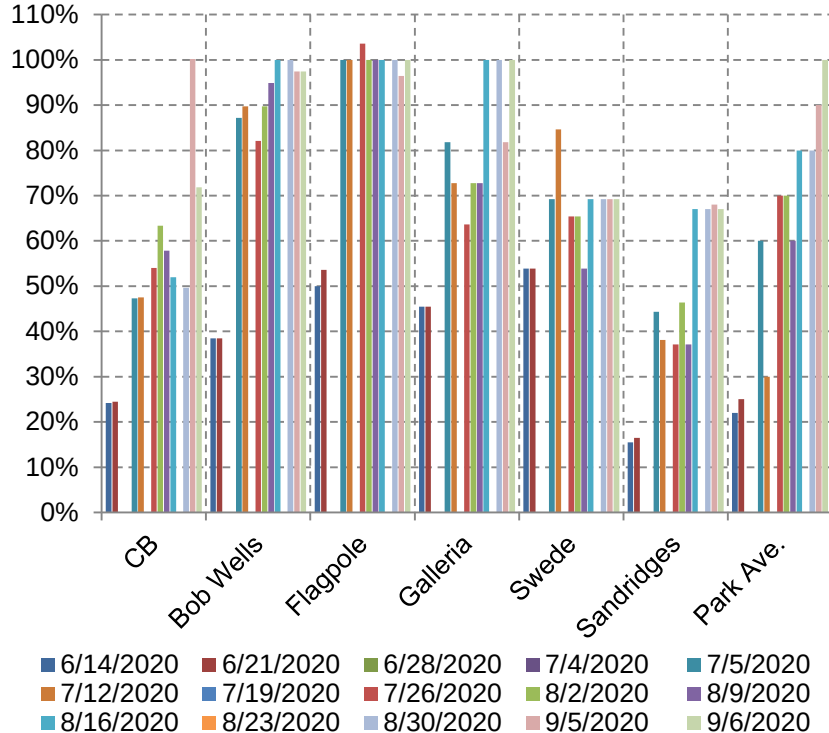
Park City Parking Lots - % Utilization WoW Change - 4 pm



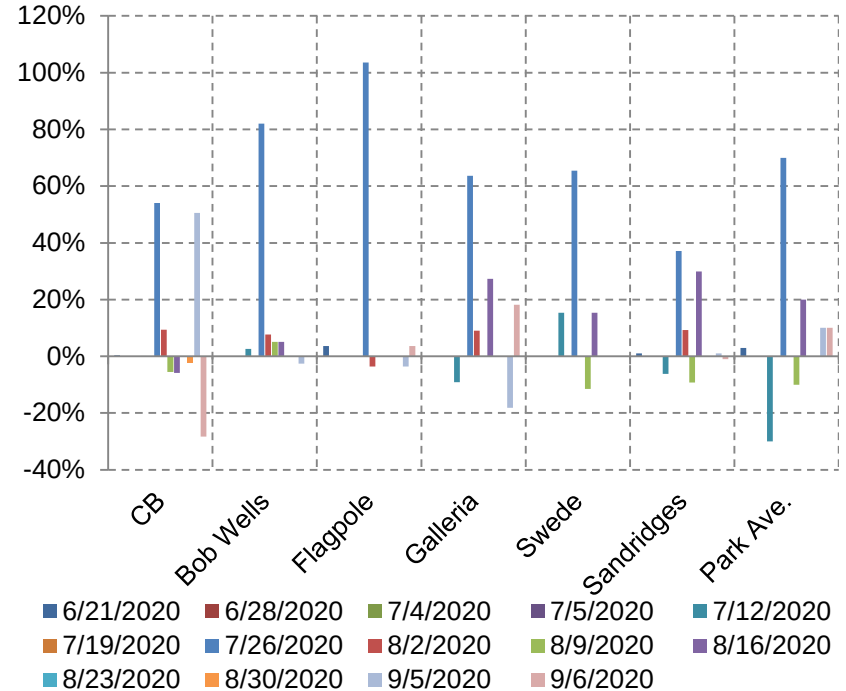
Parking Utilization Over Time

City parking lot utilization measured at 8 pm over time

Park City Parking Lots - % Utilization - 8 pm



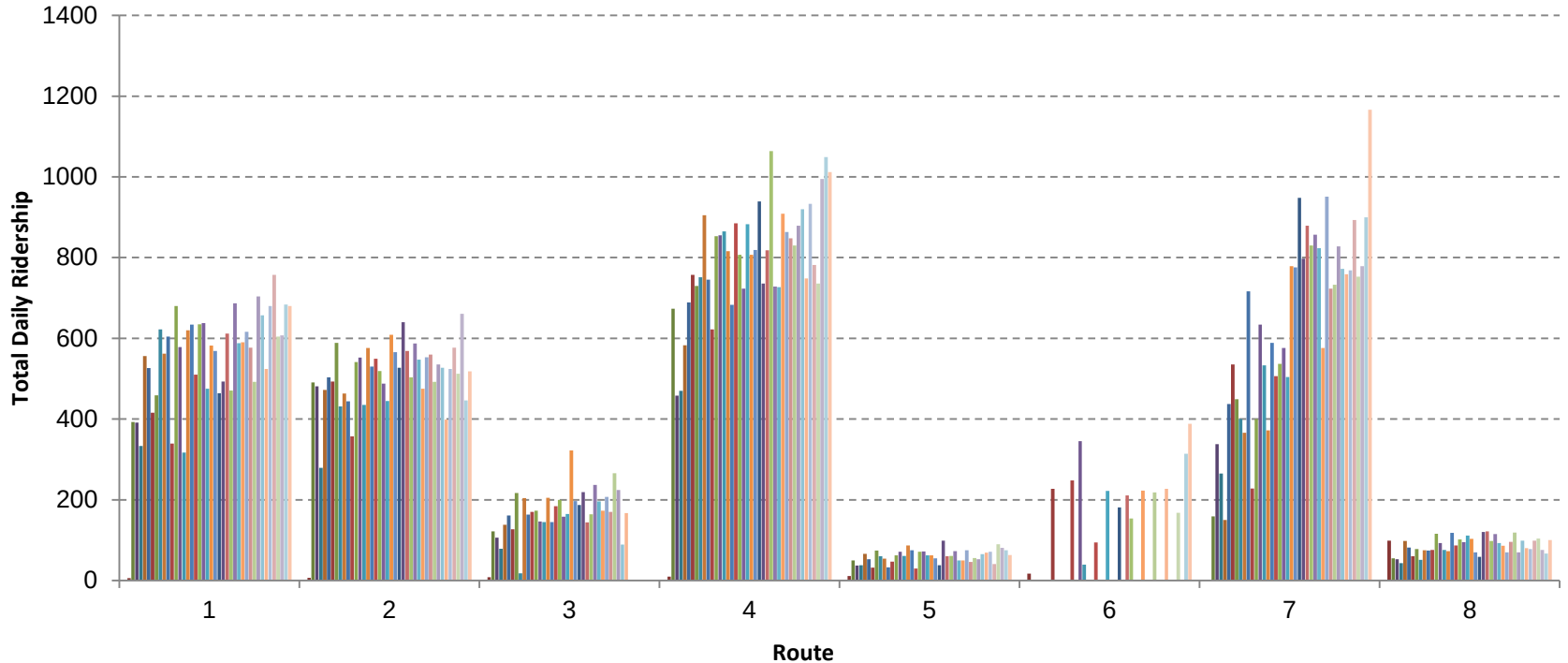
Park City Parking Lots - % Utilization WoW Change - 8 pm



Transportation Ridership Over Time

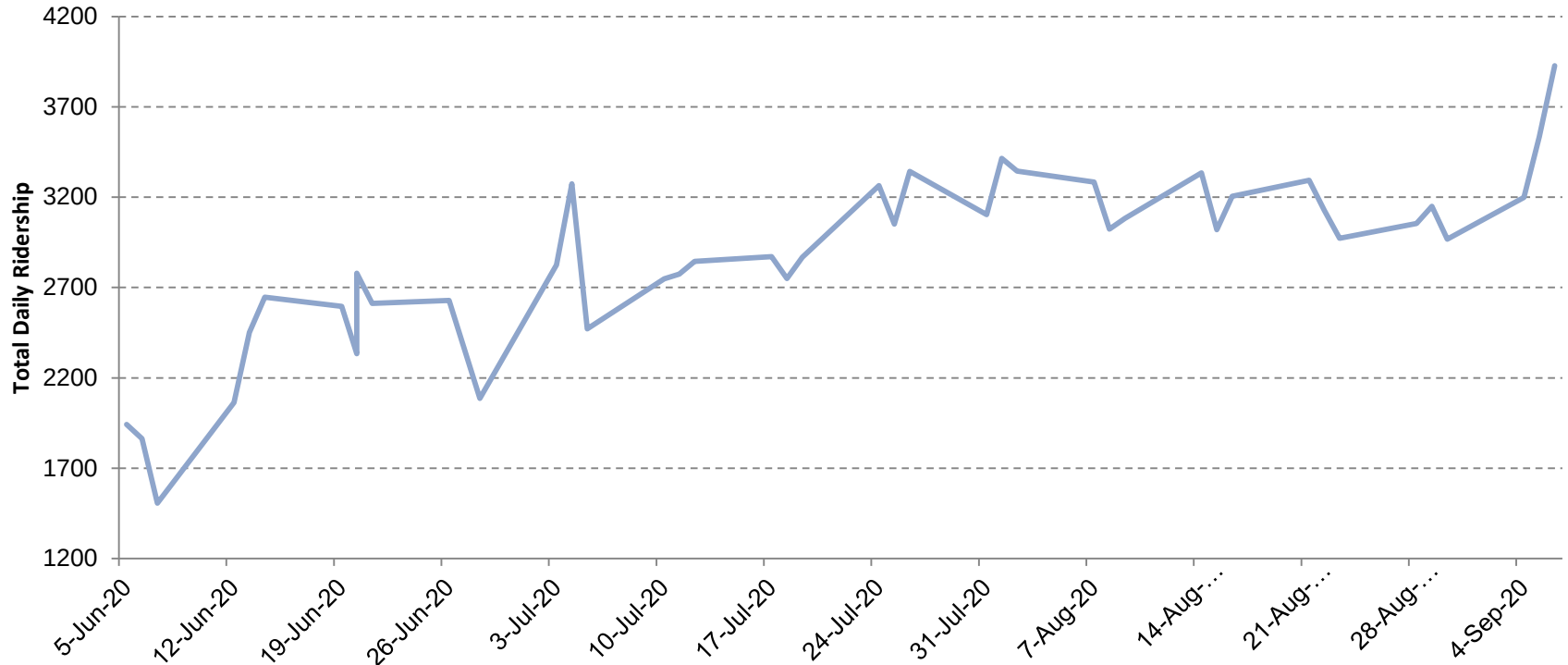
City transportation system ridership by route

PCMC Transit - Ridership Counts by Route
June Through September 2020



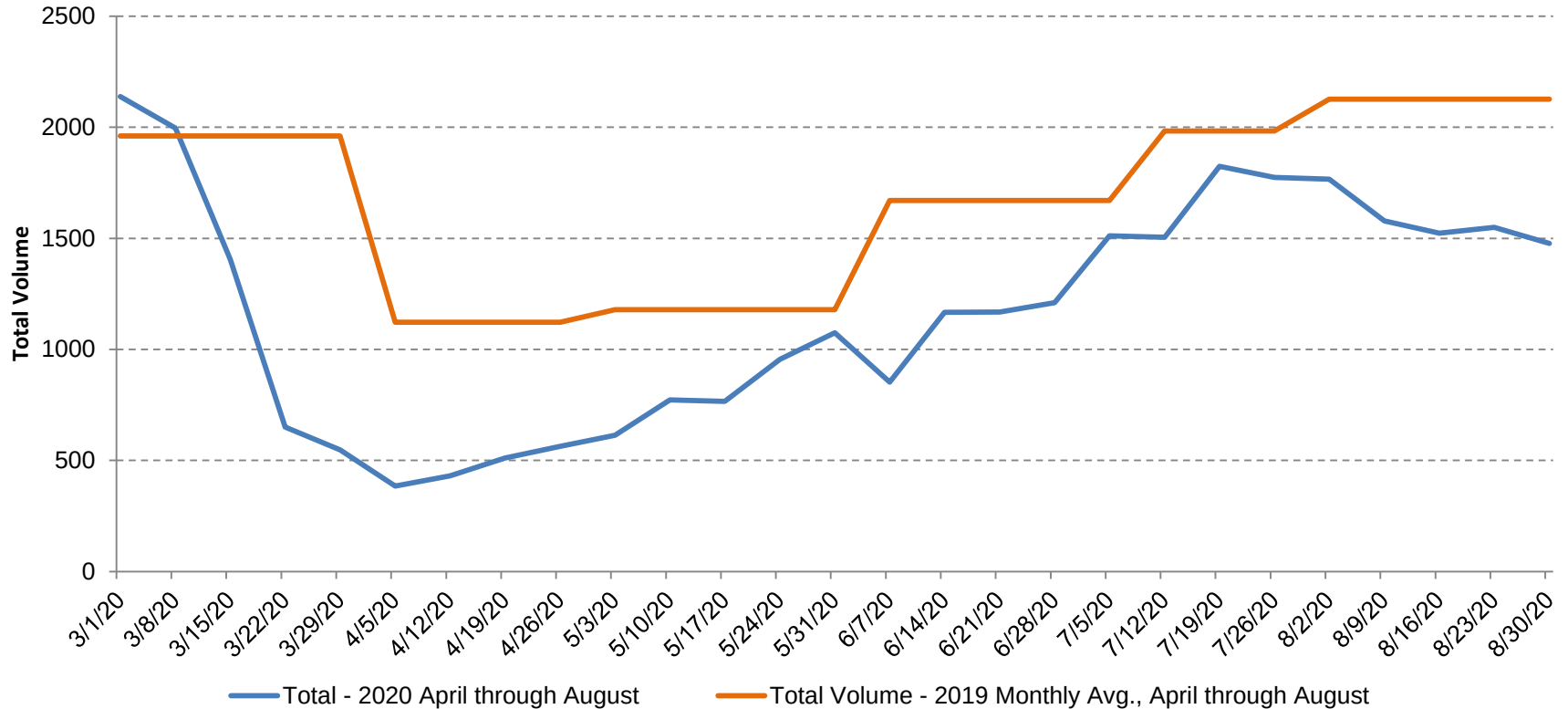
Transportation Ridership Over Time

PCMC Transit - Total Daily System Wide Ridership Over Time
June Through September 2020



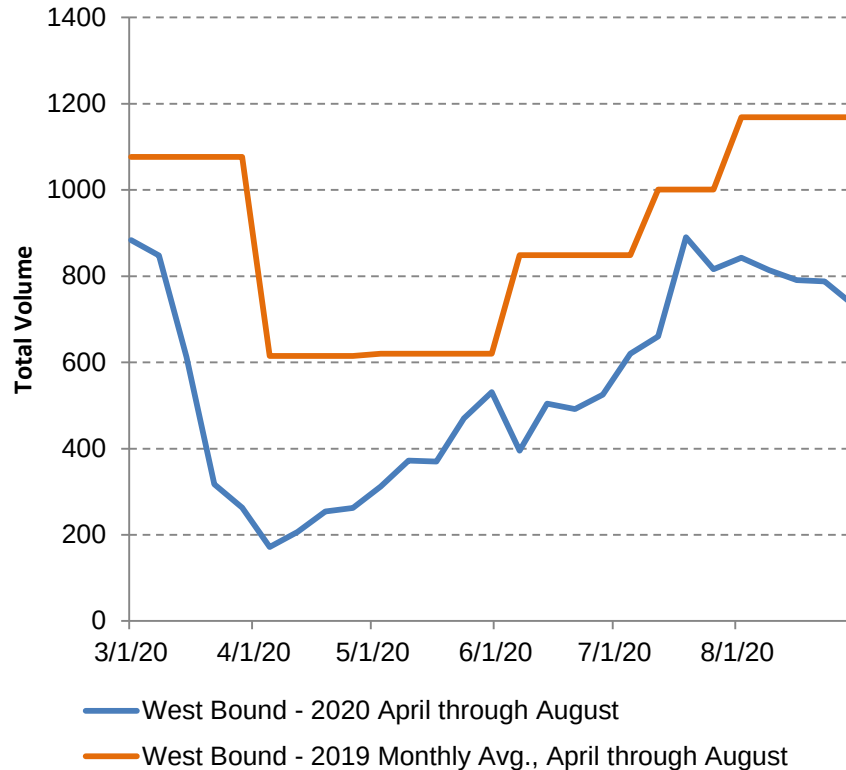
Traffic – Hillside Avenue

Traffic Volumes on Hillside Avenue - Total Volume

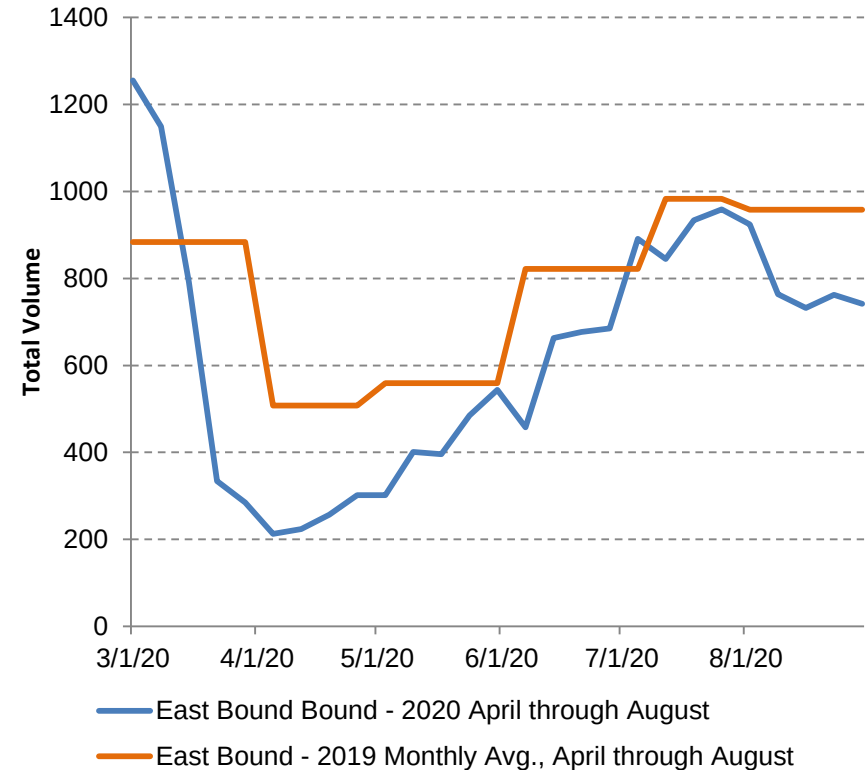


Traffic – Hillside Avenue

Traffic Volumes on Hillside Avenue - West Bound



Traffic Volumes on Hillside Avenue - East Bound



Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Minutes

Agenda Section:

Subject:

Consideration to Approve the City Council Meeting Minutes from July 30, 2020 and August 4 and 31, 2020

Suggested Action:

Attachments:

[July 30, 2020 Minutes](#)

[August 4, 2020 Minutes](#)

[August 31, 2020 Minutes](#)



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

July 30, 2020

The Council of Park City, Summit County, Utah, met in open meeting on July 30, 2020, at 3:30 p.m. The meeting was a remote, electronic meeting due to the declared public health emergency.

Council Member Henney moved to close the meeting to discuss property and litigation at 3:30 p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, Joyce, and Worel

EXCUSED: Council Member Gerber

CLOSED SESSION

Council Member Joyce moved to adjourn from Closed Meeting at 4:00 p.m. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, Joyce, and Worel

EXCUSED: Council Member Gerber

WORK SESSION

COVID-19 Update by Summit County Health Department Director Rich Bullough:

Rich Bullough stated the Summit County data looked good right now, noting these results took a lot of effort and compliance to the mask order from residents and visitors. He discussed contact tracing and stated it honed in on areas of risk, but the data reflected most the cases were family-spread. Having this data was good because the County didn't need to apply broad restrictions, but could apply restrictions on a narrow basis. He indicated there were no cases connected to an exercise facility, for which restrictions were eased recently. The County received CARES Act money specifically for contact tracing, so they could be better prepared for COVID surges. He was hiring personnel that would track the cases, and other personnel would be gathering data and testing efforts. Antigen testing could produce results in 15 minutes, and could help reduce the spread from people who were still out in the community while waiting for test results.

1 Council Member Worel asked what would determine reopening senior centers. Bullough
2 indicated the State had designated at-risk populations in the red category. He thought a
3 vaccine would be ready by winter and at-risk populations would be a priority for
4 receiving that vaccine.

5
6 Council Member Joyce asked Bullough to compare the PCR test with the antigen test.
7 Bullough indicated the antigen tests had quicker results, but they had a 20% false
8 negative, which was a concern. If a test was given and the tester had been around the
9 virus, that person would be given a PCR test as a backup and would be asked to
10 quarantine until the results came in.

11
12 Bullough noted he was asked if there were problem businesses. Bullough stated
13 Walmart was no longer a problem because they were now requiring masks. Another big
14 chain was not requiring masks and he was working with that manager. He struggled
15 more with mask wearing compliance from the small businesses. He also indicated
16 gatherings were a risk and he was pleased that so many events had been cancelled. He
17 stressed that people who attended events should wear masks if they were in close
18 contact with others.

19
20 Bullough reviewed COVID data and stated there were only three hospitalizations in
21 Summit County. There was a recent uptick in travel-related cases. He displayed charts
22 of COVID cases since March and was pleased to see the decline as a result of the
23 mask order. Council Member Joyce asked if Utah overall would see an impact now that
24 big chains required masks. Bullough thought so and noted it was positive that the LDS
25 church came out in support of masks as well as mask support on the national level.

26
27 **Discuss Public Safety Initiatives:**

28 Police Chief Wade Carpenter, Lt. Lealaitafea, Captain Leatham, and Captain Kirk
29 shared the Police Department's (PCPD) community initiatives in light of the recent anti-
30 policing sentiment. Captain Leatham stated PCPD sought to be proactive with the
31 community. Lt. Lealaitafea reviewed the State required that officers had 40 hours of
32 training per year and indicated most PCPD officers exceeded that minimum training
33 requirement. They had additional training for de-escalation skills, implicit bias and more.
34 Captain Kirk indicated the Department contracted with Lexipol, which gave policy
35 recommendations and standards. The Human Resources Department also reviewed
36 Police policies to verify they were appropriate.

37
38 Captain Leatham stated transparency was important and PCPD put their policy online
39 so all could see it. They also put Police incident statistics online. Use of force was a
40 concern and at times it was necessary to use some form of force. Only one officer had
41 shot at an armed robbery suspect in 2002 and missed the suspect. He reviewed other

1 incidents where use of force was required. He noted PCPD had a Police Complaint
2 Review Committee and in 2019 there was one complaint for excessive force and that
3 was investigated.

4
5 Captain Kirk indicated there were two community outreach employees, and they had
6 many projects including a training course that prepared Spanish speakers for the State
7 driver's license test as well as the Citizens' Academy. They also had involvement from
8 other officers in the Department for events such as Shop with a Cop, Camp Safety, and
9 a new program which prepares young adults for a career in law enforcement. He also
10 noted PCPD had a victim advocate since 2013 who worked with victims of violent
11 crimes.

12
13 Chief Carpenter discussed the Police associations that PCPD was involved in that
14 helped officers in the Department become leaders. He noted his officers also worked on
15 processes to improve PCPD services. He discussed Utah House Bill 5007, which
16 prohibited neck restraints. This procedure was never taught at the Police Academy as a
17 procedure and now it was illegal. PCPD added to its policy that any officer had the
18 ability to intervene if they witnessed something outside of policy. He displayed a video
19 by PCPD on its community initiatives.

20
21 Council Member Henney was pleased these initiatives had been in place for a long
22 time. The improvement program showed the community PCPD's commitment to keep
23 all safe. PCPD was a great example of what community policing was about. He knew
24 there were anecdotal examples of people not being treated as well as others, and he
25 hoped there would be continued efforts for improvement. Chief Carpenter stated they
26 put a lot of effort into reaching out to people of color.

27
28 Mayor Beerman opened the meeting for public input. No comments were submitted.
29 Mayor Beerman closed the public input portion of the meeting.

30
31 Council Member Worel noted Chief Carpenter mentioned mental health and indicated
32 there was a training program through Comprehensive Psych that was for police officers.
33 Captain Leatham stated mental health was missing for a long time in training and
34 testing, and now when an officer witnessed something horrible, they were more willing
35 to seek help. PCPD had trained officers that could identify when a fellow officer was in
36 crisis. This program was an ongoing training and support tool for officers. The
37 Department sought funding so they could start this program as soon as possible.
38 Council Member Worel felt this was a tool to help officers. It was indicated the program
39 would cost \$30,000 per year and the training would be analyzed for effectiveness after
40 six months. Mayor Beerman stated this had been a very difficult time for PCPD. He
41 hoped to see this training implemented. Dias stated the City thought the program was a

1 great investment and would help the Police, and noted funding could be found to begin
2 this program.

3
4 **Discuss Small Wireless Facilities in the City Right-of-Way:**

5 John Robertson, City Engineer, presented this item and indicated the State required all
6 agencies to permit providers the ability to deploy small wireless facilities with a utility
7 pole within a right-of-way under certain conditions. Certain documents were needed
8 before the applications could be accepted. An ordinance would need to be passed with
9 requirements for providers. A master license agreement, design standards, and a permit
10 application would also be required.

11
12 Council Member Henney asked if the City had received applications. Robertson stated
13 two providers had applications with the City for multiple locations. Council Member
14 Henney stated 5G needed multiple locations because it travelled only a short distance.
15 He asked Robertson's opinion on how many sites would be needed and how the City
16 would handle this request. Robertson felt all the light poles would be converted to small
17 cell facilities. Council Member Henney asked if the City had the capacity to
18 accommodate the need. Robertson indicated State and Federal legislation required the
19 City to allow the requests if conditions were met. Providers would be allowed to build
20 their own poles. Council Member Doilney stated the proposed requirement was a pole
21 could not exceed 50 feet and he wanted to modify that to no taller than 25 feet. He also
22 thought facilities should be on rooftops where they were not as visible. Robertson stated
23 the Historic District had requirements that light poles be consistent with the surrounding
24 features, but outside that area, there was more latitude. Council Member Doilney also
25 requested the meter be included on the pole so there was not a separate obstacle in the
26 right-of-way.

27
28 Council Member Worel discussed the health concerns associated with the small cell
29 facilities. She asked if there were protections the City could put in place to protect the
30 community. Robertson stated the frequency levels were approved by the Federal
31 Communications Commission (FCC). The City required a radio frequency report with
32 the installation to ensure the levels were within the standard. Amy Kochert, Legal
33 Assistant, stated an indemnity was implemented to protect the City and any legal
34 actions would have to be with the providers.

35
36 Mayor Beerman asked if applications were for commercial areas. Robertson stated they
37 were for the Historic District. Mayor Beerman asked if small cell facilities could be
38 restricted from school areas in order to give some protections. Robertson stated the City
39 would have to give a valid reason for not allowing them in certain areas. Council
40 Member Henney stated he referred concerned residents to the Health Department.

Mayor Beerman opened the meeting for public comment.

Ed Parigian via Zoom asked if the 5G reach went in a straight line or radius. Robertson stated it was radial and there was only 200-250 feet between each small cell. Parigian asked if the City could collect rent on the facilities. Robertson stated the fee was set, and it could be collected from each provider on an annual basis. Parigian stated there would be a lot of poles and the City could collect a lot of money.

Mayor Beerman closed the public input portion of the meeting and indicated the other comments that were submitted on this item would be read during the public input portion of the regular meeting.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Tim Henney Council Member Steve Joyce Matt Dias, City Manager Margaret Plane, Special Counsel Michelle Kellogg, City Recorder	Present via technology
Council Member Becca Gerber Council Member Nann Worel	Excused

II) APPOINTMENTS

1. Consideration to Appoint Jane Campbell, Mike Cohen, Kraig Moyes and Ed Parigian to the Recreation Advisory Board for a Term Expiring July, 2023:

Ken Fisher, Recreation Manager, stated he and Council Member Doilney interviewed the candidates and found them very qualified for the board. Council Member Doilney explained the strengths of the candidates and some different proposals for future recreation programs.

Mayor Beerman opened the meeting for public comment.

Ed Parigian via Zoom stated he was grateful to be on the board and looked forward to three more years. He also noted the library field was always busy and preserving that property had been great for the community

Council Member Doilney moved to appoint Jane Campbell, Mike Cohen, Kraig Moyes and Ed Parigian to the Recreation Advisory Board for a term expiring July, 2023. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

III) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Doilney commented that people were outside in spite of COVID and it was nice to see people getting creative as they socially distanced.

Council Member Joyce was happy to see the COVID cases decreasing and to see people wearing masks. Council Member Henney agreed with the previous comments.

Mayor Beerman stated the Town of Hideout announced they were trying to annex the Richardson Flat property up to the Park City limits, in an area that was in the Park City Annexation Declaration Boundary. The challenge was they didn't have permission from Summit County, didn't discuss it with Park City and Wasatch County was against it. They proceeded with the annexation process because of some small legislative changes made during the last legislative session at the State Capitol which were explained as "cleanups" to the annexation law. In reality the changes allowed for broad powers to reach across county boundaries and annex land without regard for regional partners. The State senate wanted the new law repealed and work was being done to that end. Council Member Henney asked how Representative Quinn and Senator Winterton responded. Mayor Beerman stated they were both supporting Park City and wanted to repeal the law. Dias indicated the City was actively working with stakeholders and with the legislators to resolve this, noting that the City, County and residents felt they had been misled. Mayor Beerman indicated the City was calling for a full repeal and noted there should be discussion and full transparency to the process.

Staff Communications Reports:

1. Electric Assisted Mountain Bike Courtesy Tag Program:

Mayor Beerman had a citizen request that a qualification reason be added to the tags, and that the tags be a bright color to be easily seen. Dias stated he would check on the qualification reason.

2. City Manager Intent to Execute Assignment of Professional Services Agreement for Audit Services:

IV) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for anyone who wished to submit comments to the Council on items not included on the agenda.

Ryan Sternagel: "Hi all, I'm writing in to say I'm extremely disappointed to see the small cell wireless facilities rollout on the agenda, given the fact I wrote a very detailed letter several weeks ago, trying to inform you there are many factors pertaining to this situation you aren't aware of, and it was dismissed. In that letter I stated that an attorney specializing in these situations has offered to have an introductory conversation with you, free of charge, so you can be made aware of these factors by someone with the legal expertise to speak to them at a level you'd appreciate. Why would you not at least speak with him, given you've clearly got a highly concerned group of citizens within your community about this issue, before pressing forward? Just because you're not officially allowed to consider the increase in everything from cancer to learning disabilities we know will ensue from these installations, doesn't mean you can't at least educate yourselves on all the pertinent issues and your options, especially when we've done the work and are handing you the resources. Some of these issues include, again for the record: 1) Insurance the licensees are required to carry does not cover pollution nor health effects. This leaves the city open when someone is able to demonstrably prove a health condition started after a tower was installed near to them. 2) Applicants for facilities may be required to prove a significant gap in 4G coverage, which there is none 3) Applicants may also be required to prove the least obtrusive location possible. In that letter I also noted the following number of studies pertaining RF effects on children: 119 on leukemia 69 on pregnancy outcomes 68 on other health effects 62 on brain / CNS tumors 31 on other types of cancer 18 on cancer (unspecified) 18 on lymphoma I will resend the letter with full detail. There are more and more municipalities pushing back on this and/or taking the time to make sure they get it right. Please, follow their lead."

Erica Smith: "As a mother of four and full time Park City resident, I am in favor of faster and better internet, it is our future! I am requesting that you please speak to and meet with Andrew Campanelli who is an expert 5G attorney. I have personally spoken to his office and they are willing to help our Park City community understand all the legal

1 issues that WILL come up with the 5G roll out in Park City. He is already helping several
2 other cities around the country. What happens after the towers are installed and our
3 community cancer rates go up? What if the towers are put on schools and our children
4 get cancer or suffer many of the other documented and studied health effects? Have
5 you each personally reviewed the health effects of 5G on animals and what it will do to
6 our environment? Have you each read the study done on 5G and plants and how it was
7 shown to make crops more flammable? Do each of you know the fire risk and the fires
8 that have been caused from 5G and the towers? I have spent a lot of time studying all
9 these issues after a 5G site was placed across the street from our home and the dishes
10 were pointed directly into my girls windows. No one notified us they were being
11 installed. Why was it a secret? Why was the location not reviewed and why did no one
12 from park city consider the health effects of pointing dishes and radiation into childrens
13 windows? You have the opportunity right now to do the right thing and study these
14 issues before it is too late. Does the counsel realize parents, grandparents and families
15 will hold each of you personally responsible if people and pets get sick for not stopping
16 this and waiting till the Technology is proven safe for all humans, animals and
17 vegetation. I would encourage each of you to really think about the fact the NO
18 insurance company in the world offers or will ever offer 5G insurance. Why is that? And
19 if there is no 5G insurance who do you think will become liable if someone in our
20 community gets sick from 5G?"

21
22 Jennifer Mulholland: "Please immediately consider talking with the attorney that the
23 Summit County Council has obtained to better understand the implications, options, and
24 potential solutions regarding what appears to be a mandatory 5G installation. As a local
25 Parkite and business owner, I am very concerned about 1) The potential health impacts
26 to our children and citizens that other counties and countries are investigating and, 2)
27 The aesthetics of where these towers will be placed. It seems prudent and practical to
28 educate ourselves about all of our options to keep our beloved town healthy, thriving,
29 and naturally beautiful. The installation and placement of the towers matters. I ask that
30 the council and all those in powers of leadership please talk to the recommended
31 attorney that Summit County is speaking with (I believe it is Andrew Campenelli),
32 involve the public more proactively, and slow down so we can ensure our approach is a
33 thoughtful, careful, and considerate one for us all. Thank you."

34
35 Zoe Berg, Project Director Americans for Responsible Technology: "Americans for
36 Responsible Technology (ART) is a national science-based environmental health non-
37 profit organization based in New York representing over 150 community organizations
38 across 43 states. We work with municipalities to protect residents' interests when
39 dealing with the telecom industry's deployment of wireless equipment in public rights-of-
40 way. There are effective local measures that the Park City Council can take to protect
41 constituents, particularly in residential areas, from 5G small cell antennas. While the

1 council cannot limit telecoms from placing equipment that complies with FCC limits on
2 health concerns alone, here are some provisions we'd encourage the council to include
3 in its small cell ordinance and any master agreements being considered: • Requiring the
4 telecom applicant to demonstrate a significant gap in personal wireless coverage at the
5 desired installation site using dropped call data; • Implementing antenna installation
6 setbacks from residences, schools, daycare facilities, and other sensitive areas due to
7 historic preservation rules, aesthetics, and property devaluation risks; • Requiring
8 randomized radiofrequency radiation emissions testing of all wireless sites on an annual
9 basis at the expense of the applicant; • Instituting a compliance bond to ensure that the
10 applicant is complying with all conditions of the city's ordinance and all relevant federal
11 regulations. I will be sending a copy of our organization's carefully crafted sample small
12 cell ordinance to each city council member for review, as well as a partial digest of
13 independent, peer-reviewed scientific research documenting various disease endpoints
14 associated with exposure to radiofrequency microwave radiation. I would be happy to
15 discuss any of these issues with you at a later date and, again, very much appreciate
16 your time and consideration of this urgent matter."
17

18 Marcela Mueller: "As a full time Park City resident and homeowner, mother of two and
19 full time worker at a local business, I am requesting that you please listen to Mr.
20 Campanelli who is an attorney to help your staff to better understand all the legal factors
21 at play with the roll out of 5G and the massive increase in electromagnetic fields (EMF)
22 that Will affect children if these towers are placed near by schools. Doctors and
23 pediatricians warn of potential hormone disruption, cancer risk, mental health problems,
24 dizziness, tinnitus, rashes, trouble sleeping, and Moreover, Insurance companies will
25 not insure these Telecom companies why would you allow it in our city?"
26

27 Carlyn Kinn: "Hello - I would like to voice concern for the potential health and safety
28 risks associated with the widespread roll-out of 5G technology (particularly for the kids
29 in our town). As I understand it, the city has been offered a free consultation with
30 Andrew Campanelli, an attorney specializing in helping municipalities understand their
31 rights and liabilities in this matter, and would like to urge consideration of learning more
32 before making any decisions about this technology roll-out. Thank you for your time and
33 service!"
34

35 Heather Eddy: "As a mother of three young children, I am extremely concerned about
36 the 5G roll out. While I understand the council is denied to consider adverse health
37 effects due to 5G, the council may not be fully aware of the impending detrimental
38 consequences of turning a blind eye to the available power the council does have. I am
39 concerned that there is not full comprehension of all the legalities within the situation
40 and I would urge the council to meet with an attorney who specializes in helping cities
41 clarify the power they do have in unique situations such as this."

Bill Johnson: "This appears to be a good start with Design Guidelines, but I have a few questions/comments: 1. Section 2.4 references the poles shall not exceed 50'. 50' is too high for this community. The current Small Cell poles being installed in SLC are 35' for Residential zones and 45' for Commercial Zones. Park City should consider a maximum height of 25' in Residential and 35' in Commercial. The carriers do not need 50'. 2. Section 6.4 - Figure 6-2 references 250' of spacing for standalone poles. 250' is quite close considering each carrier is going to want to install their own pole. Imagine 4 poles in a 1000' span. 3. Section 5.0 - Figure 5-3 shows a meter housing pedestal. Are there any size specifications referenced for that application?"

Rebecca McHaas: "I echo the sentiments of concerns for the health of all Park City residents, yourselves included, with regards to the 5G rollout. As a resident of over 12 years, I have always watched Parkites put our community first. And health and fitness have always been at the top. Our lifestyle is key to our happiness here. Anything that impacts our health and lifestyle will additionally impact our tourism. Needless to say, 2020 will be a year for the record books in economic terms. What if we were a safe haven from the EMF's that are proven to cause headaches, fatigue, lack of focus and a host of diseases including cancer. Please take a moment and consider the ramifications of this mandatory rollout. There is much more here than meets the eye. Thank you for your time, public service, and consideration."

Mayor Beerman closed the public input portion of the meeting and stated he had not heard from Campanelli and he would welcome referring him to the City's Legal Department and would welcome sample ordinances and other resources.

V) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from July 9 and 16, 2020:

Council Member Henney referred to the July 9th minutes, Page Four, Line 33, and specified that all the merchants they spoke to except one were doing better than their new COVID assumption projections and two of the seven merchants were doing better year over year.

Council Member Joyce moved to approve the City Council meeting minutes from July 9 and 16, 2020 as amended. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

VI) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute the Second Addendum to the Professional Service Contract, in a Form Approved by the City Attorney, with Cascadia Partners, LLC. in an Amount Not to Exceed \$8,480.00 for Additional Consulting Services:

2. Request to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Stratton and Bratt Landscapes, LLC, to Install Landscaping on Prospector Avenue and Gold Dust Lane for an Amount Not to Exceed \$230,693.00:

3. Request to Approve a One Year Extension to the Current Contract with Kane, LLC Security, for Transportation and Security Services during Special Events and Peak Time Periods, in an Amount Not to Exceed \$255,501, in a Form Approved by the City Attorney:

Council Member Doilney noted a technical typo in Item One. Plane stated Legal would check that for accuracy.

Council Member Joyce moved to approve the Consent Agenda. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

VII) OLD BUSINESS

1. Special Event Update:

Jenny Diersen, Special Events Manager, presented this item and reviewed the Special Events discussion from last month. Staff worked on mitigating risks, but they weren't able to eliminate them. She indicated Miner's Day, Howl-o-Ween on Main, and Autumn Aloft had been cancelled, but some smaller events were being held. She stated the Historic Park City Alliance (HPCA) requested to extend the Shop, Dine and Stroll event to October 25 and add Saturdays on August 1st, September 5th, and October 3rd. They requested a fee waiver in the amount of \$100,000. She gave statistics that supported extending the car-free event. Diersen asked Council to approve the car-free extended calendar and increase the fee reduction limit to \$120,000.

Mayor Beerman asked who requested the later closure of 10:00 p.m. Diersen thought HPCA requested the car-free time of 11:00 a.m. to 10:00 p.m. and the City agreed to that request. In June, there was a request to close the street at 7:00 a.m. to include breakfast on Main Street as well.

Council Member Henney talked about the goal for event attendees and thought Park City was marketing to those living within 600 miles, but Council wanted locals only. Council Member Joyce stated there was a difference between people coming and staying at a hotel or condo, and people attending an event. He didn't mind people coming, but didn't want big events that drew a crowd that was hard to manage and mitigate. Further discussion ensued and it was determined authority to work with the event sponsor to determine the feasibility of an event with mitigations would be delegated to staff.

Council Member Doilney stated the economic summit that was just held featured marketing Park City for its local amenities and not the events. Mayor Beerman felt the City was doing a good job putting health and safety first while also restarting the community by having local events and outdoor activities. He felt the City had it right. The Council agreed to continue the car-free Sundays into October with the additional associated costs of \$40,000.

Mayor Beerman opened the meeting for public input. No comments were submitted. Mayor Beerman closed the public input portion of the meeting.

Council Members Doilney, Henney, and Joyce supported the Saturday, August 1st, Shop, Dine and Stroll Car-Free Main Street activation and extended the Main Street closures for that day. Council Members Gerber and Worel were excused.

2. Renewable Energy Project for City Operations Update:

Luke Cartin, Environmental Sustainability Manager, presented this item. He reviewed the City's net zero goals and the current annual energy costs. Last November, the City entered a 15-year contract with Rocky Mountain Power (RMP) to contract with a solar developer for a power purchase agreement in the amount of \$22,000. He indicated as additional resources were brought on, like another solar farm or wind farm, the City would be allowed to do that. COVID brought financing issues as well as issues regarding the devaluation of utility scale solar grid benefit. He proposed increasing the 15 year contract to a 20- or 25-year contract, making the cost \$26,280 or \$23,880 respectively. He noted Park City and its partners would have to get approval for a new term and asked Council which term was preferable.

Council Member Joyce clarified this payment was on top of the City's normal electric bill. He preferred the 20-year term, but was fine with either option. Council Member Doilney agreed. Council Member Henney asked if there was a benefit to having all parties agreeing to the same term. Cartin stated there was no benefit; some would have a 20-year contract and others a 25-year contract. Cartin stated at the time of filing, a partner would have the ability to transfer this contract to a buyer if so desired. Also, the City could bid this resource into the community-wide resource. Council Member Henney preferred having a 20-year contract to show support with County's preference of having a 20-year contract.

Mayor Beerman opened the meeting for public input. No comments were submitted. Mayor Beerman closed the public input portion of the meeting.

Cartin noted the solar farm would start in earnest when the filing was finished.

VIII) NEW BUSINESS

1. Consideration to Adopt Resolution 17-2020, a Resolution Adopting the Revised Personnel Policies and Procedures Manual, Effective July 30, 2020 for Park City Municipal Corporation:

Jason Checketts and Brooke Watters, Human Resources Department, were present for this item, and stated they were available for questions on the revised policies. The Council members did not have any questions.

Mayor Beerman opened the meeting for public input. No comments were submitted. Mayor Beerman closed the public input portion of the meeting.

Council Member Doilney stated he liked the Peak Time Leave addition to the policy.

Council Member Joyce moved to adopt Resolution 17-2020, a resolution adopting the revised Personnel Policies and Procedures manual, effective July 30, 2020 for Park City Municipal Corporation. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

2. Consideration to Approve Ordinance 2020-36, an Ordinance Amending the Park City Land Management Code §15-1-11; §15-2.3-2; §15-2.5-2; § 15-2.6-2; §15-2.16-2; §15-2.23-2; §15-4-16; and §15-4-20, to Remove Special Event References from the Land Management Code and to Remove Special Events from the Zoning District

Use Sections; and to Update the Land Management Code §15-15-1; §15-15-2 Definitions and the Municipal Code of Park City - Title 12, Sign Code, §12-7-1; §12-12-1; §12-12-2; §12-12-3; § 12-12-4; §12-12-5; §12-12-6 to Replace the Term Master Festival with Special Event:

Rebecca Ward, Land Use Planner, and Jonathan Weidenhamer, Economic Development Manager, presented this item. Ward stated this was a code cleanup amendment to make the LMC consistent with the Special Event code. She noted the Planning Director would still review special event permits.

Mayor Beerman opened the public hearing. No comments were submitted. Mayor Beerman closed the public hearing.

Council Member Doilney moved to approve Ordinance 2020-36, an ordinance amending the Park City Land Management Code §15-1-11; §15-2.3-2; §15-2.5-2; §15-2.6-2; §15-2.16-2; §15-2.23-2; §15-4-16; and §15-4-20, to remove special event references from the Land Management Code and to remove Special Events from the Zoning District use sections; and to update the Land Management Code §15-15-1; §15-15-2 Definitions and the Municipal Code of Park City - Title 12, Sign Code, §12-7-1; §12-12-1; §12-12-2; §12-12-3; §12-12-4; §12-12-5; §12-12-6 to replace the term Master Festival with Special Event. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

3. Consideration to Approve Ordinance 2020-37, an Ordinance Amending Footnote 2 of the Park City Land Management Code Section 15-2.1-2(B)(1) to Establish Additional Nightly Rental Conditional Use Permit Criteria and a Cap of 12 Nightly Rentals in the Western Historic Residential - Low Density Zoning District:

Rebecca Ward, Land Use Planner, presented this item and reviewed the Planning Commission requested a discussion on this item and proposed some amendments for Council consideration. They also recommended Council have a work session on nightly rentals because of the extensive public concern on this issue, especially in the Alice Claim Subdivision area and the Lower Rossie Hill area. She noted some applicants agreed to additional requirements in order to receive a nightly rental license. The additional requirements included on-site parking, having four wheel drive in the winter, providing information on ski access, free transit, and Historic Main Street that was within walking distance, and requiring property management contact information in the rental unit. The Planning Commission also recommended capping the nightly rental units to 12 in the western area.

1 Council Member Joyce asked what would happen if more than 12 applications were
2 submitted. Ward stated a code amendment would be requested. Council Member Joyce
3 felt the cap issue needed to be developed with defensible reasons. Ward suggested
4 initiating a waiting list. Council Member Doilney stated this was the only area of town
5 that required a Conditional Use Permit (CUP) with nightly rental applications, and
6 agreed with Council Member Joyce. Council Member Joyce felt this could be approved
7 tonight with the direction that Planning Commission discuss the 13th application and if a
8 CUP would expire if it wasn't utilized.

9
10 Mayor Beerman asked about the public outreach regarding the nightly rental cap. Ward
11 indicated each property owner in the zone received a notice and they supported the
12 cap.

13
14 Council Member Joyce asked about the Alice Claim Subdivision, which was not
15 restricted. Ward indicated the CUP ran with the land and was valid unless the property
16 owner was not in compliance. She asked if the CUP should be tied to an active
17 business license. Council Member Joyce thought that was a good idea. Mayor Beerman
18 noted the chain store model was an example for the Planning Commission to look at.
19 Council Member Doilney suggested notifying neighbors when a permit terminated.

20
21 Mayor Beerman opened the public hearing. No comments were submitted. Mayor
22 Beerman closed the public hearing.

23
24 Ward stated these were valid concerns. She stated the intention was to cap the CUPs
25 at seven and let them phase out in the neighborhood. In order to be flexible the cap of
26 12 was recommended until it phased out. Council Member Joyce felt the proposed way
27 would be the most effective way to phase out the nightly rentals. Council Member
28 Henney thought this was a good step in the right direction, especially addressing the
29 concerns of the primary residents. He was concerned the community didn't know this
30 item was being considered because of the lack of public input.

31
32 Council Member Joyce moved to approve Ordinance 2020-37, an ordinance amending
33 Footnote 2 of the Park City Land Management Code Section 15-2.1-2(B)(1) to establish
34 additional nightly rental Conditional Use Permit criteria and a cap of 12 nightly rentals in
35 the Western Historic Residential - Low Density Zoning District with the amendment to
36 have the Planning Commission consider what happens when the cap is reached and
37 additional people want to apply for a CUP, and whether CUPs should ever expire for
38 this particular need. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

Ward asked if Council wanted to discuss nightly rentals further in a work session. Council Member Joyce wanted to see a staff communications report on what the Planning Commission considered and what they would recommend to do.

4. Consideration to Approve Ordinance 2020-38, an Ordinance Amending the Land Management Code of Park City §15-2.13-2 to Prohibit Nightly Rentals in the Meadows Estates Subdivision Phases #1A and #1B:

Mayor Beerman was excused at 8:05 p.m. and Mayor Pro Tem Joyce opened this item for discussion. Hannah Tyler, Senior Planner, and Jane Campbell, Meadows Estates HOA, requested an amendment to prohibit nightly rentals for this subdivision. Tyler stated the nightly rental regulations were in place before the CCRs were amended to prohibit them. In the future, the City would reserve the right to deny requests if they were not consistent with the General Plan. She noted the City did not enforce CCRs. Campbell thought it was worthwhile to make this amendment.

Council Member Henney supported the neighbors in their request. Council Member Doilney stated the request was in keeping with the community and he was in favor of the amendment. Council Member Joyce indicated it would be in the code so it wouldn't get lost in the CCRs or development agreement. He was concerned there wasn't one place for these restrictions. Tyler stated the zoning map on the City website would indicate if a house was in a nightly rental zone.

Mayor Beerman returned to the meeting at 8:15 p.m. and opened the public hearing.

Clayton Stuard: "I live in the adjacent subdivision known as Fairway Meadows. I support the proposed LMC amendment to prohibit Nightly Rentals in Meadows Estates. I hope that the Fairway Meadows HOA will pursue a similar LMC amendment following the City Council's approval of this proposed LMC amendment."

Mayor Beerman closed the public hearing.

Council Member Joyce asked if the City ever had to enforce CCRs. Tyler indicated the City didn't enforce CCRs, but staff looked to see if a nightly rental had a business license. She noted most of the time nightly rentals were in an area that was allowed.

Council Member Joyce moved to approve Ordinance 2020-38, an ordinance amending the Land Management Code of Park City §15-2.13-2 to prohibit Nightly Rentals in the Meadows Estates Subdivision Phases #1A and #1B. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

5. Consideration to Approve Resolution 18-2020, a Resolution Amending the Public Art Advisory Board and Public Art Policies:

Jenny Diersen, Public Art Advisory Board Staff Liaison, indicated there was an overwhelming response from people interested in serving on the board. She recommended increasing the membership from seven to eight. The new position would be a three year term. With the larger number of members, it was recommended to increase the quorum to five members. She noted a change in voting rules for purchases and indicated a typo on the board makeup was duplicated and would be removed.

Mayor Beerman opened the public hearing. No comments were submitted. Mayor Beerman closed the public hearing.

Council Member Joyce moved to adopt Resolution 18-2020, a resolution amending the Public Art Advisory Board and Public Art Policies with the amendment to remove the duplicate sentence. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

IX) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

August 4, 2020

The Council of Park City, Summit County, Utah, met in open meeting on August 4, 2020, at 4:00 p.m. The meeting was a remote, electronic meeting due to the declared public health emergency.

Council Member Henney moved to close the meeting to discuss property and litigation at 4:00 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 5:05 p.m. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

WORK SESSION

Discuss Encroachments in Rights-of-Way and Private Driveways in Platted, Un-Built Rights-of-Way:

Rebecca Ward and Liz Jackson, Planning Department, and John Robertson and Corey Legge, Engineering Department, presented this item. Ward stated the encroachments were limited to roads and trails that were intended for public use. There were different types of encroachments, including heated driveways, landscaping and retaining walls, parking, signs, outdoor dining decks and private driveways in platted, unbuilt rights-of-way. Legge reviewed the standard encroachment agreement the City used and noted it was a revocable license and was recorded at the County Recorder's office, so it attached to the property and was transferred with the deed. This allowed the property owners to improve the area. The bulk of encroachment agreements were for heated driveways. Staff didn't propose changes to this type of permit. Council Member Henney asked what the difference was between a heated driveway and non-heated driveway encroaching the right-of-way. Legge stated the right-of-way extended 10 feet into the property. The difference was on the potential repair cost if the City had to take out part

1 of the driveway for utility repairs. For heated driveways, the entire driveway would have
2 to be replaced at the owner's cost.

3
4 Retaining wall encroachments were normally associated with the driveway. Staff
5 recommended a policy update for landscaping and retaining walls, including prohibiting
6 new landscaping and retaining walls within platted, unbuilt rights-of-way; requiring an
7 encroachment agreement for new landscaping in the right-of-way in order to put
8 property owners on notice that the landscaping could be disturbed at their expense;
9 prohibiting new retaining walls and planters that front a street from encroaching into a
10 right-of-way; and requiring Council approval for these encroachment agreements in the
11 Historic District.

12
13 There were encroachments for parking stalls in the right-of-way in the Historic zones,
14 but that code was repealed in 2000. There was currently no code to allow parking stalls
15 and no plan to add code for that purpose.

16
17 Jackson stated there were sign encroachment agreements for blade signs on Main
18 Street coming out from the buildings as well as encroachment agreements for outdoor
19 dining decks on Main Street.

20
21 Ward explained private driveways in the platted, unbuilt right-of-way and stated the
22 Land Management Code established a Conditional Use Permit (CUP) in 2000 for these
23 private driveways. In February, Council repealed this code. Staff proposed a
24 replacement code. If a property owner had trouble accessing the property, the proposed
25 code would consider vacating the right-of-way. With this process, the Council could
26 consider a cost for vacating the property. The City Engineer would review the
27 application and make a recommendation to the Planning Commission in a public
28 hearing. Council would have final action through an encroachment agreement and the
29 public noticing process would remain the same. She noted some cities charged an
30 annual fee for encroachments in the right-of-way and the funds went into the General
31 Fund.

32
33 Council Member Henney struggled with the concept of encroachments at a high level.
34 He thought this was going in the right direction and asked for an explanation why the
35 City would grant encroachments for other reasons than to reach their property. He felt
36 encroachments for retaining walls on steep slopes gave developers a path for more
37 development. Council Member Joyce stated encroachment agreements made sense
38 when building streets for a neighborhood and the steep driveways would come to the
39 road. If there was no agreement then driveways would not be allowed and there
40 wouldn't be anyone wanting to live in the subdivision. He indicated there were some
41 encroachment agreements that were questionable because it looked like the owner was
42 taking the City's land. Council Member Henney asked if every platted property had the
43 right to an encroachment agreement to accommodate building. Council Member Joyce

reviewed that a Maryland company platted the City without being physically present and there were rights-of-way in odd places. These were things that needed to be cleaned up.

Council Member Doilney liked the direction the City was going. Council Member Worel agreed and favored the idea of renting the property to owners encroaching on it. She stated some people were concerned about property owners encroaching on the golf course and asked if that issue would come back for further discussion. Ward stated that issue would come to Council in the fall.

Council Member Joyce asked if thought was given to future uses for unbuilt rights-of-way. Legge stated the Streets Master Plan was outdated. The unbuilt rights-of-way were now being used as utility corridors. There had never been a request to make those into streets because of the grade, although trails had been considered. Council Member Joyce was concerned there would be push back on uses because it was not in the master plan. He knew the City didn't make plans for 20-30 years of potential uses. He asked staff to look at that. He also asked Ward why the first option in considering an unbuilt right-of-way was to vacate it. He thought that should be last option. Ward stated vacating would be the first option for property that had no other access. She also noted some of the rights-of-way didn't lead anywhere or have any purpose, so an evaluation was always performed.

Council Member Henney favored continuing to work on this, but he was concerned the City was creating a mechanism that would allow development for properties that would otherwise not be developable.

Mayor Beerman stated this would come back to a future regular meeting.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney (arrived at 8:10 p.m.) Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Margaret Plane, Special Counsel Michelle Kellogg, City Recorder	Present via technology
Council Member Becca Gerber	Excused

II) APPOINTMENTS

1. Consideration to Appoint the following to the Public Art Advisory Board: David Nicholas to a Second Term Expiring June 30, 2023; Jennifer Gardner and Samantha Osselaer to their First Full Term Expiring June 30, 2023, Lara Carlton and Pamela Bingham to a First Term Expiring June 30, 2023; and Hilary Gilson to Fulfill a Vacant Term Expiring June 30, 2022:

Jenny Diersen indicated there were many applicants for these open seats and six were being appointed or reappointed tonight. She thanked Board member Kathy Kahn who termed out, and stated she worked tirelessly serving the community. Council Member Joyce stated he was happy to see so much interest from the community in participating on the City boards. Council Member Worel noted she was the liaison for this board and stated the board had done a tremendous job in moving public art forward. Council Member Henney thanked Kahn for her service.

Mayor Beerman opened the meeting for public input. No comments were submitted. Mayor Beerman closed the public input portion of the meeting.

Council Member Worel moved to appoint to the Public Art Advisory Board David Nicholas to a second term expiring June 30, 2023; Jennifer Gardner and Samantha Osselaer to their first full term expiring June 30, 2023, Lara Carlton and Pamela Bingham to a first term expiring June 30, 2023; and Hilary Gilson to fulfill a vacant term expiring June 30, 2022. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

III) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Henney stated he received many comments on a house being built in town that didn't meet code. He reviewed that staff, the owner, builder and architect were working to correct the error and asked Council if this should be discussed in a Council meeting. Everitt stated this had been a frustrating project for many, but staff had a solution that would bring the project into compliance. The top of the structure was coming off to meet height restrictions and siding would be added to make it more visually acceptable. He was working on a communication to send to the concerned residents and offered to hold a Zoom meeting with the community to answer questions. Council Member Henney asked if other homes would be seen on the ridge if this particular house had not been built. Everitt thought other homes in the subdivision were prominent, but this one stuck out because it was in a prominent location. Council Member Joyce explained the determination in the ridgeline code. Council Member

Henney felt there was a need for further discussion on this issue. Mayor Beerman noted the next meeting wasn't until September and he suggested having the letter sent out and a Zoom meeting discussion and then see if another discussion would be necessary. Council Member Worel requested a discussion in Council meeting to hear the measures being taken so this didn't happen again. It was indicated this would be on the September 17th agenda.

Council Member Joyce went on a Walk and Talk with Council Member Doilney and staff on Sunday and noted people were out, businesses were activating the street, and those businesses that had activated and found that it didn't work, stopped and found other creative ways to make things work. He stated people were coming to Main Street for breakfast and the street was populated all day. He also was grateful to see the Martinez statue moving forward.

Council Member Worel stated she had talked to a lot of second homeowners and they felt brushed aside and not valued for their contributions. She knew there had been efforts in the past to engage this demographic and make them feel welcomed and valued. She said she would be meeting with this group during August. Council Member Joyce offered to accompany her.

Mayor Beerman discussed the Hideout annexation issue. Summit County filed a temporary restraining order to delay the annexation moving forward and there would be a hearing on that in August. The Governor and senate were in favor of putting this on the agenda for repeal in a special legislative session, but there was pushback from the house. Mayor Beerman stated it should be repealed and brought back in the general session for a good discussion.

Staff Communications Reports:

1. Vibrant Commercial Storefront Code 4-2-15: COVID-19 Impacts on 2020 Second Quarter:

2. Artwork in Memory of Rich Martinez & Mining Legacy:

3. Rent Abatement for Certain City Owned Facilities - August 2020:

Dias stated the rent abatement report left out the Council authorization for not charging interest on late water fees, not sending delinquent accounts to collections, and implementing a 50% reduction in Stormwater charges. The Water Department would run these concessions concurrently with the rent abatements. Staff would return in September for another conversation regarding rent abatement.

Council Member Henney asked if there had been delinquencies on water bills. He also asked about using CARES Act funds for helping people with rent. Dias stated the City could not be reimbursed for rent revenue, but was using that money for supplies, equipment and overtime hours for COVID purposes. Council Member Henney asked how much of a need there was. Dias stated over \$1 million would be spent when everything was accounted for and noted funds were spent in upgrading infrastructure to meet safety standards. Clint McAfee, Public Utilities Manager, stated the water bill delinquency had gone from a normal of 20-30 accounts to 60 accounts.

4. May 2020 Sales Tax Update - General Fund:

IV) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for anyone who wished to submit comments to the Council on items not included on the agenda.

Ed Parigian via Zoom, stated the LMC was the legal document that people must abide by and the architect for Saddleview Way had to abide to it as well. He felt Everitt's review was disingenuous because floor one of the house was above the ridgeline. It shouldn't have gone this far, but it did and it should be corrected. If this issue was let go, a precedent would be set.

Mayor Beerman clarified that a mistake had been made by the City upfront. The architect and builder should have caught it, but they moved forward. The top floor was coming off and it would be in compliance. There would be a discussion in September. The new house plans were compliant. Parigian felt it would not be in total compliance.

V) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from July 29, 2020:

Council Member Joyce moved to approve the City Council meeting minutes from July 29, 2020. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

VI) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute Amendment No. 8 to the Agreement, in a Form Approved by the City Attorney, with Alder Construction Company for 3Kings Water Treatment Plant (3KWTP) Construction Guaranteed Maximum Price Construction Services for an Amount Not to Exceed \$4,855,000.00:

Council Member Joyce moved to approve the Consent Agenda. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

VII) OLD BUSINESS

1. Consideration to Approve Ordinance 2020-39, an Ordinance Approving a New Zoning District to be known as Park City Land Management Code Chapter 15-2.26, Urban Park District, and a Zoning Map Amendment to Rezone Rotary Park, Creekside Park, Prospector Park, City Park, and the North Municipal Golf Course from Recreation and Open Space to Urban Park District Zoning:

Tate Shaw, Eric Hoffman, Jane Campbell Ed Parigian, Recreation Advisory Board, and Alex Ananth, Senior Planner, presented this item. Shaw reviewed the history of getting this Urban Park District Zone in order to protect the parks around town. Campbell discussed the master plan goal and noted it allowed for trends in recreation over time and also gave protections. Hoffman stated the specified parks were distributed around town as well as the north portion of the golf course. Parigian reviewed the master plan process that allowed for additional protections of park space. The process for changing the plan required five public meetings over a three month period, an affirmative vote of four out of five council members, and a voter referendum where 60% or more of the ballots were in favor of the change. Shaw noted the Planning Commission recommendation was to specify open space setback restrictions as well as the lot and site requirements and height restrictions and stated that was specifically requested because of the senior center that would be built next to City Park. Campbell reviewed that this new zone was compatible with the City's core values. Hoffman indicated he was passionate about preserving these parks for the future.

Council Member Joyce asked why the anemometer and wind towers remained in the code. Shaw stated that option was left in based on possible future need. Mayor Beerman stated there were some small weather stations at the library so that was a current use. Council Member Joyce stated this language allowed for a weather tower with a height exception. He also asked why two sections were left off the golf course. Shaw felt that was an oversight because all the north portion was included in this new zone and noted the back nine would be included at a later date. Council Member Joyce

1 indicated the south portion of the golf course was not on the proposed zone because
2 part of it was in negotiations for a road, and he thought it was in direct conflict with the
3 goal of this group. Parigian stated it was only 15 feet, but the private property owners
4 could put the road on their property. Ananth indicated it was held back until it was
5 determined if the roundabouts would help prioritize Transit at the base center with
6 turning movements. Shaw stated the original plan was to have the entire golf course,
7 but they were told they couldn't act while current negotiations took place. So they
8 moved forward with the current parcels, which consisted of 104 acres.

9
10 Council Member Worel agreed the southern portion of the golf course should be
11 included in the zone. She was also concerned about the proposed conditional use
12 section of the code regarding a childcare center. She didn't understand an allowance for
13 a childcare center. Parigian stated it was directed to the rec center in City Park. Shaw
14 stated the summer camp was a state licensed childcare center, so it was for the specific
15 uses in the code. Council Member Worel asked to incorporate "a public institution for
16 public education" into Number 10 and remove 11. Council Member Joyce wasn't
17 concerned, but he would go along with the change. Council Member Henney was fine
18 with the change as well. Shaw stated the City would always own the land. Both
19 education and childcare were great uses for this since it was at a park. Shaw indicated
20 he would restate Number 10, adding "youth camps and adult clinics." He would also
21 delete Number 11, Child Care Center.

22
23 Mayor Beerman opened public hearing. No comments were submitted. Mayor Beerman
24 closed the public hearing.

25
26 Council Member Joyce requested that anemometer and wind towers be pulled from
27 Allowed Use Number Seven, Conditional Use Number 16, and Building Height
28 Exceptions Numbers Four and Five. Council Member Joyce also had concerns with the
29 proposed roundabout on the golf course. Mayor Beerman noted a process concern
30 since the proposal went to Planning Commission first. He didn't know if there were
31 alternatives so he suggested approving the rest of the zone and then staff would come
32 back with the remainder of the golf course. Joyce asked if this came to Planning
33 Commission with the entire golf course. Shaw affirmed it did go the Planning
34 Commission twice and they had concerns about the south half of the golf course being
35 left out as well. The south part was left out at the recommendation of the Planning
36 Department. Council asked to hear from staff and the public and requested that this
37 item come back in September. Campbell thanked Council and stated the process was
38 wonderful.

39
40 Council Member Joyce moved to continue Ordinance 2020-39, an ordinance approving
41 a new zoning district to be known as Park City Land Management Code Chapter 15-
42 2.26, Urban Park District, and a zoning map amendment to rezone Rotary Park,

Creekside Park, Prospector Park, City Park, and the North Municipal Golf Course from Recreation and Open Space to Urban Park District Zoning to the September 17th meeting and to include the changes requested regarding anemometers and wind towers, the addition of youth camps and adult clinics and the deletion of childcare, and the addition of the entire golf course. Council Member Worel seconded the motion.

RESULT: CONTINUED TO SEPTEMBER 17, 2020

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

2. Consideration to Authorize the City Manager to Sign a Second Addendum to the Professional Services Agreement between Park City Municipal Corporation and Lake|Flato Architects for Additional Architecture and Engineering Design Services, Not to Exceed \$633,000.00, for a Cumulative Contract Amount of \$1,878,000, plus up to \$30,000 in Reimbursable Expenses:

David Everitt, Deputy City Manager, stated this item was the next step that was discussed a few weeks ago. The contract amendment would add to the scope to keep the project moving forward, such as final touches on the Master Planned Development (MPD), interior schematic design, utilities, and putting together the packages for site demolition. This would be the last addendum for this contract. Then there would be a contract for the price of construction. There would also be contracts for demolition services and construction contracts and were major benchmarks toward the goal.

Council Member Worel asked if demolition included soil mitigation. Everitt indicated it did not include soil mitigation, but there was every indication the soils were in good shape because the gas station was onsite. Council Member Worel asked if the gas station was responsible for correcting any damage caused by the tanks. Everitt indicated that would be the case, but the analysis work was completed and there wasn't any damage.

Mayor Beerman opened the meeting for public input. No comments were submitted. Mayor Beerman closed the public input portion of the meeting.

Council Member Joyce did not want to move forward on bids for demolition until after a discussion took place on transit, housing authority bonds, etc. Everitt indicated he planned on scheduling those discussions with Council soon.

Council Member Joyce moved to authorize the City Manager to sign a second addendum to the professional services agreement between Park City Municipal Corporation and Lake|Flato Architects for additional architecture and engineering design services, not to exceed \$633,000.00, for a cumulative contract amount of \$1,878,000, plus up to \$30,000 in reimbursable expenses. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

3. Consideration to Approve Amendments to the Shop, Dine and Stroll – Main Street Car-Free Special Event Permit, which includes Extending the Event through October 25, 2020 and adding Saturday, August 1, September 5, and October 3, and Special Event Fee Reduction up to \$120,000 in a Form Approved by the City Attorney:

Jenny Diersen, Special Events Manager, stated the Historic Park City Alliance (HPCA) requested to extend this event through the end of October and noted there was an increased fee reduction. She reviewed Council requested to see measures of success for this event. She indicated the majority of participants were restaurants and retail, and she reviewed the results of a survey taken by Main Street businesses. Sales tax revenue was up as well as mobility. Hotel occupancy and food services, entertainment and arts were not back to 2019 levels and were hurting in this economy. She indicated parking lots were almost full on Sundays because of this event. She also reported the trends in Transit ridership was increasing. Traffic on Hillside was increasing so that was being monitored. Police resources had been increasing as well for this event. Staff concluded this event was successful and recommended the proposed amendments.

Council Member Worel indicated there were 67 businesses that responded to the survey and asked how many businesses received the survey, to which Jonathan Weidenheimer thought approximately 200. Council Member Henney thought there was great value in the Walk and Talks. Council Member Joyce thought everything was going well and they weren't really needed. Council Member Henney liked seeing the numbers and thought a staff communications report for September would suffice. He thought Council favored extending this event. Council Member Joyce asked for a staff communications report when sales tax numbers were released as well.

Mayor Beerman opened public hearing. No comments were submitted. Mayor Beerman closed the public hearing.

Weidenhamer asked if the measures of success were adequate and stated he was open to other suggestions to focus on. Council Member Joyce thought it was good that Council had gone on Walk and Talks, and stated he would like to see Transient Room Tax (TRT) revenue including on Vacation Rentals By Owner (VRBO). Erik Daenitz stated that was possible, but the VRBO was not consistently paid on a monthly basis. Council Member Henney asked if there were additional data points that could be looked at. Daenitz indicated he could get sewage data that could help analyze human behavior. Airline traffic was also an indicator. He could include that with sales tax projections in the fall, but noted those were not necessarily related to this item.

Mayor Beerman thanked all staff involved in this event. He felt this set the right tone for having an event that kept people safe. He noted there was an event at the bottom of the street last weekend where masks were not being worn. When talked to, they indicated they would do better this week.

Council Member Henney moved to approve amendments to the Shop, Dine and Stroll – Main Street Car-Free Special Event Permit, which includes extending the event through October 25, 2020 and adding Saturday, August 1, September 5, and October 3, and special event fee reduction up to \$120,000, with the addition of eliminating the Main Street walk-throughs and updating Council via staff communication reports, in a form approved by the City Attorney. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

VIII) NEW BUSINESS

1. Consideration to Approve One-Time Changes to the 2021 Sundance Film Festival in a Form Approved by the City Attorney:

Jenny Diersen, Special Events Manager, with Betsy Wallace, Tina Graham and Robert Dick, Sundance, presented this item. Diersen stated it was difficult to plan major events in light of COVID-19. Diersen reviewed that Sundance was requesting to reduce the length of the festival from 10 to seven days, January 28-February 3, 2021. They also asked to reduce the use of City property, suspend the requirement to have 70% of festival in Summit County, and reduce transportation requirements.

Wallace stated theatres would only have 25% capacity in order to keep people safe and she hoped the festival would return to a live festival in 2022. Mayor Beerman noted this was not a supplemental plan, but Council was only approving some amendments, with a supplemental plan being presented at a later date. Council Member Joyce asked if this would conflict with other events. Diersen stated no events would conflict, but the World Cup was scheduled to begin on February 4th. Council Member Joyce asked what might be expected to happen on Main Street during the festival. Diersen stated time was needed to figure out what the town would look like for this festival. She thought revenues would be lower, but other businesses might be strong. Wallace stated it was a difficult decision to reduce its footprint and the businesses might only see 25% of normal revenue. She hoped when she came back to Council with the supplemental plan, projections could be firmer. Dick stated they were being upfront and would give updates as they moved forward.

Council Member Joyce indicated businesses were finding creative ways to adapt, and thought they might find ways to work with Sundance sponsors. Council Member Worel

1 thanked Sundance for making the event work. She asked about the buildings Sundance
2 would need. Wallace stated they were keeping their options open.

3
4 Mayor Beerman opened the meeting for public input. No comments were submitted.
5 Mayor Beerman closed the public input portion of the meeting.

6
7 Council Member Doilney joined the meeting at 8:10 p.m.

8
9 Council Member Worel moved to approve one-time changes to the 2021 Sundance Film
10 Festival in a form approved by the City Attorney. Council Member Joyce seconded the
11 motion.

12 **RESULT: APPROVED**

13 **AYES:** Council Members Doilney, Henney, Joyce, and Worel

14 **EXCUSED:** Council Member Gerber

15
16 **2. Consideration to Approve Ordinance 2020-40, an Ordinance Enacting Park City**
17 **Municipal Code Section 9-3-5, Electric Vehicle Charging Stalls:**

18 Johnny Wasden, Parking Manager, stated Council approved 44 parking spaces for
19 charging access on City property in 2019. This code amendment granted enforcement
20 and signage regarding time limits on active charging.

21
22 Council Member Worel asked how vehicles would know the rules, fines, etc. when
23 parking in those stations. Wasden stated there would be large signs clearly stating that
24 it was a restricted area for charging. Council Member Worel thought signage should say
25 non-electric vehicles would be subject to some sort of consequence. Wasden stated he
26 would discuss that with Planning and Sustainability.

27
28 Council Member Joyce stated China Bridge was full, but most of the charging stations
29 were empty. He asked how people would know where the charging stations were
30 located, and stated ways needed to be found to fill up those stations. Wasden agreed
31 and stated he would look for solutions on Google and GoParkCity app.

32
33 Mayor Beerman opened public hearing. No comments were submitted. Mayor Beerman
34 closed the public hearing.

35
36 Council Member Henney moved to approve Ordinance 2020-40, an ordinance enacting
37 Park City Municipal Code Section 9-3-5, Electric Vehicle Charging Stalls with direction
38 given to staff regarding wayfinding and informational signage. Council Member Worel
39 seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, Joyce, and Worel

EXCUSED: Council Member Gerber

IX) ADJOURNMENT

X) PARK CITY HOUSING AUTHORITY MEETING

I) ROLL CALL

Attendee Name	Status
Chair Andy Beerman Board Member Max Doilney Board Member Tim Henney Board Member Steve Joyce Board Member Nann Worel Matt Dias, Executive Director Margaret Plane, Special Counsel Michelle Kellogg, Secretary	Present via Technology
Board Member Becca Gerber	Excused

II) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Chair Beerman opened the meeting for public input on matters not on the agenda. No comments were given. Chair Beerman closed the public input portion of the meeting.

III) NEW BUSINESS

1. Consideration to Approve the Third Amendment to Kings Cright-of-way

Housing Mitigation Plan:

Chair Beerman indicated the applicant had requested that this item be removed from the agenda.

IV) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

August 31, 2020

The Council of Park City, Summit County, Utah, met in open meeting on August 31, 2020, at 4:30 p.m. The meeting was a remote, electronic meeting due to the declared public health emergency.

SPECIAL MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Margaret Plane, Special Counsel Michelle Kellogg, City Recorder	Present via technology
None	Excused

Council Member Joyce moved to close the meeting to discuss property and litigation at 4:30 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

II. CLOSED SESSION

Council Member Joyce moved to adjourn from Closed Meeting at 5:55 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

1 **III. ADJOURNMENT**

2

3 With no further business, the meeting was adjourned.

4

5

6

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Logan Jones

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the City Manager to Enter into a Construction Agreement with VanCon, Inc., for Construction Services for the Treasure Hill Trailhead, Not to Exceed \$172,135.00, in a Form Approved by the City Attorney

Suggested Action:

Attachments:

[Treasure Hill Trailhead Construction Award Staff Report](#)

[Exhibit A: Treasure Hill Trailhead at Lowell Avenue](#)

[Exhibit B: VanCon, Inc. Proposal - Trailhead at Lowell Avenue](#)



City Council Staff Report

Subject: Construction Contract Award
Author: Logan Jones
Department: Sustainability
Date: September 17, 2020
Type of Item: Consent – Award of Contract

Recommendation

Authorize the City Manager to enter into a construction agreement with VanCon, Inc., for construction services for the Treasure Hill Trailhead, not to exceed one hundred and seventy two thousand one hundred and thirty five dollars (\$172,135.00), and in a form approved by the City Attorney.

Background

Purchase of the Treasure Hill Open Space property was finalized in April 2019. [On May 2, 2019](#) Council considered an initial capital improvement plan for Treasure Hill. The plan outlined goals and a 'phasing plan' for the property, which included trails, a trailhead, and stairs in the 6th street right of way.

[On September 12, 2019](#), staff provided an updated Treasure Hill capital improvement plan for Council approval with details on the Treasure Hill Trailhead Design.

In preparation for construction of the Treasure Hill Trailhead, staff released an invitation to bid in early July 2020. Upon invitation to bid closure on July 22, 2020, two (2) bids were received by staff.

Analysis

The following firms responded to the invitation to bid, and their cost proposals are as follows:

Firm	Proposed Total Cost
VanCon, Inc.	\$172,135
Beck Construction & Excavation, Inc.	\$217,834

According to Park City Municipal Corporation procurement policy, award of the contract shall be made to the lowest qualified, responsible and responsive bidder subject to Park City's contract policy, and whose bid complies with all the requirements prescribed. VanCon, Inc. was found to meet all requirements and as such was recognized as the lowest responsible bidder.

Funding

Funds were set aside for trailhead construction and other improvements to the Treasure Hill area from the Treasure Hill Open Space bond. Maintenance efforts associated with

the trailhead infrastructure, including trash removal and mutt mitt stations, will be absorbed into current trail operations.

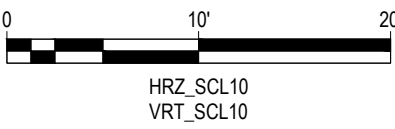
It is important to note that the trailhead will only be used during the summer season. During winter months the parking area will be used as snow storage – thus no maintenance costs will be incurred approximately five to six months of the year.

Construction:

Should Council award the contract, staff will aim to work with VanCon, Inc. to complete the trailhead project during this fall season, 2020.

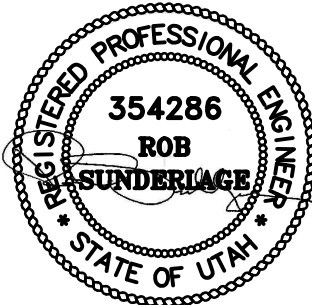
Attachments

- Exhibit A: Request for Proposal Packet: Exhibit A - Trailhead at Lowell Avenue 2020 (Treasure Hill Trailhead) C05
- Exhibit B: VanCon, Inc. Proposal: Trailhead at Lowell Avenue 2020



- 01 EXISTING ROLLED CURB AND GUTTER. PROTECT AND PRESERVE IN PLACE.
- 02 EXISTING FIRE HYDRANT. PROTECT AND PRESERVE IN PLACE.
- 03 EXISTING CONCRETE PAD. PROTECT AND PRESERVE IN PLACE.
- 04 FURNISH AND INSTALL NEW ASPHALT PAVEMENT SEE DETAIL SHEETS FOR EXACT PAVEMENT SECTION AND TYPE.
- 05 FURNISH AND INSTALL CEDAR POST AND ROPE RAILING. SEE DETAIL SHEETS FOR EXACT TYPE AND LAYOUT.
- 06 FURNISH AND INSTALL CEDAR POST AND ROPE RAILING WITH CORTEL RETAINING PLATES. SEE DETAIL SHEETS FOR EXACT TYPE AND LAYOUT.
- 07 FURNISH AND INSTALL BASALT COLUMN AND CORTEL STEEL PANEL RETAINING WALL. SEE DETAILS SHEETS FOR EXACT TYPE AND LAYOUT.
- 08 FURNISH AND INSTALL (1) TRAIL KIOSK. SEE DETAIL SHEETS FOR EXACT TYPE AND LAYOUT.
- 09 FURNISH AND INSTALL COMPACTED GRAVEL PATH. SEE DETAIL SHEETS FOR EXACT PAVEMENT SECTION AND TYPE.
- 10 FURNISH AND INSTALL SEED MIX WITH WOOD FIBER MULCH AND TACKIFIER TO REVEGETATE DISTURBED AREAS. SEE DETAIL SHEETS FOR EXACT SEED MIX AND INSTALLATION DETAILS.
- 11 EXISTING CONTOURS PER CITY SUPPLIED LIDAR DATA. SEE GRADING PLAN FOR PROPOSED GRADING.

REV #	DATE	REVISIONS
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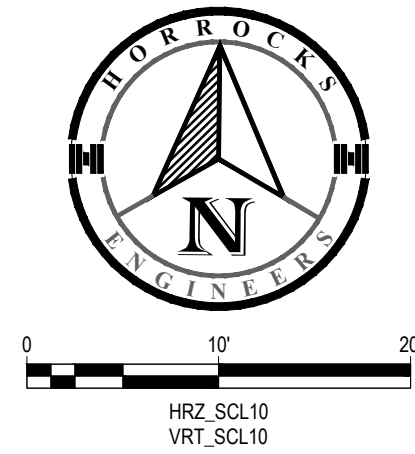


PARK CITY, UTAH

SITE PLAN



PAGE 4



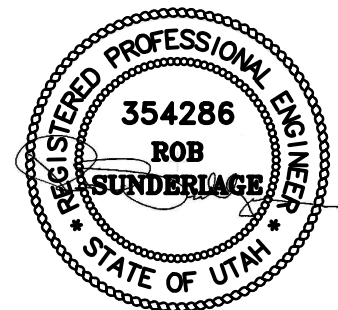
SITE PLAN KEYNOTES

- 01 EXISTING ROLLED CURB AND GUTTER. PROTECT AND PRESERVE IN PLACE.
- 02 EXISTING FIRE HYDRANT. PROTECT AND PRESERVE IN PLACE.
- 03 EXISTING CONCRETE PAD. PROTECT AND PRESERVE IN PLACE.
- 04 FURNISH AND INSTALL NEW ASPHALT PAVEMENT SEE DETAIL SHEETS FOR EXACT PAVEMENT SECTION AND TYPE.
- 05 FURNISH AND INSTALL CEDAR POST AND ROPE RAILING. SEE DETAIL SHEETS FOR EXACT TYPE AND LAYOUT.
- 06 FURNISH AND INSTALL CEDAR POST AND ROPE RAILING WITH CORTEN RETAINING PLATES. SEE DETAIL SHEETS FOR EXACT TYPE AND LAYOUT.
- 07 FURNISH AND INSTALL BASALT COLUMN AND CORTEN STEEL PANEL RETAINING WALL. SEE DETAIL SHEETS FOR EXACT TYPE AND LAYOUT.
- 08 FURNISH AND INSTALL (1) TRAIL KIOSK. SEE DETAIL SHEETS FOR EXACT TYPE AND LAYOUT.
- 09 FURNISH AND INSTALL COMPACTED GRAVEL PATH. SEE DETAIL SHEETS FOR EXACT PAVEMENT SECTION AND TYPE.
- 10 FURNISH AND INSTALL SEED MIX WITH WOOD FIBER MULCH AND TACKIFIER TO REVEGETATE DISTURBED AREAS. SEE DETAIL SHEETS FOR EXACT SEED MIX AND INSTALLATION DETAILS.
- 11 EXISTING CONTOURS PER CITY SUPPLIED LIDAR DATA. SEE GRADING PLAN FOR PROPOSED GRADING.

DRAWING INFO	REV #	REVISIONS
DATE 7-6-2020	Δ DATE	
DESIGNED RS		
DRAWN ZS		
CHECKED RS		
PROJECT UT-1883-1903		*SEE GENERAL NOTES SHEET

WARNING

IF THIS BAR DOES NOT
MEASURE 2' THEN
DRAWING IS NOT TO SCALE

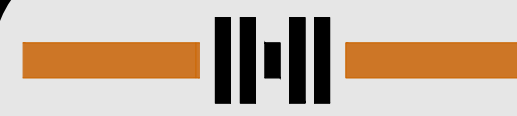


TRAILHEAD AT LOWELL AVE.

PARK CITY, UTAH

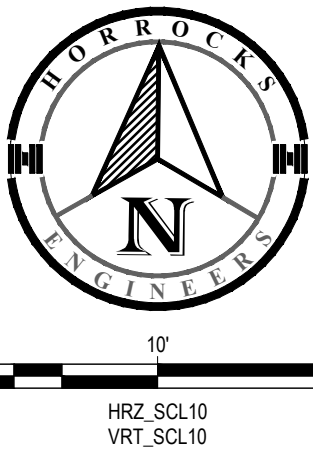
SITE PLAN

...



C05.1

PAGE 5



GENERAL GRADING NOTES

- 1. GRADES AND SPOT ELEVATIONS MAY NEED MODIFICATION DUE TO UNFORSEEN SITE CONDITIONS. IF ANY GRADE IS UNABLE TO BE CONSTRUCTED, NOTIFY ENGINEER FOR REVISED DESIGN.
- 2. ALL RAMP SLOPES SHALL NOT EXCEED 8.33% OR CURRENT ADA STANDARDS AND SHALL HAVE THE APPROPRIATE LANDINGS IN PLACE.
- 3. SIDEWALK SLOPES SHALL NOT EXCEED 5%.
- 4. SIDEWALK CROSS SLOPES SHALL NOT EXCEED 2% IN AREAS WHERE THE OVERALL CROSS SLOPE WOULD TYPICALLY EXCEED 2% A MIN. 5' WIDE AREA WITH A 1.8% CROSS SLOPE SHOULD BE MAINTAINED AND THE ADJACENT AREAS MAY HAVE A GREATER CROSS SLOPE.
- 5. MINIMUM SLOPE FOR CONCRETE AREAS SHALL BE 1%.
- 6. CONTRACTOR SHALL CERTIFY THAT NO FLAT AREAS ARE CREATED RESULTING IN PONDING OR LACK OF WATER SHEET FLOW OVER PAVED SURFACES.
- 7. ALL GRADING SHALL BE CONSTRUCTED SO AS TO CONVEY STORMWATER TO CATCH BASINS, INLETS, SURFACE DITCHES, OR STORMWATER BASINS ON THE PROPERTY OF THE OWNER.
- 8. STORM WATER SHALL NOT BE ALLOWED TO SURFACE FLOW FROM THE OWNER'S PROPERTY TO ADJACENT PROPERTIES.
- 9. WHEN BLENDING CUT/FILL SLOPES WITH EXISTING GRADE, DO NOT CHASE SLOPES PAST 7115'. CUT AND FILL SLOPES SHALL BE 2:1 WHEREVER POSSIBLE. DO NOT EXCEED 1.5:1 UNDER ANY CIRCUMSTANCES.
- 10. WALL ELEVATIONS ARE GIVEN AT APPROXIMATE POST LOCATIONS. STEPS IN WALL SHALL BE IN 1' INCREMENTS AND SHALL OCCUR AT THE CENTER OF THE POST TO HIDE THE STEP/SEAM.
- 11. WALL SHALL NOT EXCEED 4' IN ANY LOCATION.
- 12. USE 4" WIDE STEEL PANELS FOR WALLS <3' TO ALLOW FOR PROPER BURIAL PER DETAILS. USE 5" WIDE STEEL PANELS FOR 4' TALL WALLS TO ALLOW FOR PROPER BURIAL.

LEGEND

- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- -50% DIRECTION OF FLOW
- 6731.25 PROPOSED SPOT GRADE (TOP BACK OF CURB) TBC
- 6731.25 PROPOSED SPOT GRADE (TOP OF WALL) TOW
- 6731.25 PROPOSED SPOT GRADE (BOTTOM OF WALL) BOW
- 6731.25 PROPOSED SPOT GRADE (EOA) EOA
- 6731.25 PROPOSED SPOT GRADE

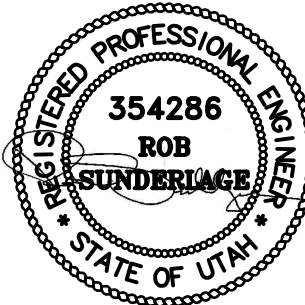
HORROCKS ENGINEERS

2162 West Grove Pkwy, Suite 400
Pleasant Grove, UT 84062
(801) 763-5100
www.horrock.com

WARNING

IF THIS BAR DOES NOT MEASURE 2" THEN DRAWING IS NOT TO SCALE

DRAWING INFO	REVISIONS		DATE	
	REV #	DATE	DESIGNED	CHECKED
DATE	7-6-2020		RS	RS
DRAWN			ZS	RS
PROJECT				UT-1883-1908



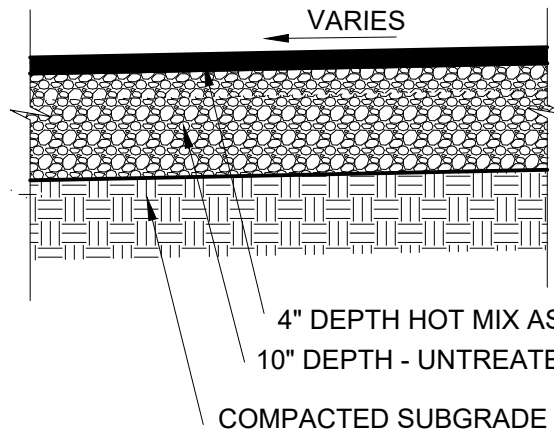
TRAILHEAD AT LOWELL AVE.

PARK CITY, UTAH

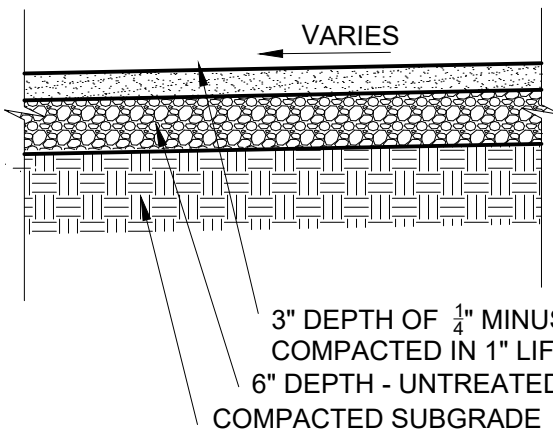
GRADING PLAN



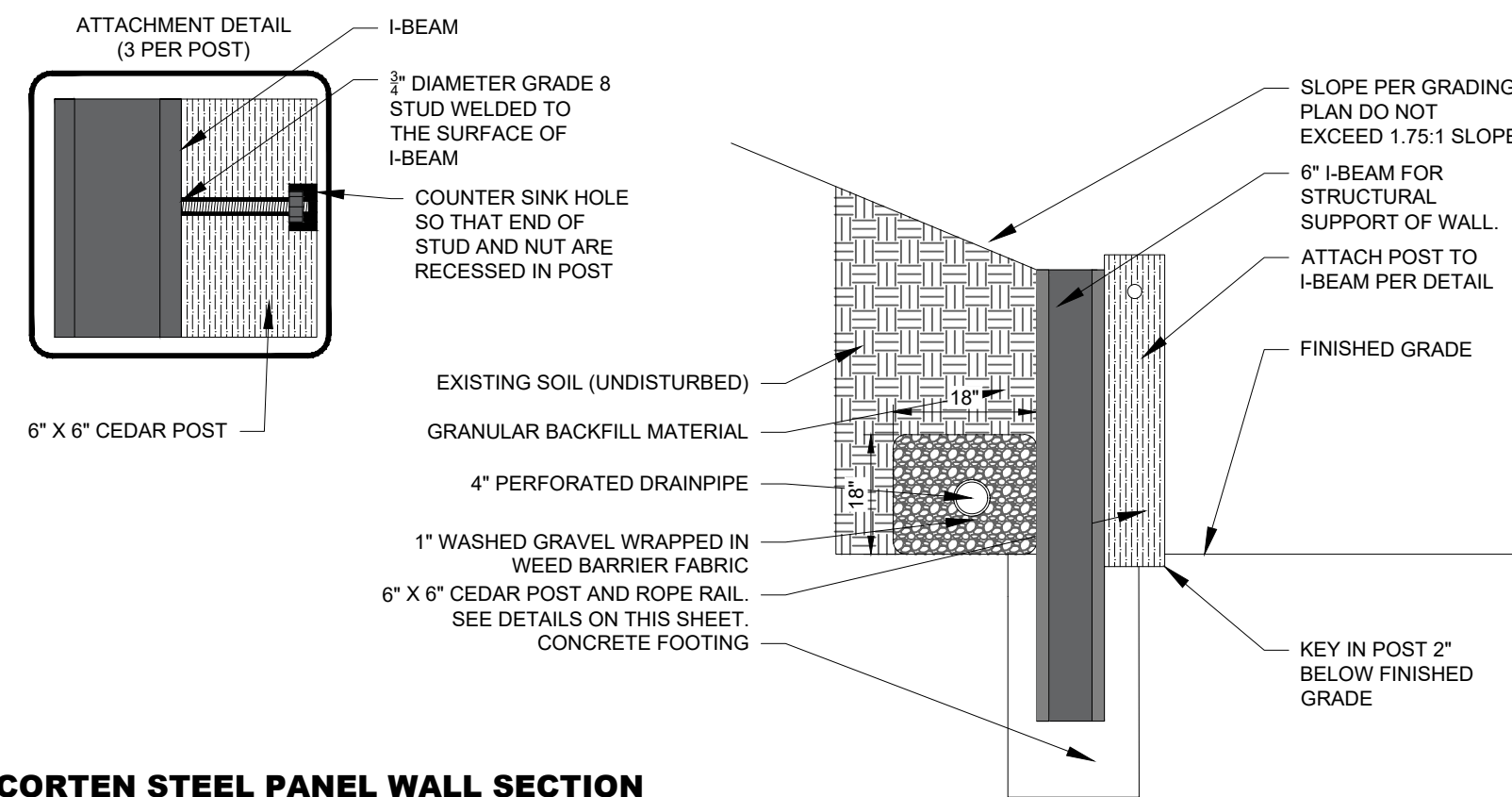
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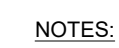
ASPHALT PAVEMENT SECTION (PARKING AREA)



SOFT SURFACE TRAILHEAD GATHERING AREA

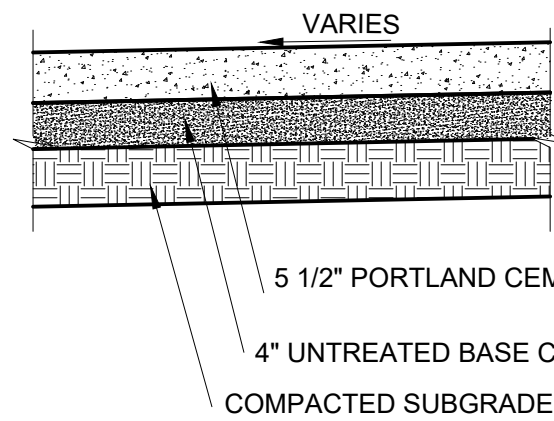


CORTEN STEEL PANEL WALL SECTION

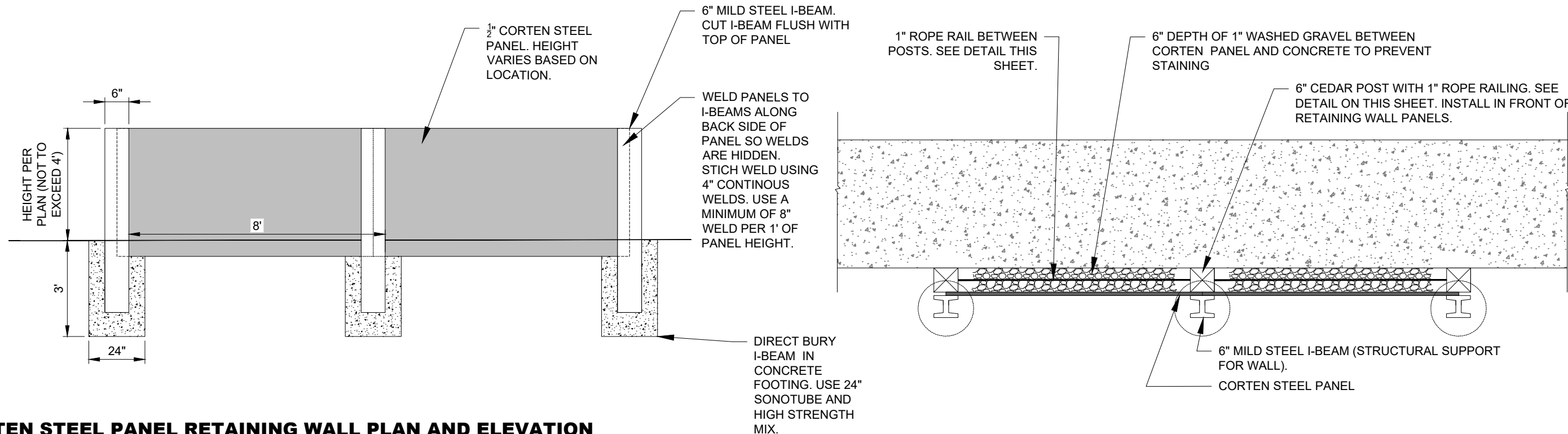


1. PLACE ALL BOULDERS SUCH THAT 1/4 OF THE TOTAL MASS OF EACH BOULDER IS BELOW FINISH GRADE.
2. ONLY USE BOULDERS 2' DIAMETER OR LARGER THAT ARE FOUND ON SITE DURING EXCAVATION. DO NOT IMPORT BOULDERS.

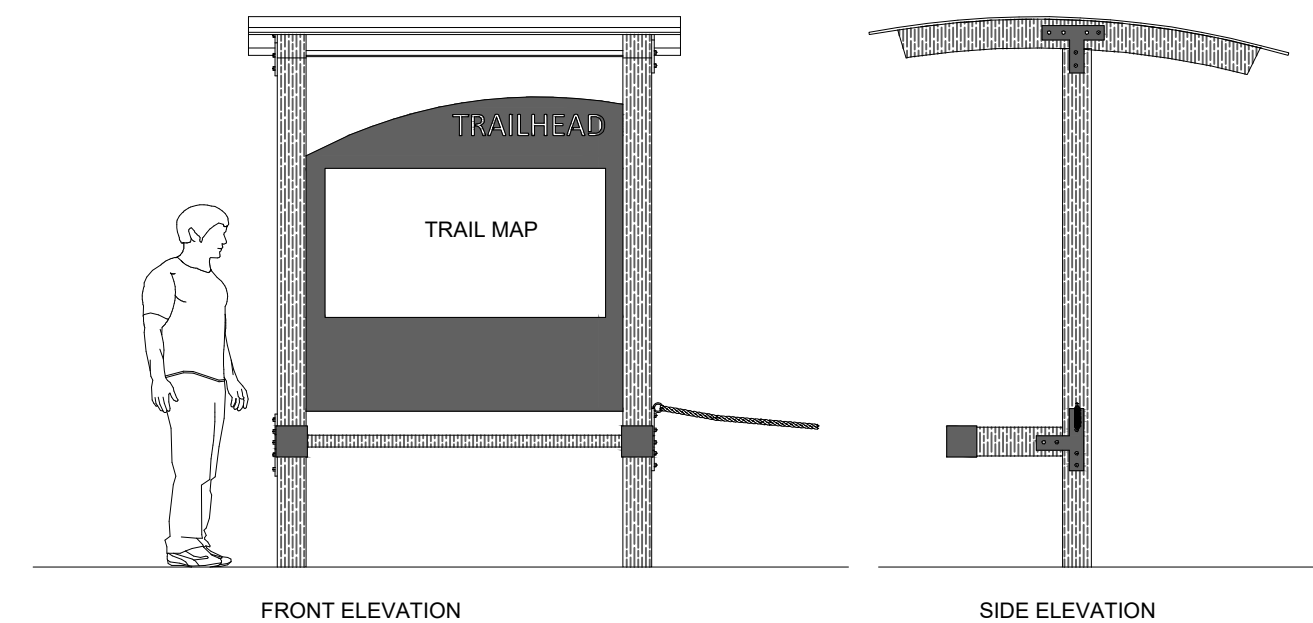
RETAINING BOULDERS



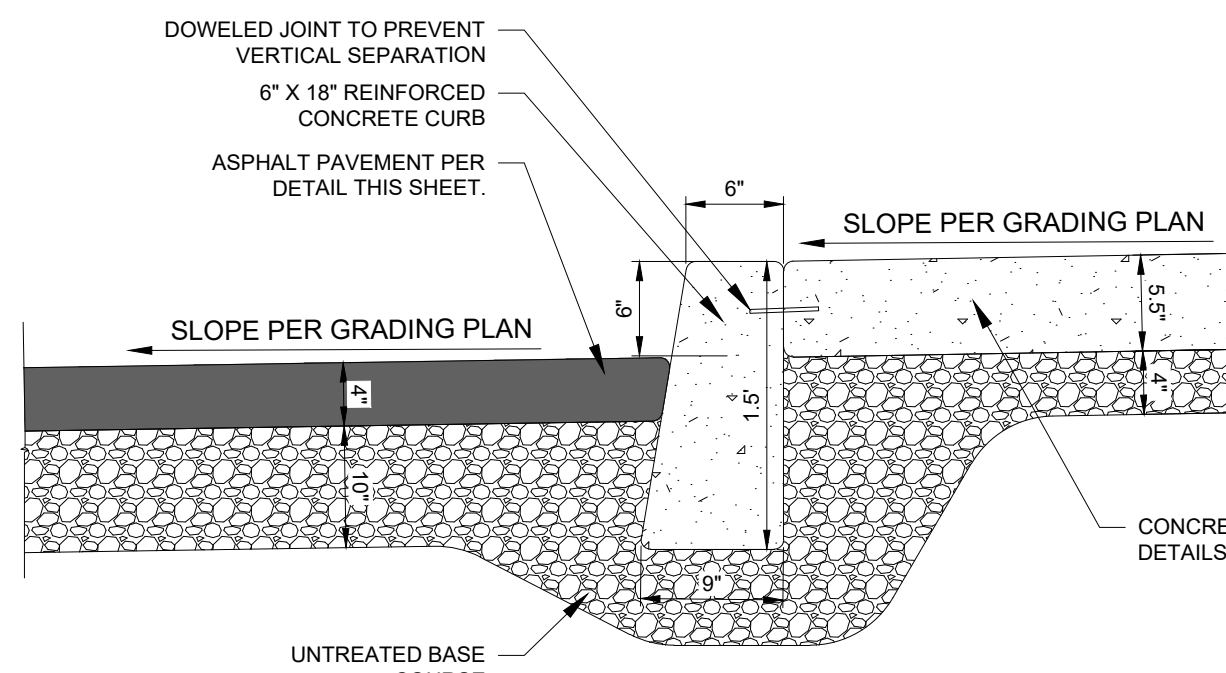
CONCRETE PAVEMENT SECTION



CORTEN STEEL PANEL RETAINING WALL PLAN AND ELEVATION



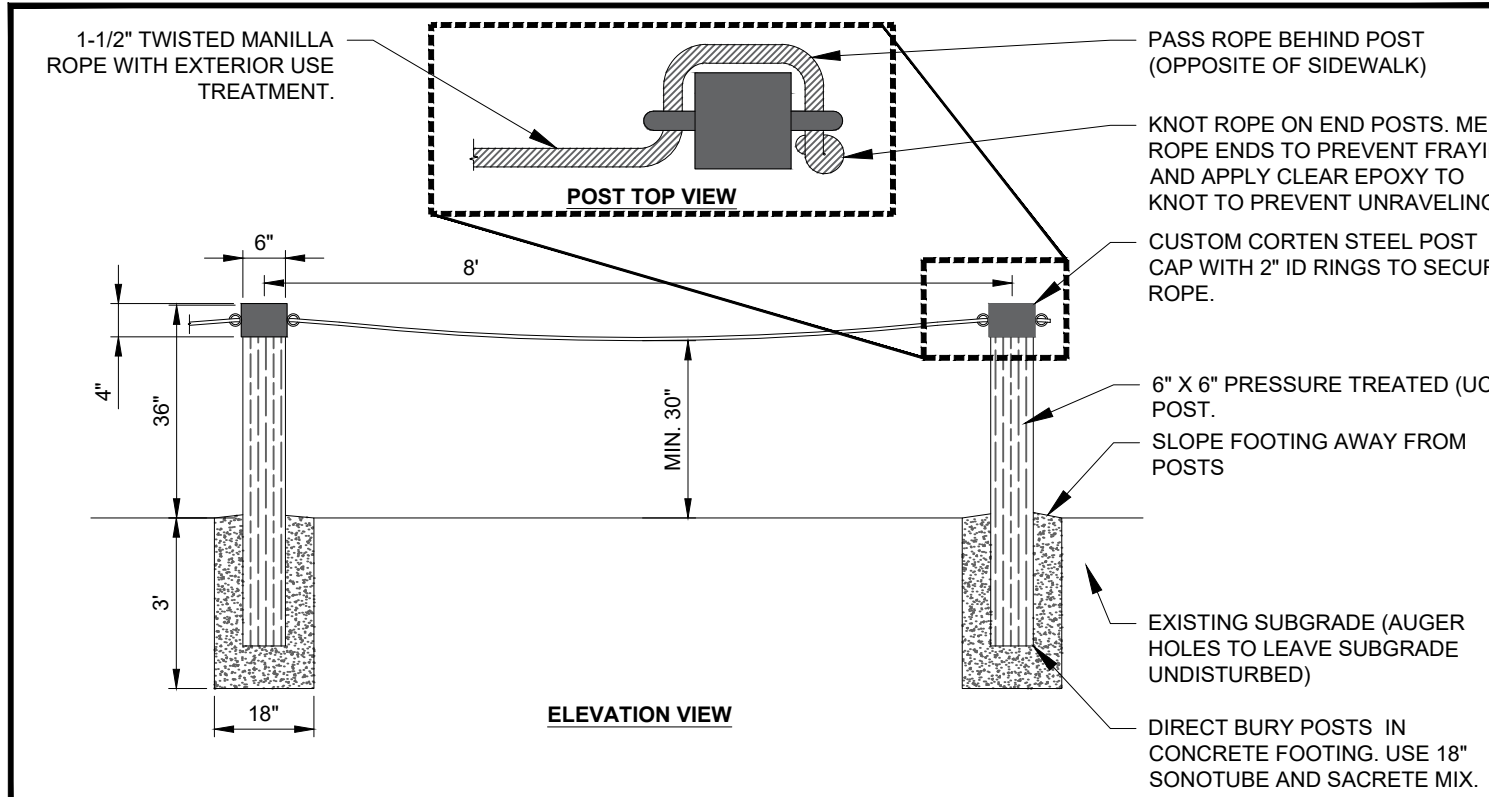
KIOSK WITH BENCH

**SIDEWALK CURB EDGE**

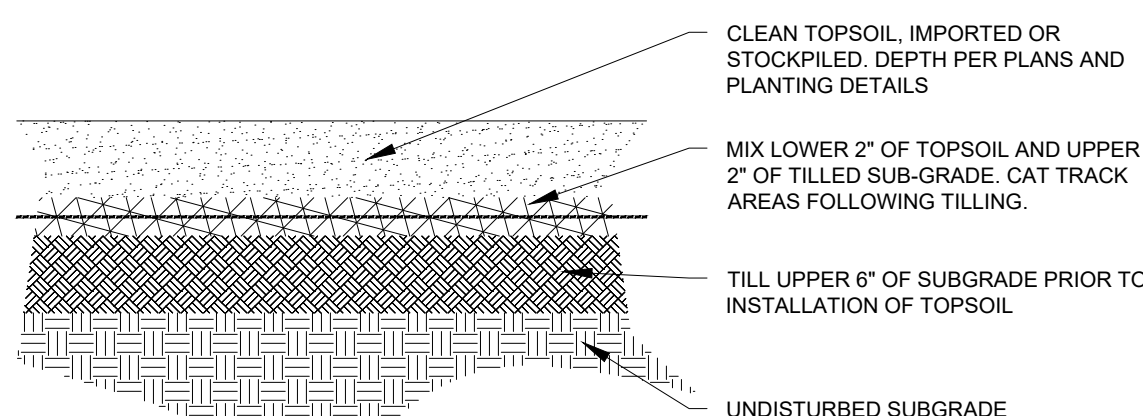
- NOTES:

1. ALL EROSION CONTROL FABRIC SHALL BE INSTALLED PARALLEL WITH THE DRAINAGE DIRECTION.
2. KEY IN EROSION CONTROL FABRIC AT THE TOP AND TOE OF SLOPES AS SHOWN IN DETAILS A AND B.
3. OVERLAP EDGES OF EROSION CONTROL FABRIC BY A MINIMUM OF 8 INCHES.
4. ANCHOR PATTERN SHALL BE STAGGERED PATTERN AND WILL VARY IN DENSITY BASED ON THE SLOPE.
5. ANCHORS SHALL BE APPLIED AT A DENSITY OF 2 ANCHORS PER YARD ON ALL SLOPES 2:1 OR GREATER.
6. ANCHORS SHALL BE APPLIED AT A DENSITY OF 1.5 ANCHORS PER YARD ON ALL SLOPES 1:1 TO 2:1.
7. ANCHORS SHALL BE APPLIED AT A DENSITY OF 1 ANCHOR PER YARD ON ALL SLOPES LESS THAN 1:1.
8. USE JUTE MAT OR OWNER APPROVED EQUAL.

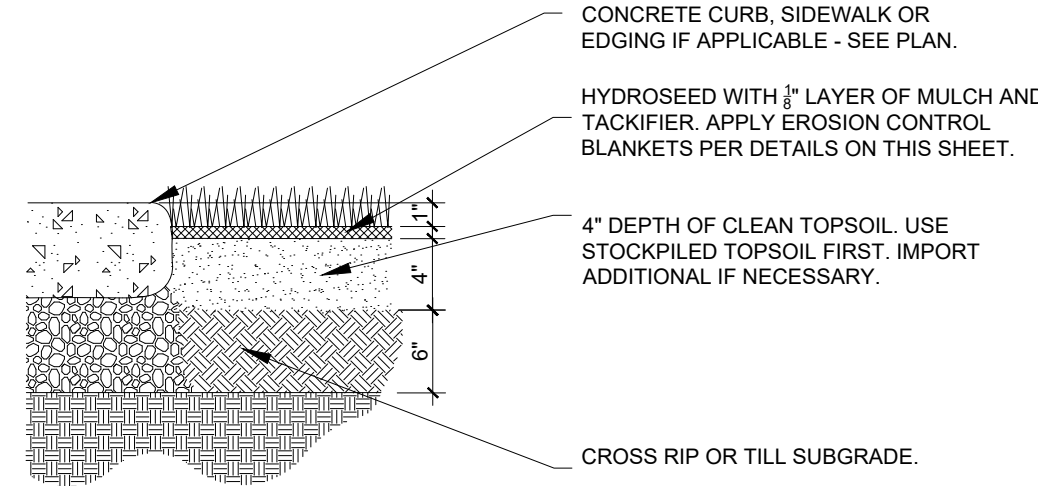
EROSION CONTROL BLANKET DETAILS



PRESSURE TREATED POST AND 1.5" ROPE RAILING



TOPSOIL PREPARATION



HYRDOSEED PLANTING

SEED MIX "A"							
GRASSES/ FORBS	SEED NAME			NUMBER SEEDS PER POUND	POUNDS OF PURE LIVE SEED PER ACRE	% OF MIX	SEEDS PER SQ FT.
	SEED NO	COMMON NAME	BOTANICAL NAME		BROADCAST		
G	1	Sandbergs Bluegrass	Poa secunda	925,000	1	14%	21
G	2	Idaho Fescue	Festuca idahoensis	450,000	2	13%	21
F	3	Blanketflower	Gallardia arisata	186,000	5	14%	21
G	4	Indian Ricegrass	Achnatherum hymenoides	161,920	5	12%	19
G	5	Slender Wheatgrass	Elymus trachycaulus	150,000	5	11%	17
G	6	Blue Bunch Wheatgrass	Pseudoroegneria spicata	125,600	4	7%	12
F	7	Rocky Mountain Penstemon	Penstemon strictus	489,800	4	29%	45
TOTAL POUNDS OF PURE LIVE SEED PER ACRE					26	100%	156

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we VanCon, Inc.
1825 No. Mountain Springs Parkway, Springville, UT 84663
as Principal, hereinafter called the Principal, and Employers Mutual Casualty Company
P.O. Box 712, Des Moines, IA 50306-0712
a corporation duly organized under the laws of State of IA

as Surety, hereinafter called the Surety, are held and firmly bound unto

Park City Municipal Corporation

445 Marsac Ave, Park City, UT 84060

as Obligee, hereinafter called the Obligee, in the sum of

Five Percent of Amount Bid

Dollars (\$ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for

Trailhead at Lowell Avenue

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution hereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 22nd of July, 2020.

Emily Dur
(Witness)

VanCon, Inc.

(Principal) (Seal)
BY: Steph President
(Title)

Kevin W. Andrews
(Witness)

Employers Mutual Casualty Company
(Surety)

BY: Stephanie Garahana
(Title) Attorney-in-Fact



CERTIFICATE OF AUTHORITY INDIVIDUAL ATTORNEY-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, that:

1. Employers Mutual Casualty Company, an Iowa Corporation
2. EMCASCO Insurance Company, an Iowa Corporation
3. Union Insurance Company of Providence, an Iowa Corporation

4. Illinois EMCASCO Insurance Company, an Iowa Corporation
5. Dakota Fire Insurance Company, a North Dakota Corporation
6. EMC Property & Casualty Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint:

Stephanie Garahana

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute the following Surety Bond:

Surety Bond Number: Bid Bond
Principal : VanCon, Inc.
Obligee : Park City Municipal Corporation

and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company, and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

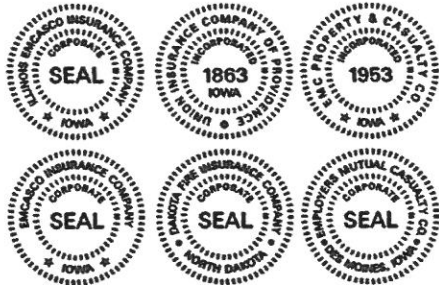
AUTHORITY FOR POWER OF ATTORNEY

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at the first regularly scheduled meeting of each company duly called and held in 1999:

RESOLVED: The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof; and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power-of-attorney issued to them, to execute and deliver on behalf of the Company, and to attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power-of-attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this Company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS THEREOF, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 1st day of July, 2018.

Seals



Bruce G. Kelley

Bruce G. Kelley, CEO, Chairman of Companies 2, 3, 4, 5 & 6; President of Companies 1, 2 & 6; Treasurer of Companies 1, 2, 3, 4 & 6

Todd Strother

Todd Strother,
Senior Vice President

On this 1st day of July, 2018 before me a Notary Public in and for the State of Iowa, personally appeared Bruce G. Kelley and Todd Strother, who, being by me duly sworn, did say that they are, and are known to me to be the CEO, Chairman, President and Treasurer, and/or Senior Vice President, respectively, of each of the Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Bruce G. Kelley and Todd Strother, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed, and the voluntary act and deed of each of the Companies.

My Commission Expires October 10, 2022.

Kathy Loveridge
Notary Public in and for the State of Iowa



CERTIFICATE

I, James D. Clough, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on 1st day of July, 2018, are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 22nd day of July, 2020.

J D Clough Vice President

BID

TO: PARK CITY MUNICIPAL CORPORATION

The undersigned Bidder hereby proposes to furnish all plant machinery, labor, services, materials, equipment, tools, supplies, transportation, utilities, supervision and all other items and facilities necessary to perform all work required under the OWNER's Contract Documents entitled TRAILHEAD AT LOWELL AVE. all addenda issued by said OWNER prior to opening of the Bids.

The undersigned Bidder acknowledges receipt of the following addenda:

Addendum No.	Addendum Date
1	7-20-20

Bidder agrees that, within ten (10) calendar days after receipt of Notice of Award from OWNER, it will: (1) execute the Agreement in the required form; (2) secure the required insurance and bonds; and (3) furnish the required insurance certificates, all as described in the Contract Documents. Bidder agrees that if he fails to timely execute the contract, or secure the required insurance or bonds or provide the required certificates, all as described in the Contract Documents, then the bid guarantee furnished by Bidder shall be subject to enforcement. If the bid guarantee was furnished in the form of a check, the OWNER may enforce the bid guarantee by depositing the check without further notice to or demand upon Bidder, deducting from the amount of the check all of OWNER's damages (including attorney's fees, costs of administration and delay damages) resulting from Bidder's failure to timely execute the contract, secure the required insurance and bonds and provide the required certificates, all as described in the Contract Documents. Any remaining funds shall be returned to Bidder within a reasonable time. If the bid was furnished in the form of a bid bond, OWNER may enforce the bid guarantee by making demand upon the surety without further notice to or demand upon Bidder for all of OWNER's damages (including attorney's fees, costs of administration and delay damages) resulting from Bidder's failure to timely execute the contract, secure the required insurance and bonds and provide the required certificates, all as described in the Contract Documents. If Bidder shall timely execute the Agreement, secure the required insurance and bonds, and furnish the required insurance certificates all as described in the Contract Documents, its check, if furnished, shall be returned to it within ten (10) business days thereafter, and the bid bond, if furnished, shall become void. It is further understood that this Bid may not be withdrawn for a period of sixty (60) days after the date set for the opening thereof, unless otherwise required by law.

HORROCKS
PARK CITY MUNICIPAL CORPORATION
TRAILHEAD AT LOWELL AVE.

BID
PAGE 00300-1

Bidder further agrees to complete all WORK required under the contract within the time described by the Contract Documents, and to accept in full payment therefore the price(s) named in the attached Bid Schedule(s).

Dated: 7-21-20

Bidder: Vancon Inc.

By: 
(Signature)

Title: President

BID SCHEDULE

PART 1 – GENERAL

1.01 BIDDER

- A. Name and Address VanCon Inc.
- B. Telephone Number 801-491-8898
- C. Facsimile Number 801-491-8883
- D. Tax Identification Number 841389681
- E. Bidder holds license number 367938-5501,
issued by the Utah State Department of Commerce, Occupational and
Professional Licensing Division, on the 12 day of April, 2019.
Bidder is
licensed to practice as a General contractor. License renewal
date is the 30 day of November, 2021.

1.02 CONSTRUCTION CONTRACT

- A. Name of Project: TRAILHEAD AT LOWELL AVE
- B. Project Number:

1.03 SCHEDULES TO BE ADDED TO THE AGREEMENT

- A. This Bid Schedule contains the schedules of prices which will be incorporated into the Agreement by reference.

1.04 BASIS OF AWARD

- A. Award of the contract, if it be awarded, shall be made to the lowest qualified, responsible and responsive bidder subject to Park City's contract policy, and whose Bid complies with all of the requirements prescribed. The lowest overall cost to the project will be based on the Total Bid Amount of this Bid Schedule.

1.05 SCHEDULES OF PRICES

A Base Bid Schedule: TRAILHEAD IMPROVEMENTS

Item No.	Classification of Unit Price Work	Quantity Unit	Unit Price	Amount
1	Mobilization/Demobilization	1 Lump Sum	\$ 8,500	\$ 8,500
2	Traffic Control	1 Lump Sum	\$ 4,000	\$ 4,000
3	Site Grading & Clearing	1 Lump Sum	\$ 51,000	\$ 51,000
4	Asphalt Pavement	26 Ton	\$ 225.00	\$ 5,850
5	Untreated Base Course Under Parking Area	47 Ton	\$ 65.00	\$ 3,055
6	6" x 18" Concrete Curbing	148 Linear Foot	\$ 60.00	\$ 8,880
7	Concrete Sidewalk (3.5' Wide)	520 Square Foot	\$ 20.00	\$ 10,400
8	Corten Steel Retaining Wall with Pressure Treated Posts	264 Square Foot	\$ 150.00	\$ 39,600
9	Pressure Treated Post and 1" Rope Railing	70 Linear Foot	\$ 85.00	\$ 5,950
10	Trailhead Kiosk	1 Lump Sum	\$ 14,000	\$ 14,000
11	Revegetation	400 Square Yard	\$ 9.00	\$ 3,600
12	Soft Surface Trail Gathering Area	2 Ton	\$ 500.00	\$ 1,000
13	Parking Lot Striping	1 Lump Sum	\$ 800.00	\$ 800.00
14	4" Topsoil Cap on Disturbed Landscape Areas	50 Ton	\$ 200.00	\$ 10,000
15	Site Soils Handling	550 CY	\$ 10.00	\$ 5,500
Total Base Bid (In Figures)				\$ 172,135

One hundred seventy two thousand one hundred thirty five dollar in words.

* Approximate quantity is based on an assumed width of excavation, actual width of excavation is based solely on Contractor's means and methods. If there is a discrepancy, between the written and the numerical amount the written amount shall supersede.

- END OF BID SCHEDULE -

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Beth Bynan

Submitting Department: Finance & Accounting

Item Type: Staff Report

Agenda Section:

Subject:

Request to Extend the Business Licensing Renewal Grace Period to January 31, 2021 Due to COVID-19 Impacts

Suggested Action:

Attachments:

[Business License Renewal Staff Report](#)



City Council Staff Report

Subject: Request to Extend Business License
Renewal Payment Grace Period Due to COVID-19 Impacts
Author: Beth Bynan, Business License Specialist
Department: Finance
Date: September 17, 2020
Type of Item: Consent

Summary

Staff recommends City Council approve the extension of the grace period for business license renewal payments to offer relief to local businesses impacted by the COVID-19 pandemic. Extending the business license renewal payment grace period will allow businesses to make late license renewal payments penalty-free until January 31, 2021.

Background

All Park City business licenses expire on September 30 of each year and payments for the renewals are due on October 1. The current code allows for a grace period for late payments to be made penalty-free through October 31. Additionally, under municipal code [4-3-10](#):

- If the renewal License Fee is not paid on or before October 31 of the year in which the renewal license is due, there shall be a Business license enforcement fee imposed of twenty-five percent (25%) of the License Fee imposed by this Title or twenty-five dollars (\$25.00), whichever is greater.
- If the renewal License Fee is not paid in full on or before November 15 of the year in which the renewal fee is due, the Business license enforcement fee shall be increased to fifty percent (50%) of the License Fee imposed by this Title or twenty-five dollars (\$25.00), whichever is greater.
- If the renewal License Fee is not paid on or before January 1 of the year in which the renewal fee is due, the Business license enforcement fee shall be increased to one hundred percent (100%) of the License Fee.

Issue Statement

Due to the severity of COVID-19 pandemic and its impacts, many businesses were closed due to Summit County Health Department mandates for several months of 2020. Even after reopening, many businesses had limited hours and were forced to reduce capacity to allow for proper social distancing and implement other new health department guidelines for safe operation. This negatively impacted many local businesses which are still trying to recover from the loss of revenue.

Staff, with the support of the HPCA (Historic Park City Alliance) (see letter in Exhibit A), recommends City Council approve a one-time extension of this grace period so that businesses can make late renewal payments until January 31, 2021 without being assessed a penalty. This one-time grace period extension will allow businesses

additional time to recover from COVID-19 impacts and get beyond the holiday season and a portion of the Sundance Film Festival before incurring a late payment penalty for the business license renewal.

Exhibit A



July 23, 2020

Beth Bynan
Business License Specialist
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Beth:

The Historic Park City Alliance (HPCA) appreciates the City's willingness to delay payment of business license renewals this year. Business License Fees, which include the BID fee that is remitted to the HPCA, are typically due by October 31st. Any additional time that businesses can have to raise revenues prior to paying the license fee is preferred. Delaying due dates until at least January 31, 2021 is best.

City staff have mentioned discussions regarding the potential of waiving business licenses fees. Any update that can be provided by the City on this topic would be appreciated.

Best regards,

A handwritten signature in black ink that reads "Alison Kuhlow". The signature is written in a cursive, flowing style.

Alison Kuhlow
Executive Director

cc. Matt Dias
Jonathan Weidenhamer
Mindy Finlinson

City Council Staff Report

Subject: Recreation Advisory Board, Parks Preservation
Application: LMC Amendment (PL-20-04555) | Rezone (PL-20-04556)
Authors: Tate Shaw, Assistant Recreation Director
 Alexandra Ananth, Senior Planner
Department: Recreation and Planning Departments
Date: September 17, 2020
Type of Item: Legislative – Land Management Code Amendment to Create a New Urban Park Zoning District and a Zoning Map Amendment to Rezone Five City Parks from Recreation Open Space to Urban Park Zoning

Summary Recommendation

Staff recommends the City Council **continue** the consideration of adopting Ordinance No. 2020-39 to create Land Management Code Chapter 15-2.26 for a new Urban Park Zoning District, and to re-zone five City-owned public parks from Recreation Open Space to Urban Park Zoning **to a date uncertain**.

Additional vetting is needed and more work is being done between the Recreation and Planning Departments on the Land Management Code Amendment. This work includes definitions, allowed and prohibited uses and right of way language that is not present in the current amendment. Additionally, at their on August 26th meeting, the Planning Commission requested Council delay action on the proposed Zoning Map Amendment until the Planning Commission can further review and analyze PEG's Traffic Impact Study on the redevelopment of Park City Mountain's base area. The Planning Commission will be discussing this at their next meeting on September 23rd.

Description

Applicant: Park City Municipal Corporation Recreation Advisory Board
Parcels: PCA-1001-D-X; PCA-108-C-X; PCA- 1001-6-X; CRKSD-2-X; PCA-3-3107-PC-X; SA-224-G-5-X; SA-235-1-X; SA-224-2-X; SA-265-A-X; SA-400-4-1-X; and SA-360-A-X
City Parks: Rotary Park; Creekside Park; Prospector Park; City Park; the Municipal Golf Course ;
LMC Sections: Enact Sections 15-2.26-1; 15-2.26-2; 15-2.26-3; 15-2.26-4; 15-2.26-5
Existing Zoning: Recreation Open Space
Proposed Zoning: Urban Park District
Adjacent Land Uses: Single-Family Dwellings; Multi-Unit Dwellings; Open Space, General Commercial
Reason for Review: Land Management Code and Zoning Map amendments require Planning Commission recommendation and City Council action

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Luke Cartin

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve the 20-Year Appendix with Rocky Mountain Power for the Elektron Solar Project I, in a Form Approved by the City Attorney
(A) Public Input (B) Action

Suggested Action:

Attachments:

[Renewable Energy Project Staff Report](#)

[Exhibit A: Renewable Resource Appendix 1](#)

City Council Staff Report



Subject: Appendix for Renewable Energy Service Contract
Author: Luke Cartin
Department: Sustainability
Date: September 17, 2020

Executive Summary

Park City has a commitment to use 100% renewable electricity by 2022 for City operations and 2030 community-wide. In order to meet the 2022 City operations goal, it was determined that we would enter into a Renewable Energy Service Contract with Rocky Mountain Power to provide 20-years of renewable electricity to cover the City's consumption footprint, with the solar facility coming online at the end of 2022. The regulatory hearing will now take longer than proposed, so staff has returned to City Council to discuss next steps.

Background

- On September 22, 2016, City Council passed Resolution 23-2016 to set 100% renewable electricity goals by 2022 for municipal operations.
- On February 23, 2017, Park City and Rocky Mountain Power entered into a Joint Clean Energy Cooperative Statement to work together to source 100% renewable electricity for City operations and community-wide.
- On November 8, 2017, City Council approved the Engineering and Professional Services Agreement with Rocky Mountain Power to pursue a renewable energy facility, model City electricity needs, complete regulatory filings and sign a power purchase agreement with a renewable developer.
- On November 21, 2019, City Council approved the Renewable Energy Service Contract with Rocky Mountain Power to contract with a solar developer for a Power Purchase Agreement not to exceed \$22,000 in annual cost.
- On July 30, 2020, City Council directed staff to pursue a 20-year contract term for this project.

Discussion

Park City Municipal Corporation needs electricity to power streetlights, facilities, pumps, and even buses. The electricity cost for city operations is greater than \$2 million annually. To meet City Council's goal of 100% renewable electricity for City operations by 2022, rooftop solar alone cannot not meet our needs. Park City has been able to magnify its sustainability efforts through collaboration and partnered with other large energy users to jointly pursue a large scale renewable project. Salt Lake City Government, Summit County Government, Park City Mountain, Deer Valley Resort, and Utah Valley University jointly agreed to join together to investigate a Utah-based renewable facility.

This project has followed the Utah regulatory process. First, a Request for Proposals was issued to investigate market-ready renewable projects. These projects were vetted by the customers and Rocky Mountain Power, and this project was selected. To bring this project online, there are key documents that must be signed and filed. Park City and Rocky Mountain Power signed a Renewable Energy Service Contract (RESC). This contract sets up terms between the utility and the customer for renewable energy projects, and then individual projects are listed as appendices to the contract.

Due to financing issues exacerbated by the Covid-19 pandemic, the solar project could no longer be financed at a 15-year term. This is not isolated to just this project, but many 15-year term solar projects in the region have also suffered from financing issues. Staff worked closely with Rocky Mountain Power, the solar developer, and the other customers to find other viable options.

On July 30, 2020, City Council directed staff to pursue the 20-year option for this project. The price impact will be no greater than \$26,280 annually for the 20-year term. Staff stated that the 20-year option appendix would return to City Council upon approval by the Public Service Commission.

Confidential Information:

The solar power purchase agreement cost per megawatt hour and the utility avoided cost are confidential and protected under Utah Code § 63G-2-305(1)-(2). Park City Municipal's annual payment is calculated from these costs, and would be locked in for the 20-year term of the appendix. Park City could exit the contract by:

- Paying the remainder cost of the contract
- Transferring its share of the solar to another participating customer in the contract
- Selling the electricity and renewable energy credits on the market

What has changed:

The renewable energy project filing was submitted to the Public Service Commission with a proposal to extend the contract terms from 15-years to 20, or 25 years. The regulators are requesting more time to review this proposal, and are extending the time they need to rule. Now that the calendar has been extended, this causes potential financing issues for the solar developer.

What is being proposed:

The proposal is to have all participating customers sign their respective Appendices by September 18th, 2020. This will allow the developer to finalize financing before the end of the year while the Public Service Commission completes its hearing. In the event the Public Service Commission requires material changes, the signed Appendices will be void. This could make the project financially infeasible.

At the time of this packet publishing, all customers are intending to sign their respective Appendices. Staff will update Council during the September 17 meeting.

Options for City Council to Consider

Option 1: Sign the 20-year Appendix with Rocky Mountain Power for the Elektron Solar Project I.

Option 2: Do not sign the appendix. This would end pursuing this solar project and staff would continue to seek other, far more difficult alternatives.

Department Review

Sustainability, Legal and Executive

Attachment

Renewable Energy Service Contract Appendix

RENEWABLE RESOURCE APPENDIX I

Appendix I to Renewable Energy Service Contract (Schedule 34) Between Rocky Mountain Power and Park City Municipal Corporation Re: Elektron Solar Project

This Renewable Resource Appendix I (“Appendix I”) dated this ____ day of _____, 2020 confirms the terms of the agreement made between Rocky Mountain Power, an unincorporated division of PacifiCorp, an Oregon corporation (“Rocky Mountain Power” or the “Company”), and Park City Corporation, a Utah Municipal Corporation (“Customer”) as of the effective date referenced below concerning the acquisition of the Customer Renewable Resource pursuant to a Facility Contract as referenced below.

This Appendix I supplements, forms a part of, and is subject to, the terms of the Renewable Energy Service Contract (Schedule 34), dated as of December 16, 2019, between Company and Customer (as modified from time to time, the “Renewable Energy Service Contract” or “RESC”). This Appendix I shall constitute a “Renewable Resource Appendix” within the meaning of the Renewable Energy Service Contract. In the event of any inconsistency between a provision of the Renewable Energy Service Contract and a provision of this Appendix I, the provision of this Appendix I shall control for purposes of the Customer Renewable Resource referenced below. Capitalized terms used in this Appendix I and not otherwise defined will have the respective meanings assigned in the RESC, or in the [REDACTED]-year Power Purchase Agreement between the Company and Elektron Solar, LLC pertaining to the Elektron Solar Project, dated the 28th day of September, 2020 (“PPA”). This Appendix I will become binding on Company and Customer when it is executed and delivered by both Parties.

The terms of this Appendix I are as follows:

Facility Contract:	Power Purchase Agreement (Schedule 34 - Renewable Energy – Solar – [REDACTED] years) (“PPA”)
Effective Date of Facility Contract and Appendix I:	Date of final signatures following written order from the Public Service Commission (“Commission”) approving the term of Appendix I.
Seller/Facility Owner:	Elektron Solar LLC, a Delaware limited liability company
Buyer:	Company
Resource Type:	Photovoltaic Solar; Single Axis Tracking
Facility Name:	Elektron Solar (“Facility” or “Project”)
Facility Size:	80 MW AC Expected
Customer’s Share of kWh and Green Tags:	• [REDACTED]% of the Renewable Supply, estimated at [REDACTED] MWh during the first 12 months. Other customers with Schedule 34 contracts with the Company (each, “Another Participant”) have agreed to purchase the remaining Output of the Facility. • No more often than once per Contract Year, Customer and Another Participant may submit a written request asking Company to deliver a

	specified percentage of the Renewable Supply otherwise intended for Customer under this Appendix to Another Participant under such Other Participant's appendix relating to the Facility for a specified period of time. Company will use commercially reasonable efforts to notify Customer and the Other Participant within 30 days whether, and under what conditions, Company will honor such request beginning with a future billing period specified by Company. • Customer may submit a written request asking Company to amend the PPA and/or this Appendix to accommodate a sale by Seller of a specified percentage of the Renewable Supply otherwise intended for Customer under this Appendix to another customer, program or wholesale purchaser. Customer and Company will discuss such request in good faith.
Product:	Renewable Energy and Green Tags
Expected COD:	██████████
Latest COD	██████████, subject to possible extension for Interconnection Delay, but not beyond August 28, 2023
Termination Date of Appendix	• Upon termination of the PPA by Company; • Upon Customer's termination of this Appendix I, subject to payment of an Early Termination Payment; or • ████ years after COD; provided that this Appendix may be terminated early without an Early Termination Payment if Customer and Company reach a mutually-acceptable written agreement for an assignment, sale or transfer of Customer's entire share of the Renewable Supply for the entire remaining term of this Appendix I.
Options	None
PPA Price after COD:	• Years 1-████: \$████ per MWh • Years ████-████: \$████ per MWh
Test Energy Price:	\$████ per MWh; Company shall purchase and deliver to Customer Test Energy and associated Green Tags from the Project.

Point of Delivery:	Craner Flat Substation, Tooele County, Utah
Estimated Annual Production:	See Attachment 1 for estimated annual production to be sold under the PPA; Customer's share of the actual annual production is as specified above.
Curtailment Provisions:	For each MWh by which Net Output of the Project is reduced as a result of a default by Company under the PPA or Compensable Curtailment under the PPA, Company shall, if determined by Company to reasonably be available, deliver to Customer replacement RECs sourced from renewable energy projects interconnected to the Company's system and under contract with or ownership by Company, or located in the Western Electricity Coordinating Council, that meet the following additional criteria: (a) <u>REC Vintage.</u> i. Company shall source RECs from resources with a commercial operation date (or a repowering commercial operation date) on or after January 1, 2019; and ii. Company shall supply Replacement RECs that were generated within 5 years preceding the year of such reduction or curtailment.

	(b) Resource Types. Company shall source REC's from Qualifying Renewable Electricity Generating Resources. Qualifying Renewable Electricity Generating Resources means the following resource types: i. solar (including photovoltaic and thermal); ii. wind; or iii. geothermal; Replacement REC's due to Customer as a result of default by Company under the PPA or Compensable Curtailment shall be calculated on a calendar year basis and provided to Customer, or retired on Customer's behalf, by July 31 of the following calendar year. In the event the Company determines that Replacement REC's are not reasonably available, Company shall notify Customer of the same by June 1 of the following calendar year and shall credit or pay to Customer the Green Tags Price Component for all such non-replaced REC's within 60 days of such notification.
Net Renewable Supply Charge:	• Years 1-█: \$█/MWh (\$█ Cost of Renewable Supply - \$█ Resource Avoided Cost) • Years █-█: \$█/MWh (\$█ Cost of Renewable Supply - \$█ Resource Avoided Cost)
Other Charges and Payment Arrangements:	• For all Power and Energy delivered by Seller to Customer, Customer shall pay Company the Applicable Electric Service Schedule Rates, exclusive of the EBA Surcharge, but including the Applicable EBA Surcharge. • For all kWh of Renewable Supply delivered by Seller to Company on behalf of Customer, Customer shall pay Company the Net Renewable Supply Charge specified above, subject to the Annual True-Up, and a use of system facilities charge, pursuant to one of the following pricing options (a) or (b), below: (a) \$█ per MWh over the entire █ year term; or (b) \$█ per MWh for the first █ years, and \$█ per MWh for the last █ years. Customer will notify Company no later than December 31, 2022 which billing option it has elected; absent such notice, option (a) will be utilized.
Timing and Performance Guarantees Provided by Seller and Associated Damages:	Timing, Guarantees and Damages as per PPA and RESC, including: • <i>Commercial Operation Date.</i> Daily Delay Damages for failure to reach Commercial Operation by Scheduled Commercial Operation Date (█), in an amount equal to (a) with respect to the first (1st) through and including the fortieth (40th) day following the Scheduled Commercial Operation Date, US \$█ per day; (b) with respect to the forty-first (41st) through and including the eightieth (80th) day following the Scheduled Commercial Operation Date, US \$█ per day; and (c) with respect to the eighty-first (81st) day following the Scheduled Commercial Operation Date and each day thereafter, US \$█ per day; in each case, up to, but not including, the earlier of (i) the date that the Facility achieves Commercial Operation or (ii) the Guaranteed Commercial Operation Date, but not in excess of the Project Development Security. • <i>Nameplate Capacity.</i> Deficit Damages equal to (a) the difference between (i) Expected Nameplate Capacity Rating and (ii) the Nameplate Capacity Rating of the Facility upon the date of Final Completion, stated

	in MWs, multiplied by (b) \$ [REDACTED]. • <i>Output Guaranty.</i> Output Shortfall Damages resulting from delivery of less than [REDACTED]% in any rolling period, based on cost to cover. • <i>Default/Termination.</i> Section 11 of the PPA specifies Events of Defaults, cure rights, termination rights and damages. • <i>Payment to Customer.</i> Company shall use commercially reasonable efforts to collect or draw upon security for any damages owed by Seller and shall pay 100% of the collected amount to Customer within thirty (30) days of receipt, net of any internal and external costs, if any, reasonably incurred by Company and directly related to collection efforts or Seller's default.
Credit Support:	• Section 8 of the PPA specifies Seller's security and credit support requirements under the PPA, including Project Development Security through COD and Default Security at and after COD in the form of a guaranty meeting the Credit Requirements or cash or a Letter of Credit, each in the amount of \$ [REDACTED] per kW of Expected Nameplate Capacity Rating (\$ [REDACTED]). • Company has determined that Customer is currently sufficiently creditworthy that Customer need not deliver a Guaranty or Letter of Credit to Company under Section 6.5 of the RESC and, subject to Section 6.6 of the RESC, Customer will not be required to do so as long as, in the reasonable judgment of Company, Customer remains creditworthy
Facility Contract Rights, Notices, Events of Default, Remedies, Termination	(1) The Company shall use commercially reasonable efforts to enforce the terms of the Facility Contract for the benefit of Customer in a manner consistent with the Company's enforcement of the terms of other contracts between Company and other renewable energy providers. (2) Company shall use commercially reasonable efforts to collect or draw upon security for any damages owed by Facility Owner, including the Green Tags Price Component for any of Customer's share of Green Tags that are not delivered to Company by Facility Owner, and shall pay 100% of the collected amount to Customer within thirty (30) days of receipt, net of any internal and external costs, if any, reasonably incurred by Company. (3) As soon as practicable, but in any event within fourteen (14) days of receipt, except to the extent Posted or previously made available or provided to Customer, Company shall provide Customer with copies of any notice or information received by it or delivered to it under the Facility Contract regarding any of the following: Facility description, updates, and changes (Section 2.2 and Exhibit 6.1); Milestones (Section 2.3); Commercial Operation, Final Completion Schedule; Final Completion (Section 2.4); Damages (Sections 2.4 - 2.6); Required Facility Documents (Section 3.2.3); Network Resource designation (Section 3.3); Non-Compensable Curtailment (Section 4.4.1) (other than standard monthly data); Green Tags (Section 4.6); Compensable Curtailment (Section 5.1.3) (other than standard monthly data); As-Built Supplement (Section 6.1); Change of Qualified Operator (Section 6.2.2); Outages (6.5); Facility Expansion (Section 6.8); Operational Reports (Section 6.10.8); Litigation (Section 6.10.10); Output Guaranty and Output

	Shortfall (Sections 6.12 and 6.13); Security and Credit Support (Section 8); Monthly Invoices (Section 10.1); Disputes (Section 10.4); Defaults, Remedies and Termination (Section 11); Force Majeure (Section 14); Amendment to PPA (Sections 17 and 21); Assignment and change in control (Section 20); Confidentiality (Section 23); and Disagreements (Section 24). (4) As soon as practicable, but in any event within fourteen (14) days of its receipt of a request from Customer, Company shall (a) deliver to Customer any reports, records or other information received from Seller under the Facility Contract, or (b) request from Seller and deliver to Customer any documents or information that Company has a right to receive or request under the Facility Contract (except to the extent any of the above has otherwise been Posted or provided to Customer). Customer shall compensate Company for any incremental costs incurred by Company under the Facility Contract as a result of such requests by Customer. (5) So long as the RESC remains in effect, without the advance written consent of Customer, Company shall not extend the Scheduled Commercial Operation Date or the Guaranteed Commercial Operation Date of the PPA, terminate the PPA, consent to any amendment or material modification to the PPA, settle or compromise material disputes, calculate or accept calculations of termination damages, release any security required by the PPA, or agree to a material modification of the equipment comprising the Facility as described in the PPA as of the Effective Date. (6) Customer may, in its sole discretion, elect to cure any payment default by Company under the Facility Contract. So that Customer may exercise this right, Company shall give written notice to Customer as soon as practicable after Company receives notice of such a default, but in no case later than the end of the cure period applicable to such default. (7) In exercising its rights and discretion under the PPA as to a matter that Company should reasonably expect might adversely impact Customer in any material way, Company shall (a) consult with Customer and (b) exercise such rights and discretion in a manner reasonably requested by Customer or secure Customer's advance written consent before exercising such rights or discretion, except to the extent the same may reasonably be expected to adversely impact Company in any material way, or is reasonably necessary to respond to emergencies on the Company's system, or emergencies related to the Project's operation. (8) Company shall notify Customer in writing within seven (7) days of its receipt of any notice of expansion or new facilities, or any request for consent, under Section 6.8 of the Facility Contract, along with all available information relating to the same. Customer shall, within seven (7) days after its receipt of such notice and information, provide written notice to Company specifying the extent to which it desires Company to provide any such consent or exercise any such option for the benefit of Customer. Company agrees to exercise its consent and option rights in a manner consistent with Customer's notice. If Customer directs Company to exercise an option under Section 6.8 of the Facility Contract for its benefit, Customer and Company shall promptly enter into a new Resource Appendix with respect to associated Net Output and Green Tags.
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	(9) All financial commitments by Customer shall be subject to the appropriation of funds approved by Customer's governing body and the limitations on future budget commitments provided under applicable Utah law, including the Utah Constitution.
Green Tags:	Company's monthly statement to Customer under the RESC will include the number of Green Tags generated during the Billing Period, including Green Tags associated with Test Energy prior to the Commercial Operation Date. Within ninety (90) days after Customer has paid Company's monthly statement relating to such Billing Period, or within the thirty (30) days following any Green Tags being made available in the WREGIS system, whichever is later, Company shall transfer to Customer WREGIS Certificates for all Green Tags associated with Customer's share of Green Tags from the Facility relating to such Billing Period. Company shall transfer all such Green Tags to Customer's WREGIS account in accordance with instructions from Customer and applicable WREGIS rules and requirements, as the same may be amended from time to time. Upon written request by Customer, Company shall retain the Green Tags in the Company's WREGIS account and retire them on Customer's behalf. Customer shall pay all costs incurred by Company in transferring Green Tags to Customer and/or retiring them on Customer's behalf.
Early Termination Payment	Customer may elect to terminate this Appendix I, subject to payment of an Early Termination Payment as determined pursuant to Exhibit F to the RESC.

[Signature Page(s) Follow]

IN WITNESS WHEREOF, the parties have executed this Renewable Resource Appendix I to be effective as of the Effective Date of the Facility Contract and Appendix I as set forth above.

ROCKY MOUNTAIN POWER

PARK CITY MUNICIPAL
CORPORATON

By: _____

Name:

Title:

Date:

By: _____

Name:

Title:

Date:

Attachment 1
TO RENEWABLE RESOURCE APPENDIX

Estimated Annual Production

Contract Year	Calendar Year (Expected)	Estimated Annual Production (MWh)
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[Confidential Rows/Data Redacted]

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Luke Cartin

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve the Marketing Communications Agreement with PacifiCorp and Elektron Solar, LLC,
in a Form Approved by the City Attorney
(A) Public Input (B) Action

Suggested Action:

Attachments:

[Communications Marketing Agreement Staff Report](#)

[Exhibit A: Elektron Marketing Communications Agreement](#)



City Council Staff Report

Subject: Communications Marketing Agreement for Renewable Energy Project with Rocky Mountain Power and Elektron Solar, LLC
Author: Luke Cartin
Department: Sustainability
Date: September 17, 2020

Executive Summary

Park City has a commitment to use 100% renewable electricity by 2022 for City operations and 2030 community-wide. In order to meet the 2022 City operations goal, it was determined that Park City Municipal Corporation would enter into the Renewable Energy Service Contract with Rocky Mountain Power to provide 20-years of renewable electricity. The Marketing Communications Agreement clarifies how to discuss the renewable energy project, including press releases.

Background

- On September 22, 2016, City Council passed Resolution 23-2016 to set 100% renewable electricity goals by 2022 for municipal operations.
- On February 23, 2017, Park City and Rocky Mountain Power entered into a Joint Clean Energy Cooperative Statement to work together to source 100% renewable electricity for City operations and community-wide.
- On November 8, 2017, City Council approved the Engineering and Professional Services Agreement with Rocky Mountain Power to pursue a renewable energy facility, model City electricity needs, complete regulatory filings and sign a power purchase agreement with a renewable developer.
- On November 21, 2019, City Council approved the Renewable Energy Service Contract with Rocky Mountain Power to contract with a solar developer for a Power Purchase Agreement not to exceed \$22,000 in annual cost
- On July 30, 2020, City Council directed staff to pursue a 20-year contract term for this project.

Discussion

Park City Municipal Corporation needs electricity to power streetlights, facilities, pumps, and even buses. Salt Lake City Government, Summit County Government, Park City Mountain, Deer Valley Resort, and Utah Valley University jointly agreed to join together to investigate a Utah-based renewable facility.

A Marketing Communications Agreement coordinates communication about the solar project. It contains steps on how each party can use images, logos, and discuss the project. The agreement is contingent on Public Service Commission approval of the Solar Project Appendix. If the Public Service Commission makes a determination that affects this agreement, the agreement will be modified to comply with the ruling. If this happens, staff will update Council on any substantive changes..

Request for City Council Action

Staff requests City Council to direct the City Manager to sign the Marketing Communications Agreement with PacifiCorp and Elektron Solar, LLC.

Department Review

Sustainability, Legal and Executive

Attachment

Marketing Communications Agreement

Marketing Communications Agreement

[Park City]

This MARKETING COMMUNICATIONS AGREEMENT (this “**Agreement**”) is made and entered into as of the date of the last to be made signature below (the “Effective Date”), by and among Park City Municipal Corporation (the “**Customer**,”), PacifiCorp (“**Company**”) and Elektron Solar, LLC (“**Developer**”). Customer, Company and Developer are together sometimes hereinafter referred to as the “Parties” and individually as a “Party.”

WHEREAS, Company and Developer executed a PPA as contemplated under the Schedule 34 Contract, whereby Company will purchase from Developer and deliver to Customer under the Schedule 34 Contract, and to other customers who have signed similar agreements (collectively, the “Participating Customers”) certain Renewable Energy and RECs generated by the Facility (as those and the following terms are defined in Section 1 hereof); and

WHEREAS, the Parties intend to hereinafter engage in public communications concerning Renewable Energy and RECs from the Facility; and

WHEREAS, the Parties wish to comport with best practices for communications concerning Renewable Energy and RECs from the Facility, and to comply with the REC Communication Rules;

NOW, THEREFORE, in consideration of the mutual promises herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Definitions.

“Center for Resource Solutions Standards” means the rules, standards and practices of the Center for Resource Solutions for communications concerning RECs, in connection with its Green-e Standard for Canada and the United States, Version 3.2, as the same may change from time to time, as applied to Schedule 34 and the Schedule 34 Contract and the performance of the respective parties thereto thereunder.

“Customer’s Percentage” means the percentage of energy and associated RECs generated by the Facility and purchased by PacifiCorp under the PPA for delivery to Customer under the Schedule 34 Contract.

“Facility” means the proposed solar powered generation facility located in Tooele County, Utah with an expected nameplate capacity of 80 MW.

“Federal REC Communication Rules” means those portions of the Federal Trade Commission rules, regulations and guidances relating to communications concerning RECs,

including 16 Code of Federal Regulations § 260.15, 77 Federal Register 62131-32, and the Federal Trade Commission Feb. 5, 2015, staff letter,^[1] as the same may change from time to time.

“Post,” “Posted” or “Posting” means actions by Seller sufficient to make specified information available to Company and Customer through a secure website and through procedures that provide instantaneous and simultaneous notice to Company and Customer of the Posting and that permit Company and Customer and their consultants and agents to access, download and review the specified documents or information Posted.

“PPA” means the Power Purchase Agreement (Schedule 34 - Renewable Energy – Solar – Years) executed by Company and Developer pursuant to which Company will purchase % of the Net Output of the Facility for the Participating Customers.

“REC” has the same meaning as “Green Tags” as defined in the PPA.

“REC Claims” means any claims or public communications covered by REC Communication Standards.

“REC Communication Standards” means the Federal REC Communications Rules and the Center for Resource Solutions Standards.

“Renewable Energy” means energy in kWh produced by a renewable resource and purchased by Company for use by Customer under Schedule 34 and the Schedule 34 Contract.

“Schedule 34” means Company’s Utah Electric Service Schedule 34 as approved by the Utah Public Service Commission.

“Schedule 34 Contract” means the Utah Renewable Energy Service Contract between Company and Customer, including Appendix I thereto relating to the Facility.

“Participating Customer Contracts” means the Schedule 34 Contract and the similar contracts executed by the other Participating Customers.

2. Term. This Agreement will commence on the Effective Date and remain in full force and effect for so long as the PPA and Schedule 34 Contract remain in effect. This Agreement will terminate upon the earlier of termination of the PPA or termination of the Schedule 34 Contract.

3. Marketing Rights; News Releases and Publicity.

(a) The Parties hereby agree that the Participating Customers will jointly have the right to determine the timing of press releases which will constitute the initial public disclosure with respect to the execution of the PPA and the Participating Customer Contracts. The Parties and the other Participating Customers must mutually agree upon the content of any such initial

^[1] available at https://www.ftc.gov/system/files/documents/public_statements/624571/150205gmpletter.pdf

press release constituting the initial public disclosure with respect to the existence or execution of the PPA or the Participating Customer Contracts or the terms, conditions or other content herein, except to the extent such disclosure is required by law. No Party will unreasonably withhold, delay or condition its consent and agreement to the content of such press releases or public disclosures.

(b) Without limiting the effect of Section 3(a), Company and Developer each hereby grant to Customer the right to advertise, market, and promote to the general public the existence, implications and benefits of the Schedule 34 Contract, Customer's Percentage, this Agreement, and the RECs associated with the same, including the exclusive right to associate Customer with any claimed or actual environmental or sociological benefits arising from Customer's Percentage, this Agreement, the Schedule 34 Contract, and the creation, sale or retirement of RECs associated with the Customer's Percentage and this Agreement. Such advertisement, marketing, and promotion may occur prior to the initial public disclosure as described in Section 3(a) without prior consent of the other parties.

(c) This Marketing Communications Agreement implements provisions concerning public communications of the Schedule 34 Contract in relation to the PPA. As between Company and Customer, in the event of any contradiction between this Agreement and the Schedule 34 Contract, this Agreement controls. As between Company and Developer, in the event of any contradiction between this Agreement and the PPA, this Agreement controls.

(d) Except as otherwise provided above in this Section 3, no Party shall issue any press or publicity release or otherwise release, distribute or disseminate any information to the public, or respond to any inquiry from the media, that identifies the Customer's name or the Customer's Percentage in relation to the PPA, without the prior written approval of Customer, which approval shall not be unreasonably withheld, delayed or conditioned. This provision shall not prevent the Parties from releasing information (i) which is required to be disclosed in order to obtain permits, licenses, releases and other approvals; (ii) as necessary to fulfill such Party's obligations under the PPA or this Agreement or as otherwise required by applicable laws, including Federal and state securities laws, as reasonably determined by such Party's counsel; or (iii) if the Party seeking approval makes prompt and commercially reasonable efforts to obtain such approval but the other Party fails to give a definitive response within five (5) Business Days.

(e) Except with the written consent of the Customer, or to the extent allowed in this Marketing Communications Agreement, neither Company nor Developer may use the name, logo, or trademarks of any Customer or any of its Affiliates, or issue any public announcements or press releases, or confirm or comment on any information, public or otherwise, concerning any Customer or its Affiliates regarding this Agreement, provided that nothing herein shall affect each Customer's obligation to reasonably cooperate with other Parties on public disclosures under Section 3(a) and 3(d).

(f) Each Party commits to comply, and to cause all of its Affiliates to comply, with all of the provisions of this Agreement.

(g) Except as expressly set forth herein, nothing in this Agreement grants to any Party the right to use any names or logos or other intellectual property of any other Party.

(h) This Section will survive any termination of this Agreement for a period of three years from the date of such termination.

4. REC Claims.

(a) During and after the term of this Agreement, each Party will comply with the REC Communication Standards with respect to Customer's Percentage of RECs generated by the Facility and purchased by Company under the PPA.

(b) This Section will survive any termination of this Agreement for a period of three years from the date of such termination.

(c) In the event any governmental authority or credible third party asserts during the Term that Company or Developer has claimed any benefits of any RECs dedicated to Customers under this Agreement, Company or Developer, as applicable, will make all reasonable efforts to resolve the matter in good faith with Customer so that Customer will retain all of its expected benefits from the RECs to be transferred to Customer or Retired on Customer's behalf under this Agreement.

5. Exception. Notwithstanding anything to the contrary in this Agreement, a Party may make such filings, reports, and public statements that it believes are required to comply with applicable laws, rules or regulations.

6. Facility Images. Upon request from any Customer, Developer shall promptly provide to such Customer copies of digital images of the Facility showing the Facility during construction and as constructed. The promotional rights granted to Customer herein include the right to use and distribute Facility images.

7. Coordination.

(a) Developer will develop and utilize a secure web-based system ("Web Client") to which it will Post documents and information as specified in the PPA. Developer will ensure that Company and Customer will receive instantaneous notice and will have unfettered access to all documents and information required by the PPA to be Posted.

(b) Developer and Customer will cooperate in good faith to enter into a non-disclosure agreement or assert Developer's claim of business confidentiality as required under Utah Code §63G-2-309 addressing the confidential nature of the information provided by Developer to the Web Client.

(c) Upon request, Developer shall provide Customer with real-time electronic access, such as via API, to hourly output data collected at the Facility and corresponding unit availability data.

8. Authority. Each Party represents and warrants to the other that it has full power and authority to enter into and perform this Agreement.

9. Governing Law; Venue. The validity, interpretation and effect of this Agreement are governed by and will be construed in accordance with the laws of the State of Utah.

10. Waiver of Right to Jury Trial. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.

11. Further Assurances. The Parties agree to cooperate in good faith, take additional actions, and execute documents as may be reasonably required to implement this Agreement.

12. Limitations on Damages. NO PARTY WILL BE LIABLE TO ANY OTHER PARTY FOR SPECIAL, PUNITIVE, INDIRECT, EXEMPLARY OR CONSEQUENTIAL DAMAGES, WHETHER SUCH DAMAGES ARE ALLOWED OR PROVIDED BY CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, STATUTE OR OTHERWISE.

13. Miscellaneous. This Agreement may only be amended by a writing signed by all Parties. This Agreement is not assignable by a Party without the prior written consent of the non-assigning Parties, which consent shall not be unreasonably withheld, conditioned or delayed. This Agreement will be binding upon the Parties' successors and permitted assigns. Nothing contained in this Agreement creates a joint venture or partnership between the Parties. There are no intended third-party beneficiaries hereof, and the Parties do not intend to create or confer any right or interest in or to, or to grant any remedies to, any third party as a beneficiary hereof or of any duty, obligation, or undertaking established herein.

14. Counterpart; Signatures. This Agreement may be executed in one or more counterparts, each of which is an original, but all of which together constitute one and the same instrument. Delivery of a PDF copy of an original signature shall have the same force and effect as execution of an original.

15. Notices.

(a) Addresses and Delivery Methods. All notices, requests, statements or payments shall be sent or made to the mail and email addresses set out below. Notices required to be in writing shall be delivered by letter, facsimile, email or other tangible documentary form. Notice by overnight mail or courier shall be deemed to have been given on the date and time evidenced by the delivery receipt. Notice by hand delivery shall be deemed to have been given when received or hand delivered. Notice by facsimile or email is effective as of transmission to each and all of the telefacsimile numbers or email addresses provided below for a Party, but, unless receipt is acknowledged by the recipient, must be followed up by notice by registered mail or overnight carrier to be effective. Notice by certified or registered mail, return receipt requested, shall be deemed to have been given upon receipt.

To Developer: Elektron Solar, LLC
1166 Avenue of the Americas
New York, NY 10036
c/o D. E. Shaw Renewable Investments, L.L.C.
Attn: General Counsel
Email: DESRI-Notices@deshaw.com

with copy to: Elektron Solar, LLC
1166 Avenue of the Americas
New York, NY 10036
c/o D. E. Shaw Renewable Investments, L.L.C.
Attn: Hy Martin, Chief Development Officer
Email: hy.martin@deshaw.com

To Company: PacifiCorp
825 NE Multnomah, Suite 600
Portland, Oregon 97232- 2315
Attn: Director, Valuation & Commercial Business
Telefacsimile (503) 813-6260

with a copy to: PacifiCorp
825 NE Multnomah, Suite 600
Portland, Oregon 97232- 2315
Attn: Contract Administration
Telefacsimile (503) 813-6291
Email: cntadmin@pacificorp.com

with copies to: PacifiCorp Legal Department
825 NE Multnomah, Suite 1800
Portland, Oregon 97232- 2315
Attn: Assistant General Counsel
Telefacsimile (503) 813-6761

To Customer: Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060
Attn: Environmental Sustainability Manager

with copies to: Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060

Attn: Legal Department

(b) Changes of Address. The persons to whom notices are addressed, or their addresses, by the applicable recipient may be changed by providing written notice in accordance with this section.

[Signature Page(s) Follow]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their respective names as of the date last written below.

Developer:

ELEKTRON SOLAR, LLC

Company:

PACIFICORP

By: _____

Name: _____

Title: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

Customer:

PARK CITY MUNICIPAL
CORPORATION

By: _____

Name: _____

Title: _____

Date: _____

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Michelle Downard

Submitting Department: Executive

Item Type: Resolution

Agenda Section:

Subject:

Consideration to Approve Resolution 19-2020, a Resolution Amending the Police Complaint Review Committee Policies and Procedures and Replacing Resolution No. 05-2017 in its Entirety
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Police Complaint Review Committee Policy and Procedures Staff Report](#)

[Policy and Procedures Resolution](#)



City Council Staff Report

Subject: Police Complaint Review Committee Policy and Procedure Amendments
Author: Michelle Downard, Resident Advocate & Chairperson of the Police Complaint Review Committee
Department: Executive Department
Date: September 17, 2020
Type of Item: Administrative

Summary Recommendation

Staff recommends Council hold a public hearing and approves the Resolution to amend the [Police Complaint Review Committee Policies and Procedures](#) (Policy) to change the membership structure of the Police Complaint Review Committee (PCRC) to include five community members, a staff liaison and a Council liaison, reference “community members” and allow Council to appoint a designee to conduct future interviews.

Background

The PCRC was established through [Resolution 35-03](#) in 2003 and was last updated on by [Resolution 05-2017](#). The PCRC’s acts as an advisory body, which reviews proposed dispositions of complaints filed against police personnel and provides recommendations to the Chief of Police.

When the PCRC was created on [December 11, 2003](#), it included two staff members (appointed by the City Manager) and three community members (appointed by the Mayor and Council). The City Manager, Tom Bakaly, suggested this was to balance a way for the public to be involved with, but not necessarily manage the Police Department. Bakaly also stated that this membership structure would better ensure proper allocation of [staff] resources to support the Committee, particularly for emergency meetings.

Analysis

The strong response to our call for applicants has created an opportunity to reconsider the structure of the PCRC to increase community involvement and transparency. Staff therefore supports amending the structure to include five voting community members, a non-voting staff chairperson and a non-voting Council liaison. An attorney from the City Attorney’s Office will continue as a legal (advisory) liaison and the Chief of Police will continue as an ex officio (non-voting) member.

Appointments to the PCRC are also provided within the September 17, 2020 packet for Council’s consideration. If approved, those appointments would establish a total of five community members (consistent with the recommended amendments), a staff chairperson and a Council liaison.

Staff recommends eliminating the reference to “citizen members” within the Policy to “community members” to more accurately reflect the City’s goals of social equity and inclusion.

Staff also recommends amending the Policy to allow the Mayor and Council to continue conducting interviews or appoint a designee. The Mayor and Council will continue to make appointments.

Department Review

The Police, Legal and Executive Department have reviewed this report.

EXHIBIT A

Resolution Amending the Police Complaint Review Committee Policies and Procedures

Resolution No. 19-2020

**A RESOLUTION AMENDING THE POLICE COMPLAINT REVIEW
COMMITTEE POLICIES AND PROCEDURES AND REPLACING RESOLUTION
NO. 05-2017 IN ITS ENTIRETY**

WHEREAS, the Police Department is created by Municipal Code Section 2-4-12 to provide for the public safety of the residents and visitors of the City; and

WHEREAS, the City Council desires to have a committee by which citizens may seek review of proposed complaint dispositions of complaints within the Park City Police Department; and

WHEREAS, the City Council wishes to balance the individual privacy rights of employees in personnel matters versus the public's ability to seek review of police actions; and

WHEREAS, the Police Complaint Review Committee recommendations are advisory only and all final decision making authority regarding any complaint remains with the Chief of Police and City Manager.

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

SECTION 1. The Police Complaint Review Committee Policies and Procedures are hereby amended as provided in EXHIBIT A.

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

PASSED AND ADOPTED this 17th day of September 2020.

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

City Attorney's Office

Exhibit A

Park City Police Complaint Review Committee

Policies and Procedures

I. Purpose

The purpose of the Park City Police Complaint Review Committee (the “Committee”) is to act in the capacity of an advisory body, which will review proposed complaint dispositions of complaints filed against police personnel and/or police procedure, if formally requested and to provide recommendations to the Chief of Police on those complaints reviewed.

II. Organization

The Committee shall consist of five (5) eligible community members, ~~three (3) citizens from the community at large~~, and one (1) two (2) appointed City staff members as the consisting of the City Manager’s designee, ~~and a City staff member of the Management Team~~. An attorney from the City Attorney’s Office will be assigned to act as a legal liaison to the Committee by the City Attorney. The Chief of Police shall be an ex officio member and shall provide all necessary staff support and information to the Committee. The City Council may appoint a Council Liaison.

The City Manager’s designee, shall act as the Chairperson for the Committee and in the absence of the Chairperson, the Chairperson pro-tem shall perform the duties of the Chairperson.

The Chairperson shall be a non-voting member. The Chairperson pro-tem shall be elected by a majority vote of the members of the Committee at the first meeting of the Committee each calendar year.

III. Appointment of Committee Members

The Mayor and City Council shall solicit applications from interested ~~communitycitizen- members of the community~~. Each applicant shall apply for a specific three (3) year term of office. Each applicant will be interviewed by the Mayor and City Council or their designee. ~~From the interviews, t~~The Mayor and City Council shall select the appoint five (5) three (3) applicants communitycitizen members to serve and shall appoint them to the Committee.

The City Manager’s s appointed ~~shall appoint his/her~~ designee ~~which may and the City staff management team member and said appointments may~~ rotate as determined in the sole discretion of the City Manager.

Police officers and all other ~~City~~ employees of the City are ineligible for appointment to fill the ~~communitycitizen~~ member positions on the Committee.

IV. Voluntary Service

Members of the Committee shall perform their services on the Committee without pay or other compensation, except for payment of reimbursement of expenses actually and reasonably incurred and as approved by the Chief of Police.

~~CommunityCitizen~~ members shall be deemed volunteers as defined in Title 67, Chapter 20, Utah Code, as amended, or any successor statute.

Members shall be immune from any liability with respect to any decision or action taken in the performance of their duties and responsibilities on the Committee as provided by Title 63G, Chapter 8, Section 101 et seq. of the Utah Code, as amended, or any successor statute.

V. Term of Office

The ~~five (5) three (3)~~ ~~communitycitizen~~ members will serve three (3) year staggered terms. ~~One member shall initially be appointed for a one-year term with subsequent appointments for two (3) years.~~ Each member's term shall expire on June 30th of the expiration year, except that a member shall serve until a successor has been duly appointed.

~~Community-Citizen~~ members shall not serve for more than two (2) consecutive full terms.

VI. Removal from Office

Any ~~communitycitizen~~ member of the Committee may be removed from the Committee by the Mayor, with approval of Council, for cause, prior to the normal expiration of the term for which the member was appointed.

VII. Vacancy Filling

Any vacancy on the Committee shall be filled for the remaining term of the vacated member in the same manner as the member whose position has been vacated was appointed.

VIII. Members' Ethics

Members shall be subject to and bound by the provisions of the City's conflict of interest ordinance (Municipal Code of Park City Title 3). In addition to being bound by Title 3, if a conflict of interest arises with respect to a particular complaint review, the Committee member(s) shall recuse himself/herself from that review. Any violation of this

provision or the provisions incorporated herein by reference shall be grounds for removal from the Committee.

IX. Eligibility for Membership

To be eligible for appointment to the Committee, a person shall be at least 21 years of age. ~~CommunityCitizen~~-members shall reside within the incorporated limits of Park City. No person may have any felony convictions, or misdemeanor convictions where a dishonest act or false statement is an element of the offense. If a Committee member, during his or her term, is formally charged with such an offense, the Committee member shall immediately notify the Chief of Police of such charges(s). Post-appointment convictions shall be a basis for removal.

X. Training

Each member shall receive training regarding the duties of the Committee and police practices and procedures.

The Chief of Police shall specify the nature of the training and may include attendance at specific police training classes and participation in ride-along training in police vehicle during police shifts.

The Committee Chair shall ensure that all members are provided with annual training on the requirements of the Open and Public Meetings Act.

XI. Meeting Types

Review of Proposed Complaint Dispositions: The Committee shall meet within a reasonable time after receiving a request for review. The Committee shall meet only if there are requests filed on proposed complaint dispositions, except that the Committee shall convene at least once per annum for the purpose described in Section XXI below.

Emergency Meetings: The Chief of Police or the Committee Chair may call a meeting of the Committee if a circumstance exists in which a request has been filed and the complainant will be leaving the City without return or would be unavailable for an extended period of time. A minimum of seventy-two (72) hours' notice will be given to the Committee members.

Meeting Location: The Committee shall meet at a Park City Municipal Corporation location as specified in the public notice.

Record of Meetings: Each meeting, whether open or closed, shall be recorded by an audio or audio/video recording device. The Chief's Executive Assistant shall, within three (3) business days after holding a public meeting, make the audio recording of the open meeting available to the public. In addition, the Chief's Executive Assistant shall keep written minutes for open meetings in accordance with Title 52, Chapter 4 of the Utah Code. The

Committee, may, but is not required to keep written minutes during closed proceedings. All recordings and minutes of the closed meetings shall be classified as 'PROTECTED' and will be available only to those who meet the GRAMA standard for release.

Policy for Approval of Pending Minutes:

Minutes of open meetings are considered "pending minutes" and are subject to change until approved by the Committee. Pending minutes shall be labeled "draft," "subject to approval," or labeled with other equivalent language. The Chief's Executive Assistant shall deliver pending minutes to each Committee member and shall make pending minutes available to the public within a reasonable amount of time after the meeting that is the subject of the pending minutes.

The Committee shall consider for approval the pending minutes at the meeting that immediately follows the meeting that is the subject of the pending minutes. The Committee shall vote to approve, correct, or amend the minutes, and then may vote to approve any corrected or amended minutes.

If the Committee fails to consider for approval the pending minutes at the meeting that immediately follows the meeting that is the subject of the pending minutes, the pending minutes shall be deemed approved by the Committee.

Approved minutes shall bear the signature of the Chief's Executive Assistant. Approved minutes are the official record of the open meeting and shall be made available to the public within three (3) business days after approval.

Open and Public Meetings Act: The Committee shall provide notice to the public, keep and publish minutes, and otherwise conduct meetings in accordance with Title 52, Chapter 4 of the Utah Code, as amended, or any successor statute. All Committee meetings are open to the public until closed. Meetings may be closed only for the purposes described in Title 52, Chapter 4, Section 205, and require an affirmative vote of 2/3 present (2 of 3, 3 of 4, 4 of 5), provided there is a quorum. During closed meetings, Committee members shall discuss only those matters that are permitted by Title 52, Chapter 4, Section 205 of the Utah Code. All other matters must be discussed during open meetings.

XII. Quorum and Vote

A quorum, which shall consist of at least 3 Committee members, shall be necessary to conduct any business. All actions of the Committee shall be presented for a vote to the members. Three (3) affirmative votes of the voting members present at a meeting which a quorum is present shall be required for any action to be taken, subject to the 2/3 affirmative voting requirement for closing a meeting as described in the Open and Public Meetings Act section above.

The decision of the Committee is advisory only. The Chief of Police and City Manager shall have final decision authority regarding disciplinary action against police personnel.

XIII. Scheduled Committee Meetings

Committee meetings will be held as prescribed in the 'Meeting Types' section.

The Committee shall meet to review documents and other records with respect to proposed complaint dispositions against police personnel and/or policy and procedures and internal police investigations and their respective proposed dispositions if formally requested.

At least ten (10) business days prior to a Committee meeting an agenda will be provided to each member outlining the content of the meeting. Attached to the agenda will be materials for review for each agenda item if appropriate.

Members of the Committee shall treat any police documents provided as confidential at all times, including after the conclusion of a review. All 'PROTECTED' material provided to the Committee shall not be removed from the meeting room once the meeting has concluded.

Documents and other records provided to Committee Members shall not contain the names, addresses or identifying information of individuals involved. Except during Committee meetings, individuals shall not be mentioned by name in any verbal or written statements by the Committee or its members.

XIV. Committee Reports

After each Committee complaint review meeting a report shall be prepared highlighting the Committee's findings, conclusions and recommendations regarding the closed agenda items discussed and acted upon. This report shall be completed within thirty (30) calendar days after the Committee meeting and shall be classified as 'PROTECTED.'

The Chief's Executive Assistant will prepare the report for internal distribution only. A copy of the Committee's report will be provided to members of the City Council. Each Committee member will also receive a copy of the Committee's report.

XV. Community~~Citizen~~ Requested Review of Proposed Complaint Disposition

The Police Department will establish and publicize the processes by which a proposed complaint disposition can be reviewed by the Committee, and further will establish a "hot-line" phone number where information can be obtained and requests for review can be made. Development of brochures and written publicity materials for education of the public will be undertaken. As well, media exposure outside of the written media will be undertaken.

Any person, other than a police officer who was the subject of a complaint, who is dissatisfied with the proposed disposition found by the police department regarding a complaint filed against a police officer or police policies and procedures may request a review by the Committee of the proposed disposition.

A request for review may be filed in one of the following ways; in written form, through the “hot-line” phone number, in person or by mail. Requests may be delivered to either the office of the Chief of Police or the office of the City Manager, or directly to a Committee member.

The request must be filed within fifteen (15) calendar days after the person’s receipt of the ‘Letter of Proposed Disposition’ from the police department. Extraordinary circumstances may be exempted for this deadline in the sole discretion of the City Manager.

The request must include; (1) the name, address, and telephone number of the person requesting the review; (1A) the name, address, and telephone number of the complainant if different from the requestor; (2) the approximate date the complaint was filed (if known); (3) the substance of the complaint and any supporting documents, and (4) the reason or reasons the complainant is dissatisfied with the police department’s proposed disposition.

The Chief of Police will not have a vote in the review meetings, but will act as the department liaison, available to answer questions or obtain additional information as requested by the sitting Committee members.

XVI. Complaint Review Process

When a review is requested, the Chief of Police, acting as the department liaison capacity, shall supply all the sitting Committee members, all pertinent documents and investigative materials related to the original complaint and investigation. Any information furnished by the complainant shall be forwarded to the Committee.

All closed review meetings held pursuant to Title 52, Chapter 4, Section 205 of the Utah Code, as amended, or any successor statute are confidential and closed to anyone but the Committee members, staff liaison members, and Internal Affairs investigator(s).

The Internal Affairs investigator(s) in charge of investigating a particular complaint shall attend when requested by the Committee, review meetings relating to that particular complaint and shall address all questions relevant to the investigation.

After the review meeting, the Committee shall reach a conclusion and provide an advisory recommendation. A report of the Committee’s conclusion(s) and recommendation(s) will be completed by staff and shall be classified as ‘PROTECTED.’

Committee advisory recommendations may include; (1) further investigative action or review by the Chief of Police to clarify and/or to expand the investigation or review; (2)

review of department policy or procedure for adjustment, revision, or modification; or (3) both.

The Committee advisory recommendation shall not involve specific recommendations regarding discipline of individual officers or police personnel.

Within thirty (30) calendar days after receiving the Committee's report, the Chief of Police shall ensure that the individual requesting the review and the original complainant, if they are not the same person, will be notified of the intended actions of the Chief of Police via a 'Letter of Final Disposition,' which shall be classified as 'PUBLIC.' The reports containing the Committee's conclusions and recommendations will not be disclosed to the original complainant, person requesting the review, or any other member of the public, except as required under Title 63G of the Utah Code.

A 'PROTECTED' copy of the Committee's conclusion(s) and recommendation(s) will be forwarded to City Council members.

All Committee documents will be maintained in the Administrative Offices of the Chief of Police in a secured location in accordance with Record Retention Schedules.

XVII. Cooperation and Coordination

The Chief of Police shall provide complete and prompt cooperation to the Committee members in the discharge of its duties.

XVIII. Committee Actions

The recommendations of the Committee shall not be deemed to bind the Chief of Police or the City Manager in their final disposition.

Nothing in this document shall be construed to be a delegation of the powers of the Chief of Police, City Manager or the Mayor and City Council.

XIX. Committee Attendance

Committee members should make every effort to attend scheduled meetings. The Committee can recommend to the Chair that a member be replaced if they miss three (3) or more consecutive meetings.

XX. Committee Requests for Information

All information requests from Committee members will be directed to and authorized by the Chief of Police.

XXI. Committee Policy and Procedures Review

Policy and procedures for the Committee shall be reviewed for changes and updates on an annual basis. This review is open to the public.

Adopted by Res. [35-03](#) on 12/11/2003

Amended by Res. [23-10](#) on 9/30/2010

Amended by Res. [05-2017](#) on 3/9/2017

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Michelle Downard

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Appoint to the Police Complaint Review Committee (PCRC) Amir Vonsover, Austin Lau and Mary Christa Smith for Three Year Terms Expiring June 30, 2023, and Michael Collins for a Two Year Term Expiring June 30, 2022; and to Appoint a Council Liaison
(A) Public Input (B) Action

Suggested Action:

Attachments:

[PCRC Appointments Staff Report](#)



City Council Staff Report

Subject: Police Complaint Review Committee Appointment
Author: Michelle Downard, Resident Advocate &
Chairperson of the Police Complaint Review Committee
Department: Executive Department
Date: September 17, 2020
Type of Item: Administrative

Summary Recommendation

Staff recommends Council appoint Amir Vonsover, Austin Lau and Mary Christa Smith to three year terms and Michael Collins for an additional two year term on the Police Complaint Review Committee (PCRC) for terms beginning immediately upon the date of appointment until June 30, 2022 and 2023. Staff recommends Council also appoint a Council Liaison.

Background

In order to increase community involvement and transparency, the Park City Police Complaint Review Committee was established through [Resolution 35-03](#) in 2003 and was last updated on by [Resolution 05-2017](#). The Committee acts as an advisory body, which reviews proposed dispositions of complaints filed against police personnel and provides recommendations to the Chief of Police on those complaints reviewed.

Analysis

Staff received a positive response of 13 applications. Interviews were conducted by the Mayor and Council on [July 29, 2020](#). Amir Vonsover, Austin Lau, Mary Christa Smith, and Michael Collins are recommended for appointment.

Amendments to the [Police Complaint Review Committee Policies and Procedures](#) are also being provided within the September 17, 2020 packet for Council's consideration. If approved, those amendments would modify the membership structure of the PCRC to consist of five community members (consistent with the recommended appointments), a staff chairperson and a Council liaison.

Staff supports staggered terms to maintain member consistency.

In accordance with the PCRC Policies and Procedures, successful candidates will be required to provide background checks confirming eligibility and encouraged to complete training as recommended by the Chief of Police.

Department Review

The Police, Legal and Executive Department have reviewed this report.

City Council Staff Report



Subject: Aspen Springs Ranch Phase I
Lot 18 Plat Amendment
Application: PL-20-04536
Author: Hannah M. Tyler, AICP, Senior Planner
Date: September 17, 2020
Type of Item: Administrative –Plat Amendment

Summary Recommendations

Staff recommends City Council review the proposed Aspen Springs Ranch Phase I Lot 18 Plat Amendment, hold a public hearing, and consider approving the proposed Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft ordinance.

Description

Applicant: Joseph Saba
Location: 2524 Aspen Springs Drive
Zoning District: Single Family (SF)
Adjacent Land Uses: Residential, Recreation Open Space
Reason for Review: Plat Amendments require Planning Commission review and recommendation and City Council review and action

Acronyms

LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Executive Summary

On July 14, 2020 the Applicant submitted a complete Plat Amendment application. The applicant is proposing to amend the Limits of Disturbance and minimum Setback along a portion of the western property line on Lot 18 of the Aspen Springs Ranch Subdivision Phase I to accommodate a new addition. The following excerpt from the Aspen Springs Ranch Subdivision Phase I identifies the Limits of Disturbance (circled in red) established at time of final plat. On August 26, 2020 Planning Commission forwarded a unanimous positive recommendation to City Council ([Staff Report](#) and [Minutes](#)).



Background

On May 23, 1991, City Council approved the final plat for Aspen Springs Ranch Phase I. Aspen Springs Ranch Phase I Subdivision Plat consisted of the 32 acre parcel divided into 43 single family lots ranging in size from ~17,500 square feet to ~30,500 square feet. The average single family lot size is 22,411 square feet. There is also a 1.6 acre “ranch lot” and an open space parcel which is 4.8 acres. The subdivision plat created Limits of Disturbance, Setbacks, and Maximum House Sizes (5,500 square feet for single family lots) for each lot.

The Planning Commission approved a “sketch plat” for Phase I of Aspen Springs Ranch in May 1988 in conjunction with an overall master plan and annexation of the Smith Ranch parcel. The sketch plat was set to expire in June 1989, but an extension of one (1) additional year was granted. The applicant, Equity Properties, allowed the sketch plat to ultimately expire in June 1990.

On February 11, 1991, The same applicant, Equity Properties, then filed a new application for a sketch plat, preliminary plat, and then final plat for Phase 1 of Aspen Springs Ranch – which little to no changes from the previously expired sketch plat. The intent of the master plan was to provide for development of a large single family subdivision and dedication of substantial open space, which was contiguous with the then recently acquired McPolin/Osguthorpe Farm.

Since 1991, only one (1) modification has been approved within Phase 1 of the Aspen Springs Ranch Subdivision. On May 27, 2014, the Planning Director approved an Administrative Lot Line Adjustment affecting Lots 65 and 66.

On July 14, 2020 the Applicant submitted a complete Plat Amendment application. The applicant is proposing to amend the Limits of Disturbance and minimum Setback along a portion of the western property line on Lot 18 of the Aspen Springs Ranch Subdivision Phase I to accommodate a new addition. The August 12, 2020 Planning Commission meeting was cancelled, so this item was rescheduled for the August 26, 2020 meeting. On August 26, 2020, the Planning Commission forwarded a unanimous positive recommendation to City Council ([Staff Report](#) and [Minutes](#)).

Analysis

The Planning Commission reviews and recommends plat amendment approval to City Council. LMC [§ 15-12-15\(B\)\(9\)](#). Plat Amendments must be approved in accordance with LMC Chapter 15-7, *Subdivisions*. LMC [§ 15-7.1-3\(B\)](#).

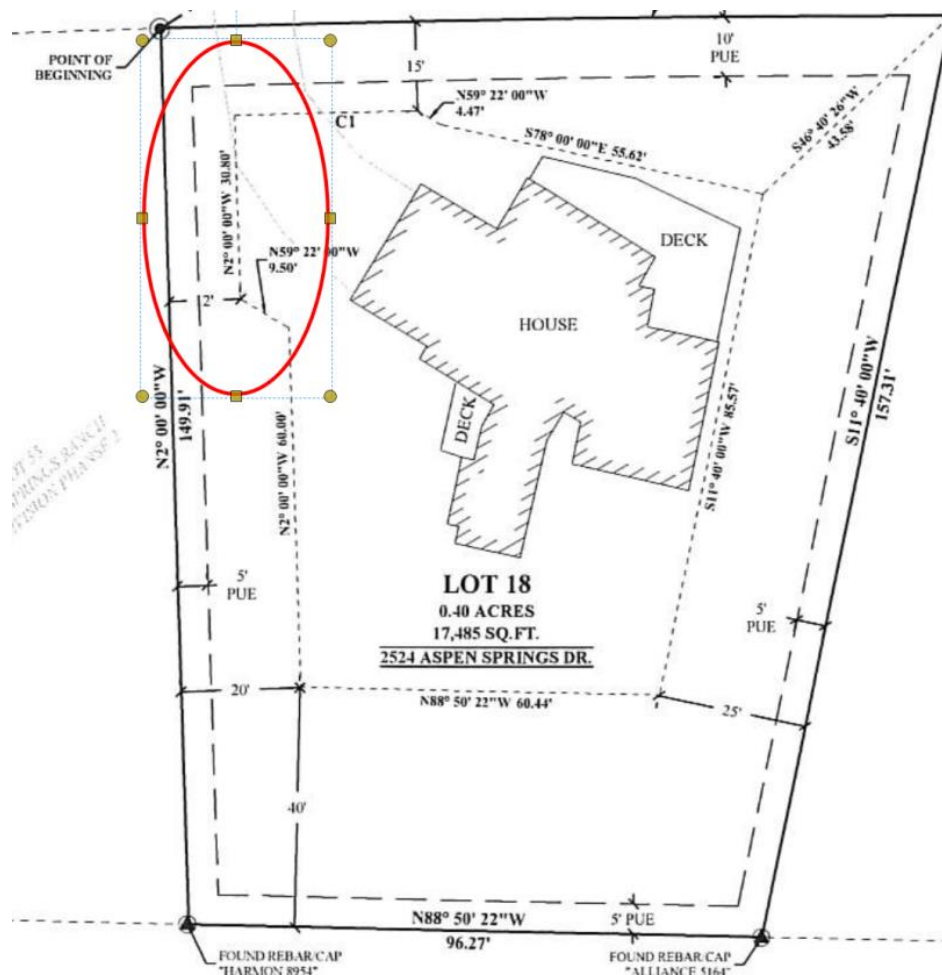
(I) Staff recommends City Council approve the plat amendment because the proposal complies with the SF Zoning District Requirements outlined in LMC § 15-2.11-3, *Lot and Site Requirements*.

2524 Aspen Springs Drive is located in the Single Family (SF) Zoning District. The purpose of the SF Zoning District is outlined in LMC [§ 15-2.11-1](#). A Single Family Dwelling is an Allowed Use in the SF Zoning District. LMC [§ 15-2.11-2\(A\)](#).

The Aspen Springs Ranch Subdivision Phase I establishes Limits of Disturbance and minimum Setbacks for each lot. The applicant is not proposing a change to the Maximum House Size. The LMC also regulates Lot and Site Requirements per LMC [§ 15-2.11-3](#). The following table outlines the applicable Lot and Site Requirements based on the Springs Ranch Subdivision Phase I plat notes and applicable LMC.

Lot and Site Requirements Per the existing Subdivision Plat or LMC § 15-2.11-3	Analysis of Proposal
Front Setback – 15 feet for new front facing garages (per SF Zoning and Subdivision Plat).	The Front Setback for the existing Structure is 26 feet 7 inches as measured. The applicant's proposed addition will be constructed to the 15 foot minimum.
Rear Setback – 40 feet (per Subdivision Plat)	The Rear Setback for the existing Structure is 62 feet 5 inches as measured. No rear addition is proposed.
Side Setback – West property line: 20 feet (per subdivision plat) – applicant proposes a portion to be reduced to 12 feet (per SF Zoning) East property line: 25 feet (per subdivision plat)	The applicant is proposing to reduce the Setback along a portion of the western property line from 20 feet (per the Subdivision Plat) to the SF Zoning District Minimum of 12 feet. The proposed addition would comply with the 12 foot Side Setback if approved by Planning Commission. The applicant does not propose to amend the eastern Side Setback of 25 feet. The existing Structure is 29 feet from the east property line.
Maximum House Size – 5,500 square feet (per subdivision plat)	According to Summit County property tax records, the existing House Size is 2,992 square feet with a 525 square foot garage.

The following excerpt from the proposed Plat Amendment depicts the amendment to the Limits of Disturbance and minimum Side Setback.



(II) Staff recommends City Council approve the plat amendment because the proposal complies with the Subdivision regulations outlined in LMC § 15-7.

The Aspen Springs Ranch Subdivision Phase I was reviewed with great detail and precision in 1991. The main “issues for discussion” by Planning Commission prior to City Council review in 1991 were in regards to open space maintenance, trails, design guidelines, maximum house sizes and heights, and CC&Rs. The Planning Commission resolved these issues in advance of City Council review on a lot-by-lot basis through the Limits of Disturbance, minimum setbacks, maximum house sizes, and easements where needed in addition to other plat notes and requirements that affected all parcels. The applicant is proposing to amend both a Limit of Disturbance and a minimum setback; however, the applicant is not proposing to amend the Maximum House Size of 5,500 square feet. Even with the addition into the existing Limits of Disturbance/Setback area, the applicant will not be able to achieve a larger house than was previously permitted. According to Summit County property tax records, the existing House Size is 2,992 square feet with a 525 square foot garage. Staff will review at time of Building Permit to ensure that the 5,500 square foot Maximum House Size is complied with.

Per LMC [§ 15-15-1](#), Limits of Disturbance is defined as:

LIMITS OF DISTURBANCE. The designated Area in which all Construction Activity must be contained.

Per LMC [§ 15-7-2](#), the purpose of Subdivision regulations include:

(...)

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(...)

The Planning Commission established the Limits of Disturbance and minimum Setbacks to minimize impacts to the natural environment and preserve the integrity, stability, and beauty of the community and the value of the land. As conditioned, staff finds that the resulting addition still complies with the goals of the original restrictions in that the front lot area is already disturbed with the driveway and new construction will still be buffered by enhanced landscaping and reducing the slope of access for a less obtrusive entrance. Planning Commission and City Council do have the authority to adjust the Limits of Disturbance on another part of the property to make up for the new expansion. The applicant has submitted a Landscape Plan to identify all vegetation that will be removed to accommodate the addition and the proposed replacement of this vegetation on the property.

(III) Staff recommends City Council approve the plat amendment because the proposal complies with LMC § 15-3-6, *Parking Ratio Requirements*.

Parking Ratio Requirements LMC § 15-3-6	Analysis of Proposal
Two Parking Spaces are required for each Single Family Dwelling	The existing Structure and proposed garage addition accommodate two (2) off-street parking spaces with dimensions complying with the minimum interior parking space standards (10 feet by 20 feet).

(IV) The Development Review Committee reviewed this application and did not identify any issues.

In the July 14, 2020 Development Review Committee meeting no comments or concerns were raised about the proposed plat amendment. The City Engineer has requested a 10 foot snow storage easement along Aspen Springs Drive.

Good Cause

The LMC defines Good Cause as *providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.* LMC [§ 15-15-1](#).

Staff finds good cause for the proposed Aspen Springs Ranch Phase I Lot 18 Amended Plat Amendment because approval of this plat amendment will allow the applicant to construct a garage addition; the applicant will replace any vegetation that is impacted by the addition, and the plat amendment will not result in increased density.

Process

The approval of this plat amendment by the City Council constitutes Final Action that may be appealed pursuant to LMC [§ 15-1-18](#).

Department Review

This plat amendment staff report has been reviewed by the Planning, Engineering, Legal and Executive Departments.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on July 25, 2020. Staff mailed courtesy notice to property owners within 300 feet on July 28, 2020. The *Park Record* published notice on July 25, 2020. LMC [§ 15-1-21](#).

Public Input

None has been received at time of report publishing.

Alternatives

- City Council may approve the Plat Amendment;
- City Council may deny the Plat Amendment; or
- City Council may request additional information and continue the discussion to a later date.

Exhibits

Attachment 1 – Draft Ordinance 2020-41

Exhibit A: Proposed Aspen Springs Ranch Phase I Lot 18 Amendment Plat Amended

Exhibit B: Aspen Springs Ranch Phase I

Exhibit C: Landscape Plan

Exhibit D: Aerial Photographs

Exhibit E: Existing Conditions Survey

Exhibit F: Applicant's Intent

Exhibit G: Homeowner's Association approval

Ordinance No. 2020-41

**AN ORDINANCE APPROVING THE ASPEN SPRINGS RANCH PHASE I LOT 18
AMENDED PLAT AMENDMENT, LOCATED AT
2524 ASPEN SPRINGS DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 2524 Aspen Springs Drive petitioned the City Council for approval of the Aspen Springs Ranch Phase I Lot 18 Amended Plat Amendment; and

WHEREAS, on August 8, 2020 notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on August 12, 2020, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on August 12, 2020, courtesy notice was mailed to property owners within 300 feet of the Aspen Springs Ranch Phase I Lot 18 Amended Plat Amendment; and

WHEREAS, on August 26, 2020, the Planning Commission reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, on August 26, 2020, the Planning Commission forwarded a positive recommendation for City Council's consideration on September 17, 2020; and

WHEREAS, on September 17, 2020, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the condominium plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.11, 15-3 and 15-7.

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

SECTION 1. APPROVAL. The Aspen Springs Ranch Phase I Lot 18 Amended Plat Amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. On July 14, 2020 the Applicant submitted a complete Plat Amendment application.
2. The applicant is proposing to amend the Limits of Disturbance and minimum Setback along a portion of the western property line on Lot 18 of the Aspen Springs Ranch Subdivision Phase I to accommodate a new addition. The following excerpt

from the Aspen Springs Ranch Subdivision Phase I identifies the Limits of Disturbance (circled in red) established at time of final plat.

3. The property is located at 2524 Aspen Springs Drive.
4. On August 26, 2020, the Planning Commission reviewed the proposed Plat Amendment and forwarded a unanimous positive recommendation to City Council.

Zoning District:

5. The property is located in the Single Family (SF) Zoning District.

Public Notice Requirements:

6. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on July 25, 2020. Staff mailed courtesy notice to property owners within 300 feet on July 28, 2020. The *Park Record* published notice on July 25, 2020.

Lot and Site Requirements

7. The Aspen Springs Ranch Subdivision Phase I establishes Limits of Disturbance and minimum Setbacks for each lot.
8. The applicant is not proposing a change to the Maximum House Size.
9. The LMC also regulates Lot and Site Requirements per LMC [§ 15-2.11-3](#).
10. The proposed Plat Amendment complies with the following Lot and Site Requirements based on the Springs Ranch Subdivision Phase I plat notes and applicable LMC requirements:
 - a. The Front Setback for the existing Structure is 26 feet 7 inches as measured. The applicant's proposed addition will be constructed to the 15 foot minimum.
 - b. The Rear Setback for the existing Structure is 62 feet 5 inches as measured. No rear addition is proposed. The Minimum Rear Setback is 10 feet. Any development will comply.
 - c. The applicant is proposing to reduce the Setback along a portion of the western property line from 20 feet (per the Subdivision Plat) to the SF Zoning District Minimum of 12 feet. The proposed addition would comply with the 12 foot Side Setback is approved by Planning Commission. The applicant does not propose to amend the eastern Side Setback of 25 feet. The existing Structure is 29 feet from the east property line.
 - d. The Maximum House Size is 5,500 square feet. According to Summit County property tax records, the existing House Size is 2,992 square feet with a 525 square foot garage. Any new addition will have to comply.

Subdivision Requirements:

11. In addition to the analysis in Section II of the Staff Report, the proposed Plat Amendment is warranted as it the result of unique grading conditions and improves access to the lot.
12. The proposal complies with LMC § 15-7.1.

Conclusions of Law

1. There is Good Clause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including [LMC § 15-2.11](#) Single Family (SF) Zoning District and [LMC § 15-7.1-3\(B\)](#) Plat Amendment.
3. Neither the public nor any person will be materially injured by the proposed Plat

Amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Aspen Springs Drive shall be dedicated on the plat.
5. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. All landscaping that is to be removed shall be replaced in kind.

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

PASSED AND ADOPTED this 17th Day of September, 2020.

PARK CITY MUNICIPAL CORPORATION

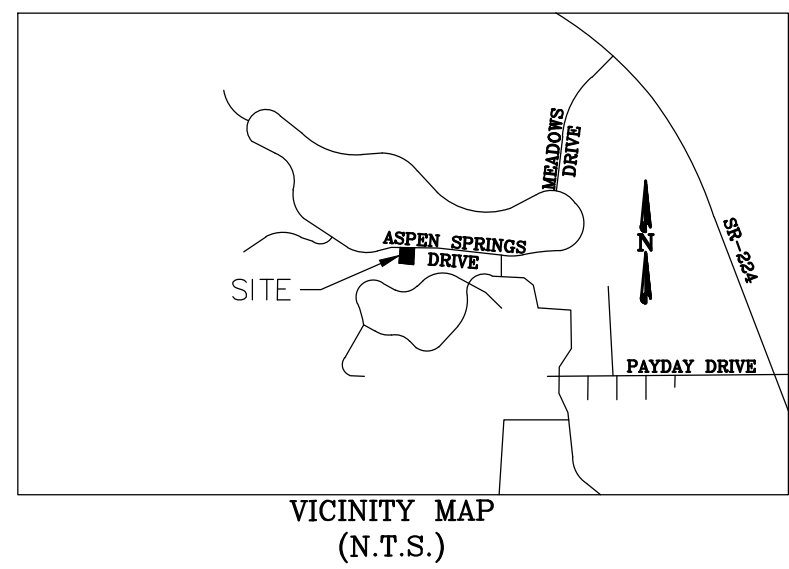
Andy Beerman, MAYOR

ATTEST:

City Recorder

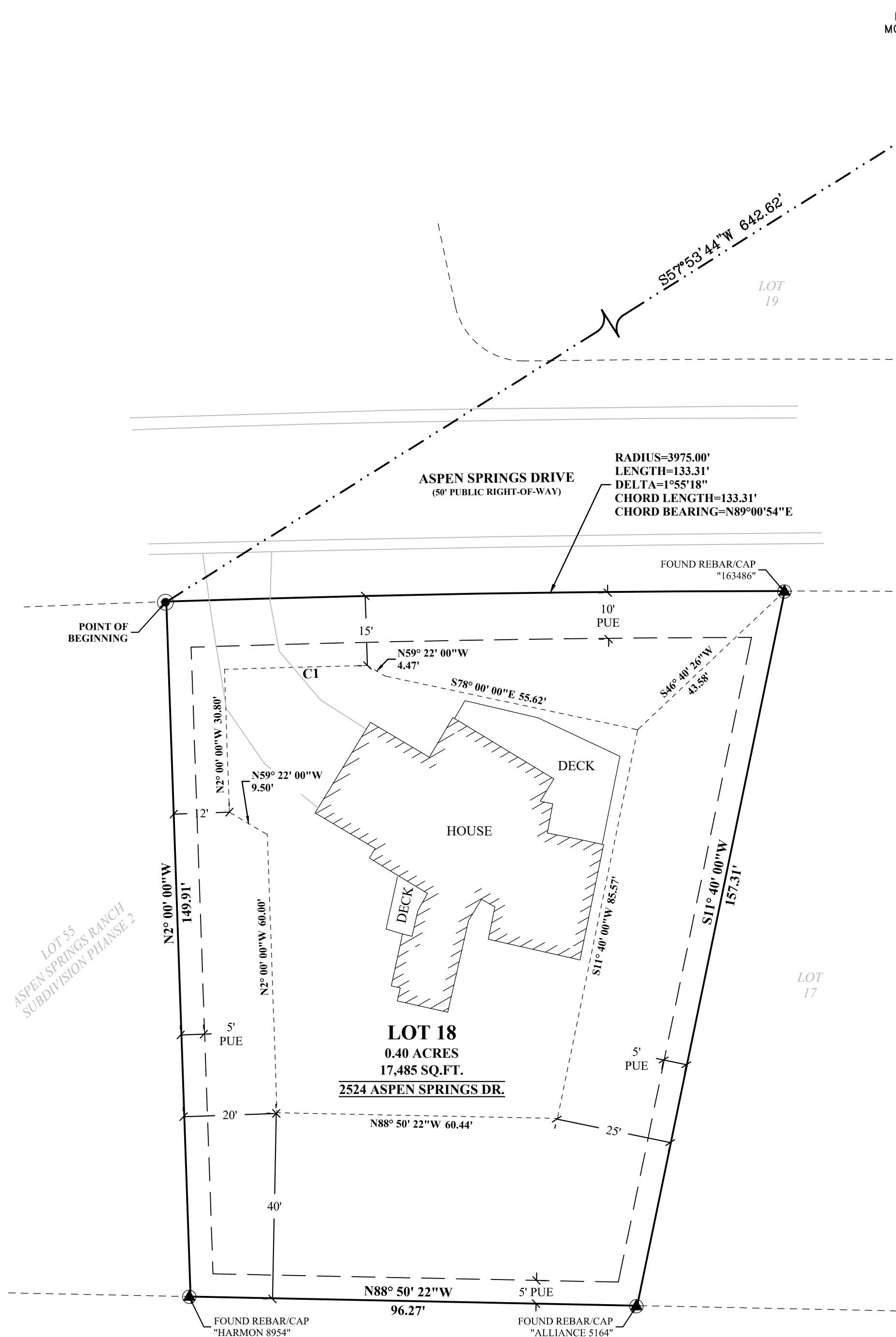
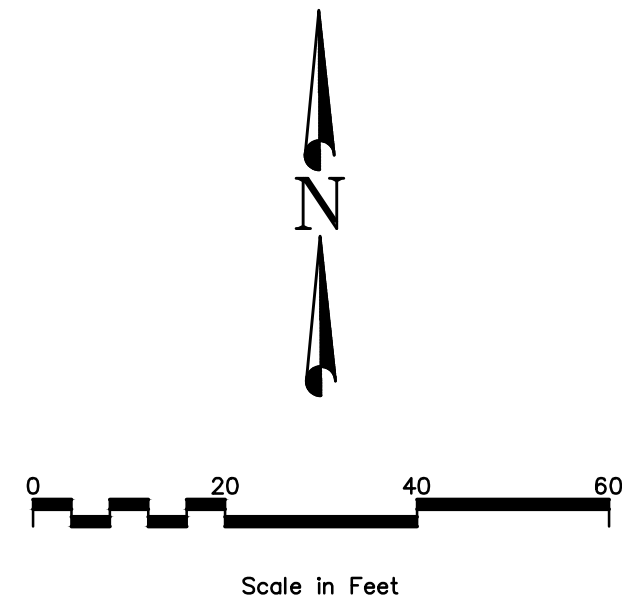
APPROVED AS TO FORM:

Mark Harrington, City Attorney



REVIEW COPY

ASPEN SPRINGS RANCH
PHASE 1 LOT 18 AMENDED
(AMENDING LOT 18 LIMITS OF DISTURBANCE)
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



LEGEND

- PROPERTY CORNER
SET REBAR/CAP
LEGEND ENGINEERING PLS 5183760
- ▲ FOUND PROPERTY CORNER
(AS NOTED)
- ⊙ FOUND BRASS CAP
STREET MONUMENT

BOUNDARY LINE _____

TITLE LINES _____

PUBLIC UTILITY EASEMENTS _____

LIMIT OF DISTURBANCE SETBACK _____

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	30.84'	3960.00'	0° 26' 46"	30.83'	N88° 27' 04"E

SUBDIVISION NOTES

1. THE PROPERTY ADDRESS IS 2524 ASPEN SPRINGS DRIVE.
2. THIS SUBDIVISION IS AMENDING THE LIMITS OF DISTURBANCE OF LOT 18, ASPEN SPRINGS RANCH PHASE 1 SUBDIVISION ON FILE AND OF RECORD WITH THE SUMMIT COUNTY RECORDERS OFFICE AS ENTRY NO. 349163.
3. SEE THE RECORDED SUBDIVISION PLAT LISTED ABOVE FOR SPECIFIC NOTES AND RESTRICTIONS PERTAINING TO THE SUBJECT PROPERTY.
4. THE SUBJECT PROPERTY IS CURRENTLY ZONED SINGLE FAMILY(SF).

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF
_____, 2020.

BY _____



LEGEND ENGINEERING
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828

Recorder

REVIEW COPY

BOUNDARY DESCRIPTION

ALL OF LOT 18 OF THE ASPEN SPRINGS RANCH PHASE 1 SUBDIVISION, BEING FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 18;
THENCE 133.31 FEET ALONG THE ARC OF A 3975.00 FOOT RADIUS CURVE TO THE RIGHT THRU A CENTRAL ANGLE OF 1°55'18" (CHORD BEARS NORTH 89°00'54" EAST 133.31 FEET);
THENCE SOUTH 11°40'00" WEST 157.31 FEET;
THENCE NORTH 88°50'22" WEST 96.27 FEET;
THENCE NORTH 2°00'00" WEST 149.91 FEET TO THE POINT OF BEGINNING.

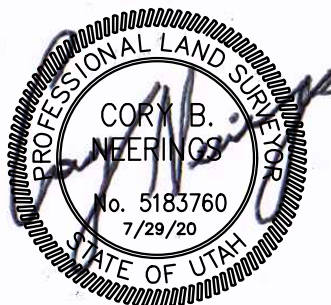
CONTAINS
1 LOT
0.40 ACRES
17,485 SQUARE FEET, MORE OR LESS

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 87°53'36" EAST BETWEEN FOUND BRASS CAP STREET MONUMENTS IN THE CENTERLINE OF ASPEN SPRINGS DRIVE AS SHOWN HEREON.

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, CORY B. NEERINGS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 5183760 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.
I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.



CORY B. NEERINGS
PLS 5183760

REVIEW COPY

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER(S) OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS THE

ASPEN SPRINGS RANCH PHASE 1 LOT 18 AMENDED

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS THEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 2020.

OWNER SIGNATURE _____ PRINT NAME _____ DATE _____
OWNER SIGNATURE _____ PRINT NAME _____ DATE _____

ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF _____ }
ON THIS ____ DAY OF _____, 2020 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF _____, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES MENTIONED.

NOTARY PUBLIC COMMISSIONED IN UTAH _____ MY COMMISSION EXPIRES _____

PRINT NAME _____ RESIDING IN _____ COUNTY

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF PARK CITY, SUMMIT COUNTY, UTAH, APPROVE THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCEL OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC, THIS ____ DAY OF _____, 2020.

MAYOR _____

CLERK/RECORDER _____

CITY ENGINEER APPROVAL

APPROVED THIS ____ DAY OF _____, 2020, BY THE PARK CITY PLANNING COMMISSION.

CITY ENGINEER _____

PLANNING COMMISSION APPROVAL

APPROVED THIS ____ DAY OF _____, 2020, BY THE PARK CITY PLANNING COMMISSION.

CHAIRMAN, PLANNING COMMISSION _____

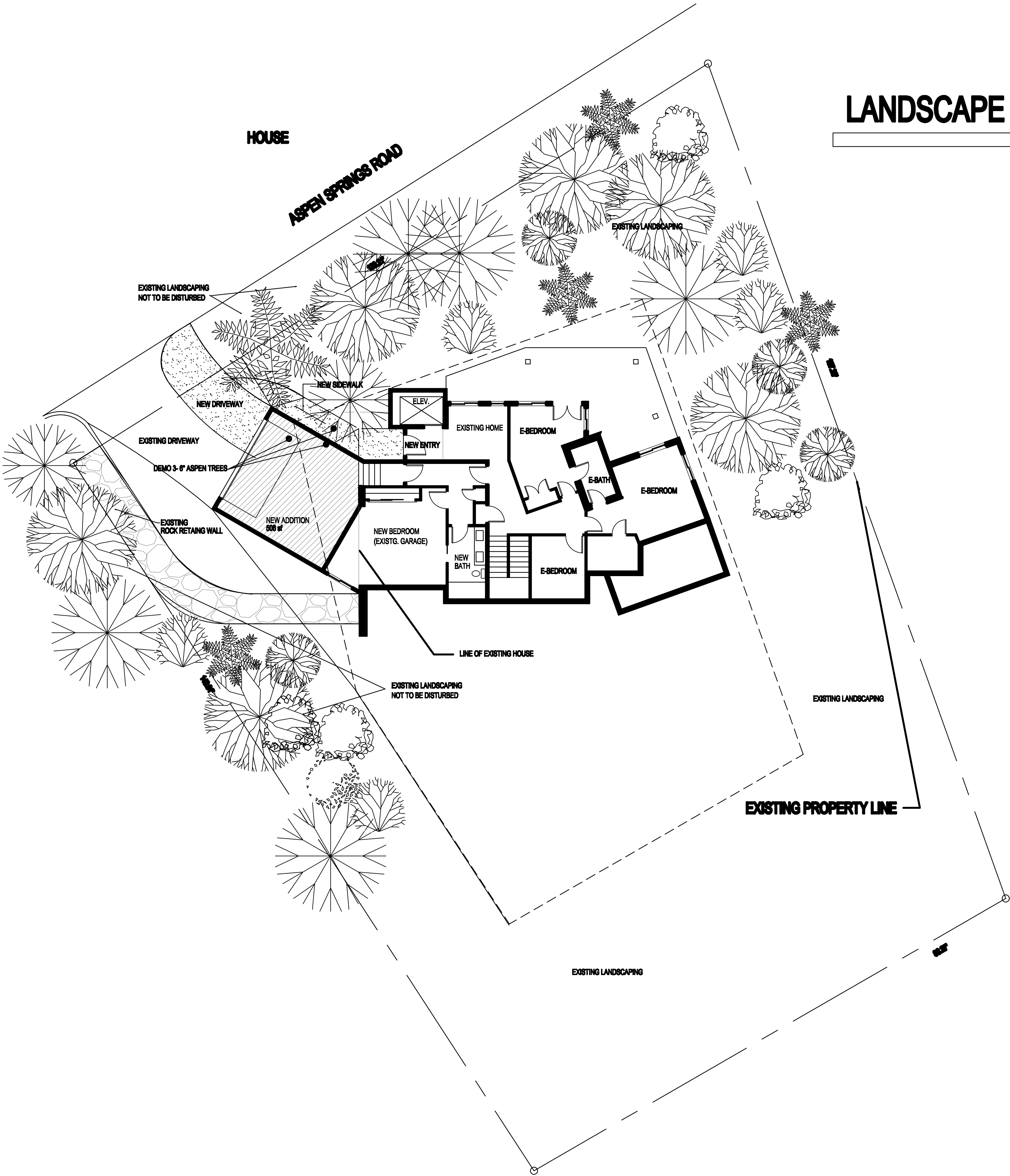




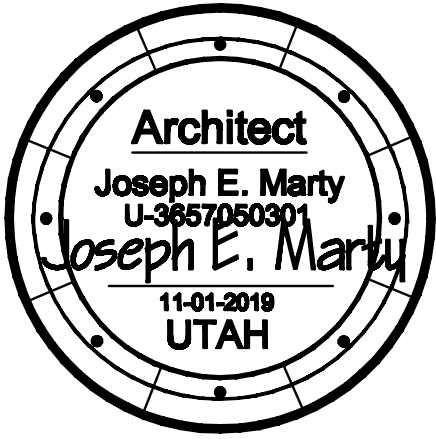
FRONT OF HOUSE FROM STREET



TREES TO BE REMOVED



LANDSCAPE PLAN



Firm Name and Address
JMA Architecture
6300 Sage Wood Dr. S-H328
Park City, UT 084098
916-956-6956
jmaarch@hotmail.com

No.	Revision/Issue	Date

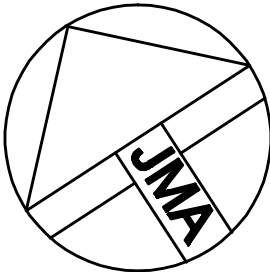
- ☒ NOT FOR CONSTRUCTION
- ☐ FOR CONSTRUCTION
- ☒ CITY SET # Plat Map Amend
- ☒ DATE: 06-24-2020

Owner
JOSEPH SABA

Project Name and Address
**PLAT MAP
AMENDMENT**
**2524 ASPEN SPRINGS
PARK CITY, UTAH**

Sheet Name
LANDSCAPE PLAN

Project SABA-2019	Sheet
Date 08-18-2019	A2
Scale 3/32"	





Firm Name and Address
JMA Architecture
6300 Sage Wood Dr. S-H328
Park City, UT 084098
918-956-6956
jmaarch@hotmail.com

No.	Revision/Issue	Date

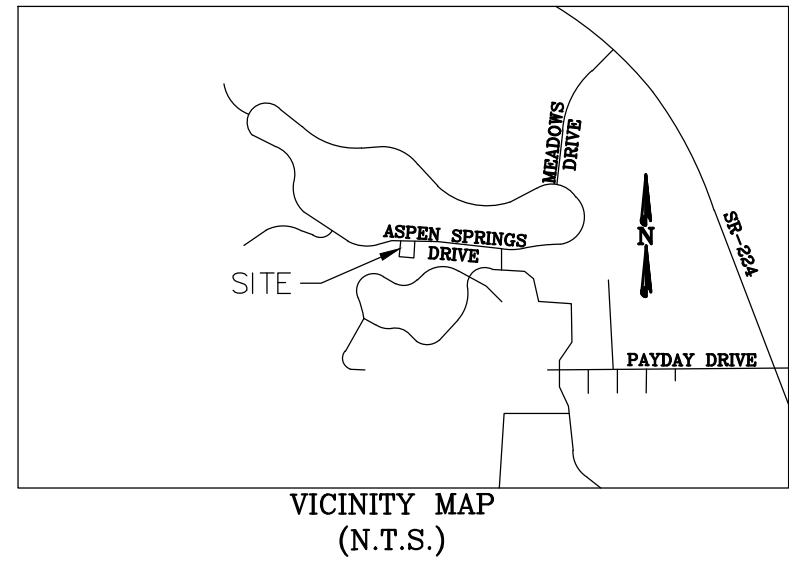
☒ NOT FOR CONSTRUCTION
☐ FOR CONSTRUCTION
☒ CITY SET # 1
☒ DATE: 09-10-2019

Owner
JOSEPH SABA

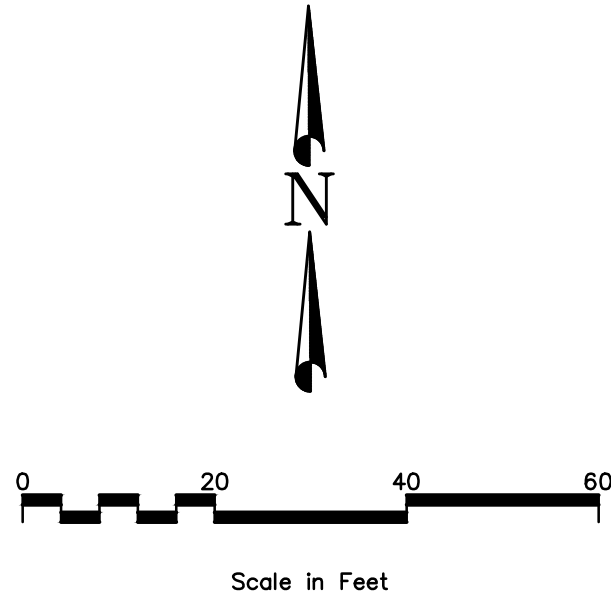
Project Name and Address
VARIANCE
2524 ASPEN SPRINGS DRIVE
PARK CITY, UTAH

Sheet Name
300' RADIUS MAP

Project SABA-2019	Sheet
Date 08-18-2019	A1 227
Scale 1/64	



RECORD OF SURVEY
LOT 18
ASPEN SRINGS RANCH PHASE 1
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, CORY B. NEERINGS, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, LICENSE NO. 5183760, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT:

- THIS PLAT REPRESENTS THE RESULT OF A SURVEY CONDUCTED UNDER MY SUPERVISION AT THE REQUEST OF JMA ARCHITECTS.
- THE LAND SURVEYED LIES WITHIN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND THE SURVEY WAS COMPLETED FEBRUARY 2020.
- THE MONUMENTS DEPICTED AS FOUND AND/OR SET ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT DURABILITY.



CORY B. NEERINGS
PLS 5183760

RECORD DESCRIPTION

LOT 18 OF THE ASPEN SPRINGS RANCH SUBDIVISION PHASE 1 ON FILE AND OF RECORD WITH THE SUMMIT COUNTY RECORDER'S OFFICE AS ENTRY NO. 349163.

BASIS OF BEARINGS

THE BASIS OF BEARINGS WAS ESTABLISHED AS NORTH 87°53'36" EAST BETWEEN FOUND BRASS CAP MONUMENTS IN THE CENTERLINE OF ASPEN SPRINGS DRIVE ADJACENT TO LOT 38 AND LOT 35.

SURVEYOR'S NARRATIVE

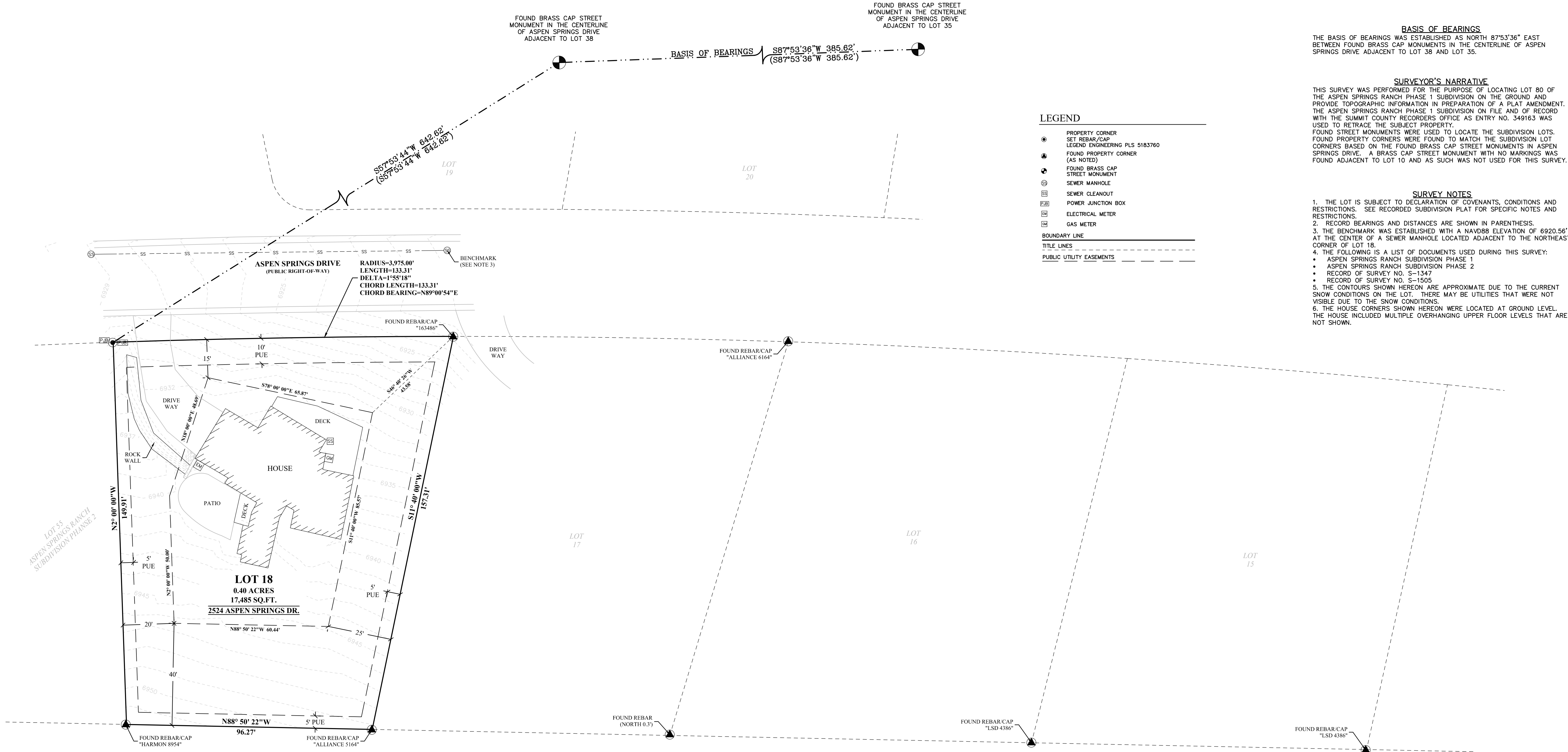
THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF LOCATING LOT 80 OF THE ASPEN SPRINGS RANCH PHASE 1 SUBDIVISION ON THE GROUND AND PROVIDE TOPOGRAPHIC INFORMATION IN PREPARATION OF A PLAT AMENDMENT. THE ASPEN SPRINGS RANCH PHASE 1 SUBDIVISION ON FILE AND OF RECORD WITH THE SUMMIT COUNTY RECORDERS OFFICE AS ENTRY NO. 349163 WAS USED TO RETRACE THE SUBJECT PROPERTY.

FOUND STREET MONUMENTS WERE USED TO LOCATE THE SUBDIVISION LOTS. FOUND PROPERTY CORNERS WERE FOUND TO MATCH THE SUBDIVISION LOT CORNERS BASED ON THE FOUND BRASS CAP STREET MONUMENTS IN ASPEN SPRINGS DRIVE. A BRASS CAP STREET MONUMENT WITH NO MARKINGS WAS FOUND ADJACENT TO LOT 10 AND AS SUCH WAS NOT USED FOR THIS SURVEY.

- SURVEY NOTES**
- THE LOT IS SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS. SEE RECORDED SUBDIVISION PLAT FOR SPECIFIC NOTES AND RESTRICTIONS.
 - RECORD BEARINGS AND DISTANCES ARE SHOWN IN PARENTHESIS.
 - THE BENCHMARK WAS ESTABLISHED WITH A NAVD88 ELEVATION OF 6920.56' AT THE CENTER OF A SEWER MANHOLE LOCATED ADJACENT TO THE NORTHEAST CORNER OF LOT 18.
 - THE FOLLOWING IS A LIST OF DOCUMENTS USED DURING THIS SURVEY:
 - ASPEN SPRINGS RANCH SUBDIVISION PHASE 1
 - ASPEN SPRINGS RANCH SUBDIVISION PHASE 2
 - RECORD OF SURVEY NO. S-1347
 - RECORD OF SURVEY NO. S-1505
 - THE CONTOURS SHOWN HEREON ARE APPROXIMATE DUE TO THE CURRENT SNOW CONDITIONS ON THE LOT. THERE MAY BE UTILITIES THAT WERE NOT VISIBLE DUE TO THE SNOW CONDITIONS.
 - THE HOUSE CORNERS SHOWN HEREON WERE LOCATED AT GROUND LEVEL. THE HOUSE INCLUDED MULTIPLE OVERHANGING UPPER FLOOR LEVELS THAT ARE NOT SHOWN.

LEGEND

- PROPERTY CORNER
- SET REBAR/CAP
- LEGEND ENGINEERING PLS 5183760
- FOUND PROPERTY CORNER (AS NOTED)
- FOUND BRASS CAP STREET MONUMENT
- SEWER MANHOLE
- SEWER CLEANOUT
- POWER JUNCTION BOX
- ELECTRICAL METER
- GAS METER
- BOUNDARY LINE
- TITLE LINES
- PUBLIC UTILITY EASEMENTS



LEGEND ENGINEERING, LLC
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828
TOLL FREE FAX: 1-866-310-9972
www.legendengineering.com



JMA ARCHITECT'S
LOT 18, ASPEN SPRINGS RANCH PHASE 1
2524 ASPEN SPRINGS DRIVE

SHEET:
10F1
FILE NAME: SCALE:
S20-012 1"=20'

03/31/2020

RE: Plat Map Amendment

ADDRESS: 2524 ASPEN SPRINGS DRIVE
PARK CITY, UTAH 84098

OWNER: JOSEPH SABA

PROJECT DESCRIPTION:

The subject property has an existing home, garage and driveway and is fully landscaped. This is an application for a plat map amendment to adjust two of the existing setback lines. The existing setback lines create a restriction to where the garage can be located forcing it to be several feet away from where the natural slope of the site would have placed it. Typically set back lines are parallel to the property lines. In this case, the setback line on the garage side of the house is unexplainably angled towards the street thereby partially cutting off a corner of the property for building use. There is no apparent reason why the corner was cut off. There is no rock outcropping, no large trees no utility lines, and no visual impairment, no known easements, etc.

It is requested that the setback line in the front on the garage side of the house be adjusted as shown on the attached site plan. This will allow the homeowner to extend the existing garage and convert part of the garage into a bedroom. It will also move the garage further down the hill and angle it towards the street resulting in a less steep driveway slope and a better entrance to the home. Now, cars bottom out trying to get up the driveway because of the slope transition of the existing driveway. This adjustment will add an additional 615 sf of buildable area of the property of which the owner would like to build 300 sf of new garage. There is no apparent negative impact to the property or any neighbors as the addition cannot be seen by the neighbors except from the street as someone drives by due to the intense mature landscaping in the area.

Since there is no apparent reason for the location of the existing setback lines and the proposed changes do not have an impact to the area, the owner is requesting a plat map amendment to the existing setback lines to make the new proposed 2-car garage, driveway and the property more functional and useful.

Thank you for your consideration.

Joseph Marty

JMA Architecture

916-956-6956

6300 Sagewood Dr H328

Park City, Utah 84098

jmaarch@hotmail.com



HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verifications that the Aspen Springs Ranch HOA
(Subdivision)

Homeowner's Association has been notified of Joseph Saba
(Owner)

approved setback changes
Intent to build at LOT #18 2524 Aspen Springs Drive
(Address)

This notice is only to inform the HOA that the owner is seeking a Building permit from Park City Municipal Corporation. These plans may change and it is the HOA's responsibility to follow the process if necessary.

Check One:

☒ Notice received and acknowledged

T.P. Cahalan, Pres 1-21-2020
HOA Representative Date

☐ Notice mailed and received

I hereby certify that I attempted to contact the HOA to execute the above acknowledgement and was unsuccessful. Attached is the signed return receipt of the certified letter which included a true and accurate copy of this notification.

(Owner signature and attach receipt)

City Council Staff Report



PLANNING DEPARTMENT

Subject: Land Management Code
Amendments to Historic Districts (LMC Chapters 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, and 15-2.6), Supplemental Regulations (LMC Chapter 15-4), Architectural Design Guidelines (LMC Section 15-5-5), and Defined Terms (LMC Chapter 15-15)

Author: Laura Kuhrmeyer, Planner

Date: September 17, 2020

Type of Item: Legislative – LMC Amendment

Summary Recommendations

Staff recommends the City Council review the proposed LMC amendments to the Land Management Code (LMC) including the Historic Districts (LMC Chapter [15-2.1](#), [15-2.2](#), [15-2.3](#), [15-2.4](#), [15-2.5](#), and [15-2.6](#)), Supplemental Regulations (LMC [Chapter 15-4](#)), Architectural Design Guidelines (LMC [§15-5-5](#)), and Defined Terms (LMC [Chapter 15-15](#)), hold a public hearing, and consider approving the Amendments as outlined in the Draft Ordinance.

Description

Project Name: Land Management Code (LMC) Amendments in Chapter 15-2.1 Historic Residential-Low Density (HRL) District, 15-2.2 Historic Residential (HR-1) District, 15-2.3 Historic Residential (HR-2) District, 15-2.4 Historic Residential-Medium Density (HRM) District, 15-2.5 Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business (HCB) District, 15-4 Supplemental Regulations, Architectural Review (LMC 15-5-5) Architectural Design Guidelines, and 15-15 Defined Terms.

Applicant: Planning Department

Proposal Affected Revisions to the Land Management Code

Land Management Code Chapters and Sections:

15-2.1 Historic Residential-Low Density (HRL)
15-2.2 Historic Residential (HR-1)
15-2.3 Historic Residential (HR-2)
15-2.4 Historic Residential-Medium Density (HRM)
15-2.5 Historic Recreation Commercial (HRC)
15-2.6 Historic Commercial Business (HCB)
15-4 Supplemental Regulations
15-5-5 Architectural Design Guidelines
15-15 Defined Terms

Reason for Review: Amendments to the Land Management Code (LMC) affecting the Historic Districts require Historic Preservation Board and Planning Commission recommendation to City Council for adoption.

Acronyms

LMC	Land Management Code
HPB	Historic Preservation Board
HRL	Historic Residential-Low Density
HR-1	Historic Residential
HR-2	Historic Residential
HRM	Historic Residential Medium Density
HRC	Historic Recreation Commercial
HCB	Historic Commercial Business
SRI	Solar Reflective Index

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§15-15-1](#).

Executive Summary

A large majority of these proposed amendments were reviewed previously, at the December 12, 2018 Planning Commission meeting (see the [Packet](#) and [Meeting Minutes](#)). After the HPB forwarded a positive recommendation, the Planning Commission reviewed the changes and also forwarded a positive recommendation. On January 15, 2019, the City Council reviewed the proposed amendments and requested that Staff do additional research on the Solar Reflective Index (SRI) and other changes that may affect sustainability (see [Meeting Minutes](#)). Staff has been working with, and continues working with, the Sustainability department to finalize those changes. However, Staff determined that some of the more minor changes and scrivener's errors could move forward while the SRI is sorted out.

On July 1, 2020, the Historic Preservation Board reviewed the proposed amendments, held a public hearing, and forwarded a unanimous positive recommendation to Planning Commission and City Council (see [Staff Report \[pg 27\]](#) and [Audio](#)).

On July 22, 2020, the Planning Commission reviewed the proposed amendments. There was one public comment received via email that covered various concerns that the community member had (see Exhibit B). During the Planning Commission meeting, Staff went over and addressed each point made by the community member (see [Planning Commission minutes beginning on page 17](#)).

Chair Phillips asked why an Office would be allowed in the Accessory Structure but not a Dwelling Unit. Staff explained that this was likely because of the reduced Setbacks for Accessory Structures. Chair Phillips suggested looking into trying to create more workforce housing at a future meeting or work session. Ultimately, the Planning Commission unanimously forwarded a positive recommendation to City Council.

Staff recommends that the City Council review the amendments, open a public hearing, and consider approving the proposed amendments.

Background

The Planning Department would like to update the Land Management Code to make the language and wording used in the Historic Districts more consistent and to codify regulations that are currently enforced through policy. Staff requests to amend the Historic Districts ([15-2.1](#), [15-2.2](#), [15-2.3](#), [15-2.4](#), [15-2.5](#), and [15-2.6](#)) and Supplemental Regulations ([Chapter 15-4](#)) to clear up inconsistencies. Staff also requests to amend LMC [§15-5-5](#) to include vinyl as an inappropriate material. Finally, staff requests to define one (1) additional term within LMC [Chapter 15-15](#), *Defined Terms*.

Analysis

The following analyses give a brief overview of the proposed LMC Amendments:

Rearranging

The primary goal of these revisions is to make the language in all Historic Districts more consistent and rearrange the content within each chapter to make them easier to navigate. One example would be rearranging the sections within each District so that “Lot & Site Requirements” is always Section 3 and “Existing Historic Buildings and/or Structures” is always Section 4. Staff believes this will make navigating these sections of code easier for both Staff and the Public. Staff is also proposing to add a section, regarding Existing Historic Buildings and/or Structures, to the HCB Zone that exists in all other Historic Districts.

Another example of a rearranging amendment is moving the “Goods and Uses to Be Within Enclosed Building” to the Supplemental Regulations in [Chapter 15-4](#). Because this section appears in multiple zoning Districts and varies only slightly, Staff determined that moving it to Supplemental would make it easier to find.

Staff also corrected references to other sections of the Code and removed most specific references. For example, instead of referring to a very specific piece of Code such as LMC 15-2.2-3(G)(2), Staff replaced these references with a more general reference such as LMC [§15-2.2-3](#). This will prevent needing further amendments when those sections of Code get an additional letter or number and the referenced piece shifts.

Setbacks and Setback Exceptions

Staff has also proposed to remove tables 2.1, 2.2, and 2.3 which are meant to display maximum Building Footprint for standard sized lots. Because of the wording before these tables, it is often misunderstood and to prevent confusion, Staff has proposed removing these tables and replacing them with Side Setback tables (2.1b, 2.2b, and 2.3b).

Additionally, Staff proposes to add language to the Side Setbacks for Corner Lots that will allow for a smaller Setback to be used, but no Setback Exceptions will be allowed.

Below is an example of the language proposed:

On Corner Lots, ~~the Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard and~~ the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

Staff has proposed some amendments to wording that will be added to all application zones. For example, staff proposes to clarify the Setback Exception for Window Wells in the Rear and Side Setbacks. The following language is an example of the proposed amendment:

Window wells not exceeding the minimum International Residential Code (IRC) requirements for egress or light wells may extend ~~ing~~ not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no Rear Setback exception is permitted.

Staff also proposes to change the patio exception to clarify height and location. Many of the zones do not include a minimum distance from Lot Lines. The following language is an example of the proposed amendment:

Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, not including any required handrails.

Staff is also proposing to add language to the Rear Setback Exceptions as well as the Parking Regulations that will allow for a Rear Setback Exception for a shared driveway. The following is an example of the proposed language:

One (1) Shared Driveway leading to a garage or approved Parking Area. See Parking Regulations for additional requirements.

~~Common driveways are~~ One (1) Shared Driveway is allowed along shared Side or Rear Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

While the Setback exceptions point to LMC [§15-4-2](#) for fences and retaining wall regulations, which allow retaining walls up to six feet in the Side and Rear Setbacks, retaining walls within the Historic District are typically four or five feet in height. Because of this, Staff is working on amending LMC [§15-4-2](#), *Fences And Retaining Walls* and will return with proposed changes at a future date.

Building Height

Staff has proposed to remove the language that limits the four foot (4') Grade change to the periphery of the structure specifically. The four foot (4') Grade change limitation will apply to the entire site with this proposed amendment. Removing this language will clarify this for the Public and help Staff enforce this requirement as it was intended.

Architectural Design Guidelines

The goal of the revisions is to promote Compatible additions and infill construction in the Historic Districts. With that, materials are an important component of the Historic District Design Review process. Staff recommends amending LMC 15-5-5(H) to list vinyl and untreated metal window frames as inappropriate materials in the Historic Districts (HRL, HR-1, HR-2, HRM, HRC, HCB) and on any site designated as Historic that is outside of the Historic Districts.

Definition

The goal of this amendment is to define a term that is used within the zoning regulations that is not currently defined. These proposed amendments include adding the following definition:

Shared Driveway. A single access vehicular way that is privately owned and maintained and provides access to two (2) or more Structures or off-street Parking Areas, which are located on individual Lots.

Scrivener Errors

Finally, Staff is also proposing to correct scrivener errors (grammatical, spelling, etc.) as well as make the language more consistent throughout the Historic District zoning regulations.

Staff has attached the complete Draft Ordinance as Exhibit A.

Process

LMC amendments are processed according to LMC [§15-1-7](#). Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC [§15-1-18](#). A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

Staff published notice on the City's website and the Utah Public Notice website on June 17, 2020. Staff mailed courtesy notice to Affected Entities on June 17, 2020. The *Park Record* published notice on June 13, 2020. The Amendments have been noticed according to requirements in LMC [§ 15-1-21](#).

Public Input

Public hearings are required to be conducted by the Historic Preservation Board, Planning Commission and City Council prior to adoption of Land Management Code

amendments affecting the Historic Districts. The one public comment received via email has been included as Exhibit B.

Alternatives

- The City Council may approved the proposed Land Management Code as presented or as amended at the meeting; or
- The City Council may deny the proposed amendments; or
- The City Council may continue the discussion to a date certain and provide direction to Staff regarding additional information, revisions, or analysis needed in order to take final action.

Exhibits

Exhibit A: Draft Ordinance

Attachment 1: Proposed Redlines

Exhibit B: Public Comment

Exhibit A – Draft Ordinance

Ordinance 2020-42

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING CHAPTERS 15-2.1 HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT, 15-2.2 HISTORIC RESIDENTIAL (HR-1) DISTRICT, 15-2.3 HISTORIC RESIDENTIAL (HR-2) DISTRICT, 15-2.4 HISTORIC RESIDENTIAL-MEDIUM DENSITY (HRM) DISTRICT, 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT, AND 15-4 SUPPLEMENTAL REGULATIONS, SECTION 15-5-5 ARCHITECTURAL DESIGN GUIDELINES, AND CHAPTER 15-15 DEFINED TERMS

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; and

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 its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the proposed Land Management Code (LMC) amendments enhance the design standards to maintain aesthetic experience of Park City; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the Park City General Plan; and

WHEREAS, the Historic Preservation Board duly noticed and conducted public hearings at the regularly scheduled meetings on July 1, 2020 and forwarded a positive recommendation to Planning Commission and City Council; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on July 22, 2020 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on September 17, 2020; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, activity and success of the ski resort base area; to ensure compatible development; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.1 Historic Residential-Low Density (HRL) District. The recitals above are incorporated herein as findings of fact. Section 15-2.1 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.2 Historic Residential (HR-1) District. The recitals above are incorporated herein as findings of fact. Section 15-2.2 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.3 Historic Residential (HR-2) District. The recitals above are incorporated herein as findings of fact. Section 15-2.3 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 4. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.4 Historic Residential-Medium Density (HRM) District. The recitals above are incorporated herein as findings of fact. Section 15-2.4 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 5. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) District. The recitals above are incorporated herein as findings of fact. Section 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 6. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) District. The recitals above are incorporated herein as findings of fact. Section 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 7. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-4 Supplemental Regulations. The recitals above are incorporated herein as findings of fact. Section 15-4 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 8. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-5-5 Architectural Design Guidelines. The recitals above are incorporated herein as findings of fact. Section 15-5-5 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 9. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-15 Defined Terms. The recitals above are incorporated herein as findings of fact. Section 15-15 of the Land Management Code of Park City is hereby amended as redlined in Attachment 1.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 17th day of September, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Attachment 1 – Proposed Redlines

Attachment 1 – Proposed Redlines

15-2.1 Historic Residential-Low Density (HRL) District

15-2.1-1 Purpose

15-2.1-2 Uses

15-2.1-3 Lot And Site Requirements

15-2.1-4 Existing Historic **Buildings And/Or** Structures

15-2.1-5 Building Height

15-2.1-6 Development On Steep Slopes

15-2.1-7 Parking Regulations

15-2.1-8 Architectural Review

15-2.1-9 Vegetation Protection

15-2.1-10 Signs

15-2.1-11 Related Provisions

15-2.1-1 Purpose

The purpose of the Historic Residential Low-Density (HRL) District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity¹
- B. provide an Area of lower density Residential Use within the old portion of Park City¹
- C. preserve the character of Historic residential Development in Park City¹
- D. encourage the preservation of Historic **Buildings and/or** Structures¹
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods¹
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment¹ and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 09-14 on 4/9/2009

15-2.1-2 Uses

A. ALLOWED USES.

1. Single Family Dwelling
2. Home Occupation
3. Child Care, In-Home Babysitting
4. Child Care, Family¹

5. Child Care, Family Group¹
6. Accessory Building and Use
7. Conservation Activity
8. Agriculture
9. Residential Parking Area or Structure with four (4) or fewer spaces

B. CONDITIONAL USES.

1. Nightly Rentals²
2. Lockout Unit
3. Accessory Apartment³
4. Child Care Center¹
5. Essential Municipal and Public Utility Use, Facility, Service and Structure
6. Telecommunication Antenna⁴
7. Satellite dish greater than thirty-nine inches (39") in diameter⁵
8. Residential Parking Area or Structure five (5) or more spaces
9. Temporary Improvement⁶
10. Passenger Tramway Station and Ski Base Facility⁷
11. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
12. Recreation Facility, Private
13. Fences greater than six feet (6') in height from Final Grade^{5,8}

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

¹See LMG Chapter Section 15-4-9, for Child Care Regulations And Child Care Facilities.

²Conditional Use Permit allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District.

³See LMG Chapter Section 15-4-7, Supplemental Regulations for Accessory Apartments.

⁴See LMG Chapter Section 15-4-14, Telecommunications Facilities.

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

⁶Subject to Administrative or Administrative Conditional Use permit, see LMG Chapter 15-4.

⁷See LMG Chapter Section 15-4-18, Passenger Tramways And Ski Base Facilities.

⁸See LMG Chapter Section 15-4-2, Fences And Retaining Walls.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

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

Amended by Ord. 15-35 on 10/12/2015

Amended by Ord. 15-44 on 11/5/2015

15-2.1-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a ~~City~~private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

~~Minimum Lot and Site requirements are as follows: All Development activity must comply with the following minimum Lot and Site requirements:~~

- A. **LOT SIZE**. The minimum Lot Area is 3,750 square feet. ~~The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director~~
- B. **LOT WIDTH**. ~~The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.~~
- C. **BUILDING ENVELOPE (HRL DISTRICT)**. The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(~~CD~~).
- D. **BUILDING PAD (HRL DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear and Side Setback Areas.
 - 1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:
 - a. Porches or decks, with or without roofs;
 - b. At Grade patios;
 - c. Upper level decks, with or without roofs;
 - d. Bay Windows;
 - e. Chimneys;
 - f. Sidewalks, pathways, and steps;
 - g. Screened hot tubs; and
 - h. Landscaping.
 - 2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:
 - a. provides increased architectural interest consistent with the Historic District Design Guidelines;

- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

- E. **BUILDING FOOTPRINT (HRL DISTRICT).** The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, ~~illustrated in Table 15-2.1~~. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic ~~Structures~~Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A = Lot Area.

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

See the following Table 15-2.1.~~a~~ for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.1

Lot Depth <= ft. **	Lot Width, ft. up to:-	Side Setbacks Min. Total		Lot Area Sq. ft.-	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75-ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75-ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75-ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75-ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75-ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75-ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75-ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

* for existing 25' wide lots, Use HR-1 standards.

** for lots > 75' in depth use Footprint formula and Table 15-2.1a for Front and Rear Setbacks.

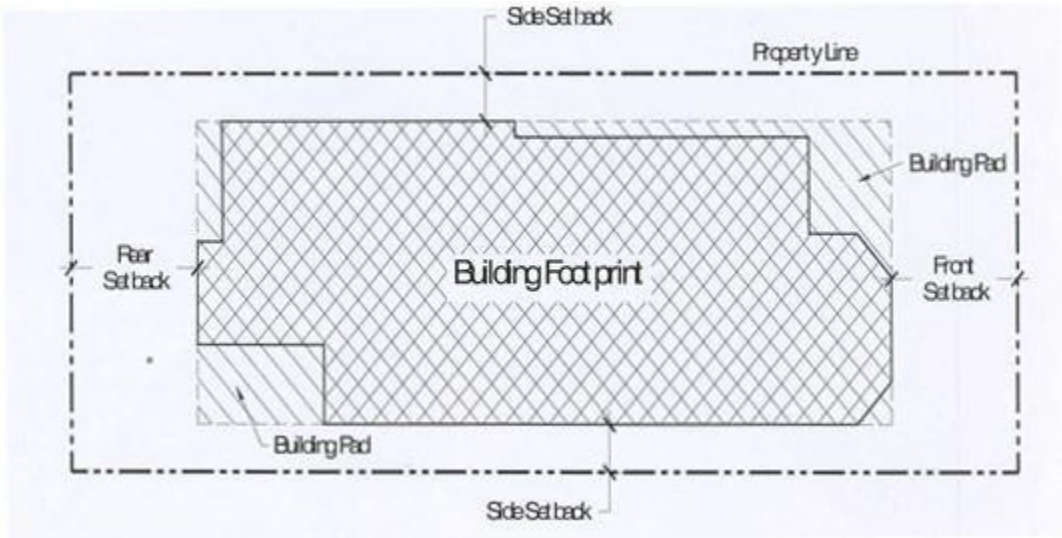
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<u>Lot Depth (ft.) **</u>	<u>Lot Width, (ft.)</u>	<u>Lot Area Sq. ft.</u>	<u>Max. Bldg. Footprint Sq. ft.</u>
<u>75 ft.</u>	<u>37.5*</u>	<u>2,813</u>	<u>1,201</u>
<u>75 ft.</u>	<u>50.0</u>	<u>3,750</u>	<u>1,519</u>
<u>75 ft.</u>	<u>62.5</u>	<u>4,688</u>	<u>1,801</u>
<u>75 ft.</u>	<u>75.0</u>	<u>5,625</u>	<u>2,050</u>
<u>75 ft.</u>	<u>87.5</u>	<u>6,563</u>	<u>2,269</u>
<u>75 ft.</u>	<u>100.0</u>	<u>7,500</u>	<u>2,460</u>
<u>75 ft.</u>	<u>Greater than 100.0</u>	<u>Greater than 7,500</u>	<u>Per Formula</u>

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** for lots > 75' in depth use Footprint formula

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F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

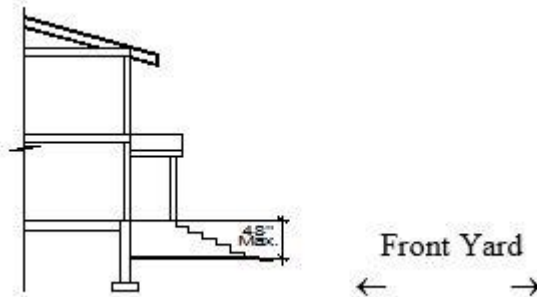
TABLE 15-2.1a

Lot Depth	Minimum Front/Rear Setback	Total of Setback
Up to 75 ft., inclusive	10 ft. <u>each</u>	20 ft.
From 75 ft. to 100 ft.	12 ft. <u>/13ft. (or vice versa)</u>	25 ft.

Over 100 ft.	15 ft. <u>each</u>	30 ft.
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G. **FRONT SETBACK EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

1. Fences, ~~and~~ walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences And Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
2. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersect

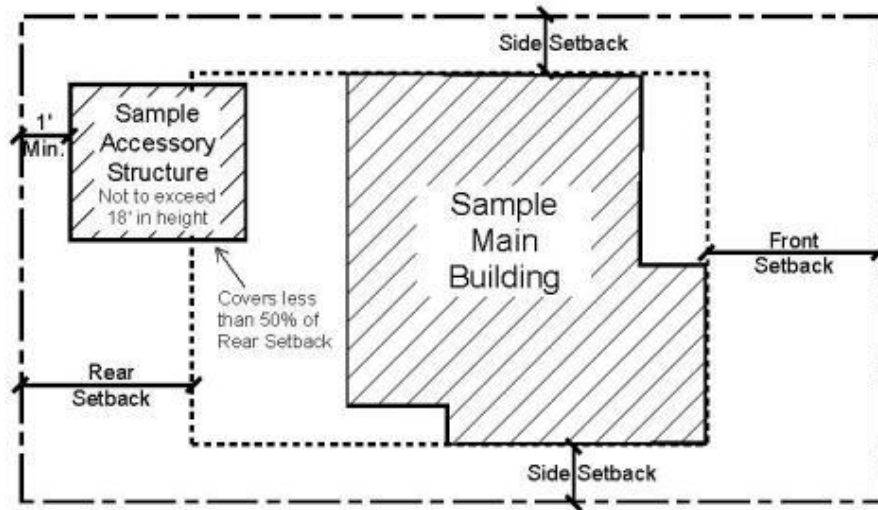


3. Decks, porches, or Bay Windows not more than ten feet (10') wide, and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to either a garage or an approved Parking Area. No portion of a Front Yard, except for ~~patios~~, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress or light wells may extending not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no Rear Setback exception is permitted.

4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") ~~into the Rear Setback~~ beyond the main Structure to which they are attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



7. A Hard-Surfaced Parking Areas ~~s~~ subject to the same location requirements as a Detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences, ~~or~~ walls, and retaining walls as permitted in Section 15-4-2 Fences And Retaining Walls.
10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.
11. Pathways or Steps connecting to a City staircase or pathway.
12. One (1) Shared Driveway leading to either a garage or an approved Parking Area. See Section 15-2.1-7 Parking Regulations for additional

requirements.

I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.1b

<u>Lot Width (ft.) up to:</u>	<u>Minimum Side Setback</u>	<u>Total of Setback</u>
<u>37.5*</u>	<u>3 ft. each side</u>	<u>6 ft.</u>
<u>50.0</u>	<u>5 ft. each side</u>	<u>10 ft.</u>
<u>62.5</u>	<u>5 ft. minimum</u>	<u>14 ft.</u>
<u>75.0</u>	<u>5 ft. minimum</u>	<u>18 ft.</u>
<u>87.5</u>	<u>10 ft. minimum</u>	<u>24 ft.</u>
<u>100.0</u>	<u>10 ft. minimum</u>	<u>24 ft.</u>
<u>Greater than 100.0</u>	<u>10 ft. minimum</u>	<u>30 ft.</u>

* for existing 25' wide lots, Use HR-1 standards.

- ~~1. The minimum Side Setback is three feet (3'), but increases for Lots greater than thirty seven and one half feet (37.5') in Width, as per Table 15-2.1 above.~~

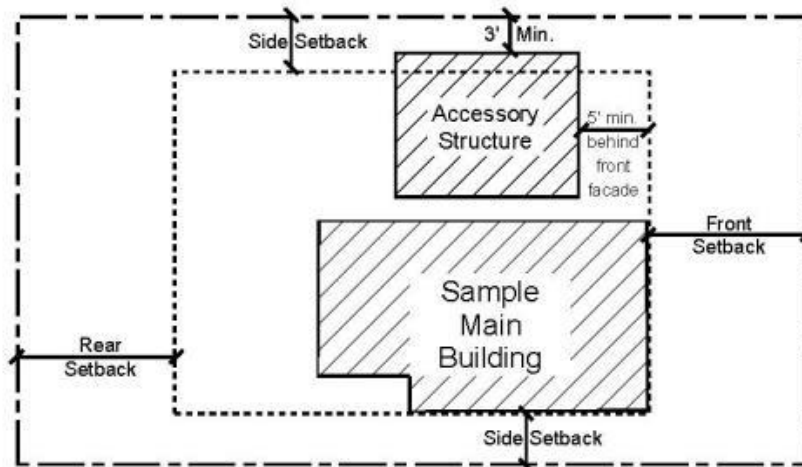
~~On Corner Lots, the Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard and the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.~~

J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Side Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Side Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress or light wells projecting may extend not more than four feet (4') into the Side Setback. ¹ Only permitted on Lots with a minimum required Side Setback

of five feet (5') or greater. Should egress requirements be met within the building pad, this Side Setback exception is not permitted.

4. Roof overhangs or eaves projecting not more than two feet (2') into the Side Setback on Lots with a minimum required Side Setback of five feet (5') or greater. A one foot (1') eave overhang is permitted on Lots with a Side Setback less than five feet (5').¹
5. Window sills, belt courses, trim, exterior siding, cornices, or other ornamental features projecting not more than six inches (6") ~~into the Side Setback~~ beyond the main Structure to which they are attached.
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, not including any required handrail.
7. Fences, ~~or~~ walls, and retaining walls as permitted in Section 15-4-2 Fences And Retaining Walls.
8. A driveway One (1) private or Shared Driveway leading to a garage or an approved Parking Area. See Section 15-2.1-7 Parking Regulations for additional requirements.
9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

L. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

~~¹Applies only to Lots with a Side Setback of five feet (5') or greater.~~

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 15-35 on 10/12/2015

Amended by Ord. 2018-27 on 5/31/2018

Amended by Ord. 2018-43 on 7/19/2018

15-2.1-4 Existing Historic Buildings And/Or Structures

Historic **Buildings and/or** Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. **Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.** Additions to Historic **Buildings and/or** Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. ~~Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.~~ **All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.**

A. **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings **and/or Structures, including detached Garages:**

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic **Building and/or** Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

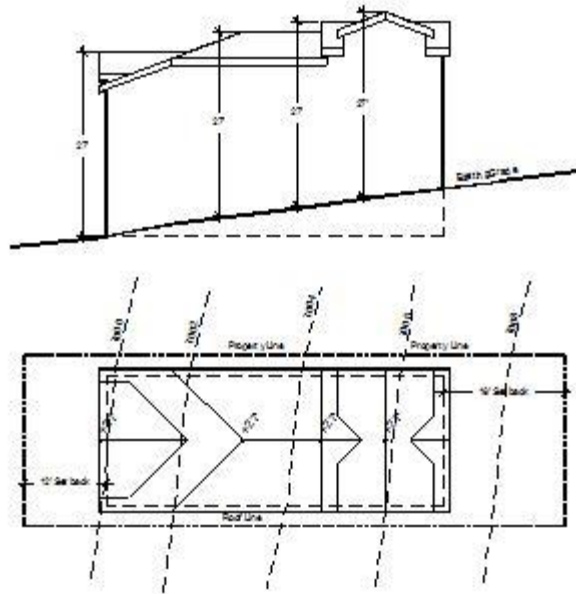
Amended by Ord. 2016-44 on 9/15/2016

15-2.1-5 Building Height

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade ~~around the periphery of the Structure~~, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

- A. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
- B. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.
- C. **ROOF PITCH**. The roof pitch of a Structure's Contributing Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12) and shall occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. Secondary Roof Forms may be below the required 7:12 roof pitch and located on the primary façade (such as porches, bay window roofs, etc.).
 1. Secondary Roof Forms may be Rooftop Decks so long as they are not more than 23 feet in height above Finished Grade. This height includes any railings, parapets, stairs, and similar constructions on the Roof Deck.
 2. The height of railings, parapets, stairs, and similar constructions on a Green Roof or Flat Roof are included in the calculation of Building Height. Decks, hot tubs, outdoor cooking areas, and seating areas are not permitted on Green Roofs. Green Roofs must be vegetated.
 3. A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above. Any

333 required railings for a Green Roof shall comply with Building Height.



334
335 4. Accessory Structures may be below the required seven: twelve (7:12) roof
336 pitch.

337 **D. BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

338 1. Antennas, chimneys, flues, vents, or similar Structures, may extend up to
339 five feet (5') above the highest point of the Building to comply with
340 International Building Code (IBC) requirements.

341 2. Water towers, mechanical equipment, and Solar Energy Systems, when
342 Screened or enclosed, may extend up to five feet (5') above the height of
343 the Building. See LMC Section 15-5-5 ~~(G)(7)(a)~~.

344 3. **ELEVATOR ACCESS.** The Planning Director may allow additional height
345 to allow for an elevator compliant with American Disability Act (ADA)
346 standards. The Applicant must verify the following:

347 1. The proposed height exception is only for the Area of the elevator.
348 No increase in square footage of the Building is being achieved.

349 2. The proposed option is the only feasible option for the elevator on
350 the Site.

351 3. The proposed elevator and floor plans comply with the American
352 Disability Act (ADA) standards.

353 4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow
354 additional Building Height (see entire Section 15-2.1-5) on a downhill Lot
355 to accommodate a single car wide garage in a Tandem Parking
356 configuration; to accommodate circulation, such as stairs and/or an ADA
357 elevator; and to accommodate a reasonably sized front entry area and
358 front porch that provide a Compatible streetscape design. The depth of the

garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, ~~Section~~[Chapter](#) 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

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

Amended by Ord. 09-14 on 4/9/2009

Amended by Ord. 09-40 on 11/5/2009

Amended by Ord. 13-48 on 11/21/2013

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

Amended by Ord. 2017-59 on 11/9/2017

Amended by Ord. 2018-27 on 5/31/2018

15-2.1-6 Development On Steep Slopes

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for ~~Park City's~~ Historic Districts and Historic Sites [Chapter 15-13](#) and ~~Chapter 5~~ [Architectural Review Chapter 15-5](#).

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

A. Steep Slope Determination.

1. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located on or projecting over an existing Slope of thirty percent (30%) or greater.
2. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.), if the Building Footprint of the addition is located on or projecting over an existing Slope of thirty percent (30%) or greater.
3. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for any Access driveway located on or projecting over an existing Slope of (30%) or greater.

B. Permits Required.

1. On Lots with 3,750 square feet or less, an Administrative Conditional Use Permit shall be processed by the Planning Department.

- 399 2. On Lots greater than 3,750 square feet, a Conditional Use Permit is
400 required. The Planning Department shall review all Steep Slope
401 Conditional Use permit Applications and forward a recommendation to the
402 Planning Commission.

403 **C. Conditional Use Permit Criteria.**

404 The Planning Commission may review Steep Slope Conditional Use permit
405 Applications as Consent Calendar items. Steep Slope Conditional Use permit
406 Applications shall be subject to the following criteria:

- 407 1. **LOCATION OF DEVELOPMENT.** Development is located and designed
408 to reduce visual and environmental impacts of the Structure.
- 409 2. **VISUAL ANALYSIS.** The Applicant must provide the Planning
410 Department with a visual analysis of the project from key Vantage Points:
- 411 a. To determine potential impacts of the proposed Access, and
412 Building mass and design; and
- 413 b. To identify the potential for Screening, Slope stabilization, erosion
414 mitigation, vegetation protection, and other design opportunities.
- 415 3. **ACCESS.** Access points and driveways must be designed to minimize
416 Grading of the natural topography and to reduce overall Building scale.
417 Shared Driveways and Parking Areas, and side Access to garages are
418 strongly encouraged, where feasible.
- 419 4. **TERRACING.** The project may include terraced retaining Structures if
420 necessary to regain Natural Grade.
- 421 5. **BUILDING LOCATION.** Buildings, Access, and infrastructure must be
422 located to minimize cut and fill that would alter the perceived natural
423 topography of the Site. The Site design and Building Footprint must
424 coordinate with adjacent Properties to maximize opportunities for open
425 Areas and preservation of natural vegetation, to minimize driveway and
426 Parking Areas, and to provide variation of the Front Yard.
- 427 6. **BUILDING FORM AND SCALE.** Where Building masses orient against
428 the Lot's existing contours, the Structures must be stepped with the Grade
429 and broken into a series of individual smaller components that are
430 Compatible with the District. Low profile Buildings that orient with existing
431 contours are strongly encouraged. The garage must be subordinate in
432 design to the main Building. In order to decrease the perceived bulk of the
433 Main Building, the Planning Director and/or Planning Commission may
434 require a garage separate from the main Structure or no garage.
- 435 7. **SETBACKS.** The Planning Director and/or Planning Commission may
436 require an increase in one or more Setbacks to minimize the creation of a
437 "wall effect" along the Street front and/or the Rear Lot Line. The Setback
438 variation will be a function of the Site constraints, proposed Building scale,
439 and Setbacks on adjacent Structures.

- 440 8. **DWELLING VOLUME.** The maximum volume of any Structure is a
441 function of the Lot size, Building Height, Setbacks, and provisions set forth
442 in this Chapter. The Planning Director and/or Planning Commission may
443 further limit the volume of a proposed Structure to minimize its visual mass
444 and/or to mitigate differences in scale between a proposed Structure and
445 existing Structures.
- 446 9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL
447 District is twenty-seven feet (27') and is restricted as stated above in
448 Section 15-2.1-5. The Planning Director and/or Planning Commission may
449 require a reduction in Building Height for all, or portions, of a proposed
450 Structure to minimize its visual mass and/or to mitigate differences in
451 scale between a proposed Structure and the Historic character of the
452 neighborhood's existing residential Structures.

453 HISTORY

454 *Adopted by Ord. 00-15 on 3/2/2000*

455 *Amended by Ord. 06-56 on 7/27/2006*

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

457 *Amended by Ord. 09-14 on 4/9/2009*

458 *Amended by Ord. 15-35 on 10/12/2015*

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

460 *Amended by Ord. 2019-07 on 1/29/2019*

461

462 **15-2.1-7 Parking Regulations**

- 463 A. Tandem Parking is allowed in the Historic District.
- 464 B. ~~Common driveways are~~ One (1) Shared Driveway is allowed along shared Side
465 or Rear Lot Lines to provide Access to Parking in the rear of the Main Building or
466 below Grade if both Properties are deed restricted to allow for the perpetual Use
467 of the shared drive.
- 468 C. Common Parking Structures are allowed as a Conditional Use where it
469 facilitates:
- 470 1. the Development of individual Buildings that more closely conform to the
471 scale of Historic Buildings and/or Structures in the District; and or
- 472 2. the reduction, mitigation or elimination of garage doors at the Street edge.
- 473 D. A common Parking Structure may occupy below Grade Side Yards between
474 participating Developments if the Structure maintains all Setbacks above Grade.
475 Common Parking Structures requiring a Conditional Use Permit are subject to a
476 Conditional Use review, Chapter Section 15-1-10.
- 477 E. Driveways between Structures are allowed in order to eliminate garage doors
478 facing the Street, to remove cars from on-Street parking, and to reduce paved
479 Areas, provided the driveway leads to an approved garage or approved Parking
480 Area.

F. Turning radii are subject to review by the City Engineer as to function and design.

G. See ~~Section~~Chapter 15-3 Off-Street Parking for additional parking requirements.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

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

15-2.1-8 Architectural Review

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation ~~LMG~~ Chapter 15-11, and Architectural Review ~~LMG~~ Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, LMG-Historic Preservation Chapter 15-11, and LMG-Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 09-23 on 7/9/2009

Amended by Ord. 15-53 on 12/17/2015

15-2.1-9 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 (4½') 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 ~~LMG Chapter~~ Section 15-3-3 and Title 14.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

15-2.1-10 Signs

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

520 HISTORY
521 *Adopted by Ord. 00-15 on 3/2/2000*

522

523 **15-2.1-11 Related Provisions**

- 524 • Fences And Retaining Walls. ~~LMC Chapter Section~~ 15-4-2.
- 525 • Accessory Apartments. ~~LMC Chapter Section~~ 15-4-7.
- 526 • Placement of Satellite Receiving Antennas. ~~LMC Chapter Section~~ 15-4-13.
- 527 • Telecommunication ~~Facility~~Facilities. ~~LMC Chapter Section~~ 15-4-14.
- 528 • Off-Street Parking. ~~LMC~~ Chapter 15-3.
- 529 • Landscaping. Title 14; ~~LMC Chapter Section~~ 15-3-3(~~D~~); and Chapter 15-5.
- 530 • Lighting. ~~LMC Chapters Sections~~ 15-3-3(~~C~~), 15-5-5(~~H~~).
- 531 • Historic Preservation. ~~LMC~~ Chapter 15-11.
- 532 • Park City Sign Code. Title 12.
- 533 • Architectural Review. ~~LMC~~ Chapter 15-5.
- 534 • Snow Storage. ~~LMC Chapter Section~~ 15-3-3(~~E~~).
- 535 • Parking Ratio Requirements. ~~LMC Chapter Section~~ 15-3-6.

536 HISTORY
537 *Adopted by Ord. 00-15 on 3/2/2000*

538 **15-2.2 Historic Residential (HR-1) District**

539 15-2.2-1 Purpose

540 15-2.2-2 Uses

541 15-2.2-3 Lot And Site Requirements

542 15-2.2-4 Existing Historic ~~Buildings And/Or~~ Structures

543 15-2.2-5 Building Height

544 15-2.2-6 Development On Steep Slopes

545 ~~15-2.2-97 Criteria For Bed And Breakfast Inns~~

546 ~~15-2.2-78~~ Parking Regulations

547 ~~15-2.2-89~~ Architectural Review

548 ~~15-2.2-9 Criteria For Bed And Breakfast Inns~~

549 15-2.2-10 Vegetation Protection

550 15-2.2-11 Signs

551 15-2.2-12 Related Provisions

552

553 **15-2.2-1 Purpose**

554 The purpose of the Historic Residential HR-I District is to:

555 A. preserve present land Uses and character of the Historic residential Areas of
556 Park City¹

557 B. encourage the preservation of Historic Buildings and/or Structures¹

558 C. encourage construction of Historically Compatible Structures that contribute to
559 the character and scale of the Historic District and maintain existing residential
560 neighborhoods¹

561 D. encourage single family Development on combinations of 25' x 75' Historic Lots¹

562 E. define Development parameters that are consistent with the General Plan
563 policies for the Historic core¹ and

564 F. establish Development review criteria for new Development on Steep Slopes
565 which mitigate impacts to mass and scale and the environment.

566 HISTORY

567 *Adopted by Ord. 00-15 on 3/2/2000*

568 *Amended by Ord. 09-14 on 4/9/2009*

569

570 **15-2.2-2 Uses**

571 Uses in the HR-1 District are limited to the following:

572 A. **ALLOWED USES.**

573 1. Single Family Dwelling

574 2. Lockout Unit¹

575 3. Nightly Rental¹

576 4. Home Occupation

5. Child Care, In-Home Babysitting²
6. Child Care, Family²
7. Child Care, Family Group²
8. Accessory Building and Use
9. Conservation Activity
10. Agriculture
11. Residential Parking Area or Structure, with four (4) or fewer spaces

B. CONDITIONAL USES.

1. Duplex Dwelling
2. Guest House on Lots one (1) acre or greater
3. Secondary Living Quarters
4. Accessory Apartment³
5. Group Care Facility
6. Child Care Center
7. Public and Quasi-Public Institution, church and school
8. Essential Municipal and Public Utility Use, Facility, Service, and Structure
9. Telecommunication Antenna⁴
10. Satellite Dish, greater than thirty-nine inches (39") diameter⁵
11. Bed and Breakfast Inn⁶
12. Boarding House, hostel⁶
13. Hotel, Minor, (fewer than sixteen (16) rooms)⁶
14. Residential Parking Area or Structure with five (5) or more spaces.
15. Temporary Improvement⁷
16. Passenger Tramway Station and Ski Base Facility⁸
17. Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸
18. Recreation Facility, Private
19. Fences greater than six feet (6') in height from Final Grade^{7,9}

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

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit.

²See LMC Chapter Section 15-4-9, for Child Care Regulations And Childcare Facilities.

³See LMC Chapter Section 15-4-7, Supplemental Regulations for Accessory Apartments.

⁴See LMC Chapter Section 15-4-14, Supplemental Regulations for Telecommunication Facilities.

⁵See LMC Chapter Section 15-4-13, Supplemental Regulations for Placement of Satellite Receiving Antennas.

⁶In Historic Buildings and/or Structures only. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative or Administrative Conditional Use permit.

⁸See ~~LMC Chapter~~ Section 15-4-18, Passenger Tramways And Ski Base Facilities.

⁹See ~~LMC Chapter~~ Section 15-4-2, Fences And Retaining Walls.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 07-25 on 4/19/2007

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

Amended by Ord. 15-35 on 10/12/2015

15-2.2-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

~~Minimum Lot and Site requirements are as follows: All Development activity must comply with the following minimum Lot and Site requirements:~~

A. **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed.

B. **LOT WIDTH**.
The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. **BUILDING ENVELOPE (HR-1 DISTRICT)**. The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3(G).

D. **BUILDING PAD (HR-1 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

- a. Porches or decks with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;

- e. Chimneys;
 - f. Sidewalks, pathways, and steps;
 - g. Screened hot tubs; and
 - h. Landscaping.
2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:
- a. provides increased architectural interest consistent with the Historic District Design Guidelines;
 - b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. BUILDING FOOTPRINT (HR-1 DISTRICT). The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, ~~illustrated in Table 15-2.2.~~ The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic ~~Structures~~Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

See the following Table 15-2.2. for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.2.

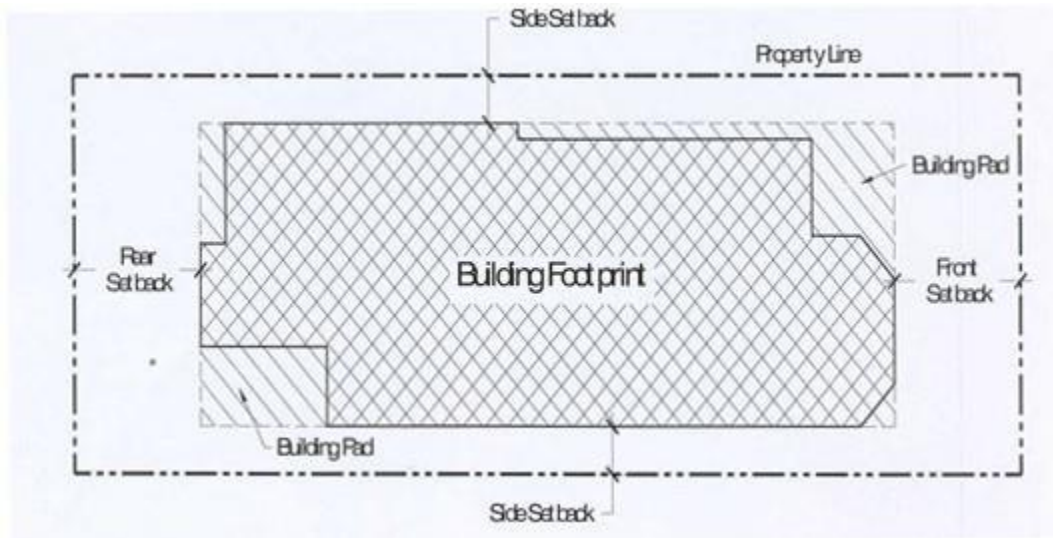
Lot Depth < /= ft. *	Lot Width, ft. up to:-	Side Setback Min. Total		Lot Area Sq. ft.-	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75-ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75-ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201

75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per Formula

* For Lots > 75' in depth use footprint formula and Table 15-2.2a for Front and Rear Setbacks.

<u>Lot Depth (ft.) *</u>	<u>Lot Width, (ft.)</u>	<u>Lot Area Sq. ft.</u>	<u>Max. Bldg. Footprint Sq. ft.</u>
<u>75 ft.</u>	<u>25.0</u>	<u>1,875</u>	<u>844</u>
<u>75 ft.</u>	<u>37.5</u>	<u>2,813</u>	<u>1,201</u>
<u>75 ft.</u>	<u>50.0</u>	<u>3,750</u>	<u>1,519</u>
<u>75 ft.</u>	<u>62.5</u>	<u>4,688</u>	<u>1,801</u>
<u>75 ft.</u>	<u>75.0</u>	<u>5,625</u>	<u>2,050</u>
<u>75 ft.</u>	<u>87.5</u>	<u>6,563</u>	<u>2,269</u>
<u>75 ft.</u>	<u>100.0</u>	<u>7,500</u>	<u>2,460</u>
<u>75 ft.</u>	<u>Greater than 100.0</u>	<u>Greater than 75 ft.</u>	<u>Per Formula</u>

* For Lots > 75' in depth use footprint formula.



F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

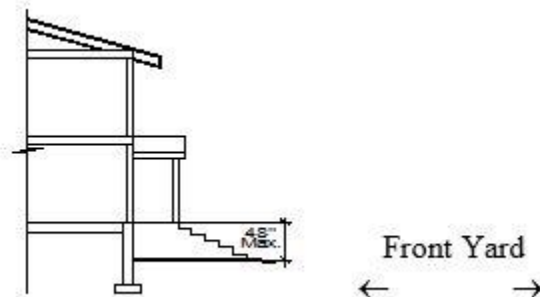
TABLE 15-2.2a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. <u>each</u>	20 ft.
From 75 ft. to 100 ft.	12 ft. <u>13 ft. (or vice versa)</u>	25 ft.
Over 100 ft.	15 ft. <u>each</u>	30 ft.

G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, ~~or~~ walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences And Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by

710 obstructing the view of the Street or intersection.



711

712 3. Decks, porches, or Bay Windows not more than ten feet (10') wide, and

713 projecting not more than three feet (3') into the Front Setback.

714 4. Roof overhangs, eaves or cornices projecting not more than three feet (3')

715 into the Front Setback.

716 5. Sidewalks and pathways.

717 6. Driveways leading to a Garage or approved Parking Area. No portion of a

718 Front Yard, except for patios, driveways, allowed Parking Areas and

719 sidewalks, may be Hard-Surfaced or graveled.

720 H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of

721 any Structure except:

722 1. Bay Windows not more than ten feet (10') wide, and projecting not more

723 than two feet (2') into the Rear Setback.

724 2. Chimneys not more than five feet (5') wide and projecting not more than

725 two feet (2') into the Rear Setback.

726 3. Window wells not exceeding the minimum International Residential Code

727 (IRC) or International Building Code (IBC) requirements for egress or light

728 wells may extending not more than four feet (4') into the Rear Setback.

729 Should egress requirements be met within the building pad, no Rear

730 Setback exception is permitted.

731 4. Roof overhangs or eaves projecting not more than two feet (2') into the

732 Rear Setback.

733 5. Window sills, belt courses, cornices, trim, exterior siding, or other

734 ornamental features projecting not more than six inches (6") into the Rear

735 Setback beyond the main Structure to which they are attached.

736 6. Detached Accessory Buildings, not more than eighteen feet (18') in height,

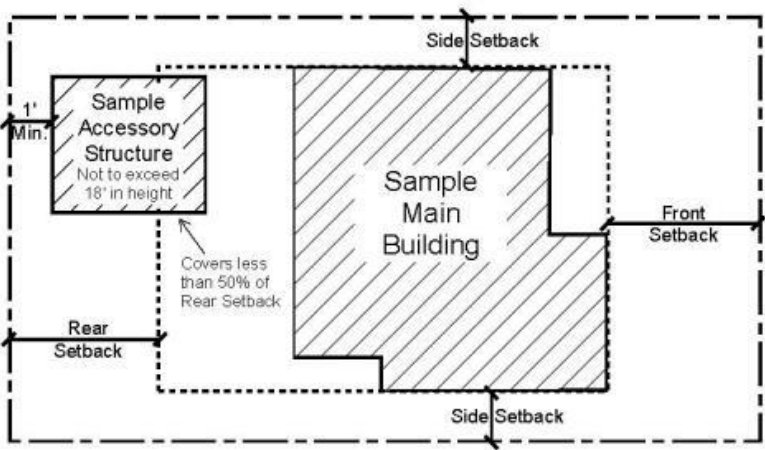
737 and including any free-standing Solar Energy Systems, located a

738 minimum of five feet (5') behind the front facade of the Main Building, and

739 maintaining a minimum Rear Setback of one foot (1'). Such Structure must

740 not cover over fifty percent (50%) of the Rear Setback. See the following

741 illustration:



- 742
- 743 7. A Hard-Surfaced Parking Area subject to the same location requirements
- 744 as a Detached Accessory Building.
- 745 8. Mechanical equipment (which must be screened), hot tubs, or similar
- 746 Structures located at least three feet (3') from the Rear Lot Line.
- 747 9. Fences, ~~or~~ walls, and retaining walls as permitted in Section 15-4-2
- 748 Fences And Retaining Walls.
- 749 10. Patios, decks, pathways, steps, or similar Structures not more than thirty
- 750 inches (30") above Final Grade, not including any required handrail, and
- 751 located at least one foot (1') from the Rear Lot Line.
- 752 11. Pathways or steps connecting to a City staircase or pathway.
- 753 12. One (1) Shared Driveway leading to a garage or approved Parking Area.
- 754 See Section 15-2.2-8 Parking Regulations for additional requirements.
- 755 I. **SIDE SETBACKS.** Side Setbacks are as follows:

756 TABLE 15-2.2b

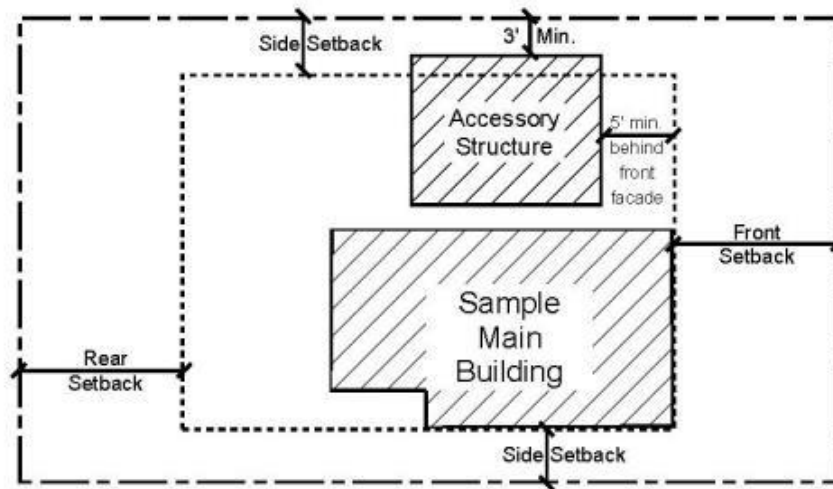
<u>Lot Width (ft.) up to:</u>	<u>Minimum Side Setack</u>	<u>Total of Setbacks</u>
<u>25.0</u>	<u>3 ft. each</u>	<u>6 ft.</u>
<u>37.5</u>	<u>3 ft. each</u>	<u>6 ft.</u>
<u>50.0</u>	<u>5 ft. each</u>	<u>10 ft.</u>
<u>62.5</u>	<u>5 ft. minimum</u>	<u>14 ft.</u>

<u>75.0</u>	<u>5 ft. minimum</u>	<u>18 ft.</u>
<u>87.5</u>	<u>10 ft. minimum</u>	<u>24 ft.</u>
<u>100.0</u>	<u>10 ft. minimum</u>	<u>24 ft.</u>
<u>Greater than 100.0</u>	<u>10 ft. minimum</u>	<u>30 ft.</u>

- ~~1. The minimum Side Setback is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.2.above.~~
1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
 2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.
 - b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.
- J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:
1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Setback. [±] Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
 2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Setback. [±] Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.

- 790 3. Window wells not exceeding the minimum International Residential Code
791 (IRC) or International Building Code (IBC) requirements for egress or light
792 wells may extending not more than four feet (4') into the Side Setback[±]
793 Only permitted on Lots with a minimum required Side Setback of five feet
794 (5') or greater. Should egress requirements be met within the building
795 pad, no Side Setback exception is permitted.
- 796 4. Roof overhangs or eaves projecting not more than two feet (2') into the
797 Side Setback on Lots with a minimum required Side Setback of five feet
798 (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots
799 with a Side Setback of less than five feet (5').[±]
- 800 5. Window sills, belt courses, trim, cornices, exterior siding, or other
801 ornamental features projecting not more than six inches (6") into the Side
802 Setback beyond the main Structure to which they are attached.
- 803 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
804 inches (30") in height above Final Grade, not including any required
805 handrails.
- 806 7. Fences, ~~or~~ walls, and retaining walls as permitted in Section 15-4-2
807 Fences And Retaining Walls.
- 808 8. One (1) private or Shared Driveways leading to a garage or approved
809 Parking Area. See Section 15-2.2-8 Parking Regulations for additional
810 requirements.
- 811 9. Pathways or steps connecting to a City staircase or pathway.
- 812 10. Detached Accessory Buildings, not more than eighteen feet (18') in height,
813 and including any free-standing Solar Energy Systems, located a
814 minimum of five feet (5') behind the Front facade of the Main Building,
815 maintaining a minimum Side Setback of three feet (3'). See the following

816 illustration:



- 817
- 818 11. Mechanical equipment (which must be screened), hot tubs, or similar
- 819 Structures located at least three feet (3') from the Side Lot Line.
- 820 K. **SNOW RELEASE.** Site plans and Building designs must resolve snow release
- 821 issues to the satisfaction of the Chief Building Official.
- 822 L. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet
- 823 (2') in height above road Grade shall be placed on any Corner Lot within the Site
- 824 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
- 825 enough to permit automobile drivers an unobstructed view. This provision must
- 826 not require changes in the Natural Grade on the Site.

827 ~~¹Applies only to Lots with a minimum Side Setback of five feet (5').~~

828 HISTORY

829 Adopted by Ord. 00-15 on 3/2/2000

830 Amended by Ord. 06-56 on 7/27/2006

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

832 Amended by Ord. 15-35 on 10/12/2015

833 Amended by Ord. 2016-44 on 9/15/2016

834 Amended by Ord. 2018-27 on 5/31/2018

835 Amended by Ord. 2018-43 on 7/19/2018

836 Amended by Ord. 2019-07 on 1/29/2019

837

838 **15-2.2-4 Existing Historic Buildings And/Or Structures**

839 Historic Buildings and/or Structures that do not comply with Building Footprint, Building

840 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid

841 Non-Complying Structures. Additions must comply with Building Setbacks, Building

Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. ~~Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.~~ All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 07-25 on 4/19/2007

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

15-2.2-5 Building Height

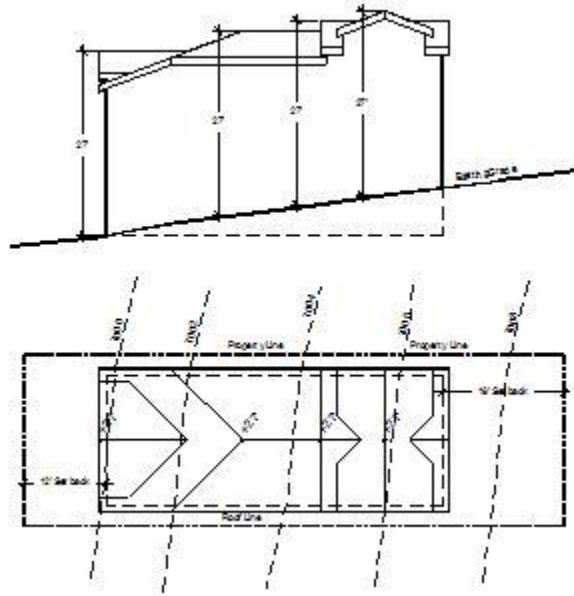
No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade ~~around the periphery of the Structure~~, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

- A. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
- B. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building

encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

C. **ROOF PITCH.** The roof pitch of a Structure's Contributing Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12) and shall occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. Secondary Roof Forms may be below the required 7:12 roof pitch and located on the primary façade (such as porches, bay window roofs, etc).

1. Secondary Roof Forms may be Rooftop Decks so long as they are not more than 23 feet in height above Finished Grade. This height includes any railings, parapets, stairs, and similar constructions on the Roof Deck.
2. The height of railings, parapets, stairs, and similar constructions on a Green Roof or Flat Roof are included in the calculation of Building Height. Decks, hot tubs, outdoor cooking areas, and seating areas are not permitted on Green Roofs. Green Roofs must be vegetated.
3. A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above. Any required railings for a Green Roof shall comply with Building Height.



4. Accessory Structures may be below the required seven: twelve (7:12) roof pitch.

D. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1. Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
2. Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the height of the Building. See ~~LMC Section~~ 15-5-5~~(G)(7)(a)~~.
3. **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - a. The proposed .height exception is only for the Area of the elevator. No increase in square footage is being achieved.
 - b. The proposed option is the only feasible option for the elevator on the Site.
 - c. The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, ~~Section~~Chapter 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000
Amended by Ord. 06-56 on 7/27/2006
Amended by Ord. 09-10 on 3/5/2009
Amended by Ord. 09-14 on 4/9/2009
Amended by Ord. 09-40 on 11/5/2009
Amended by Ord. 13-48 on 11/21/2013
Amended by Ord. 2016-44 on 9/15/2016
Amended by Ord. 2017-59 on 11/9/2017
Amended by Ord. 2018-27 on 5/31/2018

15-2.2-6 Development On Steep Slopes

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for ~~Park City's~~ Historic Districts and Historic Sites Chapter 15-13 and Architectural Review Chapter 15-5.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

A. Steep Slope Determination.

1. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located on or projecting over an existing Slope of thirty percent (30%) or greater.
2. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.), if the Building Footprint of the addition is located on or projecting over an existing Slope of thirty percent (30%) or greater.
3. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for any Access driveway located on or projecting over an existing Slope of thirty percent (30%) or greater.

B. Permits Required.

1. On Lots with 3,750 square feet or less, an Administrative Conditional Use Permit shall be processed by the Planning Department.
2. On Lots greater than 3,750 square feet, a Conditional Use Permit is required. The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission.

C. Conditional Use Permit Criteria.

The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

1. **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.
2. **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:
 - a. To determine potential impacts of the proposed Access, and Building mass and design; and
 - b. To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.
3. **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale.

Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.

4. **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.
5. **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.
6. **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.
7. **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.
8. **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.
9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

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

Amended by Ord. 09-14 on 4/9/2009

Amended by Ord. 15-35 on 10/12/2015

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

Amended by Ord. 2019-07 on 1/29/2019

15-2.2-97 Criteria For Bed And Breakfast Inns

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

- A. The Use is in a Historic Building and/or Structure, or an addition thereto.
- B. The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- C. The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- D. The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- E. The rooms are available for Nightly Rental only.
- F. An Owner/manager is living on-Site, or in Historic Buildings and/or Structures there must be twenty-four (24) hour on-Site management and check-in.
- G. Food service is for the benefit of overnight guests only.
- H. No Kitchen is permitted within rental room(s).
- I. Parking on-Site is required at a rate of one (1) space per rentable room.
 - 1. no on-Site parking is possible without compromising the Historic Buildings and/or Structures or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
 - 2. the Structure is not economically feasible to restore or maintain without the adaptive Use.
- J. The Use complies with Chapter 15-1-10, Conditional Use review process.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 07-25 on 4/19/2007

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

15-2.2-78 Parking Regulations

- A. Tandem Parking is allowed in the Historic District.
- B. ~~Common driveways are~~ One (1) Shared Driveway is allowed along shared Side Yard Property or Rear Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

C. Common Parking Structures are allowed as a Conditional Use permit where it facilities:

1. the Development of individual Buildings that more closely conform to the scale of Historic Buildings and/or Structures in the District; and
2. the reduction, mitigation or elimination of garage doors at the Street edge.

D. A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Chapter Section 15-1-10.

E. Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or approved Parking Area.

F. Turning radii are subject to review by the City Engineer as to function and design.

G. See SectionChapter 15-3 Off Street Parking for additional parking requirements.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

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

15-2.2-89 Architectural Review

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, LMC Historic Preservation Chapter 15-11, and LMC Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 09-23 on 7/9/2009

Amended by Ord. 15-53 on 12/17/2015

15-2.2-9 Criteria For Bed And Breakfast Inns

~~A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:-~~

- 1105 ~~A. The Use is in a Historic Building and/or Structure, or an addition thereto.~~
1106 ~~B. The Applicant will make every attempt to rehabilitate the Historic portion of the~~
1107 ~~Structure.~~
1108 ~~C. The Structure has at least two (2) rentable rooms. The maximum number of~~
1109 ~~rooms will be determined by the Applicant's ability to mitigate neighborhood~~
1110 ~~impacts.~~
1111 ~~D. The size and configuration of the rooms are Compatible with the Historic~~
1112 ~~character of the Building and neighborhood.~~
1113 ~~E. The rooms are available for Nightly Rental only.~~
1114 ~~F. An Owner/manager is living on Site, or in Historic Buildings and/or Structures~~
1115 ~~there must be twenty-four (24) hour on-Site management and check-in.~~
1116 ~~G. Food service is for the benefit of overnight guests only.~~
1117 ~~H. No Kitchen is permitted within rental room(s).~~
1118 ~~I. Parking on Site is required at a rate of one (1) space per rentable room.~~
1119 ~~J. The Use complies with Chapter Section 15-1-10, Conditional Use review~~
1120 ~~process.~~

1121 HISTORY
1122 ~~Adopted by Ord. 00-15 on 3/2/2000~~
1123 ~~Amended by Ord. 07-25 on 4/19/2007~~

1124

1125 **15-2.2-10 Vegetation Protection**

1126 The Property Owner must protect Significant Vegetation during any Development
1127 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1128 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or
1129 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1130 measured at the drip line.

1131 Development plans must show all Significant Vegetation within twenty feet (20') of a
1132 proposed Development. The Property Owner must demonstrate the health and viability
1133 of all large trees through a certified arborist. The Planning Director shall determine the
1134 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1135 consistent with Landscape Criteria in ~~LMC Chapter~~ Section 15-3-3 and Title 14.

1136 HISTORY
1137 ~~Adopted by Ord. 00-15 on 3/2/2000~~
1138 ~~Amended by Ord. 06-56 on 7/27/2006~~

1139

1140 **15-2.2-11 Signs**

1141 Signs are allowed in the HR-1 District as provided in the Park City Sign Code (Title 12).

1142 HISTORY
1143 *Adopted by Ord. 00-15 on 3/2/2000*

1144

1145 **15-2.2-12 Related Provisions**

- 1146 • Fences And Retaining Walls. ~~LMC Chapter Section~~ 15-4-2.
- 1147 • Accessory Apartments. ~~LMC Chapter Section~~ 15-4-7.
- 1148 • Placement of Satellite Receiving Antennas. ~~LMC Chapter Section~~ 15-4-13.
- 1149 • Telecommunication ~~Facility~~Facilities. ~~LMC Chapter Section~~ 15-4-14.
- 1150 • Off-Street Parking. ~~LMC~~ Chapter 15-3.
- 1151 • Landscaping. Title 14; ~~LMC Chapter Section~~ 15-3.3~~(D)~~ and Chapter 15-5.
- 1152 • Lighting. ~~LMC Chapters Sections~~ 15-3-3~~(C)~~, 15-5-5~~(H)~~.
- 1153 • Historic Preservation. ~~LMC~~ Chapter 15-11.
- 1154 • Park City Sign Code. Title 12.
- 1155 • Architectural Review. ~~LMC~~ Chapter 15-5.
- 1156 • Snow Storage. ~~LMC Chapter~~Section 15-3-3~~(E)~~.
- 1157 • Parking Ratio Requirements. ~~LMC Chapter~~Section 15-3-6.

1158 HISTORY
1159 *Adopted by Ord. 00-15 on 3/2/2000*
1160 *Amended by Ord. 06-56 on 7/27/2006*

1161 **15-2.3 Historic Residential (HR-2) District**

1162 15-2.3-1 Purpose

1163 15-2.3-2 Uses

1164 ~~15-2.3-3 Conditional Use Permit Review~~

1165 ~~15-2.3-43 Lot And Site Requirements~~

1166 ~~15-2.3-54 Existing Historic Buildings And/Or Structures~~

1167 ~~15-2.3-65 Building Height~~

1168 ~~15-2.3-76 Development On Steep Slopes~~

1169 ~~15-2.3-37 Conditional Use Permit Review~~

1170 15-2.3-8 Special Requirements For Master Planned Developments And Conditional Use

1171 Permits In Sub-Zone A

1172 15-2.3-9 Special Requirements For Sub-Zone B

1173 ~~15-2.3-10 Mechanical Service~~

1174 ~~15-2.3-10 Parking Regulations~~

1175 ~~15-2.3-11 Architectural Review~~

1176 ~~15-2.3-1211 Criteria For Bed And Breakfast Inns~~

1177 ~~15-2.3-12 Parking Regulations~~

1178 ~~15-2.3-13 Architectural Review~~

1179 ~~15-2.3-13 Mechanical Service~~

1180 ~~15-2.3-14 Goods And Uses To Be Within Enclosed Building~~

1181 ~~15-2.3-1514 Vegetation Protection~~

1182 ~~15-2.3-1615 Signs~~

1183 ~~15-2.3-1716 Related Provisions~~

1184

1185 **15-2.3-1 Purpose**

1186 The purpose of the HR-2 District is to:

1187 A. allow for adaptive reuse of Historic Buildings and/or Structures by allowing
1188 commercial and office Uses in Historic Buildings and/or Structures in the
1189 following Areas:

1190 1. Upper Main Street;

1191 2. Upper Swede Alley; and

1192 3. Grant Avenue_{7.1}

1193 B. encourage and provide incentives for the preservation and renovation of Historic
1194 Buildings and/or Structures_{7.1}

1195 C. establish a transition in Use and scale between the HCB, HR-1, and HR-2
1196 Districts, by allowing Master Planned Developments in the HR-2, Subzone A_{7.1}

1197 D. encourage the preservation of Historic Buildings and/or Structures and
1198 construction of historically Compatible additions and new construction that
1199 contributes to the unique character of the Historic District_{7.1}

1200 E. define Development parameters that are consistent with the General Plan
1201 policies for the Historic core that result in Development that is Compatible with

- 1202 Historic Buildings and/or Structures and the Historic character of surrounding
1203 residential neighborhoods and consistent with the Design Guidelines for ~~Park~~
1204 ~~City's~~ Historic Districts and Historic Sites and the HR-1 regulations for Lot size,
1205 coverage, and Building Height~~;~~ and
- 1206 F. provide opportunities for small scale, pedestrian oriented, incubator retail space
1207 in Historic Buildings and/or Structures on Upper Main Street, Swede Alley, and
1208 Grant Avenue~~;~~
- 1209 G. ensure improved livability of residential areas around the historic commercial
1210 core~~;~~
- 1211 H. encourage and promote Development that supports and completes upper Park
1212 Avenue as a pedestrian friendly residential street in Use, scale, character and
1213 design that is Compatible with the ~~historic~~Historic character of the surrounding
1214 residential neighborhood~~;~~
- 1215 I. encourage residential development that provides a range of housing
1216 opportunities consistent with the community's housing, transportation, and
1217 historic preservation objectives~~;~~
- 1218 J. minimize visual impacts of the automobile and parking by encouraging alternative
1219 parking solutions~~;~~ and
- 1220 K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

1221 HISTORY
1222 *Adopted by Ord. 00-51 on 9/21/2000*

1223

1224 **15-2.3-2 Uses**

1225 Uses in the HR-2 District are limited to the following:

1226 A. **ALLOWED USES.**

- 1227 1. Single Family Dwelling
1228 2. Lockout Unit¹
1229 3. Nightly Rental²
1230 4. Home Occupation
1231 5. Child Care, In-Home Babysitting³
1232 6. Child Care, Family³
1233 7. Child Care, Family Group³
1234 8. Accessory Building and Use
1235 9. Conservation Activity
1236 10. Agriculture
1237 11. Residential Parking Area or Structure with four (4) or fewer spaces
1238 12. Recreation Facility, Private

1239

1240 B. **CONDITIONAL USES.**

- 1241 1. Duplex Dwelling

- 1242 2. Secondary Living Quarters
- 1243 3. Accessory Apartment⁴
- 1244 4. Group Care Facility
- 1245 5. Child Care Center
- 1246 6. Public or Quasi-Public Institution, church or School
- 1247 7. Essential Municipal and Public Utility Use, Facility, Service, and Structure
- 1248 8. Telecommunication Antenna⁵
- 1249 9. Satellite Dish Antenna greater than thirty-nine inches (39") in diameter⁶
- 1250 10. Bed & Breakfast Inn⁷
- 1251 11. Boarding House, Hostel⁷
- 1252 12. Hotel, Minor, fewer than sixteen (16) rooms⁷
- 1253 13. Office, General⁸
- 1254 14. Office, Moderate Intensive⁸
- 1255 15. Office and Clinic, Medical⁸
- 1256 16. Retail and Service Commercial, Minor⁸
- 1257 17. Retail and Service Commercial, personal improvement⁸
- 1258 18. Cafe or Deli⁸
- 1259 19. Restaurant, General⁸
- 1260 20. Restaurant, Outdoor Dining⁸
- 1261 21. Outdoor Events
- 1262 22. Residential Parking Area or Structure with five (5) or more spaces,
1263 associated with a residential Building on the same Lot
- 1264 23. Temporary Improvement
- 1265 24. Passenger Tramway Station and Ski Base Facility¹⁰
- 1266 25. Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- 1267 26. Recreation Facility, Private
- 1268 27. Fences greater than six feet (6') in height from Final Grade¹¹
- 1269 28. Limited Commercial expansion necessary for compliance with Building/
1270 Fire Code egress and Accessibility requirements and support Uses
1271 associated with HCB Commercial Use¹²
- 1272 29. Bar⁸
- 1273 30. Special Events⁸
- 1274

1275 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use
1276 is a prohibited Use.

1277 ¹Nightly Rental of Lockout Units requires a Conditional Use Permit.

1278 ²Nightly Rental does not include the use of dwellings for Commercial Uses.

1279 ³See ~~LMC Chapter Section~~ 15-4-9, ~~for~~ Child Care ~~Regulations~~ And Child Care Facilities.

1280 ⁴See ~~LMC Chapter Section~~ 15-4-7, ~~Supplemental Regulations for~~ Accessory
1281 Apartments.

1282 ⁵See ~~LMC Chapter Section~~ 15-4-14, ~~Supplemental Regulations for~~ Telecommunication
1283 Facilities.

⁶See LMC Chapter Section 15-4-13, Supplemental Regulations for Placement of Satellite Receiving Antennas.

⁷In Historic Buildings and/or Structures only.

⁸In Historic Buildings and/or Structures and within Sub-Zones A and B subject to compliance with all criteria and requirements of Section 15-2.3-8 for Sub-Zone A and Section 15-2.3-9 for Sub-Zone B.

⁹Subject to an Administrative Conditional Use Permit, and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9.

¹⁰See LMC Chapter Section 15-4-18, Passenger Tramways And Ski Base Facilities.

¹¹See LMC Chapter Section 15-4-2, Fences And Retaining Walls.

~~¹²Subject to compliance with the criteria set forth in Section 15-2.3-8(B).~~

HISTORY

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

Amended by Ord. 04-08 on 3/4/2004

Amended by Ord. 06-56 on 7/27/2006

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

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

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 15-35 on 10/12/2015

15-2.3-3 Conditional Use Permit Review

~~The Planning Commission shall review any Conditional Use permit (CUP) Application in the HR-2 District according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:~~

~~A. Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4.~~

~~B. The Applicant may not alter an Historic Structure to minimize the residential character of the Building.~~

~~C. Dedication of a Facade Preservation Easement for Historic Structures is required to assure preservation of Historic Structures and the Historic fabric of the surrounding neighborhood.~~

~~D. New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.~~

~~E. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking requirements for Master Planned~~

~~Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received.~~

~~The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.~~

~~F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.~~

~~G. Fencing and Screening between residential and Commercial Uses may be required along common Property Lines.~~

~~H. All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.~~

HISTORY

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

Amended by Ord. 06-56 on 7/27/2006

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

Amended by Ord. 12-37 on 12/20/2012

15-2.3-43 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

- A. **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling. For properties platted as lots within the historic Park City Survey and originally platted as 25 feet wide by 75 feet deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process.

B. **LOT WIDTH.** The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur with exceptions as allowed in Section 15-2.3-4.

D. **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

Porches or decks, with or without roofs;

a. At Grade patios;

b. Upper level decks, with or without roofs;

c. Bay Windows;

d. Chimneys;

e. Sidewalks, pathways, and steps;

f. Screened hot tubs; and

g. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

a. provides increased architectural interest consistent with the Design Guidelines for ~~Park City's~~ Historic Districts and Historic Sites; and

b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HR-2 DISTRICT).**

1. The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, ~~illustrated in Table 15-2.3.~~ The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic ~~Structures~~Sites

1402 Inventory that are not expanded, enlarged or incorporated into the Main
 1403 Building, shall not count in the total Building Footprint of the Lot.

1404 2. See Section 15-6-5(B) for maximum allowed Building footprint for Master
 1405 Planned Developments within the HR-2 District.

1406 MAXIMUM FP = $(A/2) \times 0.9^{A/1875}$

1407 Where FP = maximum Building Footprint and A= Lot Area.

1408 Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$
 1409 sq. ft.

1410 See the following Table 15-2.3, for a schedule equivalent of this formula
 1411 for common Lot Sizes.
 1412
 1413

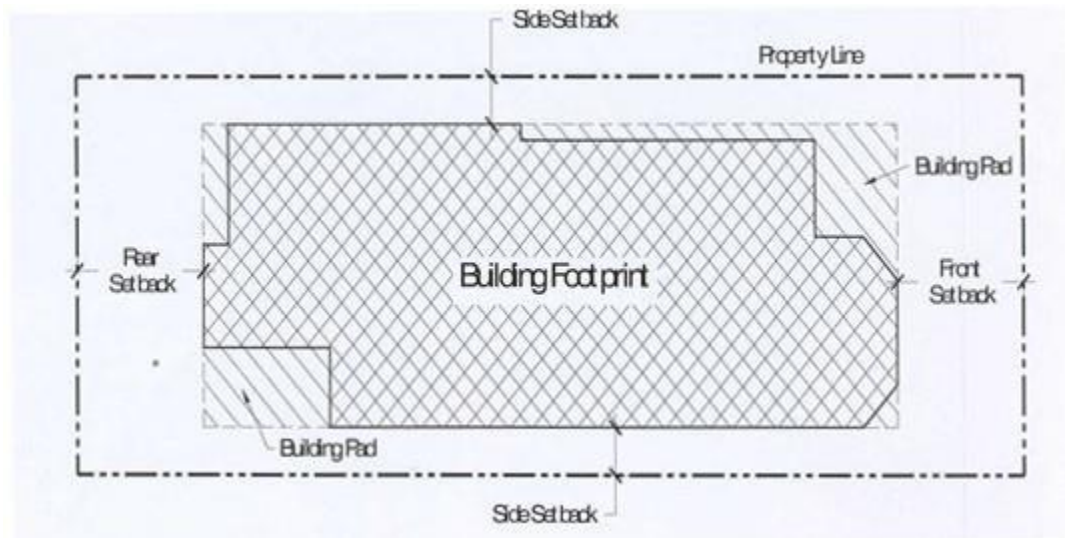
TABLE 15-2.3.

Lot Depth < /= ft. *	Lot Width, ft. Up to:	Side Setbacks Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula

1414 *For Lots > 75' in depth use footprint formula and Table 15-2.3a for Front
 1415 and Rear Setbacks.

<u>Lot Depth (ft.)*</u>	<u>Lot Width, (ft.)</u>	<u>Lot Area Sq. ft.</u>	<u>Max Bldg. Footprint</u>
<u>75 ft.</u>	<u>25.0</u>	<u>1,875</u>	<u>844</u>
<u>75 ft.</u>	<u>37.5</u>	<u>2,813</u>	<u>1,201</u>
<u>75 ft.</u>	<u>50.0</u>	<u>3,750</u>	<u>1,519</u>
<u>75 ft.</u>	<u>62.5</u>	<u>4,688</u>	<u>1,801</u>
<u>75 ft.</u>	<u>75.0</u>	<u>5,625</u>	<u>2,050</u>
<u>75 ft.</u>	<u>87.5</u>	<u>6,563</u>	<u>2,270</u>
<u>75 ft.</u>	<u>100.0</u>	<u>7,500</u>	<u>2,460</u>
<u>75 ft.</u>	<u>Greater than 100.0</u>	<u>Greater than 7,500 ft.</u>	<u>Per formula</u>

*For Lots > 75' in depth use footprint formula.



F. FRONT AND REAR SETBACKS. Front and Rear Setbacks are as follows:

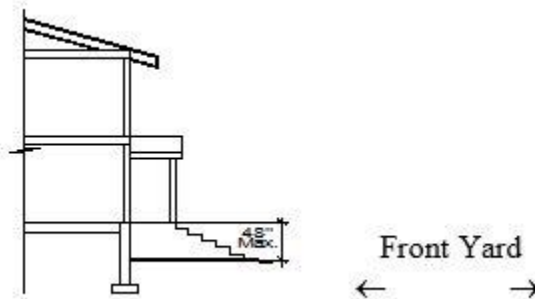
TABLE 15-2.3-a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. <u>each</u>	20 ft.

From 75 ft. to 100 ft.	12 ft. / <u>13 ft. (or vice versa)</u>	25 ft.
Over 100 ft.	15 ft. <u>each</u>	30 ft.

G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, ~~or~~ walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences And Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.
2. Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

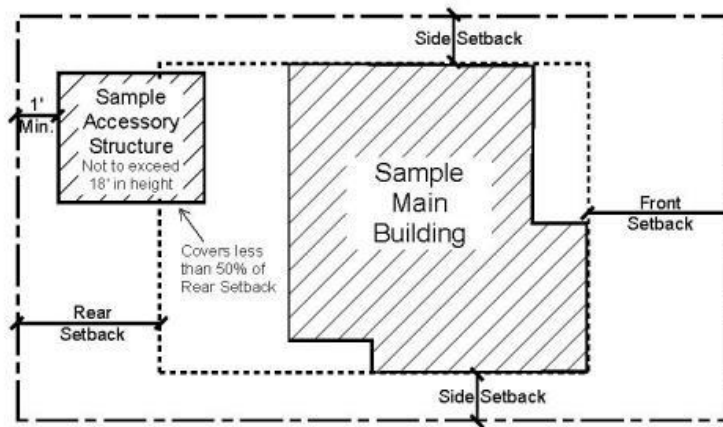


3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.
7. Single car detached Garages approved as part of a Master Planned Development in Subzone A.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, ~~and~~ and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress or light wells may extending not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no Rear Setback exception is permitted.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear Setback beyond the main Structure to which they are attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



7. A Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences, ~~or walls,~~ and retaining walls not more than six feet (6') in height or as permitted in Section 15-4-2 Fences And Retaining Walls.
10. Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.
11. Pathways or steps connecting to a City staircase or pathway.

12. One (1) Shared Driveway leading to a garage or approved Parking Area.
See Section 15-2.3-12 Parking Regulations for additional requirements.

I. **SIDE SETBACKS.** The Side Setbacks are as follows:

- ~~1. The minimum Side Setback is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in width, as per Table 15-2.3 above.~~

TABLE 15-2.3b

<u>Lot Width (ft.) up to:</u>	<u>Minimum Side Setback</u>	<u>Total of Setbacks</u>
<u>25.0</u>	<u>3 ft. each</u>	<u>6 ft.</u>
<u>37.5</u>	<u>3 ft. each</u>	<u>6 ft.</u>
<u>50.0</u>	<u>5 ft. each</u>	<u>10 ft.</u>
<u>62.5</u>	<u>5 ft.</u>	<u>14 ft.</u>
<u>75.0</u>	<u>5 ft.</u>	<u>18 ft.</u>
<u>87.5</u>	<u>10 ft.</u>	<u>24 ft.</u>
<u>100.0</u>	<u>10 ft.</u>	<u>24 ft.</u>
<u>Greater than 100.0</u>	<u>10 ft.</u>	<u>30 ft.</u>

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
- a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may

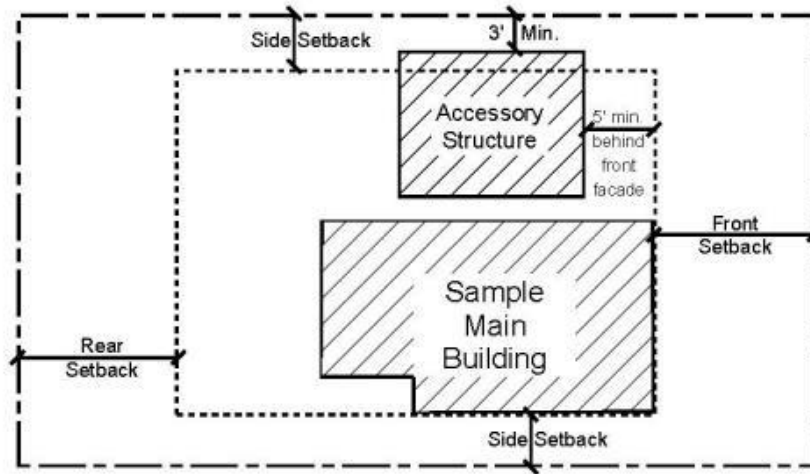
1498 consider increasing exterior Side Setbacks during Conditional Use
1499 Permit review to mitigate potential impacts on adjacent Property.
1500 Side Setback exceptions continue to apply.

1501 b. Building Footprint shall be based on the total lot Area of the
1502 underlying Lots. The Planning Commission may consider
1503 decreasing Building Footprint during Conditional Use Permit review
1504 to mitigate potential impacts on adjacent Property.

1505 B. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any
1506 Structure except:

- 1507 1. Bay Windows not more than ten feet (10') wide, and projecting not more
1508 than two feet (2') into the Side Setback.¹ Only permitted on Lots with a
1509 minimum required Side Setback of five feet (5') or greater.
- 1510 2. Chimneys not more than five feet (5') wide and projecting not more than
1511 two feet (2') into the Side Setback.¹ Only permitted on Lots with a
1512 minimum required Side Setback of five feet (5') or greater.
- 1513 3. Window wells not exceeding the minimum International Residential Code
1514 (IRC) or International Building Code (IBC) requirements for egress or light
1515 wells may extending not more than four feet (4') into the Side Setback¹
1516 Only permitted on Lots with a minimum required Side Setback of five feet
1517 (5') or greater. Should egress requirements be met within the building pad,
1518 no Rear Setback exception is permitted.
- 1519 4. Roof overhangs or eaves projecting not more than two feet (2') into the
1520 Side Setback on Lots with a minimum required Side Setback of five feet
1521 (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots
1522 with a Side Setback of less than five feet (5').¹
- 1523 5. Window sills, belt courses, trim, cornices, exterior siding, or other
1524 ornamental features projecting not more than six inches (6") into the Side
1525 Setback beyond the main Structure to which they are attached.
- 1526 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
1527 inches (30") in height from Final Grade, not including any required
1528 handrail.
- 1529 7. Fences, ~~or walls,~~ and retaining walls not more than six feet (6') in height or
1530 as permitted in Section 15-4-2 Fences And Retaining Walls.
- 1531 8. One (1) private or Shared Driveways leading to a garage or approved
1532 Parking Area. See Section 15-2.3-12 Parking Regulations for additional
1533 requirements.
- 1534 9. Pathway or steps connecting to a City staircase or pathway.
- 1535 10. Detached Accessory Buildings, not more than eighteen feet (18') in height,
1536 including any free-standing Solar Energy Systems, located a minimum of
1537 five feet (5') behind the front facade of the Main Building, maintaining a

1538 minimum Side Setback of three feet (3'). See the following illustration:



- 1539
- 1540 11. Mechanical equipment (which must be screened), hot tubs, or similar
- 1541 Structures located at least three feet (3') from the Side Lot Line.
- 1542 C. **SNOW RELEASE**. Site plans and Building designs must resolve snow release
- 1543 issues to the satisfaction of the Chief Building Official.
- 1544 D. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
- 1545 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
- 1546 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
- 1547 enough to permit automobile drivers an unobstructed view. This provision must
- 1548 not require changes in the Natural Grade on the Site.
- 1549 E. **MASTER PLANNED DEVELOPMENTS**. The Planning Commission may
- 1550 increase or decrease Setbacks in Master Planned Developments in accordance
- 1551 with Section 15-6-5(~~C~~); however the above Grade spacing between houses shall
- 1552 be consistent with the spacing that would result from required Setbacks of the
- 1553 Zone and shall be Compatible with the ~~historic~~Historic character of the
- 1554 surrounding residential neighborhood. The Planning Commission may increase
- 1555 or decrease Maximum Building Footprint in Master Planned Developments in
- 1556 accordance with Section 15-6-5(~~B~~).

1557 ¹~~Applies only to Lots with a minimum Side Setback of five feet (5')~~

1558 HISTORY

1559 Adopted by Ord. 00-51 on 9/21/2000

1560 Amended by Ord. 06-56 on 7/27/2006

1561 Amended by Ord. 09-10 on 3/5/2009

1562 Amended by Ord. 10-14 on 4/15/2010

1563 Amended by Ord. 15-35 on 10/12/2015

1564 Amended by Ord. 2016-44 on 9/15/2016

Amended by Ord. 2018-27 on 5/31/2018

Amended by Ord. 2018-27 on 5/31/2018

Amended by Ord. 2018-43 on 7/19/2018

Amended by Ord. 2019-07 on 1/29/2019

15-2.3-54 Existing Historic Buildings And/Or Structures

Historic Buildings and/or Structures that do not comply with Building Setbacks, Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION.** In order to achieve new construction consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings and/or Structures, including detached single car Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition, and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes; and
5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

HISTORY

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

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

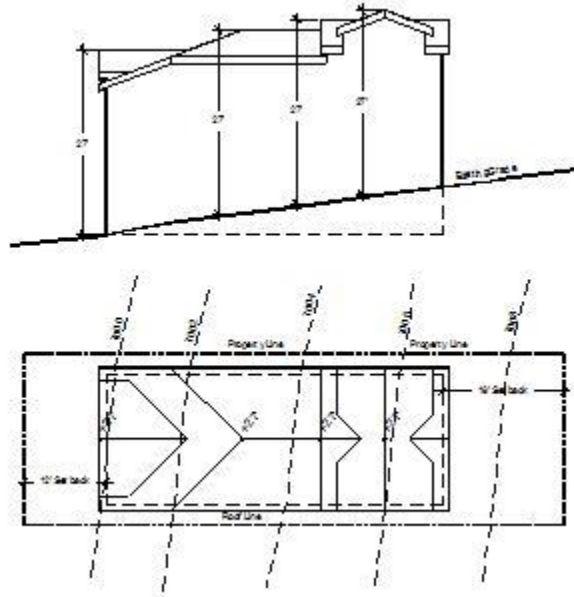
15-2.3-65 Building Height

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') from Existing Grade ~~around the periphery of the Structure~~, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master

Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

- A. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.
- B. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.
- C. **ROOF PITCH.** The roof pitch of a Structure's Contributing Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12) and shall occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. Secondary Roof Forms may be below the required 7:12 roof pitch and located on the primary façade (such as porches, bay window roofs, etc).
 1. Secondary Roof Forms may be Rooftop Decks so long as they are not more than 23 feet in height above Finished Grade. This height includes any railings, parapets, stairs, and similar constructions on the Roof Deck.
 2. The height of railings, parapets, stairs, and similar constructions on a Green Roof or Flat Roof are included in the calculation of Building Height. Decks, hot tubs, outdoor cooking areas, and seating areas are not permitted on Green Roofs. Green Roofs must be vegetated.
 3. A Structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets or similar features shall not exceed twenty four (24") above the highest top plate mentioned above. Any required

1642 railings for a Green Roof shall comply with Building Height.



1643
1644
1645 4. Accessory Structures may be below the required seven: twelve (7:12) roof pitch.

1646 D. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- 1647 1. ~~An antenna~~Antennas, chimneys, flues, vents, or similar Structures, may
1648 extend up to five feet (5') above the highest point of the Building to comply
1649 with International Building Code (IBC) requirements.
- 1650 2. Water towers, mechanical equipment, and Solar Energy Systems, when
1651 enclosed or Screened, may extend up to five feet (5') above the height of
1652 the Building. ~~See LMC Section 15-5-5(G)(7)(a).~~
- 1653 3. **ELEVATOR ACCESS.** The Planning Director may allow additional height
1654 to allow for an elevator compliant with American Disability Act (ADA)
1655 standards. The Applicant must verify the following:
- 1656 a. The proposed height exception is only for the Area of the elevator.
1657 No increase in square footage of the Building is being achieved.
 - 1658 b. The proposed option is the only feasible option for the elevator on
1659 the Site.
 - 1660 c. The proposed elevator and floor plans comply with the American
1661 Disability Act (ADA) standards.
- 1662 4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow
1663 additional Building Height (see entire Section 15-2.3-6) on a downhill Lot
1664 to accommodate a single car wide garage in a Tandem configuration; to
1665 accommodate circulation, such as stairs and/or an ADA elevator; and to
1666 accommodate a reasonably sized front entry area and front porch that
1667 provide a Compatible streetscape design. The depth of the garage may

1668 not exceed the minimum depth for internal Parking Space(s) as
1669 dimensioned within this Code, ~~Section~~Chapter 15-3. The additional height
1670 may not exceed thirty-five feet (35') from existing Grade.

1671 HISTORY

1672 *Adopted by Ord. 00-51 on 9/21/2000*
1673 *Amended by Ord. 06-56 on 7/27/2006*
1674 *Amended by Ord. 09-10 on 3/5/2009*
1675 *Amended by Ord. 09-14 on 4/9/2009*
1676 *Amended by Ord. 09-40 on 11/5/2009*
1677 *Amended by Ord. 10-14 on 4/15/2010*
1678 *Amended by Ord. 13-48 on 11/21/2013*
1679 *Amended by Ord. 2016-44 on 9/15/2016*
1680 *Amended by Ord. 2017-59 on 11/9/2017*
1681 *Amended by Ord. 2018-27 on 5/31/2018*

1682

1683 **15-2.3-76 Development On Steep Slopes**

1684 Development on Steep Slopes must be environmentally sensitive to hillside Areas,
1685 carefully planned to mitigate adverse effects on neighboring land and Improvements,
1686 and consistent with the Design Guidelines for ~~Park City's~~ Historic Districts and Historic
1687 Sites Chapter 15-13, and Chapter 15-5.

1688 For the purpose of measuring Slope, the measurement shall include a minimum
1689 horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on
1690 the certified topographic survey. The measurement shall quantify the steepest Slope
1691 within the Building Footprint and any Access driveway.

1692 A. **Steep Slope Determination.**

- 1693 1. A Steep Slope Conditional Use permit or Administrative Conditional Use
1694 Permit is required for construction of any Structure with a Building
1695 Footprint in excess of two hundred square feet (200 sq. ft.) if said Building
1696 Footprint is located on or projecting over an existing Slope of thirty percent
1697 (30%) or greater.
- 1698 2. A Steep Slope Conditional Use permit or Administrative Conditional Use
1699 Permit is required for construction of any addition to an existing Structure,
1700 when the Building Footprint of the addition is in excess of two hundred
1701 square feet (200 sq. ft.), if the Building Footprint of the addition is located
1702 on or projecting over an existing Slope of thirty (30%) or greater.
- 1703 3. A Steep Slope Conditional Use permit or Administrative Conditional Use
1704 Permit is required for any Access driveway located on or projecting over
1705 an existing Slope of thirty percent (30%) or greater.

1706 B. **Permits Required.**

- 1707 1. On Lots with 3,750 square feet or less, an Administrative Conditional use
1708 Permit shall be processed by the Planning Department.

1709 2. On Lots greater than 3,750 square feet, a Conditional Use Permit is
1710 required. The Planning Department shall review all Steep Slope
1711 Conditional Use permit Applications and forward a recommendation to the
1712 Planning Commission.

1713 C. **Conditional Use Permit Criteria.**

1714 The Planning Commission may review Steep Slope Conditional Use permit
1715 Applications as Consent Calendar items. Steep Slope Conditional Use permit
1716 Applications shall be subject to the following criteria:

1717 1. **LOCATION OF DEVELOPMENT.** Development is located and designed
1718 to reduce visual and environmental impacts of the Structure.

1719 2. **VISUAL ANALYSIS.** The Applicant must provide the Planning
1720 Department with a visual analysis of the project from key Vantage Points:

1721 a. To determine potential impacts of the proposed Access, and
1722 Building mass and design; and

1723 b. To identify the potential for Screening, Slope stabilization, erosion
1724 mitigation, vegetation protection, and other design opportunities.

1725 3. **ACCESS.** Access points and driveways must be designed to minimize
1726 Grading of the natural topography and to reduce overall Building scale.
1727 Shared Driveways and Parking Areas, and side Access to garages are
1728 strongly encouraged, where feasible.

1729 4. **TERRACING.** The project may include terraced retaining Structures if
1730 necessary to regain Natural Grade.

1731 5. **BUILDING LOCATION.** Buildings, Access, and infrastructure must be
1732 located to minimize cut and fill that would alter the perceived natural
1733 topography of the Site. The Site design and Building Footprint must
1734 coordinate with adjacent Properties to maximize opportunities for open
1735 Areas and preservation of natural vegetation, to minimize driveway and
1736 Parking Areas, and to provide variation of the Front Yard.

1737 6. **BUILDING FORM AND SCALE.** Where Building masses orient against
1738 the Lot's existing contours, the Structures must be stepped with the Grade
1739 and broken into a series of individual smaller components that are
1740 Compatible with the District. Low profile Buildings that orient with existing
1741 contours are strongly encouraged. The garage must be subordinate in
1742 design to the main Building. In order to decrease the perceived bulk of the
1743 Main Building, the Planning Director and/or Planning Commission may
1744 require a garage separate from the main Structure or no garage.

1745 7. **SETBACKS.** The Planning Department and/or Planning Commission may
1746 require an increase in one or more Setbacks to minimize the creation of a
1747 "wall effect" along the Street front and/or the Rear Lot Line. The Setback
1748 variation will be a function of the Site constraints, proposed Building scale,
1749 and Setbacks on adjacent Structures.

1750 8. **DWELLING VOLUME.** The maximum volume of any Structure is a
1751 function of the Lot size, Building Height, Setbacks, and provisions set forth
1752 in this Chapter. The Planning Department and/or Planning Commission
1753 may further limit the volume of a proposed Structure to minimize its visual
1754 mass and/or to mitigate differences in scale between a proposed Structure
1755 and existing Structures.

1756 9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-2
1757 District is twenty-seven feet (27') and is restricted as stated above in
1758 Section 15-2.3-6. The Planning Department and/or Planning Commission
1759 may require a reduction in Building Height for all, or portions, of a
1760 proposed Structure to minimize its visual mass and/or to mitigate
1761 differences in scale between the proposed Structure and the Historic
1762 character of the neighborhood's existing residential Structures.

1763 HISTORY

1764 *Adopted by Ord. 00-51 on 9/21/2000*

1765 *Amended by Ord. 06-56 on 7/27/2006*

1766 *Amended by Ord. 09-10 on 3/5/2009*

1767 *Amended by Ord. 10-14 on 4/15/2010*

1768 *Amended by Ord. 15-35 on 10/12/2015*

1769 *Amended by Ord. 2016-44 on 9/15/2016*

1770 *Amended by Ord. 2019-07 on 1/29/2019*

1771
1772 **15-2.3-37 Conditional Use Permit Review**

1773 The Planning Commission shall review any Conditional Use permit (CUP) Application in
1774 the HR-2 District according to Conditional Use permit criteria set forth in Section 15-1-
1775 10 as well as the following:

1776 A. Consistent with the Design Guidelines for ~~Park City's~~ Historic Districts and
1777 Historic Sites, SectionChapter 15-413.

1778 B. The Applicant may not alter an Historic Building and/or Structure to minimize the
1779 residential character of the Building.

1780 C. Dedication of a Facade Preservation Easement for Historic Buildings and/or
1781 Structures is required to assure preservation of Historic Buildings and/or
1782 Structures and the Historic fabric of the surrounding neighborhood.

1783 D. New Buildings and additions must be in scale and Compatible with the mass,
1784 height, width, and ~~historic~~Historic character of the surrounding residential
1785 neighborhood and existing Historic Buildings and/or Structures in the
1786 neighborhood. Larger Building masses should be located to rear of the Structure
1787 to minimize the perceived mass from the Street.

1788 E. Parking requirements of SectionChapter 15-3 shall be met. The Planning
1789 Commission may waive parking requirements for Historic Buildings and/or
1790 Structures and may consider in-lieu fees for all or a portion of parking

requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received.

The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Buildings and/or Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

G. Fencing and Screening between residential and Commercial Uses may be required along common Property Lines.

H. All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.

HISTORY

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

Amended by Ord. 06-56 on 7/27/2006

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

Amended by Ord. 12-37 on 12/20/2012

15-2.3-8 Special Requirements For Master Planned Developments And Conditional Use Permits In Sub-Zone A

A. **SUB-ZONE A.** Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13. (B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Building and/or Structure, constructing an approved addition to an Historic Building and/or Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

1. All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of ~~Section~~Chapter 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot.

- 1832 2. All Buildings within the HR-2 portion of the development must meet the
1833 minimum Side and Front Setbacks of the HR-2 District as stated in
1834 Section 15-2.3-4, unless the Planning Commission grants an exception to
1835 this requirement during the MPD review and the development is consistent
1836 with the MPD Section 15-6-5~~(C)~~. Below Grade Structures, such as parking
1837 structures and Commercial Floor Area extending from Main Street
1838 beneath a residential Structure or Structures on Park Avenue may occupy
1839 Side Setbacks subject to Building and Fire Codes and trespass
1840 agreements.
- 1841 3. All Buildings within the HR-2 portion of the development must meet the
1842 Building Height requirements of the HR-2 District as stated in Section 15-
1843 2.3-6.
- 1844 4. Existing and new Structures fronting on Park Avenue may not contain
1845 Commercial Uses, except as permitted in Section 15-2.3-8-~~(B)(1)~~.
- 1846 5. A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial
1847 Floor Area. Only the Lot Area within the HCB Lot may be used to
1848 calculate the Commercial Floor Area.
- 1849 6. The number of residential units allowed on the HR-2 portion of the
1850 Development is limited by the Lot and Site Requirements of the HR-2
1851 District as stated in Section 15-2.3-4.
- 1852 7. All entrances and Access, including service and delivery, for the
1853 Commercial Use must be off of a Street or easement within the HCB
1854 District. The Commercial Structure must be designed to preclude any
1855 traffic generation on residential Streets, such as Park Avenue. Any
1856 emergency Access, as required by the Uniform Building Code (UBC), onto
1857 the HR-2 portion of the Property must be designed in such a manner as to
1858 absolutely prohibit non-emergency Use. Alarms shall be installed on all
1859 emergency doors that provide access to Park Avenue.
- 1860 8. Commercial portions of a Structure extending from the HCB to the HR-2
1861 District must be designed to minimize the Commercial character of the
1862 Building and Use and must mitigate all impacts on the adjacent
1863 Residential Uses. Impacts include such things as noise, odor and glare,
1864 intensity of activity, parking, signs, lighting, Access and aesthetics.
- 1865 9. No loading docks, service yards, exterior mechanical equipment, exterior
1866 trash compounds, outdoor storage, ADA Access, or other similar Uses
1867 associated with the HCB Uses are allowed within the HR-2 portion of the
1868 Property, and all such Uses shall be screened for visual and noise
1869 impacts.
- 1870 10. The Property Owner must donate a Preservation Easement to the City for
1871 any Historic Buildings and/or Structures included in the Development.

- 1872 11. Any Historic Buildings and/or Structures included in the development shall
1873 be restored or rehabilitated according to the requirements of Historic
1874 Preservation ~~the LMC Chapter 15-11~~ Historic Preservation.
- 1875 12. Any adjoining Historic Buildings and/or Structures under common
1876 ownership or control must be considered a part of the Property for review
1877 purposes of the Conditional Use permit and/or Master Planned
1878 Development.
- 1879 13. The allowed Building Width of any Structure above Final Grade is up to
1880 forty (40) feet. Building Widths shall reflect the typical variation, pattern
1881 and Historic character of the surrounding residential neighborhood.
- 1882 14. Residential Density Transfers between the HCB and HR-2 Zoning Districts
1883 are not permitted. A portion of the Gross Floor Area generated by the
1884 Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in
1885 the HCB Zone, may be located in the HR-2 Zone as allowed by this
1886 Section.
- 1887 15. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section
1888 15-6-5 ~~(B)~~.

1889 HISTORY

1890 *Adopted by Ord. 00-51 on 9/21/2000*

1891 *Amended by Ord. 10-14 on 4/15/2010*

1892 *Amended by Ord. 2018-43 on 7/19/2018*

1894 **15-2.3-9 Special Requirements For Sub-Zone B**

- 1895 A. Sub Zone B consists of Lots in the HR-2 District that are located in the following
1896 Areas:
- 1897 1. East of Main Street, including Properties fronting on Main Street, Swede
1898 Alley, and Grant Avenue; and
- 1899 2. West of Main Street within Block 13 and fronting on Main Street.
- 1900 B. The following special requirements apply only to those Commercial Uses as
1901 listed in Section 15-2.3-2 for Sub Zone B:
- 1902 1. These Commercial Uses are allowed as a Conditional Use permit review
1903 requirements in Section 15-1-10.
- 1904 2. New additions and alterations to Historic Buildings and/or Structures must
1905 not destroy the Architectural Detail of the Structure. The new work must
1906 be Compatible with the massing, size, scale, and architectural features to
1907 protect the Historic integrity of the Property and its environment. New
1908 additions shall be subordinate to the existing Structure.
- 1909 3. Adaptive reuse of residential Historic Buildings and/or Structures for
1910 commercial Uses may impose only minimal changes to the defining
1911 Architectural Detail.

- 1912 4. New Construction must be residential in character and comply with the
1913 Design Guidelines for ~~Park City's~~ Historic Districts and Historic Sites for
1914 residential construction and all Lot and Site requirements of Section 15-
1915 2.3-4.
- 1916 5. Parking must be provided on-Site in accordance with this Code or Off-Site
1917 by paying the HCB "in lieu fee" multiplied by the parking obligation.
- 1918 6. The Historic Building and/or Structure shall be restored or rehabilitated
1919 according to the requirements of LMC Chapter 4 15-11 as a condition
1920 precedent to approval of the Conditional Use permit.
- 1921 7. Any adjoining Historic Buildings and/or Structures, under common
1922 ownership or control must be considered a part of the Property for review
1923 purposes of the Conditional Use permit.
- 1924 8. The Property Owner must donate a Preservation Easement to the City for
1925 the Historic Building and/or Structure as a condition precedent to approval
1926 of the Conditional Use permit.

1927 HISTORY

1928 *Adopted by Ord. 00-51 on 9/21/2000*

1929

1930 **15-2.3-1310 Mechanical Service**

1931 No free standing mechanical equipment is allowed in the HR-2 zone with the exception
1932 of individual residential mechanical units serving Single family and Duplex Dwelling
1933 units within the HR-2 District, subject to the Lot and Site Requirements of Section 15-
1934 2.3-4. The Planning Department will review all Development Applications to assure that
1935 all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it
1936 is not open to view and does not exceed the allowable decibel levels of the City's Noise
1937 Ordinance from nearby residential Properties.

1938

1939 Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration
1940 to adjoining Properties and to mitigate visual impacts on nearby Properties and general
1941 public view. All mechanical equipment must be shown on the plans prepared for
1942 Conditional Use Permit and/or architectural review by the Planning, Engineering, and
1943 Building Departments.

1944

1945 All Structures must provide a means of storing refuse generated by the Structure's
1946 occupants. All refuse storage facilities must be shown on the plans prepared for
1947 Conditional Use Permit and/or architectural review. Refuse storage must be Screened,
1948 enclosed, and properly ventilated so that a nuisance is not created by odors or
1949 sanitation problems.

1950

1951 The loading and unloading of goods must take place entirely on the Site. Loading areas
1952 must be Screened from general public view. All loading areas shall be shown on the
1953 plans prepared for Conditional Use Permit and/or architectural review.

1954

1955 HISTORY
 1956 Adopted by Ord. 00-51 on 9/21/2000
 1957 Amended by Ord. 06-56 on 7/27/2006
 1958 Amended by Ord. 10-14 on 4/15/2010
 1959 Amended by Ord. 2016-44 on 9/15/2016
 1960

1961 **15-2.3-10 Parking Regulations**

1962 ~~A. Tandem Parking is allowed in the Historic District.~~
 1963 ~~B. Common driveways are allowed along shared Side Lot Lines to provide Access~~
 1964 ~~to Parking in the rear of the Main Building or below Grade if both Properties are~~
 1965 ~~deed restricted to allow for the perpetual Use of the shared drive.~~
 1966 ~~C. Common Parking Structures are allowed as a Conditional Use where it~~
 1967 ~~facilitates:-~~
 1968 ~~1. the Development of individual Buildings that more closely conform to the~~
 1969 ~~scale of Historic Structures in the District; and-~~
 1970 ~~2. the reduction, mitigation or elimination of garage doors at the Street edge.~~
 1971 ~~D. A common Parking Structure may occupy below Grade Side Setbacks between~~
 1972 ~~participating Developments if the Structure maintains all Setbacks above Grade.~~
 1973 ~~Common Parking Structures are subject to a Conditional Use review, Section 15-~~
 1974 ~~1-10.~~
 1975 ~~E. Driveways between Structures are allowed in order to eliminate garage doors~~
 1976 ~~facing the Street, to remove cars from on-Street Parking, and to reduce paved~~
 1977 ~~Areas, provided the driveway leads to an approved Garage or Parking Area.~~
 1978 ~~F. Turning radii are subject to review by the City Engineer as to function and design.~~
 1979 ~~G. See Section 15-3 Off Street Parking for additional parking requirements.~~
 1980 ~~H. Parking Areas with five (5) or more spaces within Subzone A shall be accessed~~
 1981 ~~from a Street other than Park Avenue if the Parking Area also serves HGB Uses,~~
 1982 ~~and such Parking Areas shall be below the Grade of Park Avenue and beneath~~
 1983 ~~residential structures facing and fronting on Park Avenue.~~

1984 HISTORY
 1985 Adopted by Ord. 00-51 on 9/21/2000
 1986 Amended by Ord. 06-56 on 7/27/2006
 1987 Amended by Ord. 09-10 on 3/5/2009
 1988 Amended by Ord. 10-14 on 4/15/2010
 1989 Amended by Ord. 2018-43 on 7/19/2018
 1990

1991 **15-2.3-11 Architectural Review**

1992 ~~Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning~~
 1993 ~~Department shall review the proposed plans for compliance with the Design Guidelines~~

1994 ~~for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and~~
1995 ~~Architectural Review LMC Chapter 15-5.~~
1996
1997 ~~Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
1998 ~~Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the~~
1999 ~~Board of Adjustment as outlined in 15-1-18 of the Code.~~

2000 **HISTORY**

2001 ~~Adopted by Ord. 00-51 on 9/21/2000~~
2002 ~~Amended by Ord. 06-56 on 7/27/2006~~
2003 ~~Amended by Ord. 09-10 on 3/5/2009~~
2004 ~~Amended by Ord. 09-23 on 7/9/2009~~
2005 ~~Amended by Ord. 10-14 on 4/15/2010~~
2006 ~~Amended by Ord. 15-35 on 10/12/2015~~

2007

2008 **15-2.3-1211 Criteria For Bed And Breakfast Inns**

2009 A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued
2010 unless the following criteria are met:

- 2011 A. The Use is in a Historic Building and/or Structure or addition thereto.
- 2012 B. The Applicant will make every attempt to rehabilitate the Historic portion of the
- 2013 Structure.
- 2014 C. The Structure has at least two (2) rentable rooms. The maximum number of
- 2015 rooms will be determined by the Applicant's ability to mitigate neighborhood
- 2016 impacts.
- 2017 D. The size and configuration of the rooms are Compatible with the Historic
- 2018 character of the Building and neighborhood.
- 2019 E. The rooms are available for Nightly Rental only.
- 2020 F. An Owner/manager is living on-Site, or in Historic Buildings and/or Structures
- 2021 there must be twenty-four (24) hour on-Site management and check-in.
- 2022 G. Food service is for the benefit of overnight guests only.
- 2023 H. No Kitchen is permitted within rental room(s).
- 2024 I. Parking on-Site is required at a rate of one (1) space per rentable room. If no on-
- 2025 Site parking is possible, the Applicant must provide parking in close proximity to
- 2026 the inn. The Planning Commission may waive the parking requirement for
- 2027 Historic Buildings and/or Structures, if the Applicant proves that:
- 2028 1. no on-Site parking is possible without compromising the Historic Buildings
- 2029 and/or Structures or Site, including removal of existing Significant
- 2030 Vegetation, and all alternatives for proximate parking have been explored
- 2031 and exhausted; and

2032 2. the Structure is not economically feasible to restore or maintain without
2033 the adaptive Use.

2034 J. The Use complies with Section 15-1-10, Conditional Use review.

2035 HISTORY

2036 *Adopted by Ord. 00-51 on 9/21/2000*

2037

2038 **15-2.3-1012 Parking Regulations**

2039 A. Tandem Parking is allowed in the Historic District.

2040 B. Common driveways are One (1) Shared Driveway is allowed along shared Side
2041 or Rear Lot Lines to provide Access to Parking in the rear of the Main Building or
2042 below Grade if both Properties are deed restricted to allow for the perpetual Use
2043 of the shared drive.

2044 C. Common Parking Structures are allowed as a Conditional Use where it
2045 facilitates:

2046 1. the Development of individual Buildings that more closely conform to the
2047 scale of Historic Buildings and/or Structures in the District; and

2048 2. the reduction, mitigation or elimination of garage doors at the Street edge.

2049 D. A common Parking Structure may occupy below Grade Side Setbacks between
2050 participating Developments if the Structure maintains all Setbacks above Grade.
2051 Common Parking Structures requiring a Conditional Use Permit are subject to a
2052 Conditional Use review, Section 15-1-10.

2053 E. Driveways between Structures are allowed in order to eliminate garage doors
2054 facing the Street, to remove cars from on-Street Parking, and to reduce paved
2055 Areas, provided the driveway leads to an approved Garage or approved Parking
2056 Area.

2057 F. Turning radii are subject to review by the City Engineer as to function and design.

2058 G. See SectionChapter 15-3 Off Street Parking for additional parking requirements.

2059 H. Parking Areas with five (5) or more spaces within Subzone A shall be accessed
2060 from a Street other than Park Avenue if the Parking Area also serves HCB Uses,
2061 and such Parking Areas shall be below the Grade of Park Avenue and beneath
2062 residential structures facing and fronting on Park Avenue.

2063 HISTORY

2064 *Adopted by Ord. 00-51 on 9/21/2000*

2065 *Amended by Ord. 06-56 on 7/27/2006*

2066 *Amended by Ord. 09-10 on 3/5/2009*

2067 *Amended by Ord. 10-14 on 4/15/2010*

2068 *Amended by Ord. 2018-43 on 7/19/2018*

2069

15-2.3-1113 Architectural Review

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation LMG Chapter 15-11, and Architectural Review LMG Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation LMG Chapter 15-11, and Architectural Review LMG Chapter 15-5 are heard by the Board of Adjustment as outlined in 15-1-18 of the Code.

HISTORY

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

Amended by Ord. 06-56 on 7/27/2006

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

Amended by Ord. 09-23 on 7/9/2009

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

Amended by Ord. 15-35 on 10/12/2015

15-2.3-13 Mechanical Service

~~No free standing mechanical equipment is allowed in the HR-2 zone with the exception of individual residential mechanical units serving Single family and Duplex Dwelling units within the HR-2 District, subject to the Lot and Site Requirements of Section 15-2.3-4. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view and does not exceed the allowable decibel levels of the City's Noise Ordinance from nearby residential Properties.~~

~~Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration to adjoining Properties and to mitigate visual impacts on nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and/or architectural review.~~

~~All Structures must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and/or architectural review. Refuse storage must be Screened, enclosed, and properly ventilated so that a nuisance is not created by odors or sanitation problems.~~

~~The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for Conditional Use Permit and/or architectural review.~~

HISTORY

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

Amended by Ord. 06-56 on 7/27/2006

2111 *Amended by Ord. 10-14 on 4/15/2010*
2112 *Amended by Ord. 2016-44 on 9/15/2016*

2113

2114 **15-2.3-14 Goods And Uses To Be Within Enclosed Building**

2115 **A. OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as
2116 an Allowed or Conditional Use, all goods, including food, beverage and cigarette
2117 vending machines, must be within a completely enclosed Structure. New
2118 construction of enclosures for the storage of goods shall not have windows
2119 and/or other fenestration that exceeds a wall to window ratio of thirty percent
2120 (30%). This section does not preclude temporary sales in conjunction with a
2121 Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-
2122 2.3-14(B)(3) for outdoor display of bicycles, kayaks, and canoes.

2123 **B. OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses
2124 may be allowed by the Planning Department upon the issuance of an
2125 Administrative Permit. The Applicant must submit the required application, pay all
2126 applicable fees, and provide all required materials and plans. Appeals of
2127 Departmental actions are heard by the Planning Commission. These Commercial
2128 outdoor Uses are not allowed within Subzone A.

2129 **1. OUTDOOR DINING.** Outdoor Dining is subject to the following criteria:-

2130 a. The proposed outdoor dining is located within Sub-Zone B only,
2131 and is associated with an approved Restaurant, Café, or Deli Use.

2132 b. The proposed seating Area is located on private Property or leased
2133 public Property and does not diminish parking or landscaping.

2134 c. The proposed seating Area does not impede pedestrian
2135 circulation.

2136 d. The proposed seating Area does not impede emergency Access or
2137 circulation.

2138 e. The proposed furniture is Compatible with the Streetscape.

2139 f. No music or noise in excess of the City Noise Ordinance, Title 6.

2140 g. No Use after 10:00 p.m.

2141 h. No net increase in the Restaurant's seating capacity without
2142 adequate mitigation of the increased parking demand.

2143 **2. OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Commercial
2144 Outdoor grills and/or beverage service stations are subject to the following
2145 criteria:

2146 a. The Use is located within Sub-Zone B only.

2147 b. The Use is on private Property or leased public Property and does
2148 not diminish parking or landscaping.

- 2149 c. ~~The Use is only for the sale of food or beverages in a form suited~~
2150 ~~for immediate consumption.~~
- 2151 d. ~~The Use is Compatible with the neighborhood.~~
- 2152 e. ~~The proposed service station does not impede pedestrian~~
2153 ~~circulation.~~
- 2154 f. ~~The proposed service station does not impede emergency Access~~
2155 ~~or circulation.~~
- 2156 g. ~~Design of the service station is Compatible with adjacent Buildings~~
2157 ~~and Streetscape.~~
- 2158 h. ~~No violation of the City Noise Ordinance, Title 6.~~
- 2159 i. ~~Compliance with the City Sign Code, Title 12.~~
- 2160 **3. ~~COMMERCIAL OUTDOOR STORAGE AND DISPLAY OF BICYCLES,~~**
2161 **~~KAYAKS, MOTORIZED SCOOTERS, AND CANOES.~~** ~~Outdoor storage~~
2162 ~~and display of bicycles, kayaks, motorized scooters, and canoes for~~
2163 ~~Commercial purposes is subject to the following criteria:—~~
- 2164 a. ~~Located within the Sub-Zone B only.~~
- 2165 b. ~~The Area of the proposed bicycle, kayak, motorized scooters, and~~
2166 ~~canoe storage or display is on private Property and not in Areas of~~
2167 ~~required parking or landscaped planting beds.~~
- 2168 c. ~~Bicycles, kayaks, and canoes may be hung on Buildings if sufficient~~
2169 ~~Site Area is not available, provided the display does not impact or~~
2170 ~~alter the architectural integrity or character of the Structure.~~
- 2171 d. ~~No more than a total of three (3) pieces of equipment may be~~
2172 ~~displayed.~~
- 2173 e. ~~Outdoor display is allowed only during Business hours.~~
- 2174 f. ~~Additional outdoor storage Areas may be considered for rental~~
2175 ~~bicycles or motorized scooters provided there are no or only~~
2176 ~~minimal impacts on landscaped Areas, Parking Spaces, and~~
2177 ~~pedestrian and emergency circulation.~~
- 2178 **4. ~~OUTDOOR EVENTS AND MUSIC.~~** ~~Located in Sub-Zone B only. Outdoor~~
2179 ~~events and music require an Administrative Conditional Use permit. The~~
2180 ~~Use must also comply with Section 15-1-10, Conditional Use review. The~~
2181 ~~Applicant must submit a Site plan and written description of the event,~~
2182 ~~addressing the following:~~
- 2183 a. ~~Notification of adjacent Property Owners.~~
- 2184 b. ~~No violation of the City Noise Ordinance, Title 6.~~
- 2185 c. ~~Impacts on adjacent Residential Uses.~~

- 2186 d. ~~Proposed plans for music, lighting, Structures, electrical, signs, etc~~
2187 ~~needs.~~
- 2188 e. ~~Parking demand and impacts on neighboring Properties.~~
- 2189 f. ~~Duration and hours of operation.~~
- 2190 g. ~~Impacts on emergency Access and circulation.~~
- 2191 5. ~~**DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject~~
2192 ~~to the following criteria:~~
- 2193 a. ~~The display is immediately available for purchase at the Business~~
2194 ~~displaying the item.~~
- 2195 b. ~~The merchandise is displayed on private Property directly in front of~~
2196 ~~or appurtenant to the Business which displays it, so long as the~~
2197 ~~private Area is in an alcove, recess, patio, or similar location that~~
2198 ~~provides a physical separation from the public sidewalk. Allowed in~~
2199 ~~Subzone B only. No item of merchandise may be displayed on~~
2200 ~~publicly owned Property including any sidewalk or prescriptive~~
2201 ~~Right-of-Way regardless if the Property Line extends into the public~~
2202 ~~sidewalk. An item of merchandise may be displayed on commonly~~
2203 ~~owned Property; however, written permission for the display of the~~
2204 ~~merchandise must be obtained from the Owner's association.~~
- 2205 c. ~~The display is prohibited from being permanently affixed to any~~
2206 ~~Building. Temporary fixtures may not be affixed to any Historic~~
2207 ~~Building and/or Structure in a manner that compromises the~~
2208 ~~Historic integrity or Façade Easement of the Building as determined~~
2209 ~~by the Planning Director.~~
- 2210 d. ~~The display does not diminish parking or landscaping.~~
- 2211 e. ~~The Use does not violate the Summit County Health Code, the Fire~~
2212 ~~Code, or International Building Code. The display does not impede~~
2213 ~~pedestrian circulation, sidewalks, emergency Access, or circulation.~~
2214 ~~At minimum, forty-four inches (44") of clear and unobstructed~~
2215 ~~Access to all fire hydrants, egress and Access points must be~~
2216 ~~maintained. Merchandise may not be placed so as to block~~
2217 ~~visibility of or Access to any adjacent Property.~~
- 2218 f. ~~The merchandise must be removed if it becomes a hazard due to~~
2219 ~~wind or weather conditions, or if it is in a state of disrepair, as~~
2220 ~~determined by either the Planning Director or Building Official.~~
- 2221 g. ~~The display shall not create a hazard to the public due to moving~~
2222 ~~parts, sharp edges, or extension into public Rights-of-Way,~~
2223 ~~including sidewalks, or pedestrian and vehicular Areas; nor shall~~
2224 ~~the display restrict vision at intersections.~~
- 2225 h. ~~No inflatable devises other than decorative balloons smaller than~~
2226 ~~eighteen inches (18") in diameter are permitted. Balloon height may~~

2227 ~~not exceed the finished floor elevation of the second floor of the~~
2228 ~~Building.~~

2229 ~~i. No additional signs are allowed. A sales tag, four square inches (4~~
2230 ~~sq. in.) or smaller may appear on each display item, as well as an~~
2231 ~~informational plaque or associated artwork not to exceed twelve~~
2232 ~~square inches (12 sq. in.). The proposed display shall be in~~
2233 ~~compliance with the City Sign Code, Municipal Code Title 12, the~~
2234 ~~City's licensing Code, Municipal Code Title 4, and all other requisite~~
2235 ~~City codes.~~

2236 **HISTORY**

2237 ~~Adopted by Ord. 00-51 on 9/21/2000~~
2238 ~~Amended by Ord. 05-49 on 8/4/2005~~
2239 ~~Amended by Ord. 06-56 on 7/27/2006~~
2240 ~~Amended by Ord. 10-14 on 4/15/2010~~

2241

2242 **15-2.3-~~1514~~ Vegetation Protection**

2243 The Property Owner must protect Significant Vegetation during any Development
2244 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
2245 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
2246 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
2247 measured at the drip line.

2248 Development plans must show all Significant Vegetation within twenty feet (20') of a
2249 proposed Development. The Property Owner must demonstrate the health and viability
2250 of all large trees through a certified arborist. The Planning Director shall determine the
2251 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2252 consistent with Landscape Criteria in ~~LMC~~ Chapter 15-5.

2253 **HISTORY**

2254 ~~Adopted by Ord. 00-51 on 9/21/2000~~
2255 ~~Amended by Ord. 06-56 on 7/27/2006~~
2256 ~~Amended by Ord. 10-14 on 4/15/2010~~

2257

2258 **15-2.3-~~1615~~ Signs**

2259 Signs are allowed in the HR-2 District as provided in the Park City Sign Code, Title 12.

2260 **HISTORY**

2261 ~~Adopted by Ord. 00-51 on 9/21/2000~~

2262

2263 **15-2.3-~~1716~~ Related Provisions**

- 2264 • Fences And Retaining Walls. ~~LMC Chapter Section~~ 15-4-2.
- 2265 • Accessory Apartments. ~~LMC Chapter Section~~ 15-4-7.

- 2266 • Placement of Satellite Receiving Antennas. LMG Chapter Section 15-4-13.
- 2267 • Telecommunication ~~Facility~~Facilities. LMG Chapter Section 15-4-14.
- 2268 • Off-Street Parking. LMG Chapter 15-3.
- 2269 • Landscaping. Title 14; LMG Chapter Section 15-3-3(~~D~~) and Chapter 15-5.
- 2270 • Lighting. LMG Chapters Sections 15-3-3(~~C~~), 15-5-5(~~I~~).
- 2271 • Historic Preservation. LMG Chapter 15-11.
- 2272 • Park City Sign Code. Title 12.
- 2273 • Architectural Review. LMG Chapter 15-~~11~~5.
- 2274 • Snow Storage. LMG Chapter Section 15-3-3(~~E~~).
- 2275 • Parking Ratio Requirements. Section 15-3-6.
- 2276 HISTORY
- 2277 *Adopted by Ord. 00-51 on 9/21/2000*
- 2278 *Amended by Ord. 06-56 on 7/27/2006*
- 2279 *Amended by Ord. 10-14 on 4/15/2010*

2280 **15-2.4 Historic Residential-Medium Density (HRM) District**

2281 15-2.4-1 Purpose

2282 15-2.4-2 Uses

2283 ~~15-2.4-3 Conditional Use Permit Review~~

2284 ~~15-2.4-43 Lot And Site Requirements~~

2285 ~~15-2.4-5 Special Requirements For Multi-Unit Dwellings~~

2286 ~~15-2.4-64 Existing Historic Buildings And/Or Structures~~

2287 ~~15-2.4-75 Building Height~~

2288 ~~15-2.4-36 Conditional Use Permit Review~~

2289 ~~15-2.4-57 Special Requirements For Multi-Unit Dwellings~~

2290 ~~15-2.4-8 Parking Regulations~~

2291 ~~15-2.4-98 Sullivan Road Access~~

2292 ~~15-2.4-129 Outdoor Events And Music~~

2293 ~~15-2.4-1110 Criteria For Bed And Breakfast Inns~~

2294 ~~15-2.4-811 Parking Regulations~~

2295 ~~15-2.4-1012 Architectural Review~~

2296 ~~15-2.4-11 Criteria For Bed And Breakfast Inns~~

2297 ~~15-2.4-12 Outdoor Events And Music~~

2298 15-2.4-13 Vegetation Protection

2299 15-2.4-14 Signs

2300 15-2.4-15 Related Provisions

2301

2302 **15-2.4-1 Purpose**

2303 The purpose of the Historic Residential Medium Density (HRM) District is to:

2304 A. allow continuation of permanent residential and transient housing in original
2305 residential Areas of Park City;

2306 B. encourage new Development along an important corridor that is Compatible with
2307 Historic Buildings and/or Structures in the surrounding Area;

2308 C. encourage the rehabilitation of existing Historic Buildings and/or Structures;

2309 D. encourage Development that provides a transition in Use and scale between the
2310 Historic District and the resort Developments;

2311 E. encourage Affordable Housing;

2312 F. encourage Development which minimizes the number of new driveways
2313 Accessing existing thoroughfares and minimizes the visibility of Parking Areas;
2314 and

2315 G. establish specific criteria for the review of Neighborhood Commercial Uses in
2316 Historic Buildings and/or Structures along Park Avenue.

2317 HISTORY

2318 Adopted by Ord. 00-51 on 9/21/2000

2319

2320 **15-2.4-2 Uses**

2321 Uses in the HRM District are limited to the following:

2322 **A. ALLOWED USES.**

- 2323 1. Single Family Dwelling
- 2324 2. Duplex Dwelling
- 2325 3. Secondary Living Quarters
- 2326 4. Lockout Unit¹
- 2327 5. Accessory Apartment²
- 2328 6. Nightly Rental³
- 2329 7. Home Occupation
- 2330 8. Child Care, In-Home Babysitting
- 2331 9. Child Care, Family⁴
- 2332 10. Child Care, Family Group⁴
- 2333 11. Accessory Building and Use
- 2334 12. Conservation Activity
- 2335 13. Agriculture
- 2336 14. Parking Area or Structure with four (4) or fewer spaces

2337 **B. CONDITIONAL USES.**

- 2338 1. Triplex Dwelling
- 2339 2. Multi-Unit Dwelling
- 2340 3. Group Care Facility
- 2341 4. Child Care Center⁴
- 2342 5. Public and Quasi-Public Institution, Church, and School
- 2343 6. Essential Municipal and Public Utility Use, Facility Service, and Structure
- 2344 7. Telecommunication Antenna⁵
- 2345 8. Satellite Dish, greater than thirty-nine inches (39") in diameter⁶
- 2346 9. Bed and Breakfast Inn⁷
- 2347 10. Boarding House, Hostel⁷
- 2348 11. Hotel, Minor⁷
- 2349 12. Office, General⁸
- 2350 13. Retail and Service Commercial, Minor⁸
- 2351 14. Retail and Service Commercial, personal improvement⁸
- 2352 15. Neighborhood Market, without gasoline sales⁸
- 2353 16. Cafe, Deli⁸
- 2354 17. Café, Outdoor Dining⁹
- 2355 18. Parking Area or Structure with five (5) or more spaces
- 2356 19. Temporary Improvement¹⁰
- 2357 20. Recreation Facility, Public
- 2358 21. Recreation Facility, Private
- 2359 22. Outdoor Events¹⁰
- 2360 23. Fences greater than six feet (6') in height from Final Grade¹⁰
- 2361
- 2362

2363 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
2364 is a prohibited Use.

2365 ¹Nightly rental of Lockout Units requires a Conditional Use permit.

2366 ²See ~~LMG Chapter Section~~ 15-4-7, ~~Supplemental Regulations for~~ Accessory
2367 Apartments.

2368 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

2369 ⁴See ~~LMG Chapter Section~~ 15-4-9, ~~for~~ Child Care ~~Regulations~~ And Child Care Facilities.

2370 ⁵See ~~LMG Chapter Section~~ 15-4-14, ~~Supplemental Regulations for~~ Telecommunications
2371 Facilities.

2372 ⁶See ~~LMG Chapter Section~~ 15-4-13, ~~Supplemental Regulations for~~ Placement of
2373 Satellite Receiving Antennas.

2374 ⁷Allowed only in Historic Buildings and/or Structures or historically Compatible
2375 Structures.

2376 ⁸Allowed only in Historic Buildings and/or Structures.

2377 ⁹Requires an Administrative Conditional Use permit. Allowed in association with a Café
2378 or Deli.

2379 ¹⁰Requires an Administrative or Administrative Conditional Use permit, see
2380 ~~Section~~ Chapter 15-4.

2381 HISTORY

2382 *Adopted by Ord. 00-51 on 9/21/2000*

2383 *Amended by Ord. 06-69 on 10/19/2006*

2384 *Amended by Ord. 09-10 on 3/5/2009*

2385 *Amended by Ord. 15-35 on 10/12/2015*

2386

2387 **15-2.4.3 Conditional Use Permit Review**

2388 ~~The Planning Director shall review any Conditional Use permit (CUP) Application in the~~
2389 ~~HRM District and shall forward a recommendation to the Planning Commission~~
2390 ~~regarding compliance with the Design Guidelines for Park City's Historic Districts and~~
2391 ~~Historic Sites Chapter 15-13 and Chapter 5. The Planning Commission shall review the~~
2392 ~~Application according to Conditional Use permit criteria set forth in Section 15-1-10. As~~
2393 ~~well as the following:~~

2394 ~~A. Consistent with the Design Guidelines for Park City's Historic Districts and~~
2395 ~~Historic Sites.~~

2396 ~~B. The Applicant may not alter the Historic Structure to minimize the residential~~
2397 ~~character of the Building.~~

2398 ~~C. Dedication of a Facade Preservation Easement to assure preservation of the~~
2399 ~~Structure is required.~~

~~D. New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.~~

~~E. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.~~

~~F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.~~

~~G. Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.~~

~~H. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.~~

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 15-35 on 10/12/2015

15-2.4-43 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE**. Minimum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

B. **LOT AREA**. Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

2433 Developments consisting of more than four (4) Dwelling Units require a Lot Area
2434 at least equal to 5,625 square feet plus an additional 1,000 square feet per each
2435 additional Dwelling Unit over four (4) units. All Setback, height, parking, Open
2436 Space, and architectural requirements must be met. See Section 15-2.4-3,
2437 Conditional Use Permit Review.

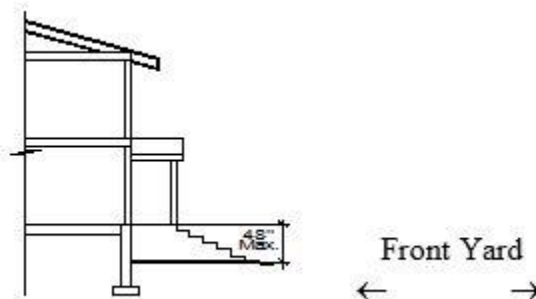
2438 C. **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet
2439 (15') from the Front Lot Line. Existing platted Lots of record, with a minimum
2440 width of at least twenty five feet (25'), are considered legal Lots in terms of Lot
2441 Width. In the case of unusual Lot configurations, Lot Width measures shall be
2442 determined by the Planning Director.

2443 D. **FRONT SETBACK.**

- 2444 1. The minimum Front Setback for Single-Family, Duplex Dwellings, and
2445 Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet
2446 (75') or less, then the minimum Front Setback is ten feet (10').
- 2447 2. New Front Facing Garages for Single Family and Duplex Dwellings must
2448 be at least twenty feet (20') from the Front Lot Line.
- 2449 3. See Section 15-2.4-57 for special requirements for Triplexes and Multi-
2450 Unit Dwellings.

2451 E. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of
2452 any Structure except:

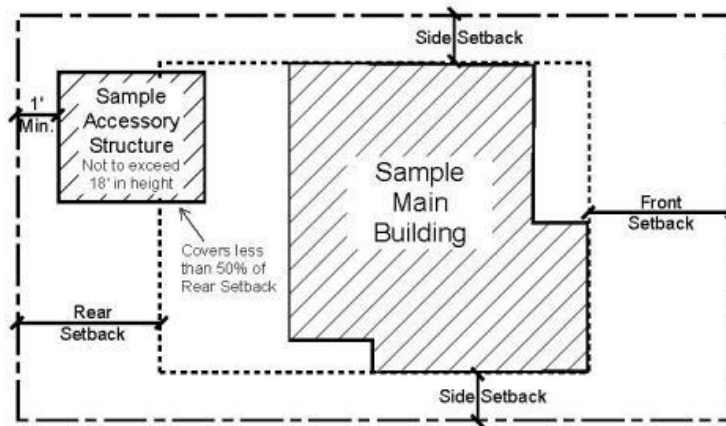
- 2453 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
2454 as permitted in Section 15-4-2. On Corner Lots, Fences more than three
2455 (3') in height are prohibited within twenty-five feet (25') of the intersection,
2456 at back of curb.
- 2457 2. Uncovered steps leading to the Main Building; provided the steps are not
2458 more than four feet (4') in height from Final Grade, not including any
2459 required handrail, and do not cause any danger or hazard to traffic by
2460 obstructing the view of a Street or intersection.



- 2461 3. Decks, porches, and Bay Windows, not more than ten feet (10') wide, and
2462 projecting not more than three feet (3') into the Front Setback.
- 2463 4. Roof overhangs, eaves, and cornices projecting not more than three feet
2464 (3') into the Front Setback.
- 2465

- 2466 5. Sidewalks, patios, and pathways.
- 2467 6. Driveways leading to a garage or approved Parking Area. No portion of a
- 2468 Front Yard except for approved driveways and patios, allowed Parking
- 2469 Areas, and sidewalks may be Hard-Surfaced or graveled.
- 2470 F. **REAR SETBACK.**
- 2471 1. The minimum Rear Setback is ten feet (10') for all Main Buildings, and one
- 2472 foot (1') for detached Accessory Buildings.
- 2473 2. See Section 15-2.4-~~57~~, Special Requirements for Multi-Unit Dwellings.
- 2474 G. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of
- 2475 any Structure except:
- 2476 1. Bay Windows not more than ten feet (10') wide and projecting not more
- 2477 than two feet (2') into the Rear Setback.
- 2478 2. Chimneys not more than five feet (5') wide and projecting not more than
- 2479 two feet (2') into the Rear Setback.
- 2480 3. Window wells ~~and light wells projecting not exceeding the minimum~~
- 2481 International Residential Code (IRC) or International Building Code (IBC)
- 2482 requirements for egress may extend not more than four feet (4') into the
- 2483 Rear Setback. Should egress requirements be met within the building pad,
- 2484 no Rear Setback exception is permitted.
- 2485 4. Roof overhangs and eaves projecting not more than three feet (3') into the
- 2486 Rear Setback.
- 2487 5. Window sills, belt courses, cornices, trim, and other ornamental features
- 2488 projecting not more than six inches (6") beyond the ~~window or~~ main
- 2489 Structure to which they are attached.
- 2490 6. Detached Accessory Buildings, not more than eighteen feet (18') in height,
- 2491 and including any free-standing Solar Energy Systems, located a
- 2492 minimum of five feet (5') behind the front façade of the Main Building, and
- 2493 maintaining a minimum Rear Setback of one foot (1'). Such Structure must
- 2494 not cover over fifty percent (50%) of the Rear Setback. See the following

2495 illustration:



- 2496
- 2497
- 2498
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- 2500
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7. A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.
 8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
 9. Fences, ~~or~~ walls, and retaining walls as permitted in Section 15-4-2 Fences And Retaining Walls.
 10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.
 11. One (1) Shared Driveway leading to a garage or approved Parking Area. See Section 15-2.4-11 Parking Regulations for additional requirements.

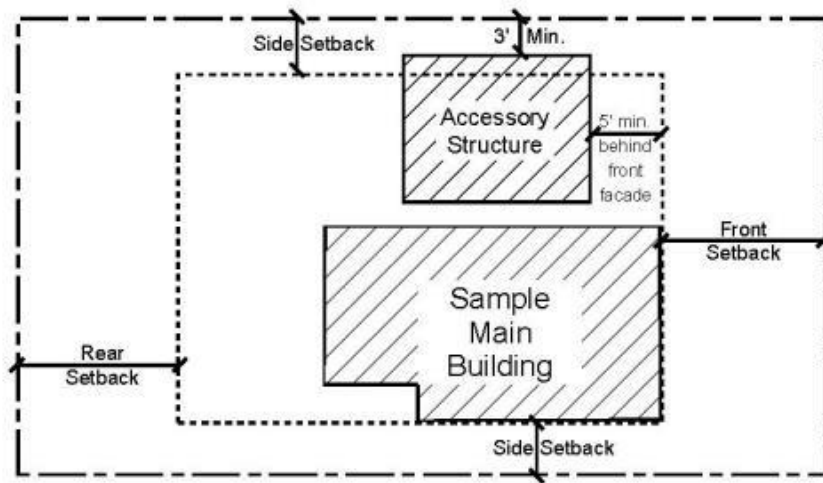
2508 **H. SIDE SETBACK.**

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- 2510
- 2511
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- 2518
- 2519
- 2520
- 2521
1. The minimum Side Setback for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').
 2. The minimum Side Setback for Lots twenty-five feet (25') wide or less is three feet (3').
 3. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is ten feet (10') for both Main and Accessory Buildings. A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
 4. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each

Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

- a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.
- b. The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

~~5. The minimum Side Setback for a detached Accessory Building, not greater than eighteen feet (18') in height, including any free-standing Solar Energy Systems, located at least five feet (5') behind the front facade of the Main Building, is three feet (3'). See the following illustration:~~



~~6. On Corner Lots, the Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard, and the minimum Setback is ten feet (10') for both Main and Accessory Buildings.~~

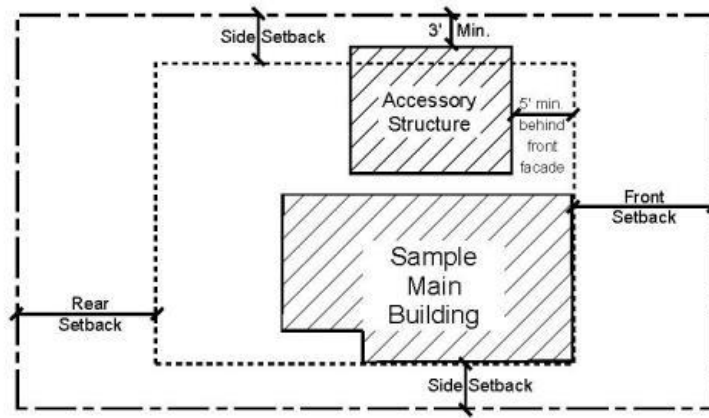
7. See Section 15-2.4-~~57~~ special requirements for Multi-Unit Dwellings.

- I. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Side Setback. ~~Only permitted on Lots with a Side Setback of five feet (5') or greater.~~

- 2548 2. Chimneys not more than five feet (5') wide and projecting not more than
- 2549 two feet (2') into the Side Setback. ⁴Only permitted on Lots with a Side
- 2550 Setback of five feet (5') or greater.
- 2551 3. Window wells and light wells projecting not exceeding the minimum
- 2552 International Residential Code (IRC) or International Building Code (IBC)
- 2553 requirements for egress may extend not more than four feet (4') into the
- 2554 Side Setback. ⁴Only permitted on Lots with a minimum required Side
- 2555 Setback of five feet (5') or greater. Should egress requirements be met
- 2556 within the building pad, no Rear Setback exception is permitted.
- 2557 4. Roof overhangs and eaves projecting not more than two feet (2') into the
- 2558 Side Setback. ⁴Only permitted on Lots with a Side Setback of five feet (5')
- 2559 or greater.
- 2560 5. Window sills, belt courses, cornices, trim, and other ornamental features
- 2561 projecting not more than six inches (6") beyond the ~~window or~~ main
- 2562 Structure to which they are attached.
- 2563 6. Fences, ~~or~~ walls, and retaining walls as permitted in Section 15-4-2
- 2564 Fences And Retaining Walls.
- 2565 7. Patios, decks, pathways, steps, and similar Structures not more than thirty
- 2566 inches (30") in height above Final Grade, not including any required
- 2567 handrail.
- 2568 8. One (1) private or Shared Driveways leading to a garage or approved
- 2569 Parking Area. See Section 15-2.4-11 Parking Regulations for additional
- 2570 requirements.
- 2571 9. Pathways and steps connecting to a City staircase or pathway.
- 2572 10. Mechanical equipment (which must be screened), hot tubs, or similar
- 2573 Structures located at least three feet (3') from the Side Lot Line.
- 2574 11. Detached Accessory Buildings, not more than eighteen feet (18') in height,
- 2575 and including any free-standing Solar Energy Systems, located at least
- 2576 five feet (5') behind the front façade of the Main Building, maintaining a

2577 minimum Side Setback of three feet (3'). See the following illustration:



- 2578
2579 J. **SNOW RELEASE.** Site plans and Building design must resolve snow release
2580 issues to the satisfaction of the Chief Building Official.
- 2581 K. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet
2582 (2') in height above road Grade shall be placed on any Corner Lot within the Site
2583 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
2584 enough to permit automobile drivers an unobstructed view. This provision must
2585 not require changes in the Natural Grade on the Site.

2586 ¹~~Applies only to Lots with a minimum Side Setback of five feet (5').~~

2587 HISTORY

2588 Adopted by Ord. 00-51 on 9/21/2000
2589 Amended by Ord. 06-69 on 10/19/2006
2590 Amended by Ord. 09-10 on 3/5/2009
2591 Amended by Ord. 15-35 on 10/12/2015
2592 Amended by Ord. 2016-44 on 9/15/2016
2593 Amended by Ord. 2018-27 on 5/31/2018
2594 Amended by Ord. 2018-43 on 7/19/2018

2595

2596 **15-2.4.5 Special Requirements For Multi-Unit Dwellings**

2597 A. **FRONT SETBACK.** The Front Setback for any Triplex, or Multi-Unit Dwelling is
2598 twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-
2599 five feet (25') from the Front Property Line. All Yards fronting any Street are
2600 considered Front Yards for the purposes of determining required Setbacks. See
2601 Section 15-2.4-4(D), Front Setback Exceptions.

2602 B. **REAR SETBACK.** The Rear Setback for a Triplex or Multi-Unit Dwelling is ten
2603 feet (10'). See Section 15-2.4-4(F), Rear Setback Exceptions.

~~C. **SIDE SETBACK.** The Side Setback for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Setback Exceptions.~~

~~D. **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section Chapter 15-15 Open Space. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing at least fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).~~

HISTORY

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

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

~~Amended by Ord. 12-37 on 12/20/2012~~

~~Amended by Ord. 13-42 on 10/17/2013~~

~~Amended by Ord. 2018-43 on 7/19/2018~~

15-2.4-64 Existing Historic Buildings And/Or Structures

Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

A. **EXCEPTION.** ~~For additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and in~~In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

HISTORY

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

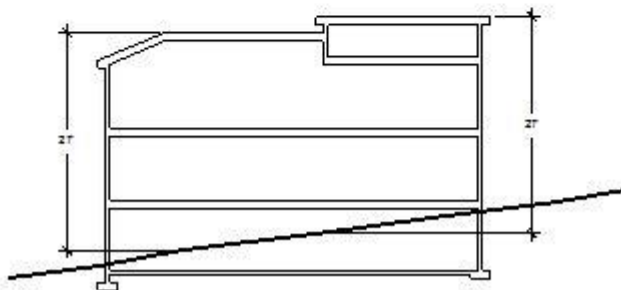
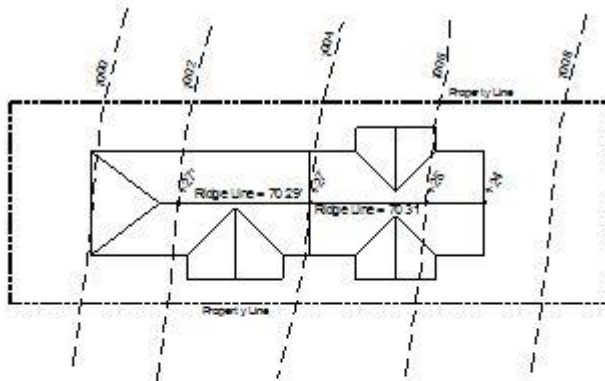
~~Amended by Ord. 06-69 on 10/19/2006~~

2644 Amended by Ord. 13-42 on 10/17/2013
2645 Amended by Ord. 2016-44 on 9/15/2016

2646

2647 **15-2.4-75 Building Height**

2648 No Structure shall be erected to a height greater than twenty-seven feet (27') from
2649 Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4')
2650 of Existing Grade, except for the placement of approved window wells, emergency
2651 egress, and a garage entrance.



2652

2653 A. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

2654 1. Antennas, chimney, flues, vents, and similar Structures may extend up to
2655 five feet (5') above the highest point of the Building to comply with
2656 International Building Code (IBC) requirements.

2657 2. Water towers, mechanical equipment, and Solar Energy Systems, when
2658 enclosed or Screened, may extend up to five feet (5') above the height of
2659 the Building. See LMC Section 15-5-5(G)(7)(a).

2660 3. Church spires, bell towers, and like architectural features as allowed under
2661 the Historic District Design Guidelines, may extend up to fifty percent
2662 (50%) above the Zone Height, but may not contain Habitable Space above
2663 the Zone Height. Such exception requires approval by the Planning
2664 Director.

- 2665 4. To accommodate a roof form consistent with the Design Guidelines for
2666 ~~Park City's~~ Historic Districts and Historic Sites, the Planning Director may
2667 grant additional Building Height provided that no more than twenty percent
2668 (20%) of the roof ridge line exceeds the Zone Height requirements and
2669 complies with height exception criteria in 15-2.2-6.
- 2670 5. Elevator Penthouses may extend up to eight feet (8') above the Zone
2671 Height.

2672 HISTORY

2673 *Adopted by Ord. 00-51 on 9/21/2000*

2674 *Amended by Ord. 06-69 on 10/19/2006*

2675 *Amended by Ord. 09-10 on 3/5/2009*

2676 *Amended by Ord. 15-35 on 10/12/2015*

2677 *Amended by Ord. 2018-27 on 5/31/2018*

2678

2679 **15-2.4-36 Conditional Use Permit Review**

2680 ~~The Planning Director~~Commission shall review any Conditional Use permit (CUP)
2681 Application in the HRM District and shall forward a recommendation to the Planning
2682 Commission regarding compliance with the Design Guidelines for Park City's Historic
2683 Districts and Historic Sites Chapter 15-13 and Chapter 15-5. The Planning Commission
2684 shall review the Application according to Conditional Use permit criteria set forth in
2685 Section 15-1-10. As well as the following:

- 2686 A. Consistent with the Design Guidelines for Park City's Historic Districts and
2687 Historic Sites.
- 2688 B. The Applicant may not alter the Historic Building and/or Structure to minimize the
2689 residential character of the Building.
- 2690 C. Dedication of a Facade Preservation Easement for Historic Buildings and/or
2691 Structures is required to assure preservation of the Historic Building and/or
2692 Structure is required and the Historic fabric of the surrounding neighborhood.
- 2693 D. New Buildings and additions must be in scale and Compatible with the mass,
2694 height, width, and Historic character of the surrounding residential neighborhood
2695 and existing Historic Buildings and/or Structures in the neighborhood. Larger
2696 Building masses should be located to rear of the Structure to minimize the
2697 perceived mass from the Street.
- 2698 E. Parking requirements of Section Chapter 15-3 shall be met. The Planning
2699 Commission may waive parking requirements for Historic Buildings and/or
2700 Structures. The Planning Commission may allow on-Street parallel parking
2701 adjacent to the Front Yard to count as parking for Historic Buildings and/or
2702 Structures, if the Applicant can document that the on-Street Parking will not
2703 impact adjacent Uses or create traffic circulation hazards. A traffic study,
2704 prepared by a registered Engineer, may be required.

F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

G. Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.

H. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 15-35 on 10/12/2015

15-2.4-57 Special Requirements For Multi-Unit Dwellings

A. **FRONT SETBACK.** The Front Setback for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4, Front Setback Exceptions.

B. **REAR SETBACK.** The Rear Setback for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4, Rear Setback Exceptions.

C. **SIDE SETBACK.** The Side Setback for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4, Side Setback Exceptions.

D. **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 shall apply. Parking is prohibited within the Open Space. See Chapter 15-15 Open Space. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing at least fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

HISTORY

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

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

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 13-42 on 10/17/2013

Amended by Ord. 2018-43 on 7/19/2018

15-2.4-8 Parking Regulations

~~A. Tandem Parking is allowed in the Historic District.~~

~~B. Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.~~

~~C. Common Parking Structures are allowed as a Conditional Use permit where it facilities:-~~

~~1. the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and~~

~~2. the reduction, mitigation or elimination of garage doors at the Street edge.~~

~~D. A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Section 15-1-10.~~

~~E. Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.~~

~~F. Turning radii are subject to review by the City Engineer as to function and design.~~

~~G. See Section 15-3 Off Street Parking for additional parking requirements.~~

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

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

15-2.4-98 Sullivan Road Access

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road ("Driveway"). "Limited Access" allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

A. **CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.** Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

B. **NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA.** The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

- 2784 1. **UTILITY CONSIDERATIONS.** Utility extensions from Park Avenue are
2785 preferred, which provide the least disturbance to the City Park and the
2786 public as a whole.
- 2787 2. **ENHANCED SITE PLAN CONSIDERATIONS.** These review criteria apply
2788 to both Sullivan Road and Park Avenue Street fronts:
- 2789 a. Variation in Front Yard and Building Setbacks to orient porches and
2790 windows onto Street fronts.
- 2791 b. Increased Front Setbacks.
- 2792 c. Increased snow storage.
- 2793 d. Increased Transferred Development Right (TDR) Open Space,
2794 and/or preservation of significant landscape elements.
- 2795 e. Elimination of Multi-Unit or Triplex Dwellings.
- 2796 f. Minimized Access to Sullivan Road.
- 2797 g. Decreased Density.
- 2798 3. **INCORPORATION OF PEDESTRIAN AND LANDSCAPE**
2799 **IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND**
2800 **EASTERN AVENUE.** Plans must save, preserve, or enhance pedestrian
2801 connections and landscape elements along the Streetscape, within the
2802 Development Site, and between Park Avenue and Sullivan Road.
- 2803 4. **PARKING MITIGATION.** Plans that keep the Front Setbacks clear of
2804 parking and minimize parking impacts near intensive Uses on Sullivan
2805 Road are positive elements of any Site plan.
- 2806 C. **AFFORDABLE HOUSING APPLICABILITY.** When the Development consists of
2807 fifty percent (50%) or more deed restricted Affordable Housing Units, per the
2808 City's most current Affordable Housing Resolution, Section 15-2.4-9(B) above
2809 does not apply.

2810 HISTORY

2811 *Adopted by Ord. 00-51 on 9/21/2000*

2812 *Amended by Ord. 06-69 on 10/19/2006*

2813 *Amended by Ord. 13-42 on 10/17/2013*

2814 *Amended by Ord. 2018-43 on 7/19/2018*

2815

2816 **15-2.4-129 Outdoor Events And Music**

2817 Outdoor events and music require an Administrative Conditional Use permit. The Use
2818 must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit
2819 a Site plan and written description of the event, addressing the following:

2820 A. Notification of adjacent Property Owners.

2821 B. No violation of the City Noise Ordinance, Title 6.

- 2822 C. Impacts on adjacent Residential Uses.
- 2823 D. Proposed plans for music, lighting, Structures, electrical, signs, etc.
- 2824 E. Parking demand and impacts on neighboring Properties.
- 2825 F. Duration and hours of operation.
- 2826 G. Impacts on emergency Access and circulation.

2827 HISTORY

2828 Adopted by Ord. 00-51 on 9/21/2000

2829

2830 **15-2.4-1110 Criteria For Bed And Breakfast Inns**

2831 A Bed and Breakfast Inn is a Conditional Use subject to an Administrative Conditional

2832 Use permit. No Conditional Use permit may be issued unless the following criteria are

2833 met:

- 2834 A. The Use is in a Historic Building and/or Structure, addition thereto, or a
- 2835 historically Compatible Structure.
- 2836 B. The Applicant will make every attempt to rehabilitate the Historic portion of the
- 2837 Structure.
- 2838 C. The Structure has at least two (2) rentable rooms. The maximum number of
- 2839 rooms will be determined by the Applicant's ability to mitigate neighborhood
- 2840 impacts.
- 2841 D. In a Historic Building and/or Structure, the size and configuration of the rooms
- 2842 are Compatible with the Historic character of the Building and neighborhood.
- 2843 E. The rooms are available for Nightly Rental only.
- 2844 F. An Owner/manager is living on-Site, or in Historic Buildings and/or Structures
- 2845 there must be twenty-four (24) hour on-Site management and check-in.
- 2846 G. Food service is for the benefit of overnight guests only.
- 2847 H. No Kitchen is permitted within rental room(s).
- 2848 I. Parking on-Site is required at a rate of one (1) space per rentable room. If no on-
- 2849 Site parking is possible, the Applicant must provide parking in close proximity to
- 2850 the Bed and Breakfast Inn. The Planning Director may waive the parking
- 2851 requirement for Historic Buildings and/or Structures if the Applicant proves that:
- 2852
- 2853 1. no on-Site parking is possible without compromising the Historic Building
- 2854 and/or Structure or Site, including removal of existing Significant
- 2855 Vegetation and all alternatives for proximate parking have been explored
- 2856 and exhausted; and
- 2857 2. the Structure is not economically feasible to restore or maintain without
- 2858 the adaptive Use.

J. The Use complies with Section 15-1-10, Conditional Use review.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

15-2.4-811 Parking Regulations

A. Tandem Parking is allowed in the Historic District.

B. Common driveways are One (1) Shared Driveway is allowed along shared Side or Rear Yard Property Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

C. Common Parking Structures are allowed as a Conditional Use permit where it facilities:

1. the Development of individual Buildings that more closely conform to the scale of Historic Buildings and/or Structures in the District; and

2. the reduction, mitigation or elimination of garage doors at the Street edge.

D. A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Section 15-1-10.

E. Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or approved Parking Area.

F. Turning radii are subject to review by the City Engineer as to function and design.

G. See Section Chapter 15-3 Off Street Parking for additional parking requirements.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

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

15-2.4-1012 Architectural Review

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation ~~LMC~~ Chapter 15-11, and Architectural Review ~~LMC~~ Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 09-23 on 7/9/2009

Amended by Ord. 15-53 on 12/17/2015

~~15-2.4.11 Criteria For Bed And Breakfast Inns~~

~~A Bed and Breakfast Inn is a Conditional Use subject to an Administrative Conditional Use permit. No Conditional Use permit may be issued unless the following criteria are met:~~

~~K. The Use is in a Historic Structure, addition thereto, or a historically Compatible Structure.~~

~~L. The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.~~

~~M. The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.~~

~~N. In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.~~

~~O. The rooms are available for Nightly Rental only.~~

~~P. An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.~~

~~Q. Food service is for the benefit of overnight guests only.~~

~~R. No Kitchen is permitted within rental room(s).~~

~~S. Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Bed and Breakfast Inn. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:~~

~~1. no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and~~

~~2. the Structure is not economically feasible to restore or maintain without the adaptive Use.~~

~~T. The Use complies with Section 15-1-10, Conditional Use review.~~

2935 ~~HISTORY~~
2936 ~~Adopted by Ord. 00-51 on 9/21/2000~~
2937 ~~Amended by Ord. 06-69 on 10/19/2006~~

2938

2939 **15-2.4-12 Outdoor Events And Music**

2940 ~~Outdoor events and music require an Administrative Conditional Use permit. The Use~~
2941 ~~must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit~~
2942 ~~a Site plan and written description of the event, addressing the following:~~

2943 ~~H. Notification of adjacent Property Owners.~~

2944 ~~I. No violation of the City Noise Ordinance, Title 6.~~

2945 ~~J. Impacts on adjacent Residential Uses.~~

2946 ~~K. Proposed plans for music, lighting, Structures, electrical, signs, etc.~~

2947 ~~L. Parking demand and impacts on neighboring Properties.~~

2948 ~~M. Duration and hours of operation.~~

2949 ~~N. Impacts on emergency Access and circulation.~~

2950 ~~HISTORY~~
2951 ~~Adopted by Ord. 00-51 on 9/21/2000~~

2952

2953 **15-2.4-13 Vegetation Protection**

2954 The Property Owner must protect Significant Vegetation during any Development
2955 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
2956 measured four and one-half feet (4 ½') above the ground, groves of small trees, or
2957 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
2958 measured at the drip line.

2959 Development plans must show all Significant Vegetation within twenty feet (20') of a
2960 proposed Development. The Property Owner must demonstrate the health and viability
2961 of all large trees through a certified arborist. The Planning Director shall determine the
2962 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2963 consistent with Landscape Criteria in ~~LMC Chapter~~Section 15-3-3 and Title 14.

2964 ~~HISTORY~~
2965 ~~Adopted by Ord. 00-51 on 9/21/2000~~
2966 ~~Amended by Ord. 06-69 on 10/19/2006~~

2967

2968 **15-2.4-14 Signs**

2969 Signs are allowed in the HRM District as provided in the Park City Sign Code, Title 12.

2970 ~~HISTORY~~
2971 ~~Adopted by Ord. 00-51 on 9/21/2000~~

2972

2973 **15-2.4-15 Related Provisions**

- 2974 • Fences And Retaining Walls. LMC Chapter Section 15-4-2.
- 2975 • Accessory Apartments. LMC Chapter Section 15-4-7.
- 2976 • Placement of Satellite Receiving Antennas. LMC Chapter Section 15-5-13.
- 2977 • Telecommunication ~~Facility~~Facilities. LMC Chapter Section 15-5-14.
- 2978 • Off-Street Parking. LMC Chapter 15-3.
- 2979 • Landscaping. Title 14; LMC Chapter Section 15-3.3(D)15-3-3 and Chapter 15-5.
- 2980 • Lighting. LMC Chapters Sections 15-3-3(C), 15-5-5(I).
- 2981 • Historic Preservation-~~Board~~. LMC Chapter 15-11.
- 2982 • Park City Sign Code. Title 12.
- 2983 • Architectural Review. LMC Chapter15-5.
- 2984 • Snow Storage. LMC Chapter Section 15-3.3(E) 15-3-3.
- 2985 • Parking Ratio Requirements. LMC Chapter Section 15-3-6.

2986 HISTORY

2987 *Adopted by Ord. 00-51 on 9/21/2000*

2988 **15-2.5 Historic Recreation Commercial (HRC) District**

2989 15-2.5-1 Purpose

2990 15-2.5-2 Uses

2991 15-2.5-3 Lot And Site Requirements

2992 15-2.5-4 Access

2993 15-2.5-64 Existing Historic Buildings And/Or Structures

2994 15-2.5-5 Building Height

2995 15-2.5-6 Existing Historic Structures

2996 15-2.5-106 Heber Avenue Sub-Zone

2997 15-2.5-47 Access

2998 15-2.5-98 Service AccessAccess, Service, and Delivery

2999 15-2.5-7 Architectural Review

3000 15-2.5-89 Mechanical Service

3001 15-2.5-9 Service Access

3002 15-2.5-10 Heber Avenue Sub-Zone

3003 15-2.5-1210 Criteria For Bed And Breakfast Inns

3004 15-2.5-11 Parking Regulations

3005 15-2.5-12 Criteria For Bed And Breakfast Inns

3006 15-2.5-712 Architectural Review

3007 15-2.5-13 Goods And Uses To Be Within Enclosed Building

3008 15-2.5-1413 Vegetation Protection

3009 15-2.5-1514 Signs

3010 15-2.5-1615 Related Provisions

3011

3012 **15-2.5-1 Purpose**

3013 The purpose of the Historic Recreation Commercial (HRC) District is to:

3014 A. maintain and enhance characteristics of Historic Streetscape elements such as
3015 yards, trees, vegetation, and porches. 15-2.5-1

3016 B. encourage pedestrian oriented, pedestrian-scale Development. 15-2.5-1

3017 C. minimize visual impacts of automobiles and parking. 15-2.5-1

3018 D. preserve and enhance landscaping and public spaces adjacent to Streets and
3019 thoroughfares. 15-2.5-1

3020 E. provide a transition in scale and land Uses between the HR-1 and HCB Districts
3021 that retains the character of Historic Buildings and/or Structures in the Area. 15-2.5-1

3022 F. provide a moderate Density bed base at the Town Lift. 15-2.5-1

3023 G. allow for limited retail and Commercial Uses consistent with resort bed base and
3024 the needs of the local community. 15-2.5-1

3025 H. encourage preservation and rehabilitation of Historic Buildings and/or Structures
3026 and resources. 15-2.5-1 and

3027 I. maintain and enhance the long term viability of the downtown core as a
3028 destination for residents and tourists by ensuring a Business mix that encourages

3029 a high level of vitality, public Access, vibrancy, activity, and public/resort-related
3030 attractions.

3031 HISTORY

3032 *Adopted by Ord. 00-51 on 9/21/2000*

3033 *Amended by Ord. 07-55 on 8/30/2007*

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3035 **15-2.5-2 Uses**

3036 Uses in the HRC are limited to the following:

3037 A. **ALLOWED USES.**¹⁰

- 3038 1. Single Family Dwelling⁵
- 3039 2. Duplex Dwelling⁵
- 3040 3. Secondary Living Quarters⁵
- 3041 4. Lockout Unit^{1,5}
- 3042 5. Accessory Apartment^{2,5}
- 3043 6. Nightly Rental⁵
- 3044 7. Home Occupation⁵
- 3045 8. Child Care, In-Home Babysitting
- 3046 9. Child Care, Family³
- 3047 10. Child Care, Family Group³
- 3048 11. Child Care Center³
- 3049 12. Accessory Building and Use
- 3050 13. Conservation Activity
- 3051 14. Agriculture
- 3052 15. Bed and Breakfast Inn^{4,5}
- 3053 16. Boarding House, Hostel⁵
- 3054 17. Hotel, Minor, fewer than 16 rooms⁵
- 3055 18. Office, General⁵
- 3056 19. Parking Area or Structure, with four (4) or fewer spaces⁵
- 3057 20. Food Truck Location¹¹

3058 B. **CONDITIONAL USES.**^{9, 10}

- 3059 1. Triplex Dwelling⁵
- 3060 2. Multi-Unit Dwelling⁵
- 3061 3. Guest House, on Lots one acre⁵
- 3062 4. Group Care Facility⁵
- 3063 5. Public and Quasi-Public Institution, Church, School
- 3064 6. Essential Municipal Public Utility Use, Facility, Service and Structure
- 3065 7. Telecommunication Antenna⁶
- 3066 8. Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- 3067 9. Plant and Nursery stock products and sales
- 3068 10. Hotel, Major⁵
- 3069 11. Timeshare Projects and Conversions⁵
- 3070 12. Private Residence Club Project and Conversion^{4,5}
- 3071 13. Office, Intensive⁵

- 3072 14. Office and Clinic, Medical⁵
- 3073 15. Financial Institution, without drive-up window⁸
- 3074 16. Commercial Retail and Service, Minor⁸
- 3075 17. Commercial Retail and Service, personal improvement⁸
- 3076 18. Neighborhood Convenience Commercial, without gasoline sales
- 3077 19. Café or Deli⁸
- 3078 20. Restaurant, General⁸
- 3079 21. Restaurant and café, Outdoor Dining⁴
- 3080 22. Outdoor Events and Uses⁴
- 3081 23. Bar
- 3082 24. Parking Area or Structure, with five (5) or more spaces⁵
- 3083 25. Temporary Improvement⁴
- 3084 26. Passenger Tramway Station and Ski Base Facility
- 3085 27. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- 3086 28. Recreation Facility, Commercial, Public, and Private
- 3087 29. Entertainment Facility, Indoor
- 3088 30. Fences greater than six feet (6') in height from Final Grade⁴
- 3089 31. Private Residence Club, Off-Site⁵
- 3090 32. Private Event Facility⁵
- 3091 33. Special Events⁴

3092 C. **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed above
 3093 as an Allowed or Conditional Use is a prohibited Use.

3094 ¹Nightly rental of Lockout Units requires a Conditional Use permit.

3095 ²See LMG Chapter Section 15-4-7, Supplementary Regulations for Accessory
 3096 Apartments.

3097 ³See LMG Chapter Section 15-4-9, for Child Care Regulations And Child Care Facilities.

3098 ⁴Requires an Administrative or Administrative Conditional Use permit, see
 3099 SectionChapter 15-4.

3100 ⁵Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue
 3101 and Park Avenue, excluding those HRC Zoned Properties on the west side of Park
 3102 Avenue and also excluding those HRC Zoned Properties with the following addresses:
 3103 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780
 3104 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street, 890 Main
 3105 Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within
 3106 Storefront Property; however access, circulation, and lobby areas are permitted within
 3107 Storefront Property.

3108 ⁶See LMG Chapter Section 15-4-14, Supplemental Regulations For Telecommunication
 3109 Facilities.

3110 ⁷See LMG Chapter Section 15-4-13, Supplemental Regulations For Placement of
 3111 Satellite Receiving Antennas.

3112 ⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed
 3113 Use.

⁹No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

¹⁰Within the HRC Zoning District, no more than seven (7) Conventional Chain Businesses are permitted in Storefront Properties.

¹¹The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

HISTORY

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

Amended by Ord. 04-39 on 3/18/2004

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 07-55 on 8/30/2007

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

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 16-02 on 1/7/2016

Amended by Ord. 2017-45 on 8/17/2017

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

15-2.5-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

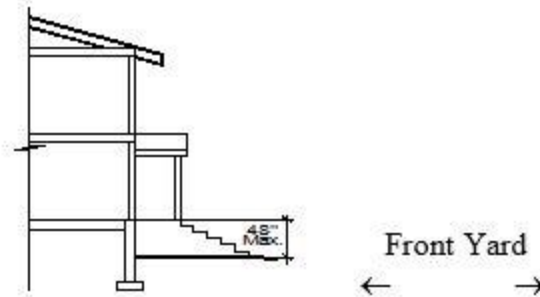
A. **FRONT SETBACK**. The minimum Front Setback is ten feet (10').

B. **FRONT SETBACK EXCEPTIONS**. The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.

2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by

3150 obstructing the view of the Street or intersection.



- 3151
- 3152 3. Decks, porches, and Bay Windows, not more than ten feet (10') wide,
- 3153 projecting not more than three feet (3') into the Front Setback.
- 3154 4. Roof overhangs, eaves, and cornices, projecting not more than three feet
- 3155 (3') into the Front Setback.
- 3156 5. Sidewalks, patios, and pathways.
- 3157 6. Driveways leading to a garage or approved Parking Area. No portion of a
- 3158 Front Yard, except for approved driveways, allowed Parking Areas, patios,
- 3159 and sidewalks may be Hard-Surfaced or graveled.

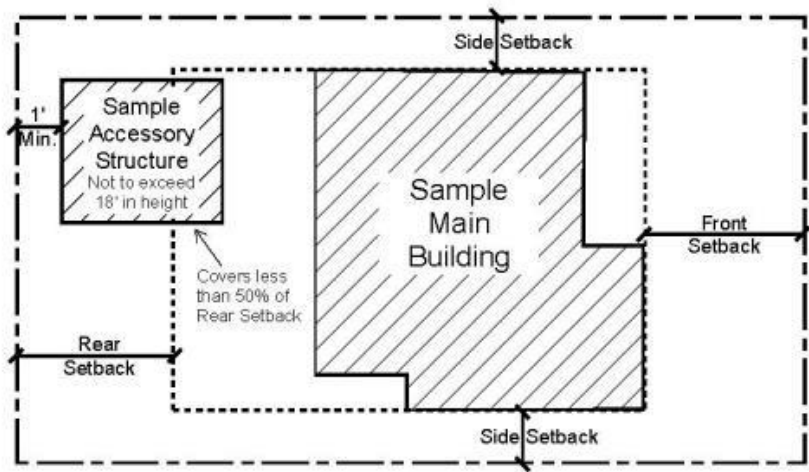
3160 C. **REAR SETBACK**. The minimum Rear Setback is ten feet (10').

3161 D. **REAR SETBACK EXCEPTIONS**. The Rear Setback must be open and free of

3162 any Structure except:

- 3163 1. Bay Windows not more than ten feet (10') wide projecting not more than
- 3164 two feet (2') into the Rear Setback.
- 3165 2. Chimneys not more than five feet (5') wide projecting not more than two
- 3166 feet (2') into the Rear Setback.
- 3167 3. Window wells and light wells projecting not more than four feet (4') into the
- 3168 Rear Setback.
- 3169 4. Window wells and light wells not exceeding the minimum International
- 3170 Residential Code (IRC) or International Building Code (IBC) requirements
- 3171 for egress may projecting not more than four feet (4') into the Rear
- 3172 Setback. Should egress requirements be met within the building pad, no
- 3173 Rear Setback exception is permitted.
- 3174 5. Roof overhangs and eaves projecting not more than two feet (2') into the
- 3175 Rear Setback.
- 3176 6. Window sills, belt courses, cornices, trim, exterior siding, or other
- 3177 ornamental features projecting not more than six inches (6") beyond the
- 3178 ~~window or~~ main Structure to which it is attached.
- 3179 7. Detached Accessory Buildings, not more than eighteen feet (18') in height,
- 3180 and including any free-standing Solar Energy Systems, located a
- 3181 minimum of five feet (5') behind the front facade of the Main Building, and

maintaining a minimum Rear Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



8. A Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
9. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
10. Fences, walls, and retaining walls ~~not more than six feet (6') in height, or~~ as permitted in Section 15-4-2.
11. Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least five feet (5') from the Rear Lot Line.
12. One (1) Shared Driveway leading to a garage or approved Parking Area. See Section 15-2.5-11 Parking Regulations for additional requirements.

E. SIDE SETBACK.

1. The minimum Side Setback is five feet (5').
2. On Corner Lots, the ~~Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard, and the~~ minimum Side Setback that faces a side Street or platted Right-of-Way is ten feet (10') for both Main and Accessory Buildings.
3. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief

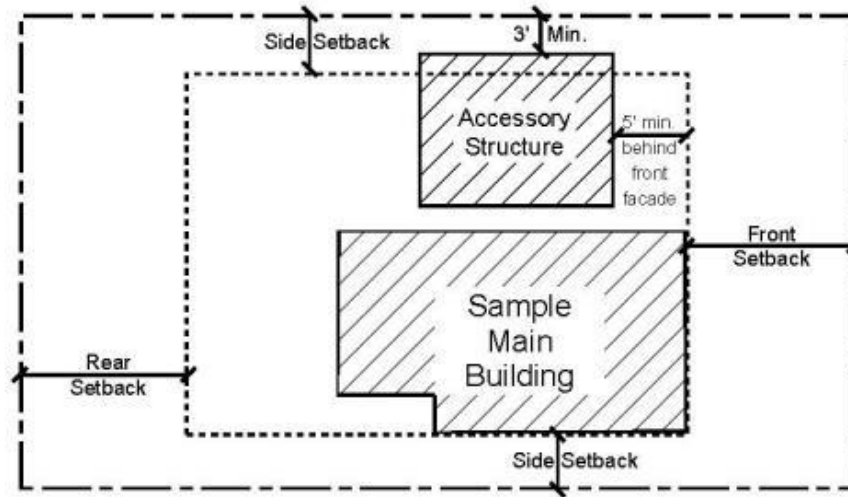
3207 Building Official, all applicable Building and Fire Code requirements are
3208 met, and the Use is an Allowed or Conditional Use in the Zoning District.

3209 a. Exterior Side Setbacks shall be based on the minimum required
3210 Side Setback for each Lot; however the Planning Commission may
3211 consider increasing exterior Side Setbacks during Conditional Use
3212 Permit review to mitigate potential impacts on adjacent Property.
3213 Side Yard exceptions continue to apply.

3214 F. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any
3215 Structure except:

- 3216 1. Bay Windows, not more than ten feet (10') wide, and projecting not more
3217 than two feet (2') into the Side Setback.
- 3218 2. Chimneys not more than five feet (5') wide, and projecting not more than
3219 two feet (2') into the Side Setback.
- 3220 3. Window wells and light wells not exceeding the minimum International
3221 Residential Code (IRC) or International Building Code (IBC) requirements
3222 for egress may projecting not more than four feet (4') into the Side
3223 Setback. Should egress requirements be met within the building pad, no
3224 Side Setback exception is permitted.
- 3225 4. Roof overhangs and eaves projecting not more than two feet (2') into the
3226 Side Setback.
- 3227 5. Window sills, belt courses, cornices, trim, exterior siding, and other
3228 ornamental features, projecting not more than six inches (6") beyond the
3229 ~~window or~~ main Structure to which it is attached.
- 3230 ~~6. Roof overhangs and eaves projecting not more than two feet (2') into the~~
3231 ~~Side Setback.~~
- 3232 7. Patios, decks, pathways, steps, and similar Structures not more than thirty
3233 inches (30") in height from Final Grade, not including any required
3234 handrail, and located provided there is at least a one foot (1') Setback to
3235 from the Side Lot Line.
- 3236 8. Fences, walls, and retaining walls ~~not more than six feet (6'), or~~ as
3237 permitted in Section 15-4-2.
- 3238 9. One (1) private or Shared Driveways leading to a garage or approved
3239 Parking Area. See Section 15-2.5-11 Parking Regulations for additional
3240 requirements.
- 3241 10. Pathways and steps connecting to a City stairway or pathway.
- 3242 11. Detached Accessory Buildings, not more than eighteen feet (18') in height,
3243 and including any free-standing Solar Energy Systems, located a
3244 minimum of five feet (5') behind the front facade of the Main Building,
3245 maintaining a minimum Side Setback Setback of three feet (3'). See the

3246 following illustration:



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12. A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

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13. Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

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G. **FLOOR AREA RATIO.** In all projects within the HRC Zone:

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1. **STRUCTURES BUILT AFTER OCTOBER 1, 1985.** Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.

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2. **STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985.** Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

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H. **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

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I. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

J. **VERTICAL ZONING.** For HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue, and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side Storefronts), 780 Main Street, 804 Main Street (for the plaza side Storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue, new Construction and Construction adding Floor Area to a Building or Lot, shall have a minimum of seventy-five-percent (75%) of the width of the Building facade as Storefront Property.

K. **STOREFRONT ENHANCEMENT ZONING.** The maximum width of any Storefront Property Facade abutting Main Street or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures. A Storefront Property Facade shall have a storefront entrance door for pedestrian access.

If the Historic storefront entrance, located in the Historic portion of a structure listed on the Historic Sites Inventory, is more than eight feet (8') above the grade of the adjacent Main Street and/or Heber Avenue, then the First Story in the Historic portion of the Historic ~~Building and/or Structure~~structure located adjacent to Main Street and/or Heber Avenue shall not be calculated in the maximum Storefront Property Facade width.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

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

Amended by Ord. 16-02 on 1/7/2016

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

Amended by Ord. 2017-09 on 4/27/2017

Amended by Ord. 2018-27 on 5/31/2018

Amended by Ord. 2018-43 on 7/19/2018

15-2.5-4 Access

~~A. **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.~~

~~B. **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.~~

~~HISTORY~~

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

15-2.5-64 Existing Historic Buildings And/Or Structures

Historic Buildings and/or Structures that do not comply with Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, driveway location standards, and Building height.

A. **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Director may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings and/or Structures:

1. Upon approval of a Conditional Use Permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

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

15-2.5-5 Building Height

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

A. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1. Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
2. Antennas, chimneys, flues, vents, and similar Structures, 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 Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the height of the Building. See LMC Section 15-5-5(G)(7)(a).
4. Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

- 3350 5. An Elevator Penthouse may extend up to eight feet (8') above the Zone
3351 Height.
- 3352 6. To accommodate a roof form consistent with the Historic District Design
3353 Guidelines, the Planning Director may grant additional Building Height
3354 provided that no more than twenty percent (20%) of the roof ridge line
3355 exceeds the height requirement and complies with height exception
3356 criteria in Section ~~15-2.2-6(B)(10)~~ 15-2.5-5.

3357 HISTORY

3358 *Adopted by Ord. 00-51 on 9/21/2000*
3359 *Amended by Ord. 06-69 on 10/19/2006*
3360 *Amended by Ord. 07-55 on 8/30/2007*
3361 *Amended by Ord. 09-10 on 3/5/2009*
3362 *Amended by Ord. 2018-27 on 5/31/2018*

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3364 **15-2.5-6 Existing Historic Structures**

3365 ~~Historic Structures that do not comply with Building Height, Building Setbacks, Off-~~
3366 ~~Street parking, and driveway location standards are valid Non-Complying Structures.~~
3367 ~~Additions to Historic Structures are exempt from Off-Street parking requirements~~
3368 ~~provided the addition does not create a Lockout Unit or an Accessory Apartment.~~
3369 ~~Additions must comply with Building Setbacks, driveway location standards, and~~
3370 ~~Building height.~~

3371 ~~B. **EXCEPTION.** In order to achieve new construction consistent with the Historic~~
3372 ~~District Design Guidelines, the Planning Director may grant an exception to the~~
3373 ~~Building Setbacks and driveway location standards for additions to Historic~~
3374 ~~Buildings:~~

- 3375 ~~1. Upon approval of a Conditional Use Permit, and~~
3376 ~~2. When the scale of the addition and/or driveway is Compatible with the~~
3377 ~~Historic Structure, and~~
3378 ~~3. When the addition complies with all other provisions of this Chapter, and~~
3379 ~~4. When the addition complies with the adopted Building and Fire Codes,~~
3380 ~~and~~
3381 ~~5. When the addition complies with the Design Guidelines for Historic~~
3382 ~~Districts and Sites.~~

3383 HISTORY

3384 *Adopted by Ord. 00-51 on 9/21/2000*
3385 *Amended by Ord. 06-69 on 10/19/2006*
3386 *Amended by Ord. 2016-44 on 9/15/2016*

3387

3388 **15-2.5-106 Heber Avenue Sub-Zone**

Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:

A. The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.

B. The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

C. The Floor Area Ratio limitation of the HRC District does not apply.

HISTORY

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

15-2.5-47 Access

A. **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

B. **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

HISTORY

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

15-2.5-98 ~~Service Access~~Access, Service, and Delivery

Service areas must be properly Screened. The loading and unloading of goods must take place entirely on the Site. Loading areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for Conditional Use Permit and architectural review.

All Structures must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and architectural review by the Planning, Engineering, and Building Departments. Refuse storage must be Screened, enclosed, and properly ventilated. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

HISTORY

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

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

15-2.5-7 Architectural Review

3427 ~~Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning~~
3428 ~~Department shall review the proposed plans for compliance with the Design Guidelines~~
3429 ~~for historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and~~
3430 ~~Architectural Review LMC Chapter 15-5.~~

3431 ~~Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
3432 ~~Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by~~
3433 ~~the Board of Adjustment as outlined in Section 15-1-18 of the Code.~~

3434 **HISTORY**

3435 ~~Adopted by Ord. 00-51 on 9/21/2000~~

3436 ~~Amended by Ord. 06-69 on 10/19/2006~~

3437 ~~Amended by Ord. 09-23 on 7/9/2009~~

3438 ~~Amended by Ord. 15-53 on 12/17/2015~~

3439

3440 **15-2.5-89 Mechanical Service**

3441 All exterior mechanical equipment must be Screened to minimize noise infiltration to
3442 adjoining Properties and to mitigate visual impacts on nearby Properties, including
3443 those Properties located above the roof tops of Structures in the HRC District, and
3444 general public view.

3445 All mechanical equipment must be shown on the plans prepared for Conditional Use
3446 Permit and/or architectural review ~~by the Planning, Engineering, and Building~~
3447 ~~Departments. The Planning Department will approve or reject the location, Screening~~
3448 ~~and painting of such equipment as part of the architectural review process. All~~
3449 ~~Structures must provide a means of storing refuse generated by the Structure's~~
3450 ~~occupants. All refuse storage facilities must be shown on the plans prepared for~~
3451 ~~Conditional Use Permit and architectural review. Refuse storage must be Screened,~~
3452 ~~enclosed, and properly ventilated.~~

3453 **HISTORY**

3454 ~~Adopted by Ord. 00-51 on 9/21/2000~~

3455 ~~Amended by Ord. 06-69 on 10/19/2006~~

3456 ~~Amended by Ord. 2016-44 on 9/15/2016~~

3457

3458 **15-2.5-9 Service Access**

3459 ~~Service areas must be properly Screened. The loading and unloading of goods must~~
3460 ~~take place entirely on the Site. Loading areas must be Screened from general public~~
3461 ~~view. All loading areas shall be shown on the plans prepared for Conditional Use Permit~~
3462 ~~and architectural review.~~

3463 **HISTORY**

3464 ~~Adopted by Ord. 00-51 on 9/21/2000~~

3465 ~~Amended by Ord. 2016-44 on 9/15/2016~~

3466

15-2.5-10 Heber Avenue Sub-Zone

~~Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:~~

~~D. The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.~~

~~E. The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.~~

~~F. The Floor Area Ratio limitation of the HRC District does not apply.~~

HISTORY

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

15-2.5-1210 Criteria For Bed And Breakfast Inns

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No Administrative Conditional Use permit may be issued unless the following criteria are met:

A. The Use is in a Historic Building and/or Structure or addition thereto, or a historically Compatible Structure.

B. The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

C. The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

D. In Historic Buildings and/or Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

E. The rooms are available for Nightly Rental only.

F. An Owner/manager is living on-Site, or in Historic Buildings and/or Structures there must be twenty-four (24) hour on-Site management and check-in.

G. Food service is for the benefit of overnight guests only.

H. No Kitchen is permitted within rental room(s).

I. Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Buildings and/or Structures if the Applicant proves that:

1. no on-Site parking is possible without compromising the Historic Building and/or Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

3505 2. the Structure is not economically feasible to restore or maintain without
3506 the adaptive Use.

3507 J. The Use complies with Section 15-1-10, Conditional Use review.

3508 HISTORY

3509 Adopted by Ord. 00-51 on 9/21/2000

3510 Amended by Ord. 06-69 on 10/19/2006

3511

3512 **15-2.5-11 Parking Regulations**

3513 A. Tandem Parking is allowed in the Historic District.

3514 B. ~~Common driveways are~~ One (1) Shared Driveway is allowed along shared Side
3515 or Rear Yard Property Lot Lines to provide Access to parking in the rear of the
3516 Main Building, or below Grade, if both Properties are deed restricted to allow for
3517 the perpetual use of the shared drive.

3518 C. Common Parking Structures are allowed where such a grouping facilitates:

3519 1. the Development of individual Buildings that more closely conform to the
3520 scale of Historic Buildings and/or Structures in the District; and

3521 2. the reduction, mitigation, or elimination of garage doors at the Street edge.

3522 D. A common Parking Structure may occupy below Grade Side Setbacks between
3523 participating Developments if the Structure maintains all Setbacks above Grade.
3524 Common Parking Structures are subject to a Conditional Use Review, Section
3525 15-1-10.

3526 E. Driveways between Structures are allowed to eliminate garage doors facing the
3527 Street, to remove cars from on-Street parking, and to reduce paved Areas,
3528 provided the driveway leads to an approved garage or approved Parking Area.

3529 F. Turning radii are subject to review by the City Engineer as to function and design.

3530 G. See ~~Section~~Chapter 15-3 Off Street Parking for additional parking requirements.

3531 HISTORY

3532 Adopted by Ord. 00-51 on 9/21/2000

3533 Amended by Ord. 06-69 on 10/19/2006

3534 Amended by Ord. 09-10 on 3/5/2009

3535 Amended by Ord. 2018-43 on 7/19/2018

3536

3537 **15-2.5-12 Criteria For Bed And Breakfast Inns**

3538 ~~A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use~~
3539 ~~permit. No Administrative Conditional Use permit may be issued unless the following~~
3540 ~~criteria are met:~~

3541 ~~K. The Use is in a Historic Structure or addition thereto, or a historically Compatible~~
3542 ~~Structure.~~

3543 ~~L. The Applicant will make every attempt to rehabilitate the Historic portion of the~~
 3544 ~~Structure.~~
 3545 ~~M. The Structure has at least two (2) rentable rooms. The maximum number of~~
 3546 ~~rooms will be determined by the Applicant's ability to mitigate neighborhood~~
 3547 ~~impacts.~~
 3548 ~~N. In Historic Structures, the size and configuration of the rooms are Compatible~~
 3549 ~~with the Historic character of the Building and neighborhood.~~
 3550 ~~O. The rooms are available for Nightly Rental only.~~
 3551 ~~P. An Owner/manager is living on-Site, or in Historic Structures there must be~~
 3552 ~~twenty-four (24) hour on-Site management and check-in.~~
 3553 ~~Q. Food service is for the benefit of overnight guests only.~~
 3554 ~~R. No Kitchen is permitted within rental room(s).~~
 3555 ~~S. Parking on-Site is required at a rate of one (1) space per rentable room. The~~
 3556 ~~Planning Director may waive the parking requirement for Historic Structures if the~~
 3557 ~~Applicant proves that:~~
 3558 ~~1. no on-Site parking is possible without compromising the Historic Structure~~
 3559 ~~or Site, including removal of existing Significant Vegetation, and all~~
 3560 ~~alternatives for proximate parking have been explored and exhausted; and~~
 3561 ~~2. the Structure is not economically feasible to restore or maintain without~~
 3562 ~~the adaptive Use.~~
 3563 ~~T. The Use complies with Section 15-1-10, Conditional Use review.~~
 3564 ~~HISTORY~~
 3565 ~~Adopted by Ord. 00-51 on 9/21/2000~~
 3566 ~~Amended by Ord. 06-69 on 10/19/2006~~
 3567
 3568 **15-2.5-712 Architectural Review**
 3569 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
 3570 Department shall review the proposed plans for compliance with the Design Guidelines
 3571 for historic Districts and Historic Sites Chapter 15-13, Historic Preservation LMG
 3572 Chapter 15-11, and Architectural Review LMG Chapter 15-5.
 3573 Appeals of departmental actions on compliance with the Design Guidelines for Historic
 3574 Districts and Historic Sites Chapter 15-13, Historic Preservation LMG Chapter 15-11,
 3575 and Architectural Review LMG Chapter 15-5 are heard by the Board of Adjustment as
 3576 outlined in Section 15-1-18 of the Code.
 3577 ~~HISTORY~~
 3578 ~~Adopted by Ord. 00-51 on 9/21/2000~~
 3579 ~~Amended by Ord. 06-69 on 10/19/2006~~
 3580 ~~Amended by Ord. 09-23 on 7/9/2009~~
 3581 ~~Amended by Ord. 15-53 on 12/17/2015~~

15-2.5-13 Goods And Uses To Be Within Enclosed Building

~~A. **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.5-13(B)(3) for outdoor display of bicycles, kayaks, and canoes.~~

~~B. **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental Actions are heard by the Planning Commission.~~

~~1. **OUTDOOR DINING.** Outdoor dining requires an Administrative Conditional Use Permit and is subject to the following criteria:~~

- ~~a. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.~~
- ~~b. The proposed seating Area does not impede pedestrian circulation.~~
- ~~c. The proposed seating Area does not impede emergency Access or circulation.~~
- ~~d. The proposed furniture is Compatible with the Streetscape.~~
- ~~e. No music or noise is in excess of the City Noise Ordinance, Title 6.~~
- ~~f. No Use after 10:00 p.m.~~
- ~~g. Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.~~

~~2. **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Conditional Use permit and are subject to the following criteria:~~

- ~~a. The Use is on private Property or leased public Property and does not diminish parking or landscaping.~~
- ~~b. The Use is only for the sale of food or beverages in a form suited for immediate consumption.~~
- ~~c. The Use is Compatible with the neighborhood.~~

- 3620 d. ~~The proposed service station does not impede pedestrian~~
3621 ~~circulation.~~
- 3622 e. ~~The proposed service station does not impede emergency Access~~
3623 ~~or circulation.~~
- 3624 f. ~~Design of the service station is Compatible with the adjacent~~
3625 ~~Building and Streetscape.~~
- 3626 g. ~~No violation of the City Noise Ordinance, Title 6.~~
- 3627 h. ~~Compliance with the City Sign Code, Title 12.~~
- 3628 **3. ~~OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS,~~**
3629 **~~MOTORIZED SCOOTERS, AND CANOES.~~** Outdoor storage and display
3630 of bicycles, kayaks, motorized scooters, and canoes, requires an
3631 Administrative Permit subject to the following criteria:
- 3632 a. ~~The Area of the proposed bicycle, kayak, motorized scooters, or~~
3633 ~~canoe storage or display is on private Property and not in Areas of~~
3634 ~~required parking or landscaped planting beds.~~
- 3635 b. ~~Bicycles, kayaks, and canoes may be hung on a Historic Structure~~
3636 ~~if sufficient Site Area is not available, provided the display does not~~
3637 ~~impact or alter the architectural integrity or character of the~~
3638 ~~Structure.~~
- 3639 c. ~~No more than a total of fifteen (15) pieces of equipment may be~~
3640 ~~displayed.~~
- 3641 d. ~~Outdoor display is only allowed during Business hours.~~
- 3642 e. ~~Additional outdoor storage Areas may be considered for rental~~
3643 ~~bicycles or motorized scooters, provided there are no or only~~
3644 ~~minimal impacts on landscaped Areas, Parking Spaces, and~~
3645 ~~pedestrian and emergency circulation.~~
- 3646 **4. ~~OUTDOOR EVENTS AND MUSIC.~~** Outdoor events and music require an
3647 Administrative Conditional Use permit. The Use must also comply with
3648 Section 15-1-10, Conditional Use review. The Applicant must submit a
3649 Site plan and written description of the event, addressing the following:
- 3650 a. ~~Notification of adjacent Property Owners.~~
- 3651 b. ~~No violation of the City Noise Ordinance, Title 6.~~
- 3652 c. ~~Impact on adjacent residential Uses.~~
- 3653 d. ~~Proposed plans for music, lighting, Structures, electrical, sign, etc.~~
- 3654 e. ~~Parking demand and impacts on neighboring Properties.~~
- 3655 f. ~~Duration and hours of operation.~~
- 3656 g. ~~Impacts on emergency Access and circulation.~~

~~5. **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to an Administrative Permit subject to the following criteria:~~

- ~~a. The display is immediately available for purchase at the Business displaying the item.~~
- ~~b. The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.~~
- ~~c. The display is prohibited from being permanently affixed to any building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.~~
- ~~d. the display does not diminish parking or landscaping.~~
- ~~e. The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.~~
- ~~f. The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.~~
- ~~g. The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.~~
- ~~h. No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.~~
- ~~i. No additional signs are allowed. A sales tag, four (4) square inches or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.) The proposed display shall be in~~

3699 compliance with the City Sign Code, Municipal Code Title 12, the
3700 City's Licensing Code, Municipal Code Title 4, and all other
3701 requisite City codes.

3702 **HISTORY**

3703 *Adopted by Ord. 00-51 on 9/21/2000*

3704 *Amended by Ord. 05-49 on 8/4/2005*

3705 *Amended by Ord. 06-69 on 10/19/2006*

3706 *Amended by Ord. 09-10 on 3/5/2009*

3707

3708 **15-2.5-~~1413~~ Vegetation Protection**

3709 The Property Owner must protect Significant Vegetation during any Development
3710 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
3711 measured four and one-half feet (4 ½') above the ground, groves of small trees, or
3712 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
3713 measured at the drip line.

3714 Development plans must show all Significant Vegetation within twenty feet (20') of a
3715 proposed Development. The Property Owner must demonstrate the health and viability
3716 of all large trees through a certified arborist. The Planning Director shall determine the
3717 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
3718 consistent with Landscape Criteria in LMC Chapter Section 15-3-3 and Title 14.

3719 **HISTORY**

3720 *Adopted by Ord. 00-51 on 9/21/2000*

3721 *Amended by Ord. 06-69 on 10/19/2006*

3722

3723 **15-2.5-~~1514~~ Signs**

3724 Signs are allowed in the HRC District as provided in the Park City Sign Code, Title 12.

3725 **HISTORY**

3726 *Adopted by Ord. 00-51 on 9/21/2000*

3727

3728 **15-2.5-~~1615~~ Related Provisions**

- 3729
- Fences And Retaining Walls. LMC Chapter Section 15-4-2.
 - 3730 • Accessory Apartments. LMC Chapter Section 15-4-7.
 - 3731 • Placement of Satellite Receiving Antennas. LMC Chapter Section 15-4-13.
 - 3732 • Telecommunication FacilityFacilities. LMC Chapter Section 15-4-14.
 - 3733 • Off-Street Parking. LMC Chapter 15-3.
 - 3734 • Landscaping. Title 14; LMC Chapter Section 15-3-3(~~D~~) and Chapter 15-5.
 - 3735 • Lighting. LMC Chapters Sections 15-3-3(~~C~~), 15-5-5(~~H~~).

- 3736 • Historic Preservation-~~Board~~. ~~LMC~~ Chapter 15-11.
- 3737 • Park City Sign Code. Title 12.
- 3738 • Architectural Review. ~~LMC~~ Chapter 15-5.
- 3739 • Snow Storage. ~~LMC Chapter~~ Section 15-3-3(~~E~~).
- 3740 • Parking Ratio Requirements. ~~LMC Chapter~~ Section 15-3-6.
- 3741 HISTORY
- 3742 *Adopted by Ord. 00-51 on 9/21/2000*

3743 **15-2.6 Historic Commercial Business (HCB) District**

3744 15-2.6-1 Purpose

3745 15-2.6-2 Uses

3746 15-2.6-3 Lot And Site Requirements

3747 15-2.6-4 Existing Historic Buildings And/Or Structures

3748 15-2.6-5 Maximum Building Volume And Height

3749 15-2.6-46 Floor Area Ratio

3750 15-2.6-6 Architectural Review

3751 15-2.6-7 Swede Alley Development Criteria

3752 15-2.6-8 Canopy And Awning

3753 15-2.6-9 Parking Regulations

3754 15-2.6-119 Access, Service And Delivery

3755 15-2.6-10 Mechanical Service

3756 15-2.6-11 Access, Service And Delivery

3757 15-2.6-12 Goods And Uses To Be Within Enclosed Building

3758 15-2.6-1311 Criteria For Bed And Breakfast Inns

3759 15-2.6-912 Parking Regulations

3760 15-2.6-613 Architectural Review

3761 15-2.6-14 Vegetation Protection

3762 15-2.6-15 Signs

3763 15-2.6-16 Related Provisions

3764

3765 **15-2.6-1 Purpose**

3766 The purpose of the Historic Commercial Business (HCB) District is to:

3767 A. preserve the cultural heritage of the City's original Business, governmental and
3768 residential center;

3769 B. allow the Use of land for retail, commercial, residential, recreational, and
3770 institutional purposes to enhance and foster the economic and cultural vitality of
3771 the City;

3772 C. facilitate the continuation of the visual character, scale, and Streetscape of the
3773 original Park City Historical District;

3774 D. encourage the preservation of Historic Buildings and/or Structures within the
3775 district;

3776 E. encourage pedestrian-oriented, pedestrian-scale Development;

3777 F. minimize the impacts of new Development on parking constraints of Old Town;

3778 G. minimize the impacts of commercial Uses and business activities including
3779 parking, Access, deliveries, service, mechanical equipment, and traffic, on
3780 surrounding residential neighborhoods;

3781 H. minimize visual impacts of automobiles and parking on Historic Buildings and/or
3782 Structures and Streetscapes; and

- 3783 I. support Development on Swede Alley which maintains existing parking and
3784 service/delivery operations while providing Areas for public plazas and spaces.
- 3785 J. maintain and enhance the long term viability of the downtown core as a
3786 destination for residents and tourists by ensuring a Business mix that encourages
3787 a high level of vitality, public Access, vibrancy, activity, and public/resort-related
3788 attractions.

3789 HISTORY

3790 *Adopted by Ord. 00-51 on 9/21/2000*

3791 *Amended by Ord. 07-55 on 8/30/2007*

3792

3793 **15-2.6-2 Uses**

3794 Uses in the Historic Commercial Business (HCB) District are limited to the following:

3795 A. **ALLOWED USES.**¹¹

- 3796 1. Single Family Dwelling¹
- 3797 2. Multi-Unit Dwelling¹
- 3798 3. Secondary Living Quarters¹
- 3799 4. Lockout Unit^{1,2}
- 3800 5. Accessory Apartment^{1,3}
- 3801 6. Nightly Rental⁴
- 3802 7. Home Occupation¹
- 3803 8. Child Care, In-Home Babysitting¹
- 3804 9. Child Care, Family^{1,5}
- 3805 10. Child Care, Family Group^{1,5}
- 3806 11. Child Care Center^{1,5}
- 3807 12. Accessory Building and Use¹
- 3808 13. Conservation Activity
- 3809 14. Agriculture
- 3810 15. Bed and Breakfast Inn^{1, 6}
- 3811 16. Boarding House, Hostel¹
- 3812 17. Hotel, Minor, fewer than 16 rooms¹
- 3813 18. Office, General¹
- 3814 19. Office, Moderate Intensive¹
- 3815 20. Office and Clinic, Medical¹
- 3816 21. Financial Institution, without drive-up window
- 3817 22. Commercial Retail and Service, Minor
- 3818 23. Commercial Retail and Service, personal improvement
- 3819 24. Commercial Neighborhood Convenience, without gasoline sales
- 3820 25. Restaurant, Cafe or Deli
- 3821 26. Restaurant, General
- 3822 27. Bar
- 3823 28. Parking Lot, Public or Private with four (4) or fewer spaces
- 3824 29. Entertainment Facility, Indoor
- 3825 30. Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷

- 3826 31. Temporary Winter Balcony Enclosures
- 3827 32. Food Truck Location¹²
- 3828 B. **CONDITIONAL USES.**^{10, 11}
- 3829 1. Group Care Facility¹
- 3830 2. Public and Quasi-Public Institution, Church, School
- 3831 3. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 3832 4. Telecommunication Antenna⁸
- 3833 5. Satellite Dish, greater than thirty-nine inches (39") in diameter⁹
- 3834 6. Plant and Nursery stock products and sales
- 3835 7. Hotel, Major¹
- 3836 8. Timeshare Projects and Conversions¹
- 3837 9. Timeshare Sales Office, Off-Site within an enclosed Building¹
- 3838 10. Private Residence Club Project and Conversion^{1,6}
- 3839 11. Commercial Retail and Service, Major
- 3840 12. Office, Intensive¹
- 3841 13. Restaurant, Outdoor Dining⁶
- 3842 14. Outdoor Events and Uses⁶
- 3843 15. Hospital, Limited Care Facility¹
- 3844 16. Parking Area or Structure for five (5) or more cars¹
- 3845 17. Temporary Improvement⁶
- 3846 18. Passenger Tramway Station and Ski Base Facility
- 3847 19. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- 3848 20. Recreation Facility, Public or Private
- 3849 21. Recreation Facility, Commercial
- 3850 22. Fences greater than six feet (6') in height from Final Grade⁶
- 3851 23. Private Residence Club, Off-Site¹
- 3852 24. Special Events⁶
- 3853 25. Private Event Facility¹
- 3854 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use
- 3855 is a prohibited Use.
- 3856 ¹Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue,
- 3857 Grant Avenue, and Swede Alley. Hotel rooms shall not be located within Storefront
- 3858 Property; however access, circulation and lobby areas are permitted within Storefront
- 3859 Property.
- 3860 ²Nightly Rental of Lock Units requires a Conditional Use permit.
- 3861 ³See ~~LMC Chapter Section 15-4-7, Supplementary Regulations for~~ Accessory
- 3862 Apartments.
- 3863 ⁴Nightly Rental of residential dwellings does not include the Use of dwellings for
- 3864 Commercial Uses.
- 3865 ⁵See ~~LMC Chapter Section 15-4-9, for~~ Child Care Regulations And Child Care Facilities.
- 3866 ⁶Requires an Administrative or Administrative Conditional Use permit.

⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

⁸See LMC Chapter Section 15-4-14, Supplemental Regulations for Telecommunication Facilities.

⁹See LMC Chapter Section 15-4-13, Supplemental Regulations for Placement of Satellite Receiving Antennas.

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

¹¹Within the HCB Zoning District, no more than seventeen (17) Conventional Chain Businesses are permitted in Storefront Properties.

¹²The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

HISTORY

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

Amended by Ord. 02-38 on 9/12/2002

Amended by Ord. 04-39 on 3/18/2004

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 07-55 on 8/30/2007

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

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 16-02 on 1/7/2016

Amended by Ord. 16-01 on 1/7/2016

Amended by Ord. 2017-45 on 8/17/2017

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

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

15-2.6-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

- A. **LOT SIZE**. The minimum Lot Area is 1250 square feet. ~~The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').~~

3907 B. **LOT WIDTH.** The minimum Lot Width is twenty-five feet (25') and Minimum Lot
3908 Depth is fifty feet (50').

3909 C. **FRONT, REAR AND SIDE SETBACKS.** There are no minimum required Front,
3910 Rear, or Side Setback dimensions in the HCB District.

3911 D. **SIDEWALK PROVISION.** Buildings must be located so as to provide an
3912 unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede
3913 Alley. The sidewalk width is measured from the front face of curb to the front of
3914 the Building. The alignment of new Building fronts with adjacent Historic fronts is
3915 encouraged. A narrower sidewalk may result from the alignment of Building
3916 fronts. The Planning and Engineering Departments may grant an exception to the
3917 minimum sidewalk width to facilitate such alignment.

3918 E. **BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES.**

3919 1. No Balcony may be erected, enlarged, or altered over a public pedestrian
3920 Right-of-Way without the advance approval of the City Council. Balcony
3921 supports may not exceed eighteen inches (18") square and are allowed no
3922 closer than thirty-six inches (36") from the front face of the curb. Balconies
3923 must provide vertical clearance of not less than ten feet (10') from the
3924 sidewalk and may not be enclosed permanently. With reasonable notice,
3925 the City may require a Balcony be removed from City Property without
3926 compensating the Building Owner.

3927 2. Temporary Winter Balcony Enclosures may only be permitted on existing
3928 balconies which are on structures which are not on the Historic Sites
3929 Inventory. Temporary Winter Balcony Enclosures are only permitted from
3930 November 15th through April 30th on balconies facing Main Street.

3931 F. **INSURANCE REQUIRED.** No Balcony projecting over City Property may be
3932 erected, re-erected, located or relocated, or enlarged or structurally modified
3933 without first receiving approval of the City Council and submitting a certificate of
3934 insurance or a continuous bond protecting the Owner and the City against all
3935 claims for personal injuries and/or Property damage in the standard amount
3936 determined by City Council. Park City Municipal Corporation must be named in
3937 the certificate of insurance as an additional insured. A thirty (30) day obligation to
3938 provide written notice to Park City Municipal Corporation of cancellation or
3939 expiration must be included in the insurance certificate.

3940 G. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet
3941 (2') in height above road Grade shall be placed on any Corner Lot within the Site
3942 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
3943 enough to permit automobile drivers an unobstructed view. This provision must
3944 not require changes in the Natural Grade on the Site.

3945 H. **VERTICAL ZONING.** For HCB Zoned Storefront Property adjacent to Main
3946 Street and Heber Avenue, new Construction and Construction adding Floor Area
3947 to a Building or Lot shall have a minimum of seventy-five percent (75%) of the
3948 width of the Building façade as Storefront Property.

- I. **STOREFRONT ENHANCEMENT ZONING.** The maximum width of any Storefront Property Facade abutting Main Street or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures. A Storefront Property Facade shall have a storefront entrance door for pedestrian access. If the Historic storefront entrance, located in the Historic portion of a structure listed on the Historic Sites Inventory, is more than eight feet (8') above the grade of the adjacent Main Street and/or Heber Avenue, then the First Story in the Historic portion of the Historic ~~Building and/or Structure~~structure located adjacent to Main Street and/or Heber Avenue shall not be calculated in the maximum Storefront Property Facade width.

HISTORY

Adopted by Ord. 00-51 on 9/21/2000
Amended by Ord. 06-69 on 10/19/2006
Amended by Ord. 16-02 on 1/7/2016
Amended by Ord. 16-01 on 1/7/2016
Amended by Ord. 2017-09 on 4/27/2017
Amended by Ord. 2018-43 on 7/19/2018

15-2.6-4 Floor Area Ratio

~~To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.~~

~~HISTORY~~

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

15-2.6-4 Existing Historic Buildings And/Or Structures

Historic Buildings and/or Structures that do not comply with, Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

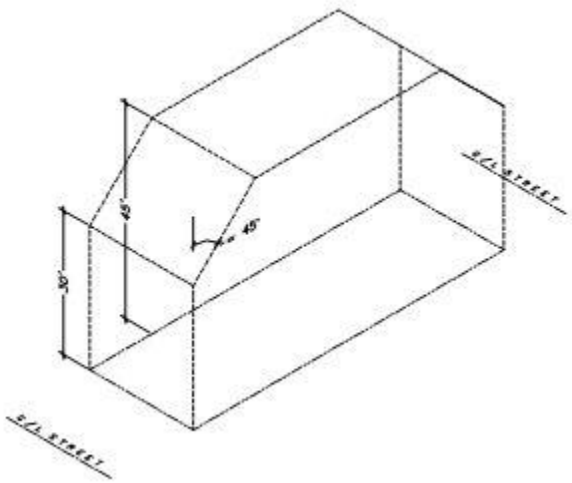
- A. **EXCEPTION.** In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Historic Sites, the Planning Commission may

grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings and/or Structures, including detached single car Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition, and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes; and
5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

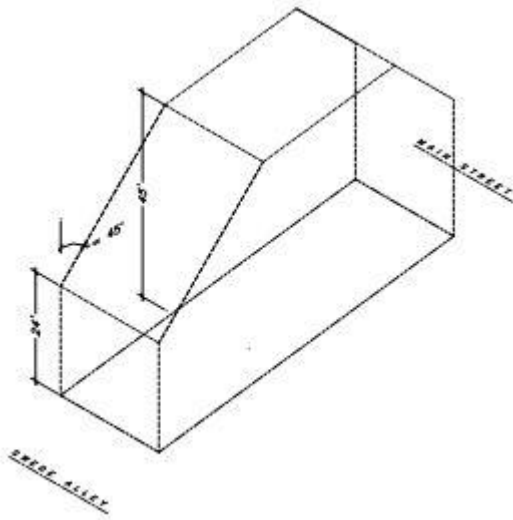
15-2.6-5 Maximum Building Volume And Height

- A. The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.

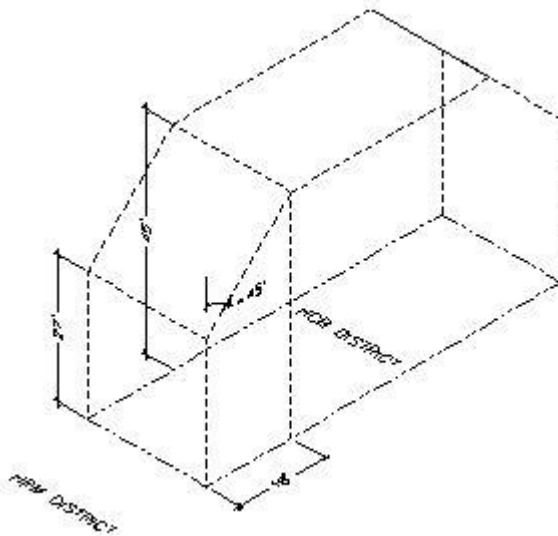


- B. The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

- C. For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Property Line to a height of twenty-four feet (24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



- D. Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



- E. The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

F. **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

1. A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
2. Antennas, chimneys, flues, vents, and similar Structures 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 Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the height of the Building. See **LMC Section 15-5-5(G)(7)(a).**
4. Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
5. Elevator Penthouses may extend up to eight feet (8') above the Zone Height.
6. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

HISTORY

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

Amended by Ord. 03-38 on 7/17/2003

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 2018-27 on 5/31/2018

Amended by Ord. 2018-43 on 7/19/2018

15-2.6-46 Floor Area Ratio

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor Area are encouraged. See Off-Street Parking Section 15-2.6-912: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

HISTORY

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

15-2.6-6 Architectural Review

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines

4074 ~~for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and~~
4075 ~~Architectural Review LMC Chapter 15-5.~~

4076 ~~Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
4077 ~~Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by~~
4078 ~~the Board of Adjustment as outlined in Section 15-1-18 of the Code.~~

4079 **HISTORY**

4080 ~~Adopted by Ord. 00-51 on 9/21/2000~~

4081 ~~Amended by Ord. 06-69 on 10/19/2006~~

4082 ~~Amended by Ord. 09-23 on 7/9/2009~~

4083 ~~Amended by Ord. 15-53 on 12/17/2015~~

4084

4085 **15-2.6-7 Swede Alley Development Criteria**

4086 In addition to the standards set forth in this Chapter, all Development abutting Swede
4087 Alley must comply with the following criteria:

4088 A. Structures must step down toward Swede Alley at an angle of forty-five degrees
4089 (45°) to a maximum height of twenty-four feet (24') at the edge of the Swede
4090 Alley Right-of-Way. A variety of one and two-Story facades are encouraged.
4091 Designs that create a strong indoor/outdoor connection at the ground level are
4092 strongly encouraged.

4093 B. Entrances must be pedestrian-scaled and defined with porches, awnings and
4094 other similar elements as described in the Park City Historic District Design
4095 Guidelines. Entrances must make provisions for shared public and service
4096 Access whenever possible. When Main Street additions extend to Swede Alley,
4097 the materials and colors of the new construction must be designed to coordinate
4098 with the existing Structure.

4099 C. Structures must continue the existing stair-step facade rhythm along Swede
4100 Alley. No more than sixty feet (60') of a Swede Alley facade may have the same
4101 height or Setback. On facades greater than sixty feet (60') wide, Structures must
4102 provide a variety of Building Setbacks, height, and Building form. Setbacks in the
4103 facades and stepping upper stories, decks, and Balconies are strongly
4104 encouraged. Uniform height and Setbacks are discouraged.

4105 D. Provisions for public Open Space, open courtyards, and landscaping are strongly
4106 encouraged.

4107 E. Pedestrian connections from Swede Alley to Main Street are encouraged
4108 whenever possible. Open and landscaped pedestrian connections are favored.

4109 F. Swede Alley facades must be simple, utilitarian, and subordinate in character to
4110 Main Street facades. While facades should be capped, details should be simple.
4111 Ornate details typically found on Main Street facades are prohibited. The
4112 Applicant must incorporate a mix of materials, accent trim and door treatments to
4113 provide architectural interest. Materials must be similar in character, color,

4114 texture and scale to those found on Main Street. Exposed concrete, large Areas
4115 of stucco and unfinished materials are prohibited.

4116 G. Window display Areas are allowed. However, the Swede Alley window Area must
4117 be subordinate in design to the Main Street window Area.

4118 H. Service Areas and service equipment must be Screened. Utility boxes must be
4119 painted to blend with the adjacent Structures. Group trash containers must be
4120 Screened.

4121 HISTORY

4122 *Adopted by Ord. 00-51 on 9/21/2000*

4123

4124 **15-2.6-8 Canopy And Awning**

4125 A. **APPROVAL**. No awning or Canopy may be erected, enlarged, or altered over
4126 the Main Street sidewalk without the written advance approval by the City
4127 Engineer. An awning or Canopy attached to a Building may extend over the
4128 public pedestrian Right-of-Way and project a maximum of thirty-six inches (36")
4129 from the face of a Building. An awning or Canopy must provide vertical clearance
4130 of no less than eight feet (8') from the sidewalk. With reasonable notice, the City
4131 may require that an awning or Canopy be removed from over City Right-of Way
4132 without compensating the Building Owner.

4133 B. **INSURANCE REQUIRED**. No awning or Canopy projecting over City Property
4134 may be erected, re-erected, located or relocated, or enlarged or modified
4135 structurally, without a certificate of insurance or a continuous bond protecting the
4136 Owner and City against all claims for personal injuries and/or Property damage in
4137 the standard amount determined by City Council. Park City Municipal
4138 Corporation must be named in the certificate of insurance as an additional
4139 insured. A thirty (30) day obligation to provide written notice to Park City
4140 Municipal Corporation of cancellation or expiration must be included in the
4141 insurance certificate.

4142 HISTORY

4143 *Adopted by Ord. 00-51 on 9/21/2000*

4144

4145 **15-2.6-9 Parking Regulations**

4146 ~~New construction must provide Off-Street parking. The parking must be on-Site or paid~~
4147 ~~by fee in lieu of on-Site parking set by Resolution equal to the parking obligation~~
4148 ~~multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:—~~

4149 ~~A. **RESIDENTIAL USE**. See Parking Requirements shown in Chapter 3.~~

4150 ~~B. **NON-RESIDENTIAL USE**. Non-Residential Uses must provide parking at the~~
4151 ~~rate of six (6) spaces per 1,000 square feet of Building Area, not including~~
4152 ~~bathrooms, and mechanical and storage spaces¹. Churches, Auditoriums,~~
4153 ~~Assembly Halls and Indoor Entertainment Businesses generate a parking~~

obligation shown in Chapter 15-3.—

Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.—

C. GENERAL PARKING REGULATIONS. Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.—

An Applicant may appeal the staff's measurement of Floor Area to determine the parking requirement to the Board of Appeals in accordance with the International Building Code.—

The Planning Commission may recommend to the City Council that new additions to Historic Structures be exempt from a portion of or all parking requirements where the preservation of the Historic Structure has been guaranteed to the satisfaction of the City.—

D. PRE 1984 PARKING EXCEPTION. Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.—

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.—

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.—

E. See Section 15-3 Off Street Parking for additional parking requirements.

¹Mechanical and storage spaces must be in accordance with IBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

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

15-2.6-119 Access, Service And Delivery

All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits

4195 shall be designed in such a manner as to prohibit non-emergency Use. The primary
4196 Access to parking facilities for commercial Uses shall not be from residential districts,
4197 such as HR-1 and HR-2.

4198 All Structures must provide a means of storing refuse generated by the Structure's
4199 occupants. The refuse storage must be on-Site and accessible only from Main Street,
4200 for Structures on the west side of Main Street, or from either Main Street or Swede
4201 Alley, for Structures on the east side of Main Street. Non-Main Street Properties within
4202 the zone must provide service Access from the rear of the Structure. Refuse storage
4203 must be fully enclosed and properly ventilated.

4204 Refuse shall be stored in containers made of durable metallic or plastic materials with a
4205 close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00
4206 PM on the day prior to collection, and must be removed no later than 10:00 AM on the
4207 day of collection. Refuse containers set out for collection shall be placed on or directly in
4208 front of the Owner's Property, and shall not be placed in the street, sidewalk, or other
4209 public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic.
4210 Except when set out for collection pursuant to this Section, refuse containers shall be
4211 placed in a location fully Screened from view from the public Rights-of-Way via Fencing
4212 and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the
4213 public are exempt from this regulation.

4214 All service and delivery for businesses on the west side of Main Street must be made
4215 within the HCB Zone, and shall not be made from the upper Park Avenue residential
4216 districts (HR-1 and HR-2).

4217 HISTORY
4218 Adopted by Ord. 00-51 on 9/21/2000
4219 Amended by Ord. 01-28 on 7/12/2001
4220 Amended by Ord. 06-69 on 10/19/2006

4221

4222 **15-2.6-10 Mechanical Service**

4223 All exterior mechanical equipment must be Screened to minimize noise infiltration to
4224 adjoining Properties and to eliminate visual impacts on nearby Properties, including
4225 those Properties located above the roof tops of Structures in the HCB District.

4226 All mechanical equipment must be shown on the plans prepared for architectural review
4227 by the Planning, Engineering, and Building Departments. The Planning Department will
4228 approve or reject the location, Screening and painting of such equipment as part of the
4229 architectural review process.

4230 HISTORY
4231 Adopted by Ord. 00-51 on 9/21/2000
4232 Amended by Ord. 06-69 on 10/19/2006

4233

4234 **15-2.6-11 Access, Service And Delivery**

~~All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial Uses shall not be from residential districts, such as HR-1 and HR-2.~~

~~All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.~~

~~Refuse shall be stored in containers made of durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection, and must be removed no later than 10:00 AM on the day of collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic. Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.~~

~~All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR-1 and HR-2).~~

~~HISTORY~~

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

~~Amended by Ord. 01-28 on 7/12/2001~~

~~Amended by Ord. 06-69 on 10/19/2006~~

15-2.6-12 Goods And Uses To Be Within Enclosed Building

~~A. **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.~~

~~B. **OUTDOOR USES PROHIBITED/EXCEPTIONS**. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an~~

Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

1. OUTDOOR DINING. Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

- a. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- b. The proposed seating Area does not impede pedestrian circulation.
- c. The proposed seating Area does not impede emergency Access or circulation.
- d. The proposed furniture is Compatible with the Streetscape.
- e. No music or noise is in excess of the City Noise Ordinance, Title 6.
- f. No Use after 10:00 p.m.
- g. Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

2. OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

- a. The Use is on private Property or leased public Property, and does not diminish parking or landscaping.
- b. The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- c. The Use is Compatible with the neighborhood.
- d. The proposed service station does not impede pedestrian circulation.
- e. The proposed service station does not impede emergency Access or circulation.
- f. Design of the service station is Compatible with the adjacent Buildings and Streetscape.
- g. No violation of the City Noise Ordinance, Title 6.
- h. Compliance with the City Sign Code, Title 12.

3. OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES. Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

- 4314 a. ~~The Area of the proposed bicycle, kayak, motorized scooters, and~~
4315 ~~canoe storage or display is on private Property and not in Areas of~~
4316 ~~required parking or landscaped planting beds.~~
- 4317 b. ~~Bicycles, kayaks, and canoes may be hung on Buildings if sufficient~~
4318 ~~Site Area is not available, provided the display does not impact or~~
4319 ~~alter the architectural integrity or character of the Structure.~~
- 4320 c. ~~No more than a total of fifteen (15) pieces of equipment may be~~
4321 ~~displayed.~~
- 4322 d. ~~Outdoor display is only allowed during Business hours.~~
- 4323 e. ~~Additional outdoor bicycle storage Areas may be considered for~~
4324 ~~rental bicycles provided there are no or only minimal impacts on~~
4325 ~~landscaped Areas, parking spaces, and pedestrian and emergency~~
4326 ~~circulation.~~
- 4327 4. ~~**OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an~~
4328 ~~Administrative Permit. The Use must also comply with Section 15-1-10,~~
4329 ~~Conditional Use review. The Applicant must submit a Site plan and written~~
4330 ~~description of the event, addressing the following:~~
- 4331 a. ~~Notification of adjacent Property Owners.~~
- 4332 b. ~~No violation of the City Noise Ordinance, Title 6.~~
- 4333 c. ~~Impacts on adjacent Residential Uses.~~
- 4334 d. ~~Proposed plans for music, lighting, structures, electrical signs, etc.~~
- 4335 e. ~~Parking demand and impacts on neighboring Properties.~~
- 4336 f. ~~Duration and hours of operation.~~
- 4337 g. ~~Impacts on emergency Access and circulation.~~
- 4338 5. ~~**DISPLAY OF MERCHANDISE.** Display of outdoor merchandise requires~~
4339 ~~an Administrative Permit and is subject to the following criteria:~~
- 4340 a. ~~The display is immediately available for purchase at the Business~~
4341 ~~displaying the item.~~
- 4342 b. ~~The merchandise is displayed on private Property directly in front of~~
4343 ~~or appurtenant to the Business which displays it, so long as the~~
4344 ~~private Area is in an alcove, recess, patio, or similar location that~~
4345 ~~provides a physical separation from the public sidewalk. No item of~~
4346 ~~merchandise may be displayed on publicly owned Property~~
4347 ~~including any sidewalk or prescriptive Right-of-Way regardless if~~
4348 ~~the Property Line extends into the public sidewalk. An item of~~
4349 ~~merchandise may be displayed on commonly owned Property;~~
4350 ~~however, written permission for the display of the merchandise~~
4351 ~~must be obtained from the Owner's association.~~

- ~~c. The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.~~
- ~~d. The display does not diminish parking or landscaping.~~
- ~~e. The Use does not violate the Summit County health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.~~
- ~~f. The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.~~
- ~~g. The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.~~
- ~~h. No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.~~
- ~~i. No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.~~

HISTORY

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

~~Amended by Ord. 05-49 on 8/4/2005~~

~~Amended by Ord. 06-69 on 10/19/2006~~

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

15-2.6-1311 Criteria For Bed And Breakfast Inns

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

- 4392 A. The Use is in a Historic Building and/or Structure or addition thereto, or a
4393 Historically Compatible Structure.
- 4394 B. The Applicant will make every attempt to rehabilitate the Historic portion of the
4395 Structure.
- 4396 C. The Structure has at least two (2) rentable rooms. The maximum number of
4397 rooms will be determined by the Applicant's ability to mitigate neighborhood
4398 impacts.
- 4399 D. In Historic Buildings and/or Structures, the size and configuration of the rooms
4400 are Compatible with the Historic character of the Building and neighborhood.
- 4401 E. The rooms are available for Nightly Rental only.
- 4402 F. An Owner/manager is living on-Site, or in Historic Buildings and/or Structures
4403 there must be twenty-four (24) hour on-Site management and check-in.
- 4404 G. Food service is for the benefit of overnight guests only.
- 4405 H. No Kitchen is permitted within rental room(s).
- 4406 I. Parking on-Site is required at a rate of one (1) space per rentable room. The
4407 Planning Director may waive the parking requirement for Historic Buildings
4408 and/or Structures if the Applicant proves that:
- 4409 1. no on-Site parking is possible without compromising the Historic Building
4410 and/or Structure or Site, including removal of existing Significant
4411 Vegetation, and all alternatives for proximate parking have been explored
4412 and exhausted; and
- 4413 2. the Structure is not economically feasible to restore or maintain without
4414 the adaptive Use.
- 4415 J. The Use complies with Section 15-1-10, Conditional Use review.

4416 HISTORY

4417 *Adopted by Ord. 00-51 on 9/21/2000*

4418 *Amended by Ord. 06-69 on 10/19/2006*

4420 **15-2.6-912 Parking Regulations**

4421 New construction must provide Off-Street parking. The parking must be on-Site or paid
4422 by fee in lieu of on-Site parking set by Resolution equal to the parking obligation
4423 multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

- 4424 A. **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 15-3.
- 4425 B. **NON-RESIDENTIAL USE.** Non-Residential Uses must provide parking at the
4426 rate of six (6) spaces per 1,000 square feet of Building Area, not including
4427 bathrooms, and mechanical and storage spaces¹. Churches, Auditoriums,
4428 Assembly Halls and Indoor Entertainment Businesses generate a parking
4429 obligation shown in Chapter 15-3.

Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

- C. **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

An Applicant may appeal the staff's measurement of Floor Area to determine the parking requirement to the Board of Appeals in accordance with the International Building Code.

The Planning Commission may recommend to the City Council that new additions to Historic Buildings and/or Structures be exempt from a portion of or all parking requirements where the preservation of the Historic Building and/or Structure has been guaranteed to the satisfaction of the City.

- D. **PRE 1984 PARKING EXCEPTION.** Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.

- E. See Section Chapter 15-3 Off Street Parking for additional parking requirements.

¹Mechanical and storage spaces must be in accordance with IBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

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

15-2.6-613 Architectural Review

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation LMG Chapter 15-11, and Architectural Review LMG Chapter 15-5.

4471 Appeals of departmental actions on compliance with the Design Guidelines for Historic
4472 Districts and Historic Sites Chapter 15-13, Historic Preservation LMC Chapter 15-11,
4473 and Architectural Review LMC Chapter 15-5 are heard by the Board of Adjustment as
4474 outlined in Section 15-1-18 of the Code.

4475 HISTORY

4476 Adopted by Ord. 00-51 on 9/21/2000

4477 Amended by Ord. 06-69 on 10/19/2006

4478 Amended by Ord. 09-23 on 7/9/2009

4479 Amended by Ord. 15-53 on 12/17/2015

4480

4481 **15-2.6-14 Vegetation Protection**

4482 The Property Owner must protect Significant Vegetation during any Development
4483 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
4484 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
4485 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
4486 measured at the drip line.

4487 Development plans must show all Significant Vegetation within twenty feet (20') of a
4488 proposed Development. The Property Owner must demonstrate the health and viability
4489 of all large trees through a certified arborist. The Planning Director shall determine the
4490 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
4491 consistent with landscape criteria in LMC Chapter Section 15-3-3(D) and Title 14.

4492 HISTORY

4493 Adopted by Ord. 00-51 on 9/21/2000

4494 Amended by Ord. 06-69 on 10/19/2006

4495

4496 **15-2.6-15 Signs**

4497 Signs are allowed in the HCB District as provided in the Park City Sign Code, Title 12.

4498 HISTORY

4499 Adopted by Ord. 00-51 on 9/21/2000

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4501 **15-2.6-16 Related Provisions**

- 4502 • Fences And Retaining Walls. LMC Chapter Section 15-4-2.
- 4503 • Accessory Apartments. LMC Chapter Section 15-4-7.
- 4504 • Placement of Satellite Receiving Antennas. LMC Chapter Section 15-4-13.
- 4505 • Telecommunication FacilityFacilities. LMC Chapter Section 15-4-14.
- 4506 • Off-Street Parking. LMC Chapter 15-3.
- 4507 • Landscaping. Title 14; LMC Chapter Section 15-3-3(D) and Chapter 15-5.
- 4508 • Lighting. LMC Chapters Sections 15-3-3(C), 15-5-5(H).

- 4509 • Historic Preservation-~~Board~~. ~~LMC~~ Chapter 15-11.
- 4510 • Park City Sign Code. Title 12.
- 4511 • Architectural Review. ~~LMC~~ Chapter 15-5.
- 4512 • Snow Storage. ~~LMC Chapter Section~~ 15-3-3(~~E~~).
- 4513 • Parking Ratio Requirements. ~~LMC Chapter Section~~ 15-3-6.
- 4514 • Passenger Tramways and Ski Base Facilities. ~~LMC Chapter Section~~ 15-4-18.
- 4515 HISTORY
- 4516 *Adopted by Ord. 00-51 on 9/21/2000*

4517 **15-4 Supplemental Regulations**

4518 15-4-1 Purpose

4519 15-4-2 Fences and Retaining Walls

4520 15-4-3 Home Occupation

4521 15-4-4 Secondary Living Quarters

4522 15-4-5 Lockout Units

4523 15-4-6 Guest Houses

4524 15-4-7 Accessory Apartments

4525 15-4-8 Group Care Facilities

4526 15-4-9 Child Care And Child Care Facilities

4527 15-4-10 Timeshare Projects

4528 15-4-11 Timeshare Conversion

4529 15-4-12 Condominium Conversion

4530 15-4-13 Placement Of Satellite Receiving Antennas

4531 15-4-14 Telecommunication Facilities

4532 15-4-15 Outdoor Display Of Works Of Art On City-Owned Property

4533 15-4-16 Temporary Structures, Tents, And Vendors

4534 15-4-17 Setback Requirements For Unusual Lot Configurations

4535 15-4-18 Passenger Tramways And Ski Base Facilities

4536 15-4-19 Review Criteria For Vehicle Control Gates

4537 15-4-20 Special Events And Temporary Change Of Occupancy Permits

4538 15-4-21 Goods and Uses To Be Within Enclosed Buidling

4539 (...)

4540 **15-2.5-1315-4-21 Goods And Uses To Be Within Enclosed Building**

4541 A. **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as
4542 an Allowed or Conditional Use, or allowed with an Administrative Permit, all
4543 goods, including food, beverage, and cigarette-vending machines, and last mile
4544 parcel pick-up stations must be within a completely enclosed Structure. New
4545 construction of enclosures for the storage of goods shall not have windows
4546 and/or other fenestration that exceeds a wall-to-window ratio of thirty percent
4547 (30%). This section does not preclude temporary sales in conjunction with a
4548 Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-
4549 2.5-1311(B)(3) for outdoor display of bicycles, kayaks, and canoes.

4550
4551 B. **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor uses may
4552 be allowed by the Planning Department upon the issuance of an Administrative
4553 Conditional Use permit Permit, or an Administrative Permit, or Conditional Use
4554 Permit as described herein, pursuant to the Zoning in which the Use is located.
4555 The Applicant must submit the required Application application, pay all applicable
4556 fees, and provide all required materials and plans. Appeals of Departmental
4557 Aactions are heard by the Planning Commission.

4558
4559 1. **OUTDOOR DINING.** Outdoor dining may requires an Administrative
4560 Conditional Use Permit, Administrative Permit, or Conditional Use Permit,

pursuant to the Zoning in which the Use is located, and is subject to the following criteria:

- a. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- b. The proposed seating Area does not impede pedestrian circulation.
- c. The proposed seating Area does not impede emergency Access or circulation.
- d. The proposed furniture is Compatible with the Streetscape.
- e. No music or noise is in excess of the City Noise Ordinance, Title 6.
- f. No Use after 10:00 p.m.
- g. Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

2. **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Commercial Outdoor grills and/or beverage service stations may require an Administrative Conditional Use permit Permit, Administrative Permit, or Conditional Use Permit, pursuant to the Zoning in which the Use is located, and are subject to the following criteria:

- a. The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- b. The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- c. The Use is Compatible with the neighborhood.
- d. The proposed service station does not impede pedestrian circulation.
- e. The proposed service station does not impede emergency Access or circulation.
- f. Design of the service station is Compatible with the adjacent Buildings and Streetscape.
- g. No violation of the City Noise Ordinance, Title 6.
- h. Compliance with the City Sign Code, Title 12.

3. **COMMERCIAL OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.** Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes, and similar items for Commercial purposes may requires an Administrative Conditional Use Permit, Administrative Permit, or Conditional Use Permit, pursuant to the Zoning in which the Use is located, and is subject to the following criteria:

- a. The Area of the proposed bicycle, kayak, motorized scooters, or canoes, or similar items storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
- b. Bicycles, kayaks, and canoes, and similar items may be hung on a Historic Structure Building if sufficient Site Area is not available,

provided the display does not impact or alter the architectural integrity or character of the Structure.

- c. No more than a total of fifteen (15) pieces of equipment may be displayed.
- d. Outdoor display is only allowed during Business hours.
- e. Additional outdoor storage Areas may be considered for rental bicycles, or motorized scooters, or similar items provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

4. **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Conditional Use permit Permit, pursuant to the Zoning in which the Use is located. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- a. Notification of adjacent Property Owners.
- b. No violation of the City Noise Ordinance, Title 6.
- c. Impact on adjacent residential-Residential Uses.
- d. Proposed plans for music, lighting, Structures, electrical, signs, etc.
- e. Parking demand and impacts on neighboring Properties.
- f. Duration and hours of operation.
- g. Impacts on emergency Access and circulation.

5. **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise ~~is subject to~~ requires an Administrative Conditional Use Permit, Administrative Permit, or Conditional Use Permit, pursuant to the Zoning in which the Use is located, and is subject to the following criteria:

- a. The display is immediately available for purchase at the Business displaying the item.
- b. The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.
- c. The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.
- d. The display does not diminish parking or landscaping.

- 4651 e. The Use does not violate the Summit County Health Code, the Fire
4652 Code, or International Building Code. The display does not impede
4653 pedestrian circulation, sidewalks, emergency Access, or circulation.
4654 At minimum, forty-four inches (44") of clear and unobstructed
4655 Access to all fire hydrants, egress and Access points must be
4656 maintained. Merchandise may not be placed so as to block visibility
4657 of or Access to any adjacent Property.
- 4658 f. The merchandise must be removed if it becomes a hazard due to
4659 wind or weather conditions, or if it is in a state of disrepair, as
4660 determined by either the Planning Director or Building Official.
- 4661 g. The display shall not create a hazard to the public due to moving
4662 parts, sharp edges, or extension into public Rights-of-Way,
4663 including sidewalks, or pedestrian and vehicular Areas; nor shall
4664 the display restrict vision at intersections.
- 4665 h. No inflatable devices other than decorative balloons smaller than
4666 eighteen inches (18") in diameter are permitted. Balloon height may
4667 not exceed the finished floor elevation of the second floor of the
4668 Building.
- 4669 i. No additional signs are allowed. A sales tag, four (4) square inches
4670 or smaller may appear on each display item, as well as an
4671 informational plaque or associated artwork not to exceed twelve
4672 (12) square inches (12 sq. in.). The proposed display shall be in
4673 compliance with the City Sign Code, Municipal Code Title 12, the
4674 City's Licensing Code, Municipal Code Title 4, and all other
4675 requisite City codes.

15-5-5 Architectural Design Guidelines

- A. **PROHIBITED ARCHITECTURAL STYLES AND MOTIFS**. The following architectural styles and motifs are prohibited in Park City because these styles and motifs have a strong connection or association with other regions:
1. A-frame Structures;
 2. Geodesic dome Structures;
 3. Mediterranean motifs;
 4. Tudor or mock Tudor, half timbering;
 5. Swiss chalets;
 6. Highly ornate Victorian;
 7. Rustic frontier;
 8. Colonial;
 9. Nouveau-Chateau, French Provincial, Fairy Tale or Castle. Tower features and turrets may be allowed if roofs are not conical and if the roof line is integrated into the main Structure. Round exterior walls are permitted but not as semi-detached round rooms, i.e., a round room may not exceed 270 degrees;
 10. New Structures designed to imitate Historic Buildings and/or Structures built in Park City or elsewhere, unless the project complies with the Historic District Architectural Guidelines.
 11. Exemption. The above provisions addressing Tudor, Victorian, and colonial styles and tower elements shall not apply in the Prospector Park Subdivision.
- B. **PROHIBITED SIDING MATERIALS**. The following siding, fascia, and soffit materials are prohibited because they have proved to be unsuitable for Use in Park City due to the extreme climate, or because their appearance is such that the values of adjoining or abutting Properties are adversely affected:
1. Thick shake shingles;
 2. Ceramic tiles;
 3. Slump bloc, weeping mortar;
 4. Plastic or vinyl siding;
 5. Used brick;
 6. Synthetic stone products such as simulated stone or brick, cultured stone or brick, pre-cast stone or concrete imbedded with stone fragments;
 7. Lava rock, clinkers;
 8. Asphalt siding;

4713 9. Plywood siding, ~~except that plywood may be approved by the Planning~~
4714 ~~Director if utilized as a base for board and batten siding;~~

4715 10. Aluminum siding ~~is generally not considered an appropriate material. The~~
4716 ~~Planning Director may, however, consider requests for the Use of~~
4717 ~~aluminum siding. The design of the Structure shall be consistent with the~~
4718 ~~Park City Design Guidelines. The Applicant will be required to bring a~~
4719 ~~sample of the type and color of siding to be approved by the Planning~~
4720 ~~Director. When aluminum siding is approved by the Planning Director, it~~
4721 ~~shall have a minimum thickness of .019 inches and shall be backed or~~
4722 ~~insulated with a minimum of 3/8 inch fiberboard of polystyrene foam;~~

4723 11. Vinyl, or other similar material derived from petroleum;

4724 12. Exemption. The Applicant is may request to use a prohibited siding
4725 material, but shall be required to bring a sample of the material and
4726 description of the application method of the requested siding and/or
4727 synthetic stone to be approved by the Planning Director.

4728 a. ~~Aluminum~~Vinyl siding, including soffits and fascia, and synthetic
4729 stone products may be permitted upon approval by the Planning
4730 Director, on Structures when such Structures are located in Areas
4731 predominately developed with Structures utilizing the same type of
4732 materials, such as in Prospector Village, Park Meadows and
4733 Prospector Park Subdivisions. The Applicant shall submit an exhibit
4734 documenting siding materials found in the surrounding
4735 neighborhood.

4736 b. Metal siding shall have a minimum thickness of .019 inches; shall
4737 be backed or insulated with a minimum of 3/8 inch fiberboard of
4738 polystyrene foam; and shall have a matte or flat finish.

4739 c. Plywood siding may be approved by the Planning Director if utilized
4740 as a base for board and batten siding;

4741 d. Existing Buildings with synthetic stone products and aluminum or
4742 vinyl siding may be re-sided or repaired using synthetic stone
4743 products and aluminum or vinyl siding with specific approval by the
4744 Planning Director.

4745 e. ~~The Applicant is required to bring a sample of the material and~~
4746 ~~description of the application method of the requested siding and/or~~
4747 ~~synthetic stone to be approved by the Planning Director and an~~
4748 ~~exhibit documenting siding materials found in the surrounding~~
4749 ~~neighborhood.~~

4750 C. **DESIGN ORNAMENTATION**. Architectural design in Park City has historically
4751 been simple. Highly ornate Buildings are inconsistent with the architectural
4752 patterns of the community, and due to the close proximity of one Development to
4753 another, inconsistent ornamentation may become unsightly and detract from
4754 Property values.

To add architectural interest to Buildings, special ornamental siding materials may be used, provided that no more than twenty five percent (25%) of any facade of the Building is covered with ornamental siding. Examples of ornamental siding provided for information purposes only and not as a limitation, are as follows:

1. Fish scale cut shingles;
2. Half-timbered stucco;
3. Match-sticked wood or other inlays.

D. **NUMBER OF EXTERIOR WALL MATERIALS.** Different exterior siding materials add interest to a Building, and to the community as a whole, however, the Use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining Properties. Exterior walls of any Building may be sided with up to three (3) different materials per Building, but no more than three (3) materials may appear on any one (1) wall, including ornamental siding. Trim shall not be counted as a siding material, but ornamentation is counted as a siding material. If trim covers more than ten percent (10%) of a side of the Building, it shall be counted as a siding material on that side.

E. **ROOFING MATERIALS.** 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 wild land fires which makes the Use of wood roofs unsafe in some Areas. For these reasons, the following roof types are prohibited in Park City:

1. Untreated aluminum or metal, except that copper may be used;
2. Reflective materials;
3. Roof colors shall be neutral and earth-tone, brightly colored roofing such as bright red, blue, yellow, green, white or similar colors are highly visible. Exception: Green is allowed if it is determined that its hue, color, chroma and other attributes of color are similar to other earth tone colors currently approved in Park City. In no case shall the color be determined to be bright or highly reflective or towards the yellow tones of the color spectrum;
4. Wood shingles, including fire retardant, prohibited only in wild land interface zones. Wood roofs may be allowed on additions to existing Structures with wood roofs, only upon specific approval of the Chief Building Official. 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;

4796 5. Except on Historic renovations or reconstructions with adequate
4797 documentation, roof ornamentation such as scroll work, finials, and bead-
4798 and-dowel work are prohibited.

4799 F. **ROOF SHAPES**. The following roof shapes are prohibited in Park City as the
4800 dominant roof form because they either do not perform well in the harsh climate,
4801 or tend to detract from the value of adjoining Property. As minor roof elements,
4802 the following shapes may be allowed if approved by the Planning Director:

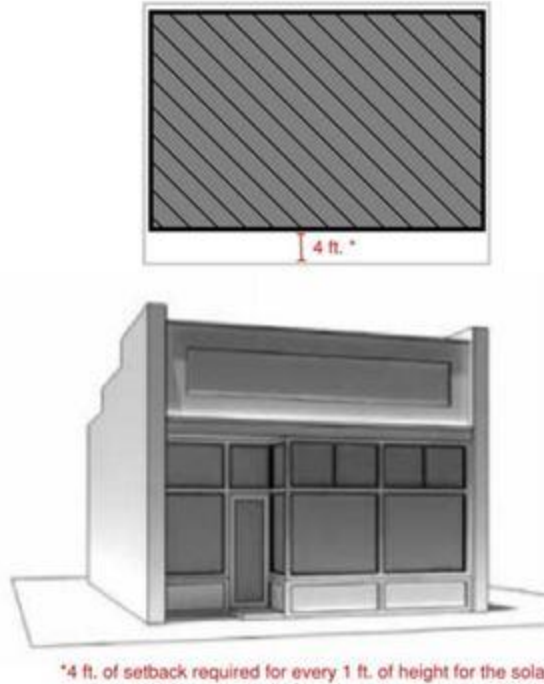
- 4803 1. Mansard or fake mansard roofs;
4804 2. Gambrel roofs;
4805 3. Curvilinear roofs;
4806 4. Domed roofs;
4807 5. Geodesic domes;
4808 6. Conical roofs, greater than 270 degrees around;
4809 7. A-frame or modified A-frame roofs.
4810 8. Mechanical equipment on roofs must be hidden with a visual barrier so it
4811 is not readily visible from nearby Properties.

4812 G. **SOLAR ENERGY SYSTEMS**. Any solar energy system shall be designed as
4813 follows:

- 4814 1. Solar Energy Systems shall be designed so as to be incorporated in the
4815 roof plan or architectural features of the structure to the best extent
4816 possible. Solar Energy Systems shall generally be mounted flush to the
4817 roof plane. In instances where due to the existing roof angle the panel
4818 needs to be angled from the roof plane for optimum solar gain, alternative
4819 designs may be considered upon review of a visual analysis and
4820 mitigation of visual impacts from surrounding properties.
- 4821 2. Solar panels, solar devices, and Solar Energy Systems and mounting
4822 equipment shall use non-reflective finishes such as an anodized finish.
- 4823 3. Solar energy systems in the Historic Districts are subject to the Design
4824 Guidelines for Historic Districts and Historic Sites and shall also meet the
4825 following:
- 4826 a. On a Flat Roof, the Solar Energy System shall be mounted flush to
4827 the roof or on racks. When this is not possible, the Solar Energy
4828 System shall extend no more than five Feet (5') above the highest
4829 point of the roof. Solar Energy Systems shall be screened from
4830 view of the primary right-of-way by:
- 4831 1) An existing parapet along the street-facing facade that is as
4832 tall as the tallest part of the Solar Energy System; or
- 4833 2) Setting the Solar Energy System back from the edge of the
4834 roof facing the primary right-of-way at least four feet (4') for

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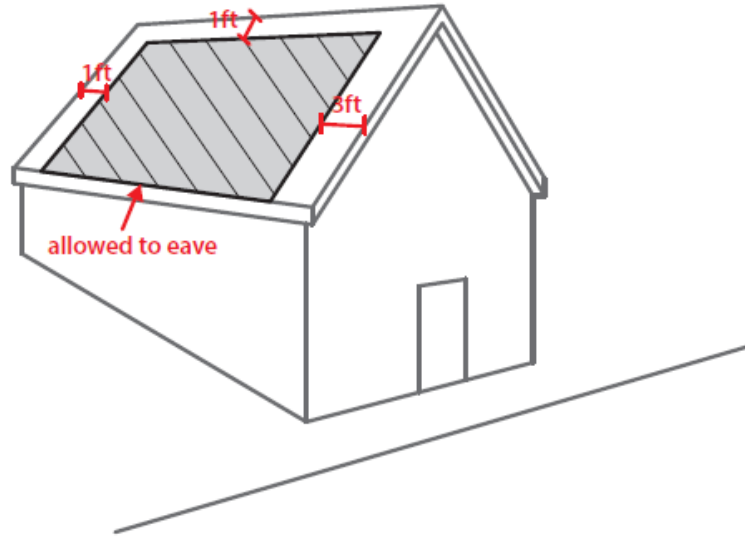
each one foot (1') of Solar Energy System height (including any necessary racks).



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- b. Solar Energy Systems are permitted on pitched roofs facing a rear or side lot line that is not visible from the right-of-way. The Solar Energy System shall be mounted flush on the pitched roof, with the system no more than one foot (1') from the surface of the roof at any point. Solar Energy Systems shall be screened from view of the primary right-of-way in the following ways:
- 1) The Solar Energy System shall be located at least one foot (1') from the ridgeline of the pitched roof.
 - 2) The Solar Energy System shall be located at least three feet (3') from the edge of the roof facing a right-of-way and one foot (1') from the edge of the roof facing the rear property line.

- 4850 3) The Solar Energy System shall not alter the slope of the
4851 roof.



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- c. Solar shingles and Propanel-type/standing seam integrated products may be appropriate on roof surfaces visible from the primary right-of-way in the Historic Districts when it can be shown that they are sized similar to conventional asphalt shingles or metal roofing. They shall be similar in color to roofing materials in the Historic Districts and shall possess an anti-reflective top coating, such as Tempered Glass Tefzel Glazing or titanium dioxide. All metal surfaces shall have a matte finish.
 - d. Freestanding Solar Energy Systems shall meet all the setback requirements of an Accessory Building as outlined in the Historic zoning districts. They shall be installed in locations that minimize visibility from the public right-of-way. These systems shall be screened from the public right-of-way with materials such as fencing or vegetation of suitable scale for the Historic District.
 - e. Exceptions to the location and height of the Solar Energy System above the roof are subject to Planning Director approval based on a determination that:
 - 1) A professional experienced in energy-efficient construction has conducted an energy audit and the building has optimized its energy efficiency through other means; and
 - 2) The location of the Solar Energy System does not detract from the ~~historic~~Historic character of the site and/or the Historic District (by making the Solar Energy System a character-defining element of the building); and

- 4877 3) The application has demonstrated that the proposed plan will
4878 result in a net positive generation of 105% or greater.

4879 H. **SKYLIGHTS.** Any skylight, or other translucent roof material which allows the
4880 transmission of light from the interior of the Building to the exterior, shall be
4881 designed as follows:

- 4882 1. Skylights shall be limited to no more than twenty-five percent (25%) of the
4883 total roof Area;
- 4884 2. The skylight design shall facilitate the Use of natural light into the Building
4885 and any light emitted or reflected from the skylight shall be shielded from
4886 adjacent Properties;
- 4887 3. The skylight feature shall not be the highest point of the Structure; and
- 4888 4. The skylight feature shall be designed to fit as flush as possible with the
4889 roof. Skylights shall generally extend no more than two feet (2') above the
4890 roof plane.
- 4891 5. Skylights in the Historic Districts are subject to the Design Guidelines for
4892 Historic Districts and Historic Sites.

4893 I. **WINDOW TREATMENTS.** Windows other than rectangular windows may be
4894 used as accents and trim, but arched, rounded, or Bay Windows as the primary
4895 window treatment are prohibited. Untreated aluminum and untreated metal
4896 window frames are prohibited. Small pane colonial style windows are not
4897 allowed. Untreated aluminum, untreated metal, vinyl, and other similar window
4898 frames are generally not considered appropriate in the Historic Districts (HRL,
4899 HR-1, HR-2, HRM, HRC, HCB), and on any site designated as Historic outside of
4900 the Historic Districts. The Planning Director may, however, consider requests for
4901 the Use of these materials. The design of the Structure shall be consistent with
4902 the Park City Design Guidelines. The Applicant will be required to bring a sample
4903 of the type and color of the material to be approved by the Planning Director.

4904 J. **LIGHTING.**

- 4905 1. **PURPOSE.** The functional objectives in providing exterior Area lighting
4906 are to illuminate Areas necessary for safe, comfortable and energy
4907 efficient Use. The number of fixtures shall be limited to provide for safe
4908 entry and egress and for sign and Business identification. Illumination of
4909 new Building features for architectural enhancement is prohibited. Historic
4910 Buildings and/or Structures may be illuminated under the terms prescribed
4911 in this Code.

4912 With the exception of Americans with Disabilities Act lighting
4913 requirements, the minimum lighting standards generally applied and
4914 recommended by the Illuminating Engineering Society of North America
4915 (IES), are observed by this Code.

- 4916 2. **CONFORMANCE WITH APPLICABLE CODES.** All outdoor electrically
4917 powered illuminating devices shall be installed in conformance with the

provisions of this Code, the International Building Code, the Electrical Code, and the Sign Code under the appropriate permit and inspection. When discrepancies in these Codes exist, the most restrictive shall apply.

3. **APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION.**

The provisions of this Code are not intended to prevent the Use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing he/she finds that:

- a. The alternative provides approximate equivalence to the applicable specific requirement of this Code;
- b. The alternative is otherwise satisfactory and complies with the intent of this Code; or
- c. The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

4. **SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE.**

- a. The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting fixtures and Light Source will comply with this Code. The submission shall contain the following:

- 1) Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;
- 2) Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings, including section where required;
- 3) Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.

Additional information may be required elsewhere in the laws of this jurisdiction upon Application for the required permit.

- b. Lamp or Fixture Substitution. On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed to be changed after the permit has been issued, a change request

4959 must be submitted to the Planning Department for approval.
 4960 Adequate information to assure compliance with this Code must be
 4961 provided and the request must be received prior to substitution.

4962 5. **SHIELDING.** All non-exempt outdoor lighting fixtures shall have shielding
 4963 as required by Table 1 of this Chapter below.

4964 a. Historic District Shielding and Fixture Exemption. Fixtures in the
 4965 HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts that
 4966 replicate a Historic fixture shall be permitted to be installed without
 4967 partial shields with the approval of the Planning Director. All fixtures
 4968 shall be filtered and refractors that direct the light downward shall
 4969 be installed if the bulb is exposed.

4970 Historic fixtures that are fifty (50) years or older and contribute to
 4971 the architectural and cultural character of the Historic District, are
 4972 exempt from these requirements.

4973 Architectural features on Historic Buildings and/or Structures may
 4974 be illuminated with fully shielded fixtures.

4975 6. **WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS.** Wattage,
 4976 fixture and Light Source requirements as outlined in the following Table 1
 4977 apply to all zones throughout the City:
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Table 1

Light Source	Fully Shielded	Partially Shielded	Watt (Maximum Per Fixture)
High Pressure Sodium ¹		x	50
Low Pressure Sodium		x	55
Metal Halide ²	x		1,500
L Voltage/Halogen ³		x	50
Compact Fluorescent		x	75

4980 Other Sources: As approved by the Planning Director
 4981 Note: "x" indicates the required standard.
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 4983

¹This is the standard Light Source for Park City and Summit County unless

otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may utilize incandescent bulbs, provided that the bulbs are Shielded. Lighting for signs may use halogen bulbs, provided that they are Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

²Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

³Low voltage/halogen sources are permitted in landscaping lighting only.

7. **GAS STATION CANOPIES.** Gas station canopies may not exceed an average horizontal luminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy.
8. **AREA LIGHTING - BUILDING CANOPY AND SOFFIT, WALL MOUNTED.** Area, stand alone or wall mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. The horizontal luminance level along the sidewalk or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.
9. **CONSTRUCTION SITES.** All commercial construction Sites shall submit a lighting plan as part of the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.
10. **LANDSCAPE LIGHTING.** The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings.
 - a. **Pathway Lighting.** Two types of lights can be selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall be low voltage. The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.
 - b. **Highlighting, Backlighting.** Only low voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is

5025 0.6 Horizontal Foot Candles from the Light Source. Up-lighting is
5026 prohibited.

5027 c. Moonlighting. Low voltage systems may be placed in trees or on
5028 Buildings to give the effect of moonlight. Lights must be down-
5029 directed and partially shielded. A maximum Foot Candle permitted
5030 at ten feet (10') is 0.25 Horizontal Foot Candle from the Light
5031 Source. Up-lighting is prohibited.

5032 **11. RECREATIONAL LIGHTING.** Because of their unique requirements for
5033 nighttime visibility and their limited hours of operation, baseball diamonds,
5034 playing fields, tennis courts and ski area runs may Use the Light Source
5035 permitted under Table 1 above with the following conditions and
5036 exceptions:

- 5037 a. The height of outdoor recreational posts shall not exceed seventy
5038 feet (70') above Natural Grade. The average Horizontal Foot
5039 Candle shall not exceed 3.6 across the Area boundary with a
5040 uniformity ratio of 4:1. Ski area lighting may require higher
5041 illumination levels in some instances. Those levels shall be
5042 reviewed and approved by the Planning Commission under the
5043 Conditional Use process outlined in the LMC.
- 5044 b. All fixtures used for event lighting shall be fully shielded as defined
5045 in Section (4) herein, or be designed or provided with sharp, cutoff
5046 capability, so as to minimize up-light, spill light and glare.
- 5047 c. Recreational lighting shall be turned off within thirty (30) minutes of
5048 the completion of the last game, practice, or event. In general,
5049 recreational lighting shall be turned off after 11:00 p.m., unless an
5050 exception is granted by the Planning Director for a specific event or
5051 as approved as part of a Master Festival license.

5052 **12. RESIDENTIAL LIGHTING.**

- 5053 a. All exterior lights on porches, garage doors or entryways shall be
5054 shielded to prevent glare onto adjacent Property or public right of
5055 ways and light trespass into the night sky. Lights shall be directed
5056 at walkways or entries and shall not be directed into the night sky.
- 5057 b. Compact fluorescent fixtures are the recommended Light Source.
5058 High pressure sodium and incandescent bulbs may be permitted,
5059 provided the wattage is low and the light is Shielded and down-
5060 directed.
- 5061 c. Bare bulb light fixtures such as flood or spotlights are not permitted.
- 5062 d. Lighting exterior Building features for architectural interest is
5063 prohibited.

e. Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.

f. Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.

13. SEASONAL DISPLAY OF LIGHTS. Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the 15th of April per the Park City Municipal Code.

Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

14. OUTDOOR DISPLAY LOTS. Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

a. All fixtures shall be Fully Shielded as defined in LMC Chapter 15-15.

b. The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.

c. Display lighting shall be turned off within thirty (30) minutes of closing of the Business. Lighting used after 11 p.m. shall be security lighting. Security lighting shall be required to be motion sensitive not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

15. PROHIBITIONS. The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

16. OTHER EXEMPTIONS.

a. Nonconformance. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

b. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

c. Up-lighting. Up-lighting is permitted under the following conditions:

1) The use of luminaires for up-lighting on any residentially or commercial zoned Lot or Property or within a City ROW or Open Space zone, is permitted only for City-funded or owned statues, public monuments, ground –mounted Public Art, or flags of the United States of America.

2) All up-lighting shall be shielded and/or have beam-angle control and shall be aimed to limit the directed light to the illuminated object only.

3) Up-lighting is permitted thirty (30) minutes before sunset and until 11:00 p.m.; or, one hour after the close of location based on normal hours of operations, whichever is later.

17. TEMPORARY EXEMPTION.

a. Requests. Any Person may submit a written request to the Planning Director for a temporary exemption. A temporary exemption request shall contain the following information:

1) Specific exemption or exemption request;

2) Type and Use of outdoor light fixtures involved;

3) Duration of time for requested exemption;

4) Total wattage;

5) Proposed location on Site;

6) Description of event or reason for need of exemption; and

7) Other data as deemed necessary to adequately review and made a determination on the request.

b. Approval; Duration. The Planning Department shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Planning Department shall approve the request if it finds that the exemption is necessary for public safety, security or other public necessity and the exemption does not materially subvert the purpose of this Chapter. If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Planning Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this Chapter is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

- 5144 c. Denial/Appeal. If the request for a temporary exemption is denied,
5145 the Person making the request, in writing, may appeal the decision
5146 to the Planning Commission within ten (10) days of the denial as
5147 provided for in LMC Chapter 15-1.

5148 K. **TRASH AND RECYCLING ENCLOSURES**. In addition to County health
5149 standards, the following trash enclosure design standards shall apply:

- 5150 1. Trash and storage Areas shall be Screened by landscaping, Fencing,
5151 berms or other devices integral to overall Site and Building design;
- 5152 2. Trash and storage enclosures shall be designed and constructed of
5153 materials that are Compatible with the proposed or existing Building and
5154 with surrounding Structures. The enclosure's design, construction, and
5155 materials shall be substantial and consisting of masonry, steel, or other
5156 materials approved by the Planning and Building Department and capable
5157 of sustaining active use by residents and trash/recycling haulers. The
5158 design shall, if physically possible, include both a pedestrian door and a
5159 truck door or gate;
- 5160 3. Trash and storage Areas shall be well maintained including prompt repair
5161 and replacement of damaged gates, Fences and plants;
- 5162 4. Openings of trash enclosures shall be oriented away from public view or
5163 Screened with sturdy gates wide enough to allow easy Access for trash
5164 collection, where practical;
- 5165 5. The consolidation of trash Areas between Businesses and the Use of
5166 modern disposal techniques is encouraged.
- 5167 6. Exception. These standards shall not apply to existing Structures that
5168 have been built with zero Setbacks or when such enclosures would
5169 negatively impact Access, circulation, or snow removal efforts.

5170 L. **MECHANICAL EQUIPMENT**. All electrical service equipment and sub-panels
5171 and all mechanical equipment, including but not limited to, air conditioning, pool
5172 equipment, fans and vents, utility transformers, except those owned and
5173 maintained by public utility companies, and solar panels, shall be painted to
5174 match the surrounding wall color or painted or Screened to blend with the
5175 surrounding natural terrain. Roof mounted equipment and vents shall be painted
5176 to match the roof and/or adjacent wall color and shall be Screened or integrated
5177 into the design of the Structure. Minor exceptions to Setback requirements for
5178 Screened mechanical equipment may be approved by the Planning Director
5179 where the proposed location is the most logical location for the equipment and
5180 impacts from the equipment on neighboring properties, historic facades, and
5181 streetscapes can be mitigated and roof top mechanical placement and visual
5182 clutter is minimized.

5183 M. **PATIOS AND DRIVEWAYS**. A Building Permit is required for all non-bearing
5184 concrete flatwork, asphalt, and/or any Impervious Surface, regardless of size or

area. This includes any repairs, alterations, modifications, and expansion of existing flatwork.

- N. **LANDSCAPING.** A complete landscape plan must be prepared for the limits of disturbance area for all Development activity. The landscape plan shall utilize the concept of Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped, the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate plants, trees, and shrubs. Any proposed boulders or rocks greater than two inches (2") in diameter and Gravel must be identified.

Materials proposed for driveways, parking areas, patios, decks, and other hard-scaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. Refer to the Municipal Code of Park City Title 14-1-5 for a City approved Plant List. A diverse selection of plantings is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety and to prevent the spread of disease between the same species. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow for drainage. Areas of mulch shall be identified on the plan. Approved mulches include natural organic plant based or recycled materials. Gravel is only allowed in the following applications: as an approved walkway, patio, drainage plan, and/or defensible space. The Planning Director or his/her designee may determine if proposed defensible space areas are not required to include plantings. Any Gravel or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of Park City's Design Guidelines for Historic District and Historic Sites. Gravel is not an allowed surface for parking, ground cover on berms or finished grade with a ratio greater than 3:1, within platted or zoned open space, or as a material in parking strips or City rights-of-way.

To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. The Forestry Manager or Planning Director may grant exceptions to this if upon their review it is found that equivalent replacement is impossible or would be detrimental to the site's existing and/or proposed vegetation. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native

5229 and drought tolerant species, drip irrigation, and all plantings shall be adequately
5230 mulched.

5231 A detailed irrigation plan shall be drawn at the same scale as the landscape plan
5232 including, but not limited to: a layout of the heads, lines, valves, controller,
5233 backflow preventer, and a corresponding legend and key. Landscaped areas
5234 shall be provided with a WaterSense labeled smart irrigation controller which
5235 automatically adjusts the frequency and/or duration of irrigation events in
5236 response to changing weather conditions. All controllers shall be equipped with
5237 automatic rain delay or rain shut-off capabilities.

5238 Irrigated lawn and turf areas are limited to a maximum percentage of the allowed
5239 Limits of Disturbance Area of a Lot or Property that is not covered by Buildings,
5240 Structures, or other Impervious paving, based on the size of the Lot or Property
5241 according to the following table:
5242

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

5243 Where rock and boulders are allowed and identified on the Landscape Plan,
5244 these shall be from local sources. All noxious weeds, as identified by Summit
5245 County, shall be removed from the Property in a manner acceptable to the City
5246 and Summit County, prior to issuance of Certificates of Occupancy.

5247

5248 HISTORY

5249 *Adopted by Ord. 02-07 on 5/23/2002*

5250 *Amended by Ord. 06-56 on 7/27/2006*

5251 *Amended by Ord. 11-05 on 1/27/2011*

5252 *Amended by Ord. 12-37 on 12/20/2012*

5253 *Amended by Ord. 2018-27 on 5/31/2018*

5254 *Amended by Ord. 2019-30 on 5/30/2019*

5255

5256 **15-15 Defined Terms**

5257 (...)

5258 **Shared Driveway.** A single access vehicular way that is privately owned and
5259 maintained and provides access to two (2) or more Structures or off-street Parking
5260 Areas, which are located on individual Lots.

5261 (...)

From: Sean Kelleher <sskelle@gmail.com>
Sent: Monday, July 20, 2020 10:11 AM
To: Laura Kuhrmeyer
Cc: Bruce Erickson
Subject: Planning Revisions for HR-1

Follow Up Flag: Follow up
Flag Status: Completed

Laura:

I am a property owner in HR-1 and have a few comments regarding the proposed HR-1 changes in regards to Accessory Structures ("AS"). There are two diagrams that deal with AS, one immediately after line 190 and another after line 252. In each diagram, the size of the Main Building - which I assume represents the maximum size of the Main Building, but that's not really clear to me - is substantially different. In the first diagram, the Main Building covers substantially more of the building pad than in the second diagram. Is this because the AS in the second diagram is utilizing more of the pad (and less of the rear yard setback)? If so, it seems unlikely to me that someone would ever design an AS in this manner if the implication is that the Main Building needs to be substantially smaller to accommodate the AS. Alternatively, if Planning's intent is to include the SqFt of the AS with the Main Building footprint to calculate maximum allowable footprint, why is the Main Building in the second diagram so much smaller than the Main Building in the first, given the AS appears to be of the same dimensions as the AS in the first? Again, if the AS is included in the maximum Main Building footprint, why would anyone ever utilize the AS guidelines, since these elements of the building cannot be used for sleeping, bathrooms, kitchens, etc.? Clarity here would be helpful.

Additionally, the definition in LMC 15-15 for an AS seems like it could be tightened up. It includes Ancillary Structures as falling under the definition of an AS, and Ancillary Structures can only be one story while an AS can be up to 18 feet, which could accomodate two stories. There are also inconsistencies in terms of maximum allowable size, since an AS placed in the rear yard setback of a wide lot could be larger than 250 SqFt (the maximum size for an Ancillary Structure).

While this may seem a bit picky, this seems like a good opportunity to address AS's in more specificity. Like many people, I have been working from home much more extensively than ever before. During the Covid lockdown I had 8 people living & working in my 3BR house; five of them had "fled" various cities like NYC & Chicago. I had to increase my computer bandwidth to handle their increased workload. And I was tempted to buy a Home Depot shed and run an electrical cord to it! While my residence can't really accomodate an AS, I am sure there are others that would like to convert a barn or garage into office space (or add an AS for office space). To be clear, I'm not suggesting that Planning turn the AS definition into one that allows ADUs, but my experience with other properties I've developed in HR-1 is that clarity would be beneficial. So, I'd suggest:

- clarifying that AS SqFt in a rear yard setback is independent of the Main Building Maximum footprint;
- clarifying that an 18 ft tall AS can be two stories; a low ceiling lower level could be used as storage, for example. Alternatively, lower the max height for an AS that is entirely in the rear yard setback so as to minimize its impact on surrounding homes (probably the better solution, particularly if you agree with the first bullet)
- since it appears that electrifying an AS is allowable, specify that "office space" is an allowable use;

I'd be glad to discuss this in more detail , if you felt that was useful. Thanks -

Sean

Sean Kelleher, CFA

(m) 9734523727

City Council Staff Report



PLANNING DEPARTMENT

Subject: Prospector Square Supplemental
Amendment to Lot G Amended and Restated
Author: Laura Kuhrmeyer, Planner I
Project Number: PL-20-04521
Date: September 17, 2020
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council review and hold a public hearing for the Prospector Square Supplemental Amendment to Lot G Amended and Restated Plat Amendment and consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Disclosure: Park City Municipal is the applicant, and is represented by the Sustainability Department. While Park City Municipal does not own the property, the Property Owner has allowed the City to submit the application to identify the Easements.

Description

Applicant: Park City Municipal Corporation (PCMC)
Represented by Alison Kuhlow
Location: 1775 Prospector Avenue (PSA-48A-SP-AM)
Zoning District: General Commercial (GC)
Adjacent Land Uses: Residential, Commercial, Child Care, etc.
Reason for Review: Plats require Planning Commission review and City Council review and action

Acronyms

GC	General Commercial
LMC	Land Management Code
PCMC	Park City Municipal Corporation

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Executive Summary

On April 22, 2020, the Planning Department received the subject Plat Amendment application. After working with the applicant on the submittal requirements, the application was deemed complete on June 10, 2020. The Applicant proposes to maintain/provide public easements for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail in perpetuity and to define maintenance agreements. No other changes to the Plat are proposed.

The Developer of Lot G was not required to provide this pedestrian easement through the regular planning process. City Trails and Open Space staff approached the Developer and requested the authorization to apply for the Plat Amendment in hopes of preserving access. One condition of allowing the City to move forward with the easement was that the process did not delay the approved development and that the City would be the applicant.

One Easement was already identified on the existing Plat but the location was not clearly defined. The other Easement will allow access from Prospector Avenue to the first Easement and the Rail Trail. Staff has included Figure 1 and 2 below which clearly identify the locations of both Easements.

Figure 1: Proposed Existing Easement

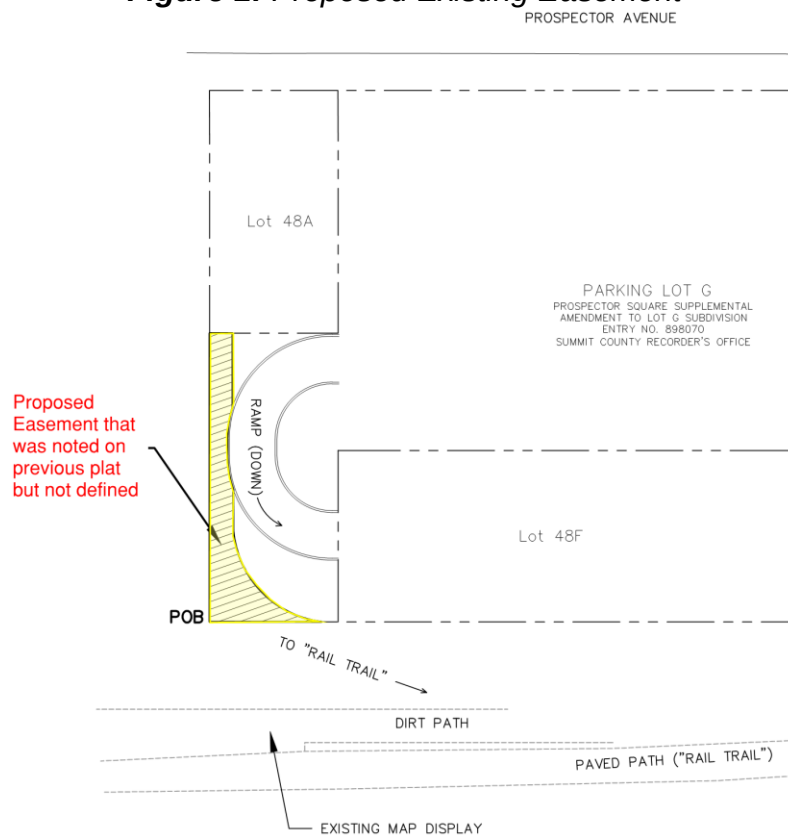


Figure 2: New Proposed Easement

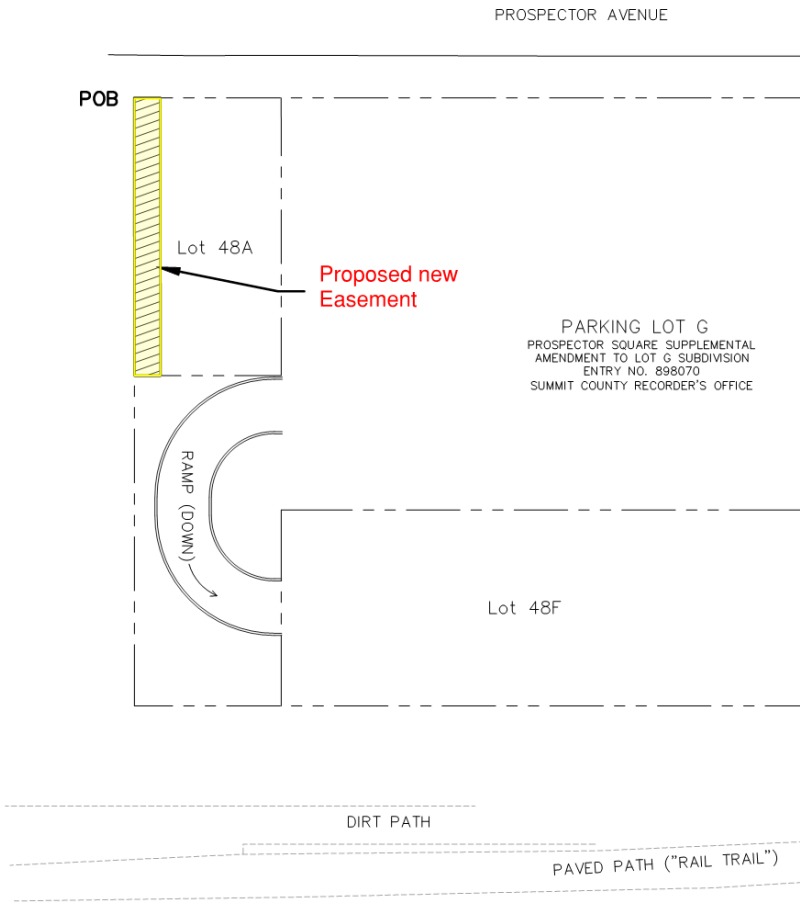


Figure 3: Area Map



On July 22, 2020, the Planning Commission reviewed the proposed Plat Amendment and forwarded a unanimous positive recommendation to City Council (see [Planning Commission Meeting Minutes, beginning on page 14](#)).

Background

On May 28, 2009, the City Council approved the Prospect Square Supplemental Amendment to Lot G Plat Amendment, ([Staff Report](#), [Summary](#), Entry No. 898070).

On August 31, 2017, the City Council approved the Prospect Square Second Supplemental Amendment to Lot G Amending Lot 48A and Lot 48C Plat Amendment ([Staff Report](#), [Minutes](#), [Ordinance 2017-29](#), and Entry No. 1085418).

On July 20, 2018, an Encroachment Agreement was recorded with Summit County (Entry No. 01095464) that allowed an underground parking garage to encroach into Prospect Square Property Owner's Association common area by ten feet (10').

On October 15, 2018, an Acknowledgement and Covenant Not to Build was recorded at Summit County (Entry No. 01099999). This Agreement prohibited the future construction of lot-line-to-lot-line buildings on both Lot 48A and Lot G, as it would not allow proper fire protection and window openings.

On December 13, 2018, a First Amendment to Encroachment Agreement was recorded at Summit County (Entry No. 01103155) which modified terms and agreements of the

2018 Encroachment Agreement for the underground parking garage and to address the location and operation of a garage access ramp.

On May 30, 2019, an Easement Agreement was recorded at Summit County (Entry No. 01111714) between Prospector Square Property Owner's Association and SMP 1791 LLC. This Easement Agreement allowed two electrical transformers to be installed on Parcel No PSA-G-SP-AM.

On July 2, 2019, the Building Department issued a Building Permit for a new three-story office on the subject lot.

On April 22, 2020, the Planning Department received the subject Plat Amendment application. On June 10, 2020 the Application was deemed complete. The Applicant proposes to maintain/provide pedestrian and bicycle public access between the Rail Trail and Prospector Avenue in perpetuity and to define maintenance agreements.

Analysis

Per Land Management Code (LMC) [§ 15-12-15\(B\)\(9\)](#), the Planning Commission has the authority to review all plats affecting land within the City limits. The scope of the review is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval have been satisfied. A plat that is found to be in compliance with the state statute and that has met conditions of approval must be approved.

The Applicant proposes to maintain/provide public easements for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail. Park City Municipal will take on all maintenance of the access Easement.

- (I) **Staff recommends the Commission approve the Plat Amendment application because it complies with the General Commercial (GC) Zoning District requirements outlined in Land Management Code (LMC) [Chapter 15-2.18](#).** Staff has included *Table 1* below, outlining the compliance with the GC Zoning requirements.

Table 1: Zoning Compliance

	LMC Requirements	Proposal
Lot Size	No minimum Lot Size requirements	Lot 48A – 3,825 square feet Lot G – 43,181 square feet
Maximum Floor Area Ratio	Per LMC §15-2.18-3(I) , the Maximum Floor Area Ratios would be 2.0 for each Lot	Lot 48A – 1.98 Lot G – There are no buildings on Lot G

Front/Rear/Side Setbacks	Per LMC §15-2.18-3(I) , zero (0) Lot Line development is permitted within the Prospector Overlay	Lot 48A – The Building meets the zero setback requirement Lot G – There are no buildings on Lot G
Building Height	35 ft from Existing Grade	Lot 48A – Max Building Height is 34 feet with mechanical equipment reaching 38 feet and 6 inches from Existing Grade Lot G – There are no buildings on Lot G
Off-Street Parking	Conditions of Approval of the Prospector Square Supplemental Amendment to Lot G will continue to apply. Plat Note #2 states that “Lots 48B and 48C require construction of underground parking.”	Per the Prospector Square Owner’s Association (see Exhibits G & H), Lot G shall maintain the existing 102 Parking Spaces. The proposed Easements do not affect the number of Parking Spaces available.

(II) The Development Review Committee reviewed the proposed Application and no further issues were brought up at that time.

(III) The Applicant meets the standards of LMC [Chapter 15-3](#), *Off-Street Parking*.

a. LMC [Chapter 15-3](#), *Off-Street Parking*

The proposal complies with LMC [§ 15-3-3](#), as the Off-Street Parking is shared in Prospector Square. The subject Lot (Lot G) is required to maintain the existing 102 Parking Spaces and the proposed Easements do not affect the number of Parking Spaces (see Exhibits G & H).

(IV) Staff Recommends the Commission approve the project because as conditioned, the proposed Plat Amendment complies LMC [§ 15-7.1-6](#), *Final Subdivision Plat*; LMC [§ 15-12-15](#), *Review By Planning Commission*; as well as state law regarding plat amendments.

a. LMC [§ 15-7.1-6](#), *Final Subdivision Plat*

The Planning Commission is reviewing the proposal and the City Council is scheduled to review the proposal on September 17, 2020.

b. *LMC § 15-12-15, Review By Planning Commission.*

The Planning Commission is reviewing the proposal and all previously imposed conditions of approved have been satisfied.

(V) Staff finds good cause for this Plat Amendment as the proposal will grant public easements for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail.

(VI) The City Engineer reviewed the proposed Application and no further issues were brought up at that time.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on July 8, 2020. Staff mailed courtesy notice to property owners within 300 feet on July 8, 2020.

Public Input

No public comment has been received at the time of this report.

Alternatives

- The City Council may approve the proposed Prospector Square Supplemental Amendment to Lot G Amended and Restated Plat Amendment, as conditioned or amended at the meeting; or
- The City Council may deny the proposed Prospector Square Supplemental Amendment to Lot G Amended and Restated Plat Amendment, and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the proposed Prospector Square Supplemental Amendment to Lot G Amended and Restated Plat Amendment, and request additional information or analysis in order to make a recommendation.

Exhibits

Exhibit A: Draft Ordinance

Attachment 1 – Prospector Square Supplemental Amendment to Lot G Amended and Restated Plat Amendment (Proposed)

Exhibit B: Current Plat

Exhibit C: Applicant's Written Description

Exhibit D: Existing Conditions Survey

Exhibit E: Aerial Photograph

Exhibit F: Site Photographs

Exhibit G: Prospector Square Parking Agreement

Exhibit H: Prospector Square Parking Study

Exhibit A – Draft Ordinance

Ordinance No. 2020-43

AN ORDINANCE APPROVING THE PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED, LOCATED AT 1775 PROSPECTOR AVENUE, PARK CITY, UTAH.

WHEREAS, the property owner of the property located at 1775 Prospector Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on July 8, 2020, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on July 8, 2020, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on July 22, 2020, to receive input on the proposed Plat Amendment; and

WHEREAS, the Planning Commission on July 22, 2020, forwarded a positive recommendation to the City Council; and

WHEREAS on September 17, 2020, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Prospector Square Supplemental Amendment to Lot G Amended and Restated, located at 1775 Prospector Avenue.

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

SECTION 1. APPROVAL. The Prospector Square Supplemental Amendment to Lot G Amended and Restated as shown in **Attachment 1** is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. All findings within the Analysis section and the recitals of the Staff Report are incorporated herein as findings of fact.

Background:

2. The subject property is located at 1775 Prospector Avenue.

3. On May 28, 2009, the City Council approved the Prospector Square Supplemental Amendment to Lot G Plat Amendment, ([Staff Report](#), [Summary](#), Entry No. 898070).
4. On August 31, 2017, the City Council approved the Prospector Square Second Supplemental Amendment to Lot G Amending Lot 48A and Lot 48C Plat Amendment ([Staff Report](#), [Minutes](#), [Ordinance 2017-29](#), and Entry No. 1085418).
5. On July 20, 2018, an Encroachment Agreement was recorded with Summit County (Entry No. 01095464) that allowed an underground parking garage to encroach into Prospector Square Property Owner's Association common area by ten feet (10').
6. On October 15, 2018, an Acknowledgement and Covenant Not to Build was recorded at Summit County (Entry No. 01099999). This Agreement prohibited the future construction of lot-line-to-lot-line buildings on both Lot 48A and Lot G, as it would not allow proper fire protection and window openings.
7. On December 13, 2018, a First Amendment to Encroachment Agreement was recorded at Summit County (Entry No. 01103155) which modified terms and agreements of the 2018 Encroachment Agreement for the underground parking garage and to address the location and operation of a garage access ramp.
8. On May 30, 2019, an Easement Agreement was recorded at Summit County (Entry No. 01111714) between Prospector Square Property Owner's Association and SMP 1791 LLC. This Easement Agreement allowed two electrical transformers to be installed on Parcel No PSA-G-SP-AM.
9. On July 2, 2019, the Building Department issued a Building Permit for a new three-story office on the subject lot.
10. On April 22, 2020, the Planning Department received the subject Plat Amendment application. After working with the applicant on the submittal requirements, the application was deemed complete on June 10, 2020.
11. The Applicant proposes to maintain/provide a public easement for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail in perpetuity and to define maintenance agreements.
12. Staff finds good cause for this Plat Amendment as the proposal will grant a public easement for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail.
13. Staff recommends the Commission approve the Plat Amendment application because it complies with the General Commercial (GC) Zoning District requirements outlined in Land Management Code (LMC) [Chapter 15-2.18](#).

Zoning District:

14. The site is within the General Commercial (GC) District and complies with Land Management Code (LMC) [Chapter 15-2.18](#).

Lot and Site Requirements:

15. There are no minimum Lot Size requirements in the GC Zone, and the proposed lot contains 43,181 square feet.
16. The proposal complies with LMC [§15-2.18-3\(l\)\(2\)](#), Maximum Floor Area Ratio as there are no buildings on Lot G.

17. The proposal complies with LMC [§15-2.18-3\(I\)\(3\)](#), Setbacks as there are no buildings on Lot G.
18. The proposal complies with LMC [§15-2.18-4](#), Building Height as there are no buildings on Lot G.

Other Applicable LMC Requirements:

19. The proposal complies with LMC [§ 15-3-3](#), *Off-Street Parking* as the Parking Agreement (see Exhibit G & H to July 22, 2020 Planning Commission Staff Report) requires that Lot G shall maintain the existing 102 Parking Spaces and the proposal does not affect the number of Parking Spaces available.

Public Notice Requirements:

20. Staff published notice on the City's website and the Utah Public Notice website on July 8, 2020.
21. Staff mailed courtesy notice to property owners within 300 feet on July 8, 2020.

Conclusions of Law:

22. The proposal complies with LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, as the Planning Commission and City Council will review the proposal for approval.
23. The proposal complies with LMC [§ 15-12-15](#), *Review By Planning Commission*, as the Planning Commission will review the proposal for compliance with the provisions of the state statute on recording of plats and ensure that all previously imposed conditions of approved have been satisfied.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat. The CC&Rs shall include a methodology for tie break.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten foot (10') public snow storage easement on Prospector Avenue shall be noted on the Plat.

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

PASSED AND ADOPTED this 17th day of September, 2020.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Attachment 1 – Prospector Square Supplemental Amendment to Lot G Amended and Restated (Proposed)



FOUND BRASS CAP STREET MONUMENT
AT P.O. OF PROSPECTOR AVENUE

LEGAL DESCRIPTION

Parcel 1:
LOT 6, PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT 6 subdivision, according to the official plot thereof on file and of record in the Summit County Recorder's Office.

Parcel 2:
LOT 48F, PROSPECTOR SQUARE SECOND SUPPLEMENTAL AMENDMENT TO LOT G AMENDING LOT 48B & LOT 48C subdivision, according to the official plot thereof on file and of record in the Summit County Recorder's Office.

Parcel 3:
 PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS, that SUP 1791 LLC, a Delaware limited liability company, as to Lot 48A and Lot 48F, to be known as the "PROJECT," SOUTHWESTERN UNIVERSITY, a Missouri corporation, has duly and lawfully executed this instrument, together with the necessary acknowledgments, and has duly and lawfully caused the same to be recorded in the public land for local government uses, and required utilities shown on this plat in accordance with an irrevocable offer of dedication.

day of _____, 2020.

Witness whereof the undersigned has executed this certificate this _____ day of _____, 2020.

In witness whereof the undersigned has executed this certificate this _____ day of _____, 2020.

Edward B.R. Lewis, Manager
SMP 1791 LLC, a Delaware limited liability company

ACKNOWLEDGMENT

State of Utah)
) ss.
County of Summit)

A Notary Public commissioned in Utah

Printed Name _____

Mr. Commission President

OWNER'S ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS, that the undersigned President of Prospector Square Property Owners Association, a Utah non-profit corporation, as to Parking Lot G, does hereby certify that it consents to the reclamation of this PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED plat.

ALSO, the owner or its representative hereby irrevocably offers for dedication to the public for local government uses, easements, and/or utilities shown on this plat, in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has executed this certificate this _____ day of _____, 2020.

Dean S. Berrett, Secretary
Proactor Square Property Owners Association, a Utah non-profit corporation

ACKNOWLEDGMENT

State of Utah)
-- ss:

On the _____ day of _____

On the _____ day of _____, 2020, Dean S. Berrett personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the President of Prospector Square Property Owners Association, a Utah non-profit corporation, and that said document was signed by her on behalf of said Association, by authority of its Bylaws or Resolution of its Members, and she acknowledged to me that she executed PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT 6 UNDIVIDED AND RESTATED.

A Nation's Public contributed to *Illab*

Printed Name _____

Reading in: _____

My Commission Expires: _____

PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G
AMENDED AND RESTATED

LOCATED IN THE NORTHEAST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

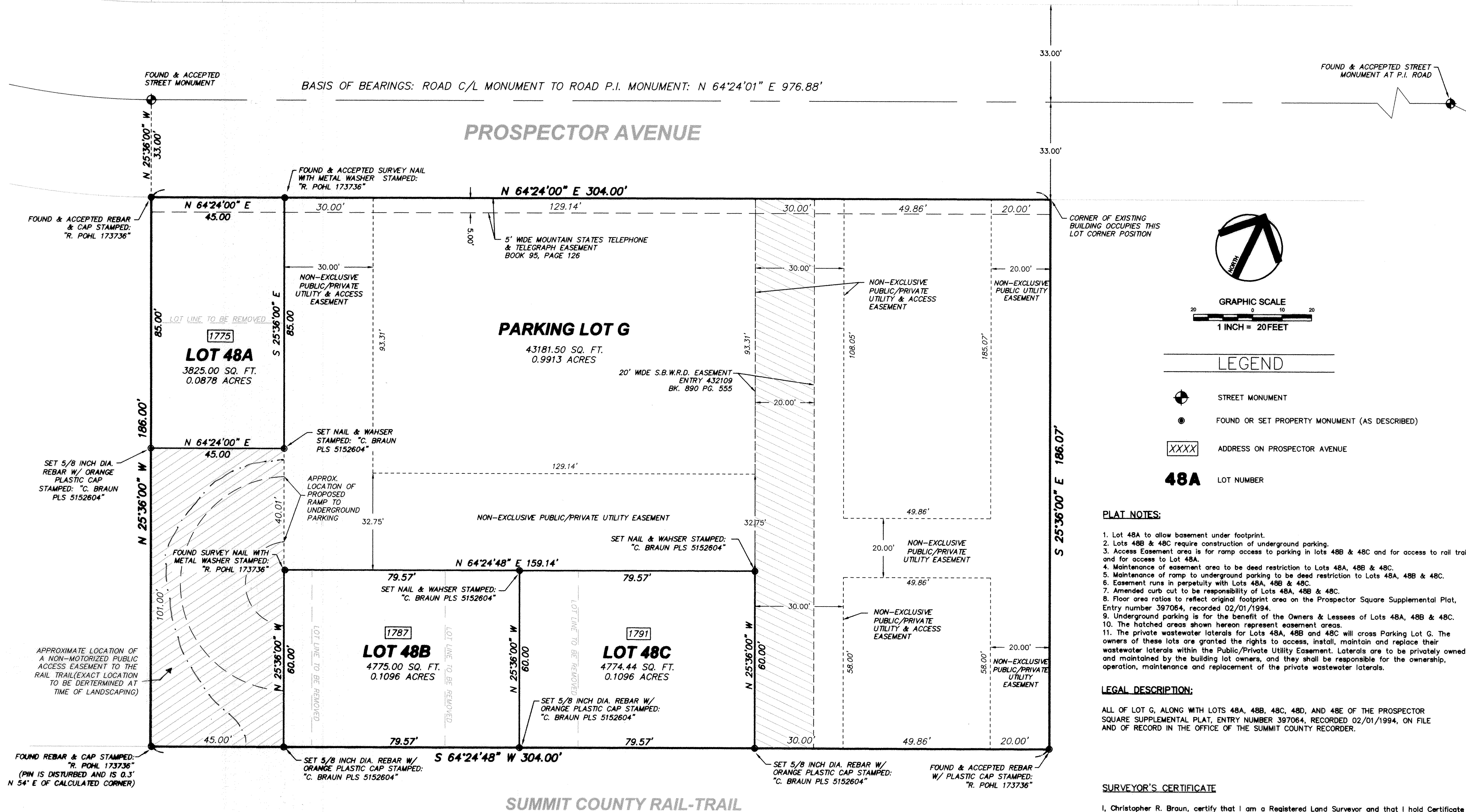
4/15/20 JOB NO.: 7-1-20 FILE: X:\Prospector\dwg\arv\plat2020\070120.dwg
ZJ, 2018, AS ENTIT NO. 1083418. SHEET

PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2020 BY _____ SUMMIT COUNTY GIS COORDINATOR	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2020 BY _____ CSB 211	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2020 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY _____ MAYOR	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2020	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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407

PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G

LOCATED IN THE NORTHEAST QUARTER OF
SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



PLAT NOTES:

- Lot 48A to allow basement under footprint.
- Lots 48B & 48C require construction of underground parking.
- Access Easement area is for ramp access to parking in lots 48B & 48C and for access to Lot 48A.
- Maintenance of easement area to be deed restriction to Lots 48A, 48B & 48C.
- Maintenance of ramp to underground parking to be deed restriction to Lots 48A, 48B & 48C.
- Easement runs in perpetuity with Lots 48A, 48B & 48C.
- Amended curb cut to be responsibility of Lots 48A, 48B & 48C.
- Floor area ratios to reflect original footprint area on the Prospector Square Supplemental Plat, Entry number 397064, recorded 02/01/1994.
- Underground parking is for the benefit of the Owners & Lessees of Lots 48A, 48B & 48C.
- The hatched areas shown hereon represent easement areas.
- The private wastewater laterals for Lots 48A, 48B & 48C will cross Parking Lot G. The owners of these lots are granted the rights to access, install, maintain and replace their wastewater laterals within the Public/Private Utility Easement. Laterals are to be privately owned and maintained by the building lot owners, and they shall be responsible for the ownership, operation, maintenance and replacement of the private wastewater laterals.

LEGAL DESCRIPTION:

ALL OF LOT G, ALONG WITH LOTS 48A, 48B, 48C, 48D, AND 48E OF THE PROSPECTOR SQUARE SUPPLEMENTAL PLAT, ENTRY NUMBER 397064, RECORDED 02/01/1994, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

Christopher R. Braun
PLS 5152604
3/11/10
Date

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner of the herein described tract of land known as LOT 48A, 48B, 48C, 48D AND 48E, to be known hereafter as the Prospector Square Supplemental Amendment To Lot G, do hereby certify that I have caused this Plat to be prepared, and I, HENRY SIGG, hereby consent to the recordation of this Plat. ALSO, the owner, or his representatives, hereby irrevocably offers for dedication to the City of Park City and Snyderville Basin Water Reclamation District all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this 11th day of MARCH, 2010.

BY: Henry Sigg
Owner, Mountain Trails Plaza, LLC.

Henry Sigg

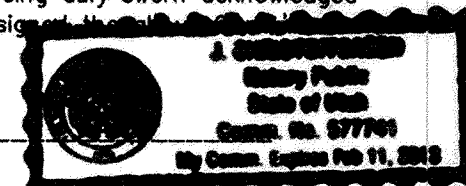
ACKNOWLEDGMENT

State of Utah
County of Summit

On this 11th day of March, 2010, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, HENRY SIGG, the person that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the person who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that he is the owner of the herein described tract of land and he signed the above Dedication and Consent to Record freely and voluntarily.

Notary Public

My Commission Expires:



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land, known as PARKING LOT G, to be known hereafter as the Prospector Square Supplemental Amendment To Lot G, do hereby certify that I have caused this Plat to be prepared, and I, PAUL CHRISTENSEN, representing Prospector Homeowners Association, hereby consent to the recordation of this Plat. ALSO, the owner, or his representatives, hereby irrevocably offers for dedication to the City of Park City and Snyderville Basin Water Reclamation District all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, I have hereunto set my hand this 12th day of MARCH, 2010.

BY: Paul Christensen, President
Prospector Square H.O.A. President

Paul Christensen

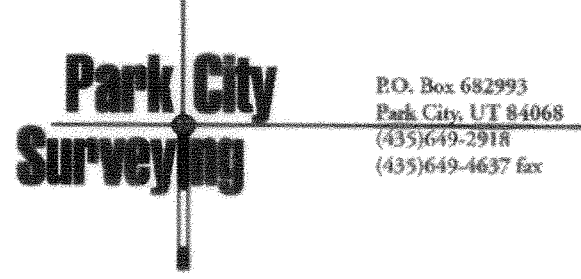
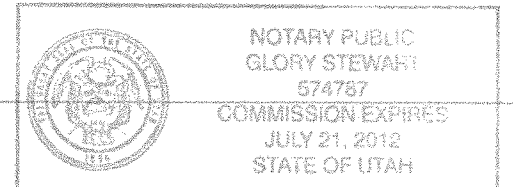
ACKNOWLEDGMENT

State of Utah
County of Summit

On this 12th day of March, 2010, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, PAUL CHRISTENSEN, the person that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the person who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that he is the owner of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public

My Commission Expires: July 21, 2012



PARK CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 13th DAY OF MAY, 2009 A.D.

CHAIRMAN

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 26th DAY OF MAY, 2009 A.D.

PARK CITY RECORDER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 15th DAY OF March, 2010 A.D.

S.B.W.R.D.

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 8th DAY OF April, 2010 A.D.

PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 24th DAY OF April, 2010 A.D.

PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 28TH DAY OF MAY, 2009 A.D.

MAYOR

#898070

RECORDED

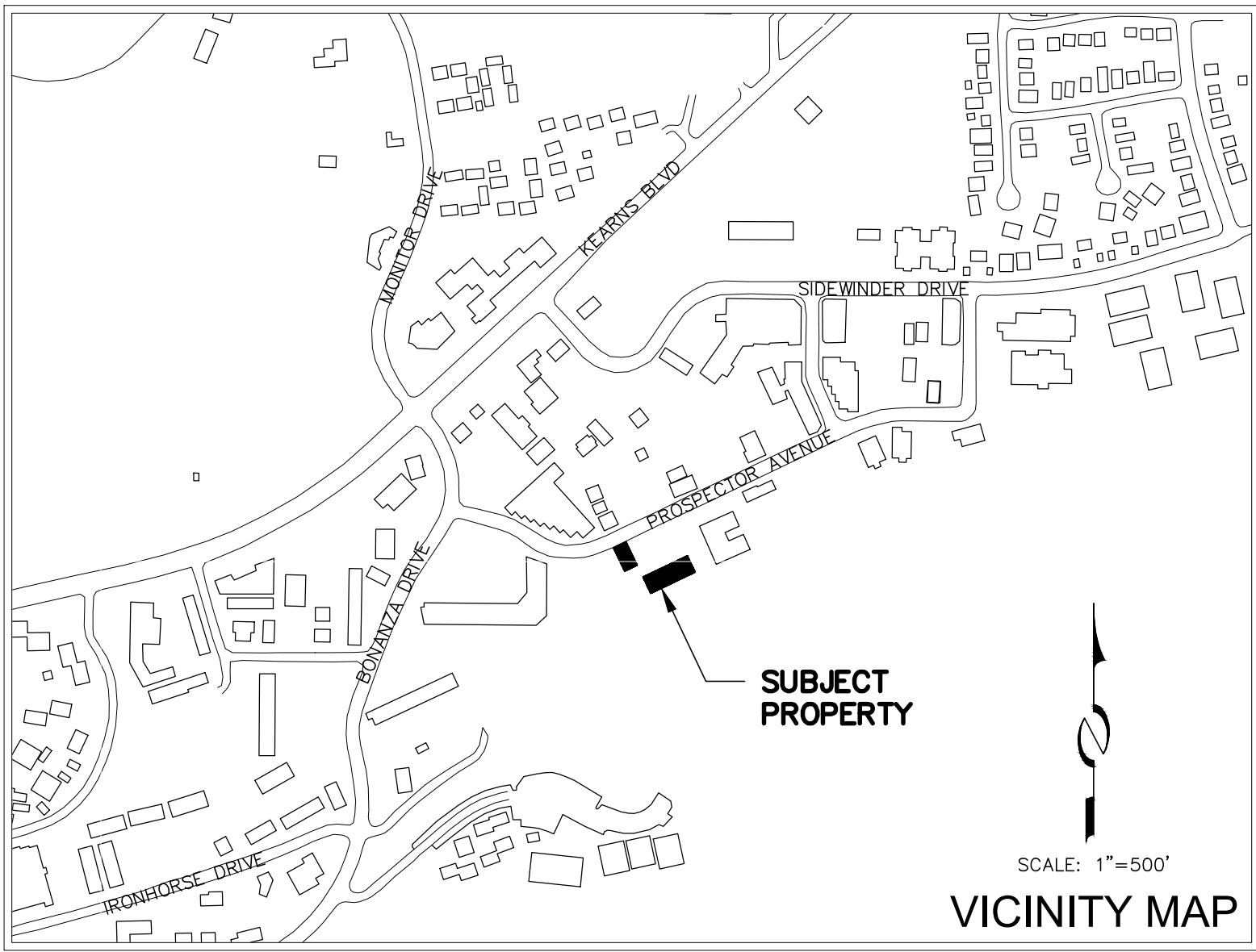
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Park City Title

5-18-10 TIME 10:37 AM BOOK PAGE FEE \$34.00 RECORDER

Lot G Plat Amendment
Written Description

In order to maintain/provide pedestrian and bicycle public access between the Rail Trail and Prospector Avenue in perpetuity and to define maintenance agreements, the City submits this application for such easement in Lot G of Prospector Square.

There are two property owners, along with Park City Municipal, named within the access easement.



LOTS 48A & 48F & PARKING LOT G
PROSPECTOR SQUARE
RECORD OF SURVEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, certify that I am a Professional Land Surveyor and that I hold License No. 4857264, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

All of Lot 48A, PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G SUBDIVISION, according to the official plat thereof recorded May 12, 2010 as Entry No. 898070, on file and of record in the office of the Summit County Recorder, Summit County, Utah. Parcel No. PSA-48A-SP-AM

All of Lot 48F, PROSPECTOR SQUARE SECOND SUPPLEMENTAL AMENDMENT TO LOT G AMENDING LOT 48B & LOT 48C, according to the official plat thereof recorded January 23, 2018 as Entry No. 1085418, on file and of record in the office of the Summit County Recorder, Summit County, Utah. Parcel No. PSA-48F-SP-2AM

All of Parking Lot G, PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G SUBDIVISION, according to the official plat thereof recorded May 12, 2010 as Entry No. 898070, on file and of record in the office of the Summit County Recorder, Summit County, Utah. Parcel No. PSA-G-SP-AM

TOGETHER WITH the easements, rights and benefits contained in that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions of Prospector Square Subdivision, recorded as Entry No. 458513 in Book 979, Page 311, in the office of the Summit County Recorder, Summit County, Utah.

TOGETHER WITH the easements, rights and benefits contained in that certain Property Exchange and Easement Agreement, recorded as Entry No. 899311 in Book 2033, Page 806, in the office of the Summit County Recorder, Summit County, Utah.

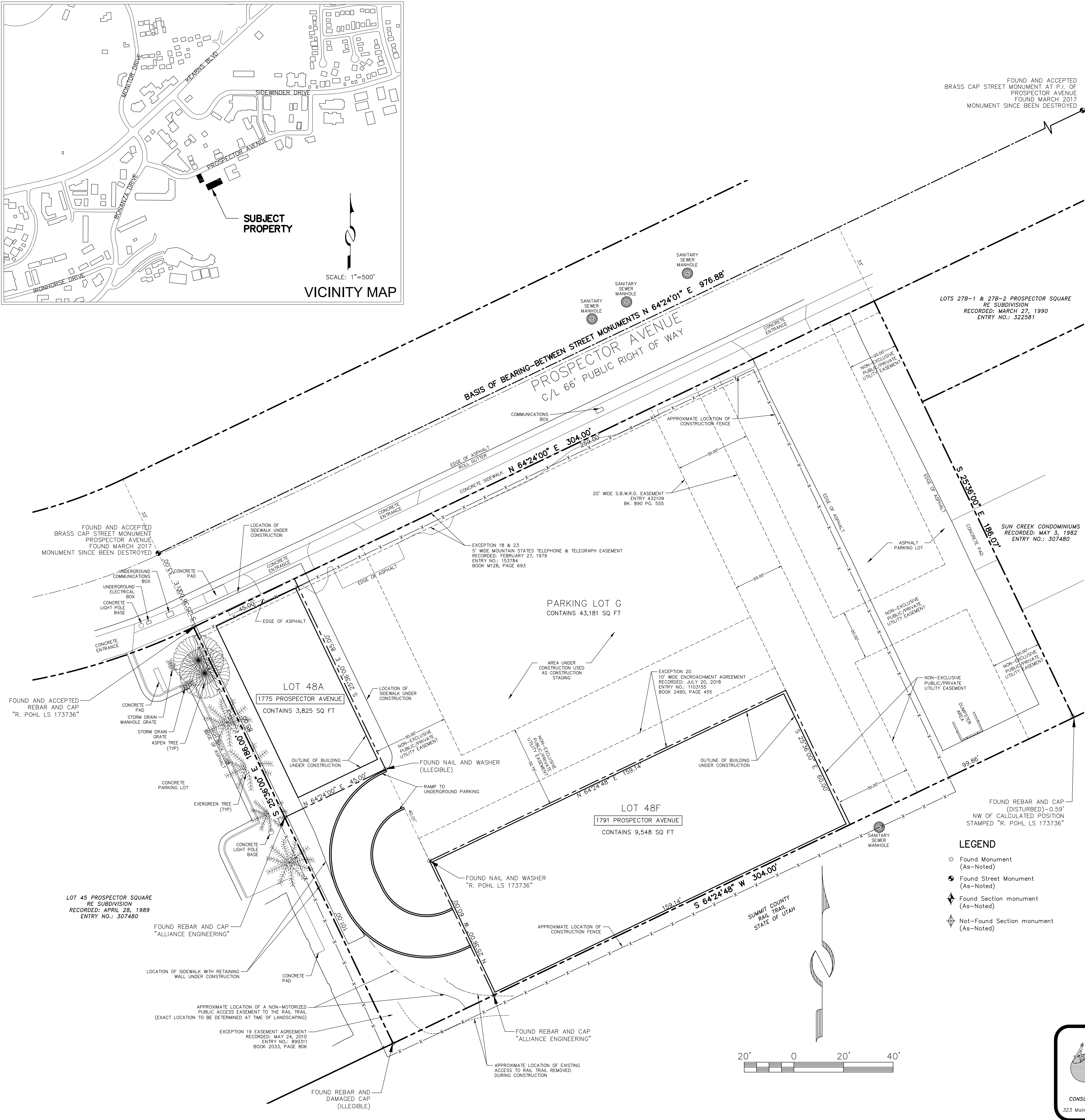
TOGETHER WITH the easements, rights and benefits contained in that certain Encroachment Agreement, recorded as Entry No. 1095464 in Book 2471, Page 1877, as amended by that certain First Amendment to Encroachment Agreement, recorded as Entry No. 1103155 in Book 2490, Page 455, in the office of the Summit County Recorder, Summit County, Utah.

TOGETHER WITH the easements, rights and benefits contained in that certain Easement Agreement, recorded May 30, 2019 as Entry No. 1111714 in Book 2510, Page 1721, in the office of the Summit County Recorder, Summit County, Utah.

TOGETHER WITH the easements for the benefit of Lots 48A and 48F (formerly Lots 48B and 48C), as per the plat notes shown on the plats recorded as Entry No. 898070 and Entry No. 1085418.

NOTES

- Based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 490139, Map Number 49043C09236C with an effective date of March 16, 2006, the subject property is located in, Zone X "area determined to be outside the 0.2% annual chance floodplain", according to the map.
- County tax maps, recorded deeds, Prospector Square Supplemental Amendment to Lot G, Prospector Square Second Supplemental Amendment to Lot G amending Lot 48B and Lot 48C, Prospector Square Lot 45 Re subdivision, Prospector Square Supplemental Amendment to Lot G Subdivision, Sun Creek Condo Subdivision, Prospector Square Lot 27B Re subdivision, Prospector Square Subdivision, and Record of Survey s-9034 (all aforementioned documents are on file and of record with the Summit County Recorder's office) in addition to physical evidence found in the field were considered in determining the boundary as shown on this survey.
- The architect is responsible for verifying building setbacks, zoning requirements and building height restrictions.
- Property corners were found as shown.



LEGEND

- Found Monument (As-Noted)
- Found Street Monument (As-Noted)
- Found Section monument (As-Noted)
- Not-Found Section monument (As-Noted)

Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664
(435) 649-9467

STAFF:
MICHAEL DEMKOWICZ
BLAYDE MCINTIRE
DATE: 6/10/20

RECORD OF SURVEY
1775 AND 1791 PROSPECTOR AVENUE
FOR: PSP0A
JOB NO.: 07-01-20
FILE: X:\Prospector\dwg\sr\svry2020\Parking Lot G\070120-ROS.dwg

SHEET
1
OF
1

Lot G

Aerial Photo with Lot Lines (>500')



Lot G Plat Amendment
Photographic Panoramic Views



Figure 1Lot G - West Facing



Figure 2Lot G - East Facing







Figure 3Lot G - East Facing



Figure 4Lot G - South Facing

PARKING AGREEMENT BETWEEN
PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION AND
PARK CITY MUNICIPAL CORPORATION

This Agreement entered into by and between PARK CITY MUNICIPAL CORPORATION (hereinafter Park City), and PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION (hereinafter Prospector), to set forth an amendment to the Prospector Property Owners' Association covenants concerning parking.

WHEREAS, Park City and Prospector desire to quiet concerns over the adequacy of parking in the Prospector Square area, and to amend their homeowners association covenants to reflect this parking agreement, and;

WHEREAS, Park City and Prospector agree that adequate parking is necessary for the future development and growth of the Prospector Square area, and ultimately Park City, and;

WHEREAS, adequate parking in Prospector Square area is necessary for the full enjoyment of visitors to Prospector Square, Prospector residents in their homes, and commercial property owners of their property,

THEREFORE, the parties agree as follows:

1. Any questions regarding the ownership of the Prospector Square common parking lots and the tax

1
liens placed on the parking lots have been fully answered. The Property Owners Association is able to show clear ownership of those lots prior to execution of the Agreement.

2. Any new developments applying for building permits will be required to count parking for the first two floors out of the total available developed parking spaces in Prospector Square, and provide additional parking for all development above two (2) stories pursuant to the requirements in the Land Management Code.

All future development above two (2) stories will be required to meet the parking requirements for the development above two (2) stories by either providing on-site parking or providing an escrow account in the amount of Ten Thousand Dollars and No Cents (\$10,000.00), per required parking space.

3. When the development of all developable land in Prospector Square reaches eighty-five (85) percent build-out, the parking situation will be reviewed by the City Planning Staff and a needs assessment will be made. Parking will then be built as required in the locations where it is most needed, based upon use patterns, site suitability, cost effectiveness,

and other development parameters. Site selection will be jointly determined by the Prospector Square Property Owners Association and the City Planning Department. If there is no demonstrated need, the escrowed funds will be reimbursed to the developer.

4. The City Planning Department proposes to the Prospector Square Property Owners that if this proposal does not fulfill their long range planning needs, the Property Owners Association shall contract and pay for a comprehensive study which would offer other design and development options to handle the future parking needs.

DATED the 15th day of September, 1987.

PARK CITY MUNICIPAL CORPORATION

By: Michael W. Nance

PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

By: Dean L. Berrett

(ProsPark/PC11)

Interim Parking Agreement Between
Prospector Square Property Owners Association
and Park City Municipal Corporation

July - 1984

In response to ongoing concern over the adequacy of existing Prospector Square parking, the Prospector Square Property Owners Association hereby agree to use their best efforts to accomplish adoption of an amendment to the covenants addressing parking demand in Prospector Square. Such amendments to the covenants should require the following items:

1. The Association will complete an annual parking survey conducted during two peak ski-season weeks in February.
2. Residential, ~~restaurant or other food service~~ uses must provide Land Management Code parking on-site or directly adjacent to the use, on land owned or controlled by the developer of the project. (credit will be allowed for a pro-rated share of total Prospector spaces at one space per 328 s.f.)
3. Utilizing a mixed use evaluation of shared parking, the parking demand study should determine an appropriate floor area to site area development ratio which causes no additional impact on existing parking. A ratio of 2:1 has been suggested, but something less than 2:1 may be required to adequately address the potential impact.
4. Require uses which exceed the established acceptable ratio determine under number 3 above, to escrow funds prior to building permit issuance for new parking lots or structures to be established by the Association.
5. Complete transfer of ownership of existing lots to the Prospector Square Property Owners Association and resolve tax lien issue.

The Prospector Square Property Owners Association also agree that such amendments shall be presented to the Owners for a vote by January 15, 1985.

During the interim six months, it is agreed that the City will issue building permits in Prospector Square for projects which do not materially or substantially affect the existing and future demands for parking in Prospector Square. Those projects to be considered will be as follows:

- 1) projects which provide Land Management Code parking on site (credit will be allowed for a pro-rated share of total Prospector spaces).
- 2) retail commercial or office projects which have a floor area to site area ratio of less than 2:1 (does not include restaurant or other food service uses).

Other projects which appear to the City to have a significant parking demand in excess of the proportionate share of common area parking will not be considered for building permits unless an agreement is made to provide Land Management Code parking on or adjacent to the site.

DATED the 9th day of August, 1984.

By: [Signature] President
Prospector Property Owners Assn.

By: [Signature]
Park City Municipal Corporation

*Letter to Summit
of Mike Sloan
of Alpine*



In conclusion, for all projects in the Prospector PUD on those lots that are part of the common area parking arrangement, the City staff will process and issue building permits only under the following conditions:

1. If the project provides all of its code required parking on-site, a permit will be issued.
2. If the project is such that its code required parking requirements do not exceed that lot's proportionate share of the common area surface parking, a permit will be issued. For these purposes, the common area parking will be allocated at one space for every 328 square feet of building lot area. This is the same formula Muir-Chong used in 1980.
3. If the project provides on-site parking and relies in part on its proportionate share of the common area parking, so that the sum of the two equals the code requirement for the project, a building permit will be issued.
4. If the project proposes to rely entirely on the common area parking, or the code parking requirement for that project exceeds the sum of the on-site and common area parking (item #3), or if the project proposes to use more than its proportionate share of the common area parking, no building permit will be issued unless and until (a) the 1980 parking demand study is updated to 1984, specifically addressing the new nature of the development in the area, and (b) the property title and property tax issue are resolved in a manner that makes it realistically possible for the Association to build on the common area parking lots to increase parking capacity.

In addition to the foregoing, which will apply to every project, the Staff will not issue building permits on the hotel-type condominium uses unless some on-site parking is provided with that project because of the functional problems with the remote parking areas. While there may be room in a remote parking lot, and that the owner of a business may be able to require his employees to use it, logic dictates that people paying to stay in a hotel will park near the hotel, in the closest parking lot or on the street. This unreasonably impacts the other uses that share the common parking lots, and creates an unreasonable burden for the City in terms of snow removal. The hotel uses are a major deviation from the original approval and even from the 1980 parking study. These uses cannot reasonably expect to rely on the original PUD approval for parking, then ignore it for

*after
revisions*



every other aspect of the development.

The extent of the off-street parking required for the hotel uses will depend in large measure on the results of the updated parking study. The formula we have used to date is based on the combination of a proportionate share of common area parking and code, as in Item #3 above. With a project that attempts to rely entirely on the common area parking, the review will depend on both the parking study, and the location of the lots that are judged most likely to be used for that project.

In short, we are assuming that Prospector can only rely on the existing number of surface parking spaces, but cannot, with the title problems, expand that number by building structured parking. Any project attempting to use more than its proportionate share of that common area parking will be presumed to have no means of providing additional parking, and will be required to meet the Land Management Code standards with on-site parking. Hotel uses will have to provide some on site parking in any event as a deviation from the original approval for the subdivision.

When your association can demonstrate that the title problems have been resolved so that it can build additional parking on the common lots, and when the parking demand study has been brought up to date, we would be happy to review this position and make adjustments as seem reasonable based on that new information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Clyde".

Thomas E. Clyde

cc: Arlene Loble
Mike Vance
Ron Ivie
John Eskelin
Mayor Green
Councilmembers

MEMORANDUM

Date: October 26, 2015

To: Steven Arhart, EIT
Park City Engineering Division

From: Hales Engineering

Subject: Park City – Prospector Square Parking Study

UT15-749

This memorandum discusses the parking study completed for Park City in consideration of the parking demands and issues in and around Prospector Square. The study covers the existing parking supply and demand, analyzes current parking policies and enforcement, and addresses concerns expressed by the city and the Prospector Square Property Owners Association (PSPOA). The following questions will be addressed:

- Is there a shortage or excess of overnight parking in the Prospector Square area?
- How does a No Parking (2:00 – 6:00 a.m.) policy impact parking?
- What are some possible mitigation measures and long term solutions?

Existing Conditions

Prospector Square is a subdivision located south of Kearns Boulevard (SR-224) and east of Bonanza Drive in Park City, Utah. A vicinity map showing the location of the project is shown in Figure 1. Land use within Prospector Square consists of office, retail, dining, and lodging (both condominiums and hotels). The Prospector Square Property Owners Association (PSPOA) maintains twelve parking lots, with a total of 1,167 parking spaces. Approximately 229 additional on-street public parking spaces are available on Sidewinder Drive, Prospector Avenue, Poison Creek Lane, and Gold Dust Lane. On-street parking is currently restricted on Sidewinder Drive and Gold Dust Lane between the hours of 2:00 and 6:00 a.m.

All PSPOA lots are open 24 hours per day, but require a permit for overnight parking (1:00 to 6:00 a.m.). Permits are granted to PSPOA residents, and each commercial entity in the area are granted three permits for fleet vehicles with the option to purchase additional permits. These permits are issued through the PSPOA's property management company, PMA, which has an office located in Prospector Square.

From December 1st to April 1st, no vehicle is allowed to remain in the same spot for more than 24 consecutive hours. From April 2nd to November 30th, vehicles are required to move every seven days. PSPOA has a parking management contract that enforces all rules and regulations in PSPOA owned parking lots.

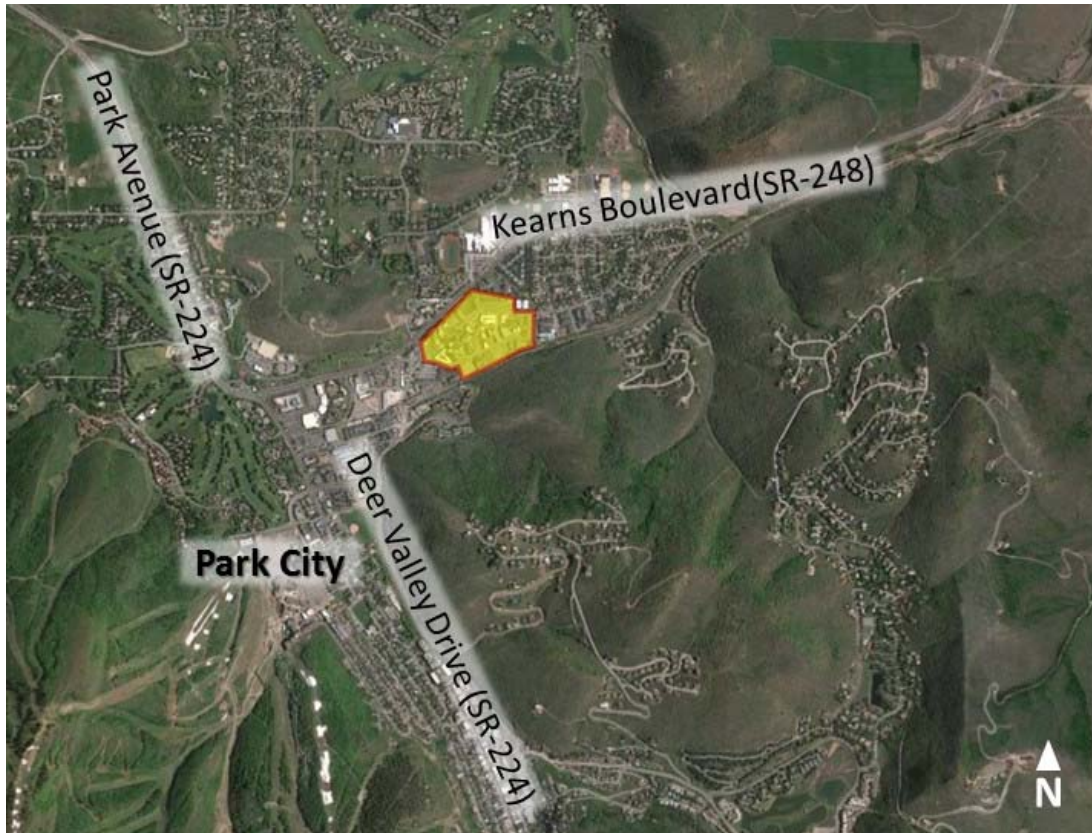


Figure 1 Vicinity map showing the study area in Park City, Utah

Parking Supply and Demand

Hales Engineering collected parking utilization data for the Prospector Square area. The number of cars parked in each lot and on each street were counted between 2:00 and 4:00 a.m. on a weeknight, when parking demand is typically highest for residential uses. Data were also collected in the nearby Aspen Villas Apartments parking lot, as well as the Gold Dust Plaza parking lot (a private parking lot within Prospector Square). Parking utilization data is shown in Table 1. At the time of data collection, LOT F was fenced off due to construction activity. Based on information provided by the PSPOA, LOT F is currently being redeveloped along with the adjacent property, and will provide a slight increase in parking capacity once completed. As shown in Table 2, of all available parking

in the Prospector Square area, approximately one third is being utilized overnight. This indicates that the parking capacity is more than adequate for overnight needs.

Table 1 Prospector Square Parking Utilization

Prospector Square Parking Utilization				
Parking Facility	Total Parking Spaces	Occupied Parking Spaces	Open Parking Spaces	Occupancy
Aspen Villas Apartment Complex	177	114	63	64%
Sidewinder Drive	84	5	79	6%
Gold Dust Lane	23	0	23	0%
Poison Creek Lane	30	18	12	60%
Prospector Avenue	92	72	20	78%
Prospector Square Lot A	92	3	89	3%
Prospector Square Lot B	47	46	1	98%
Prospector Square Lot C	40	1	39	3%
Prospector Square Lot D	94	45	49	48%
Prospector Square Lot E	50	40	10	80%
Prospector Square Lot F	99	N/A	-	-
Prospector Square Lot G	165	51	114	31%
Prospector Square Lot H	66	4	62	6%
Prospector Square Lot I	115	48	67	42%
Prospector Square Lot J	201	25	176	12%
Prospector Square Lot K	85	15	70	18%
Prospector Square Underground	113	49	64	43%
Gold Dust Plaza Parking	10	2	8	20%
Total:	1583	538	946	34%
Hales Engineering, July 2015				

On-Street Parking Restrictions

There have been several complaints from business owners at Prospector Square that vehicles parked on the streets are abandoned there for long periods of time, making it difficult for customers to find open parking spaces during the day. These abandoned vehicles also cause problems with snow removal during the winter months.

It is believed that many of the abandoned vehicles are the result of overflow parking from surrounding residential areas. It is also believed that since this area is one of the few areas in Park City where on-street parking is unregulated, that it is used as a de facto park-and-

ride lot. The Park City Police Department (PCPD) collected registration information of vehicles parked on the streets at Prospector Square and the owners address on the vehicle registration record. These data were collected once on the night of Tuesday, March 3, 2015, and again on the night of Thursday, August 13, 2015. These data are summarized in Table 2. As shown in Table 2, the majority of vehicles parked on the streets in the Prospector Square area are registered to owners living at the Aspen Villa Apartments or in other nearby residential areas. PCPD also reported that several vehicles remain parked on the street for days or weeks at a time.

Table 2 On-Street Parking Data

On-Street Parking Data		
Origin of Vehicle	March 2015	August 2015
Aspen Villa Apartments	28	37
Heber, Kamas, and Midway	9	12
Iron Horse Loop Road	7	0
Other Park City Streets	6	13
Bonanza Drive	3	3
Out of State	3	4
Salt Lake City Area	2	25
Total:	58	94
Hales Engineering, August 2015		

The majority of available on-street parking in the Prospector Square area appears to be used as overflow parking for nearby residential developments, with the rest by vehicles traveling from out of town. The overflow parking is a result of residential developments not providing sufficient parking facilities, or residents owning more vehicles than are allowed to be parked on-site. It was reported that the Aspen Villas Apartments management had recently taken steps to enforce occupancy restrictions on their property, as well as assigning two parking spaces to each unit. The data collected by Hales Engineering in July (See Table 1) shows that only 64% of onsite parking was occupied. However, there was an increase in vehicles registered to Aspen Villa Apartments residents parked on street between March and August (see Table 2).

Recommended Mitigation Measures

It is recommended that Park City staff contact Aspen Villa management to coordinate on ways for residents to use the surplus parking spots in the Aspen Villa lot as opposed to using on-street spaces for long-term parking. The data collected in July 2015, showed that there were approximately 63 vacant parking spaces overnight at the complex. However,

there are still numerous vehicles from this complex being parked on-street in the Prospector Square area.

It is also recommended that residential developments, especially multi-family developments, provide adequate parking facilities for residents and enforce their respective occupancy and/or number of vehicle restrictions. This will prevent the need for overflow parking on public streets. As mentioned previously, this has recently been done at the Aspen Villa Apartments, which has resulted in more open parking spaces at the apartment complex overnight.

One alternative would be to implement a No Parking (2:00 – 6:00 a.m.) on the surrounding neighborhoods. Restricting overnight parking would prevent vehicles from being left on the street for long periods of time, but may have impacts on hotel or other residential guests staying in the area.

Instead, it is recommended that a 72 hour parking restriction be implemented in the PSPOA on-street areas. This would require that cars parked on the street in the Prospector Square area be required to move every 72 hours. 72 hour parking would address the problem of “abandoned” vehicles being left parked on the street for long periods of time, while allowing for short-term, overnight, on-street parking. Consideration should also be given to how these regulations would be enforced.

As shown in Table 3, it is likely that restricting overnight parking in the Prospector Square area would result in a higher number of vehicles being pushed neighboring residential areas than if a 72 hour parking restriction were enacted.

It is recommended that before any changes to the overnight parking regulations are posted and enforced, that notice be given to residents of the nearby apartment complexes explaining the change and encouraging residents to park in their respective apartment parking lots. This could be accomplished by the posting of flyers, relaying the message through property managers, and/or the city hosting an information session for residents. Discussions with the management of these complexes is also recommended so that they are aware of the change and can enforce their parking rules and discourage on-street parking.

It is recommended long-term planning include overnight and long-term parking facilities be provided for those who carpool or travel to and from Park City. This could be accommodated at the existing parking facility at Richardson Flatt, or at another location in the area. As part of this mitigation measure, it is recommended that wayfinding signs be installed in Prospector Square, as well as other parts of the city, near on-street parking explaining where the overnight parking can be found. This will help to educate the public on where to find appropriate parking. It is also recommended that signing be placed on

US-40 and other nearby roads (depending on where the park and ride lot is located) directing people to the overnight parking lot.

Table 3 Parking Restriction Analysis

Parking Restriction Analysis				
Origin of Vehicle	Average Number of Vehicles Parked on-street	Impacts	Vehicles pushed to on-street parking in nearby neighborhoods if overnight parking is restricted	Vehicles pushed to on-street parking in nearby neighborhoods if 72 hour parking restriction is enforced
Aspen Villa Apartments	33	Collected data shows that there is capacity in the Aspen Villa lot to accommodate all residents.	0	0
Heber, Kamas, and Midway	11	A 72 hour parking restriction in the area would accommodate short-term, out of town visitors without pushing vehicles into nearby neighborhoods.	11	0
Iron Horse Loop Road	4	Residents of Iron Horse Loop Road that park on-street would likely find on-street parking nearby.	4	4
Other Park City Streets	10	Residents of other Park City streets that park on-street would likely find on-street parking nearby.	10	10
Bonanza Drive	3	Residents of Bonanza Drive that park on-street would likely find on-street parking nearby.	3	3
Out of State	4	Restricting overnight parking would result in vehicles being parked on the street in nearby neighborhoods. A 72 hour parking restriction would accommodate short-term visitors.	4	0
Salt Lake City Area	14	Restricting overnight parking would result in vehicles being parked on the street in nearby neighborhoods. A 72 hour parking restriction would accommodate short-term visitors.	14	0
Total:	79		28	17
Hales Engineering, August 2015				

Conclusions/Recommendations

Hales Engineering makes the following conclusions/recommendations based on our data collection efforts for the Prospector Square parking study:

1. There is sufficient parking in the Prospector Square area to accommodate the overnight demand.
2. Long-term on-street parking is largely a result of overflow parking from surrounding residential areas and vehicles from out of town.
3. It is recommended that the city work with Aspen Villas to find ways to accommodate more residents' vehicles on site.
4. Expanding the restrictions on overnight parking to Prospector Avenue and Poison Creek Lane will effectively reduce long-term on-street parking in the Prospector Square area. A 72 hour parking restriction will help to alleviate the problem of long term parking while still providing short-term overnight on-street parking.
5. It is recommended long-term planning include overnight and long-term parking facilities be provided for those who carpool or travel to and from Park City. This could be accommodated at the existing parking facility at Richardson Flatt, or at another location in the area. As part of this mitigation measure, it is recommended that wayfinding signs be installed in Prospector Square, as well as other parts of the city, near on-street parking explaining where the overnight parking can be found.
6. The city should require apartment complexes to manage parking facilities for residents and enforce their respective occupancy and/or number of vehicle restrictions.
7. The city should coordinate with nearby apartment complexes to alert their residents that the parking restriction changes are coming and to encourage residents to park in the apartment complex parking lots.
8. Some local on-street parking demand will likely be pushed to nearby neighborhoods, however this is expected to be a small number if the 72 hour restriction is put in place.
9. It is recommended that parking data be collected during the winter peak season on both a weekday night and a weekend night to assess the parking situation during that time of year.

If you have any questions regarding this memo, please feel free to contact us.

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: John Robertson

Submitting Department: Engineering

Item Type: Ordinance

Agenda Section:

Subject:

Consideration to Approve Ordinance 2020-44, an Ordinance Amending Park City Municipal Code 13-4; Providing for the Regulation and Enforcement of Storm Water Discharges Associated with Construction Activities

(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Water and Stormwater Code Staff Report](#)

[Exhibit A: Water and Stormwater Ordinance](#)

City Council Staff Report

Subject: Regulation & Enforcement of Storm Water Discharges Associated with Construction Activities
Author: John S. Robertson, City Engineer
Department: Engineering
Date: September 17, 2020
Type of Item: Legislative – Municipal Code Chapter 13 Water and Stormwater Code Amendment

Recommendation

Staff recommends that the City Council review the proposed code amendment to Municipal Code Chapter 13 “Water and Stormwater”, hold a public hearing, and consider approving Ordinance No. 2020-44. Approval of this ordinance is consistent with the previously approved Stormwater Management Plan (Approved in 2003 and revised in 2018) and brings the City into compliance with the Utah Pollutant Discharge Elimination System (UPDES), the General Permit for Discharges From Small Municipal Separate Storm Sewer System (MS4) (UTR090000) and the Utah Construction General Permit (UTRC00000) related to the regulation of storm water runoff associated with construction activities and enforcement of the ordinance as allowed by State law.

Background

The Federal Clean Water Act set forth the National Pollutant Discharge Elimination System (NPDES) general permit which requires that the State of Utah (State) manage a storm water pollution discharge elimination program. As part of that program the state of Utah has issued Park City, and other local governments around the state, a permit to discharge storm water into waters of the state. One of six minimum control measures Park City (City) are required to enforce as a condition of this permit is related to construction activities. Specifically, it requires the city to require permitting for construction projects greater than an acre or part of a common plan of development and inspection of those projects on a regular basis to ensure compliance with the state requirements.

The NPDES permit was created to manage and/or prevent discharge from storm water runoff of sediment and other pollutants into waterways or a municipal storm drain system due to land disturbance activities such as construction. These activities can be a major source of pollution to waterways and storm drain systems. The National Urban Runoff Study cited over 90% of sediment in US waters was related to uncontrolled construction activity.

During storm events rain falling upon and flowing across land that has been disturbed and/or natural vegetation removed by construction activities picks up and carries sediment into a waterway or storm drain system. Such sediment can potentially clog storm drain systems and can pollute lakes and streams if pollutants such as oil are carried with the sediment. Excessive amounts of these pollutants can damage wildlife habitat and water quality.

The ordinance provides the city with the ability to require permits, inspect and enforce as required in the MS4 permit the state of Utah has issued to Park City. Without this ordinance Park City will not be in compliance with the MS4 permit.

To stay in conformance and compliance with the permit, the proposed ordinance provides: definitions of related terminology, confirms requirements to be included in the land disturbance permit, defines required inspections, proper operation and maintenance of control measures, and confirms the penalties available to staff that will allow enforcement of the ordinance during construction activities.

Attachments

- A Ordinance 2020-44 Regulation and Enforcement of Storm Water Discharges Associated with Construction Activities.

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, UTAH, CHAPTER 13 WATER AND STORMWATER CODE BY ADDING SECTION 13-4 REGULATION AND ENFORCEMENT OF STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

WHEREAS, the Municipal 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; and

WHEREAS, the Municipal Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City owns and operates a stormwater-collection system which has been developed over many years and consists of a network of natural conveyances, manmade structures, and conduits that collect, control, and route stormwater runoff; and

WHEREAS, pursuant to the Federal Clean Water Act, 33 U.S.C. Chapter 26, the U.S. Environmental Protection agency (EPA) has established rules and regulations setting for the National Pollutant Discharge Elimination System permit requirements for municipal stormwater discharges (Phase II Permit Program);

WHEREAS, the State of Utah, through its Department of Environmental Quality, has been delegated by EPA to administer the Phase II Permit Program and has adopted state rules and regulation implementing the Phase II Permit Program; and

WHEREAS, the City is required, among other things, to implement a stormwater-management program and associated ordinance to (1) control the contribution of pollutants to the stormwater system associated with industrial sites, construction sites, and other activities within the City; (2) prohibit illicit discharges of pollutants into the stormwater-collection system, including spills, dumping, or disposal of materials other than stormwater; (3) promote implementation and maintenance of long-term stormwater controls on development sites; (4) educate City residents and businesses about the stormwater program; and (5) enforce compliance with the program and ordinance; and

WHEREAS, the Council finds that inadequate management of the quantity and quality of stormwater runoff causes flooding and property damage; carries concentrations of heavy metals, oils, and toxic materials into receiving and ground waters; and degrades the integrity of the integrity of City neighborhoods and infrastructure; and

WHEREAS, the Council finds that such are hazards and pose a significant risk to public health, safety, and welfare; and

WHEREAS, the City Council conducted a public hearing at its regularly scheduled meeting on September 17, 2020; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to the amend the Municipal Code to be consistent with the Federal and State law and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 13 – Water and Stormwater Code. The recitals above are incorporated herein as findings of fact. Chapter 13-4 of the Water And Stormwater Code of Park City is hereby amended as attached (see Attachment A).

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

PASSED AND ADOPTED this 17th day of September, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Margaret Plane, Special Counsel

**ATTACHMENT A - AN ORDINANCE PROVIDING FOR THE
REGULATION AND ENFORCEMENT OF STORM WATER DISCHARGES
ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

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13-4-1. Purpose

The purpose of this Chapter is to prevent the discharge by storm water runoff of sediment and other pollutants from land disturbance activities such as excavating, grading, filling, or grubbing. These activities are a major source of pollution to waterways and storm drain systems located within Park City and the surrounding area. Storm water runoff carries sediment from sites where these activities occur into nearby waterways, lakes, canals, irrigation systems, and storm drain systems. Such sediment clogs storm drain systems, pollutes the water in the streams and lakes, and damages wildlife habitat and water quality.

13-4-2. Definitions

For the purpose of this Chapter, the definitions listed hereunder shall be construed as specified in this section.

- A. ALTERNATIVE BEST MANAGEMENT PRACTICES (BMPs). BMPs that do not conform to BMP Standards identified by the City Engineer. The City Engineer may, in his discretion, approve a SWPPP containing alternative BMPs if the alternative BMPs will satisfy the objectives of this Chapter.
- B. BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the City. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, off-site vehicular tracking of Pollutants, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- C. BEST MANAGEMENT PRACTICES STANDARDS (BMP Standards). In order to provide uniform BMPs and to facilitate the issuance of Land Disturbance Permits, the City Engineer may identify for certain types of land Disturbance Activities certain sets of BMPs that most effectively or practicably mitigate the discharge of pollutants due to storm water. These BMP Standards may be included in any document that is maintained by the City Engineer and relates to engineering standards to facilitate the issuance of Land Disturbance Permits.
- D. COMMENCEMENT OF CONSTRUCTION. The initial disturbance of soils associated with clearing, Grading or Excavating activities or other construction activities, excluding activities necessary to install erosion Control Measures under a Land Disturbance Permit.
- E. COMMON PLAN PERMIT. A permit issued through the Utah State Department of Environment Quality. This permit may be commonly referred to as a Notice of Intent or NOI.
- F. CONSTRUCTION GENERAL PERMIT. A Permit issued through the Utah State Department of Environment Quality. This permit may be commonly referred to as a Notice of Intent or NOI.
- G. CONTROL MEASURE. Any Best Management Practice or other method used

to prevent or reduce the discharge of Pollutants.

- H. EXCAVATION. The mechanical removal of earth material.
- I. FILL. A deposit of earth material placed by artificial means.
- J. FINAL STABILIZATION. A point in time at which all Land Disturbance Activities at the site have been completed, and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, or geotextiles) have been employed. In some parts of the City, background native vegetation will cover less than 100% of the ground (e.g. arid areas). Establishing at least 70% of the natural cover of native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native vegetation covers 50% of the ground, 70% of 50% would require 35% cover for final stabilization.
- K. GRADING. “Grading” as used in this Chapter is defined in Section 15-15-1.
- L. GRUBBING. “Grubbing” as used in this Chapter is defined in Section 15-15-1.
- M. LAND DISTURBANCE ACTIVITY. Any Excavation, Grading, placement of Fill, or Grubbing.
- N. LAND DISTURBANCE PERMIT. A permit issued by the City Engineer authorizing the permittee to engage in specific Land Disturbance Activities. The permit may require the implementation of a SWPPP or any other conditions to mitigate the discharge of Pollutants.
- O. NOTICE OF INTENT (NOI). A Construction General Permit or Common Plan Permit.
- P. PERSON. Any individual, corporation, partnership, association, public utility, company or body politic, including Park City Municipal Corporation and any agency of the State of Utah and the United States Government.
- Q. POLLUTANT. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- R. SITE. Any lot or parcel of land or contiguous combination thereof, under the same ownership, where a Land Disturbance Activity is performed or permitted.
- S. STORM WATER. Storm water runoff, snow melt runoff, and surface runoff or drainage.
- T. STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan for the mitigation of discharge of Pollutants from a Site, conforming to BMP Standards or identifying Alternative BMPs. At a minimum, the SWPPP shall have: a drawing of the location of the intended Land Disturbance Activity; the pertinent dimensions thereof; and the layout, typical sections, and details of the Control Measures to be used.

13-4-3. Prohibition on Unpermitted Land Disturbance Activities

A. General Prohibition on Unpermitted Land Disturbance Activities

No Person shall make or cause to occur any Land Disturbance Activity except in compliance with a Land Disturbance Permit issued under Section 13-4-4.

B. Emergency Conditions

An emergency Land Disturbance Activity may be made without a Land Disturbance Permit if the reason for the excavation or grading or placement fill is to prevent imminent loss of life or damage to property. In such emergency situations, the Person making the Land Disturbance Activity shall contact the City Engineer's Office to secure a Land Disturbance Permit at the earliest possible time, but in no case later than the first working day following the emergency work. None of the provisions of this Chapter are waived for emergency situations except for the prior permit requirement.

C. Exemptions

The following activities are exempt from the requirements of this Chapter:

- (1) actions by a public agency or utility, Park City, or other governmental agency to remove or alleviate an emergency condition, restore utility service, or reopen to traffic a public thoroughfare;
- (2) actions by any Person if the City determines and documents in writing that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen to traffic a public thoroughfare;
- (3) landscape maintenance activities on fully developed property; or
- (4) bona fide agricultural and farming operations which constitute the principle use of any parcel or tract of ground located in the City and which meet the requirements of the zoning for that portion of the City in which the operation is located.

13-4-4. Land Disturbance Permit

A. Requirements

1. The City Engineer may issue a Land Disturbance Permit, in a form to be determined by the City Engineer, for the discharge of Pollutants associated with Land Disturbance Activities upon condition that such discharge will meet either: (a) any Best Management Practices Standards (BMP Standards) identified by the City Engineer, or (b) such conditions as the City Engineer determines are necessary to fulfill the requirements of this Chapter. A Land Disturbance Permit shall be required for any project that requires a permit under any other ordinance, development code, or building permit issued by Park City that includes any Land Disturbance Activity. Where required by state law, City permits shall require the submission of a Utah Pollutant Discharge Elimination System permit and NOI from the State of Utah Division of Water Quality.
2. The permit holder shall comply with all provisions of the required permits at all times.

B. Applications

Applications shall be made using permit forms published by the City Engineer and completed by the owner of the property on which the work is being done. Applications shall be made, in the case of work within a public right-of-way, by the firm, public utility, public agency or corporation actually doing the work, or in the case of work within a private road or private road right-of-way, by the owner of the road or association responsible for the maintenance of the road. Applications for all permits shall be made to the City Engineer's office and state the purpose therefore; the person, firm, public utility, or corporation doing the actual work; and the name of the person, firm, public utility, or corporation for whom or by which the work is being done. The application shall contain:

1. an agreement that the applicant will comply with all ordinances and laws of Park City, the State of Utah, and the Federal Government relating to the work to be done;
2. an agreement that the applicant shall indemnify the City for any loss, liability, or damage that may result from or because of the making, placement, existence, or manner of guarding or constructing any such Land Disturbance Activity; and
3. either:
 - a. a copy of the applicant's Construction General Permit or Common Plan Permit, if applicable, or
 - b. a Storm Water Pollution Prevention Plan (SWPPP).

C. Fees

The City Council may adopt a review and inspection fee to provide for the requirements of this Chapter. Such fee, if adopted, shall accompany each application for a permit.

D. Review and Approval of Applications

1. The City Engineer or his designee will review each application for a Land Disturbance Permit to determine its conformance with the provisions of this Chapter. The City Engineer may, in his discretion, approve a SWPPP containing Alternative BMPs. Within fifteen (15) days after receiving an application, the City Engineer shall provide one of the following responses in writing:
 - a. Approval of the permit application and issuance of the Land Disturbance Permit;
 - b. Approval of the permit application, subject to such reasonable conditions as may be necessary to substantially secure the objectives of this Chapter, and issuance of the Land Disturbance Permit subject to these conditions; or
 - c. Denial of the permit application, indicating the reason(s) for the denial.
2. If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant shall be allowed to proceed with his land disturbance activities so long as those activities conform to the conditions established by the City Engineer

3. No development plans will be released until the Land Disturbance Permit has been approved and the applicant has paid in full all plan review and inspection fees.

E. Content of Permit

The Land Disturbance Permit shall contain all elements required under the SWPPP or the most current Construction General Permit or Common Plan Permit, whichever is applicable to the site. The Land Disturbance Permit may require more than the minimum control requirements specified within the SWPPP or Construction General Permit or Common Plan Permit if hydrologic, geologic, or topographic conditions warrant, or if unique flooding, stream channel erosion, or water quality problems exist upstream or downstream from a proposed project.

F. Appeals

An applicant for a Land Disturbance Permit whose application has been denied or approved with conditions may appeal the denied or imposed conditions in the same manner as other impact fees, pursuant to Section 11-13-5.

13-4-5. Proper Operation and Maintenance

A. Installation of Control Measures

The permittee shall install any Control Measures required by the Land Disturbance Permit before commencing any construction activities on the site to which the Land Disturbance Permit applies, or at such time as indicated on the Land Disturbance Permit. The Control Measures shall be properly installed and maintained in accordance with the manufacturer's specifications and good engineering practices. Prior to commencing other construction activities, the permittee shall contact the Park City Building Department to schedule an inspection of the installed Control Measures. This inspection may be performed as part of a Limits of Disturbance inspection under Sections 15-7.3-2(J), 15-7.3-3(H), or 11-15-4(K), if any such inspection is required for the same project.

B. Maintenance of Control Measures

The permittee shall maintain such Control Measures on the site in good condition until the disturbed areas have achieved Final Stabilization, and the measures are no longer necessary to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris, and other Pollutants from the site by Storm Water runoff or vehicular tracking. Once any temporary Control Measures have been deemed no longer necessary, or once the site is finally stabilized, the temporary Control Measures shall be removed from the site in a timely manner.

C. Removal of Control Measures

Upon completion of Land Disturbance Activities under the Land Disturbance Permit, the owner shall request an inspection from the City Engineer. Once the City inspector deems the site stabilized, the owner shall remove in a timely manner any temporary Control Measures.

13-4-6. Inspection and Entry

- A. The permittee shall allow authorized employees and representatives of Park City, State of Utah Division of Water Quality, and the United States Environmental Protection Agency to enter the site to which the Land Disturbance Permit applies and to inspect the temporary and permanent Control Measures installed and maintained by the permittee or property owner. Such entry and inspection may be made at any time during or a reasonable time after construction. If permanent Control Measures are required, such entry and inspection may be made in perpetuity.
- B. Inspections During Construction
 - 1. For construction sites requiring a Construction General Permit or Common Plan Permit, inspection frequency and maintenance and repair consistent with BMPs are as defined in such permit. Sites deemed high priority by the City shall also be inspected by the owner after every rainfall event in accordance with the permit.
 - 2. All other construction sites shall at a minimum conduct a bi-weekly visual inspection of BMPs to ensure they are in good condition. Disturbed areas and areas used for storage of materials exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering a drainage system.
 - 3. Repair to BMPs shall be made in accordance with the Land Disturbance Permit or as noted in the inspection report, whichever is more stringent.

13-4-7. Revocation or Suspension of Land Disturbance Permit.

A. Reasons for Revocation or Suspension

The City Engineer or his designee may revoke or suspend a Land Disturbance Permit upon the occurrence of any of the following:

- a. failure of the permittee to comply with any condition of the Land Disturbance Permit;
- b. failure of the permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation; or
- c. a determination by the City Engineer that the Control Measures implemented by the permittee pursuant to the Land Disturbance Permit are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other Pollutants from the construction site by Storm Water runoff or vehicular tracking.

Revocation or suspension of a Land Disturbance Permit shall suspend all related work on the subject property(ies).

B. Notice

Before revoking or suspending a Land Disturbance Permit, Park City shall mail the permittee written notice of non-compliance or personally serve notice to the person

responsible for maintaining the erosion control and sediment control measures. The notice shall state the nature and location of the non-compliance and shall specify what action is required for the permittee to avoid revocation or suspension of the permit, which in the absence of exceptional circumstances shall not be less than 7 working days or more than 10 working days. The notice shall be sent by certified mail to the address listed for the permittee on the application or delivered in person to the responsible party on site.

C. Exceptional Circumstances

For the purposes of this Chapter, exceptional circumstances include, but are not limited to, situations which involve risk of injury to persons, damage to storm drain facilities, imminent release of Pollutants to waterways, or damage to other property. Park City may take any action deemed necessary to alleviate any such exceptional circumstances defined above and may bill the permittee, property owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstance.

D. Stop Work Order

A stop work order on all construction activity on the site may be issued upon the discovery of any condition that the City Engineer or his appointed designee determines is in violation of any portion of the Land Disturbance Permit. No construction activity may be commenced or continued on any site for which a permit has been revoked or suspended and a stop work order issued until the permit has been reinstated or reissued.

E. Reinstatement

A Land Disturbance Permit may be reinstated or reissued upon review and approval of a written description of the permittee's proposed actions to bring the Control Measures into compliance with all provisions of this Chapter, or upon submission, review, and approval of a revised SWPPP.

13-4-8. Penalties

A. Criminal Penalties

Any person failing to comply with the provisions of this Chapter shall be guilty of a Class B misdemeanor and on conviction therefore shall be punished by fine or by imprisonment for not more than six months or by both fine and imprisonment.

B. Continuing Offenses Deemed Daily Violation

In all instances where the violation of this Chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

C. Civil Penalties

In addition to criminal actions, Park City may bring for violations of this Chapter civil actions including injunctions, mandamus, abatement, civil damages, and any other remedies provided by law.

D. Additional Penalties Provided by State Law and Federal Law

In addition to municipal penalties, any person violating any provisions of this Chapter may be subject to federal and state penalties, including but not limited to Utah Code § 19-5-115.

E. Control Measures Undertaken by Park City

If a permittee fails to comply with the Land Disturbance Permit, Park City shall, in its discretion, have the right to have Control Measures installed and maintained by City personnel or to hire a private contractor to perform such work at the expense of the permittee, property owner, developer or contractor responsible for such measures. The City may assess said expenses against a bond posted by the permittee.

13-4-9. Compliance with Federal and State Law

Nothing contained in this Chapter is intended to relieve any Person from any obligation to comply with applicable federal and/or state laws and any other regulations pertaining to clean water and/or storm water runoff and erosion control.

13-4-10. Perimeter Control Exemptions

A. Purpose

Exemptions for silt fence or other perimeter controls are for construction sites where such controls may be ineffectual, excessive, and/or detrimental to nearby water resources and other natural resources.

B. Definition

Certain construction sites may be exempt from installing silt fences or other temporary perimeter controls if the site meets the following criteria.

C. Criteria

All exemptions must be approved by the Park City Engineer and are limited to the following:

a. projects where:

- i. total disturbance is less than 1 acre;
- ii. a 50 foot wide vegetated buffer exists down gradient from the disturbed portion(s) of the site;
- iii. a 100 foot wide vegetated buffer exists down gradient between the disturbed portions(s) of the site and any live stream or existing drainage way;
- iv. the site and vegetated buffer have less than 5% slope (slope must be documented);
- v. and the vegetated buffer has at least 70% ground cover;

b. linear construction projects such as pipelines or utility work that do not discharge to waterways; or

c. Sites bound by natural or man-made features that would prohibit discharge from the Site.

13-4-11. Severability

Should any section, paragraph, sentence, clause, or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder of this Chapter shall not be affected thereby.

13-4-12. Effective Date

This Chapter shall become effective after publication of such in accordance with applicable state law.

Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Jason Glidden

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve the Fifth Amendment to the Intermountain Healthcare (IHC) Housing Mitigation Plan to Make an In-Lieu Payment of \$794,793 to Satisfy 2.04 Affordable Unit Equivalents (AUEs)
(A) Public Input (B) Action

Suggested Action:

Attachments:

[IHC Housing Mitigation Plan Staff Report](#)

[Exhibit A: IHC Housing Mitigation Plan 5th Amendment Submission](#)

[Exhibit B: IHC Housing Mitigation Plan 5th Amendment Action Letter DRAFT](#)



Housing Authority Staff Report

Subject: Intermountain Healthcare 5th Amendment to Affordable Housing Mitigation Plan
Author: Jason Glidden, Affordable Housing Program
Department: Affordable Housing
Date: September 17, 2020
Type of Item: Administrative

Recommendation:

Staff recommends approval of the proposed 5th Amendment to the Intermountain Healthcare (IHC) Housing Mitigation plan (Exhibit B) to make an in lieu payment of \$794,793 to satisfy 2.04 Affordable Unit Equivalents (AUEs) associated with a proposed ambulatory surgery center.

Summary

Background:

The purpose of a Housing Mitigation Plan is to ensure that new development helps mitigate some of the impacts of the development on the supply of affordable housing in the City as well as maintaining the social and economic balance of Park City's community character. All Housing Mitigation plans require the approval of the Housing Authority to ensure the intent of the housing requirements of a specific development are being met.

The Housing Resolution allows several options to fulfill a housing obligation, in order of preference.

1. Construction of unit(s) on the site on which the development is proposed;
2. Construction of the unit(s) within the Park City corporate limits provided such land, site or structure had not been previously deed-restricted for affordability;
3. Dedication of existing units within Park City corporate limits provided such units have not been previously deed-restricted for affordability and meet current energy efficiency requirements;
4. Construction of units outside Park City, but within the Park City School District boundary as it stands on January 1, 2015;
5. Conveyance of land within the Park City School District boundary as it stands on January 1, 2015 provided such land has not been previously deed-restricted for affordability; or
6. Payment of Fees in Lieu of Development.

The [IHC/USSA/Burbidge Annexation Agreement](#) was recorded on January 23, 2007, and established an affordable housing obligation of 90.47 AUEs. On April 18, 2019, the Housing Authority approved the fulfillment of the balance of past housing obligations from IHC and Physicians Holdings by deed restricting 12, two bedroom units at 1440 Empire Avenue and 10 of the 24 Single Room Occupant (SRO) units at Rail Central Building #3 ([staff report is linked here](#), Page 454).

On October 9, 2019, the Planning Commission approved an amendment to the IHC Master Planned Development (IHC-MPD) and Development Agreement to add 56 Unit Equivalents (UEs) (56,000 square feet). Eight (8) UEs (8,000 square feet) of density are attributed to a Summit County housing obligation donated to Peace House. In accordance with Findings of Fact numbers 12 and 13 in the First Amended IHC Housing Mitigation Plan dated February 2, 2017, and attached as Attachment 1 of Exhibit C to this report, the Peace House does not count against IHC density due to Council's determination of "community benefit". However, 8,000 square feet of Peace House density is in fulfillment of a housing obligation generated by expansion of commercial space at the Tanger Outlets and provided in the form of an in-lieu fee donated to the Peace House project and as such it **does** count towards future density on the site. The resulting total developable density is 48 UEs (48,000 square feet).

ICH plans to build a 20,000-square-foot ambulatory surgery center on Lot 6 (20 UEs), and a 28,000-square-foot addition for support medical use on Lot 1 (28 UEs) ([staff report](#)). The additional density generated a new housing obligation equal to 20.42 AUEs, which is calculated using the most recent Housing Resolution [03-2017](#).

In February 2020, The Housing Authority approved the 4th amendment to the IHC Housing Mitigation Plan that placed deed restrictions on 14 units at the Rail Central Building, totaling 2,676.375 square feet, equaling 2.97 AUEs (900 square feet per AUE) and one (1) Claimjumper Condominium, which is a three bedroom, 1,353 square foot unit and equal to 1.53 AUEs for a total of 4.5 AUEs to fulfill the portion of the housing requirement needed for the new surgery center. Any future development on the property would require additional housing requirements to be satisfied. A chart below details the current IHC housing obligation with all of the approved density. The new surgery center will not use all of the new approved density for the property.

IHC Housing Obligation numbers		Annexation Agreement
1. Hospital (300,000 sf)		44.78
2. USSA (85,000 sf)		10.71
3. Support Medical (150,000 sf)		34.98
4. Surgical Center & Additonal Support Medical (48,000 sf)		20.42
		110.89
Reductions/Waivers/Deferrals		
Deferral of USSA obligation		10.71
Transfer to SC for Health Building		5.83
Transfer to Physician's Holding		5.83
		22.37
Balance of IHC Housing Obligation		88.52
Fulfillment		
Park City Heights (28 townhomes -1600 to 2000 sf)		44.78
Lease of land for Peace House new facility		12.50
Donation to Peace House		4.00
1440 Empire and Rail Central rental units		6.82
Rail Central & Claim Jumper units		4.50
Total approved		72.60
Balance owed		15.92

Analysis

The proposed ambulatory surgery center is currently planned to use 15,375 square feet of density. This use generates an affordable housing obligation of 6.54 AUEs. Since Intermountain's February 2020 approval provides 4.5 AUEs, there are an additional 2.04 AUEs that Intermountain needs to fulfill in connection with the ambulatory surgery center project.

As stated above, there are several options to satisfy this Housing Obligation.

- Construct units (on-site or off-site). At today's construction rates, 1,836 square feet might cost around \$660,960, using a relatively conservative \$360/square foot including land cost;
- Dedicate existing units;
- Conveyance of land within the Park City School District boundary; or
- Payment In-lieu Fee using the current Housing Resolution 03-2017 equaling \$389,700 per AUE. The total for 2.04 AUEs would cost \$794,793.

IHC requests fulfillment of their remaining 2.04 AUE obligation for the current surgery center design by making an in-lieu fee payment totaling \$794,793 to satisfy 2.04 this requirement. This will bring the total AUEs satisfied for the surgery center to 6.54 AUEs, which will satisfy the requirements for the proposed 15,375 square feet of density. This will leave 13.88 AUEs that will need to be fulfilled as Intermountain develops projects to use the remaining approved additional density.

IHC Surgery Center Housing Mitigation	
Requested Development Housing Requirement	
Surgery Center (15,375 sf)	6.54
Approved Fullfillment	
Rail Central & Claim Jumper units	4.5
Proposed Fullfillment	
Proposed Fee In-Lieu payment	2.04
Housing Requirement Left to Fullfill for Surgery Center	0
TOTAL POTENTIAL FUTURE OBLIGATION	13.88

Per Housing Resolution 03-17, "If the City determines that (1) no other alternative is feasible, or (2) such a payment would result in more immediate development of housing or (3) such a payment would leverage additional resources, then a Payment of Fees in Lieu of Development may be accepted. The collected funds may only be expended for projects located within the corporate limits of Park City or within the Park City School District boundary as it stands on January 1, 2015. The In Lieu Fee shall be based on the actual cost of construction in the prior year and published annually in June on the City's affordable housing webpage. Updates may occur more frequently at the request of the City Council to reflect changing real estate conditions. Any Fees in Lieu collected and any interest accrued, shall be used only for the purpose of planning for, subsidizing or developing affordable and employee housing."

Staff believes that with the increasing challenges of development present in Park City, allowing IHC to make a payment of fees in lieu would allow these funds to be used by the City to help fund the current housing pipeline. While it is not enough funds to move up the timeline of any

one project it does provide funds to help close potential funding gaps which may occur as development costs continue to rise.

Attachments

Exhibit A IHC Housing Mitigation Plan Proposal Memo July 2020

Exhibit B Draft Approval of 5th Amendment to the IHC Housing Mitigation Plan

**PARK CITY MEDICAL CENTER
MEDICAL CAMPUS
HOUSING MITIGATION PLAN – 5th AMENDMENT
PARK CITY HOUSING AUTHORITY
9 JULY 2020**

Background

The annexation agreement between Park City and Intermountain Healthcare included affordable housing that needed to be provided.

Affordable Housing Requirements for Hospital

The base employee affordable housing associated with the hospital at full build out was 44.78 units. This part of the affordable housing obligation was to be satisfied by the donation of Lot 4 of the subdivision to Park City, and the construction of the units. These units were eventually relocated from Lot 4 and included in the Park City Heights project.

Affordable Housing Requirements for USSA

- There were 10.71 affordable housing units associated with the USSA facility. These units were deferred.

Affordable Housing Requirements for Medical Support

- There were 34.98 affordable housing units associated with the Medical Support density on the campus.
- The affordable housing obligation of 5.83 units for Lot 7 was assumed by Physician Holdings when they purchased that lot from Intermountain. Physician Holding LLC developed an employee/affordable housing plan which was reviewed by staff, which recommended that the Physician Holding affordable housing obligation, based on their actual development was 4.996 units. This is being fulfilled with the 1440 Empire and Rail Central rental unit dedications approved earlier this year.
- The affordable housing obligation of 5.83 units for Lot 10 was assumed by Summit County when Lot 10 and its density were ground leased to Summit County for the Public Health/People's Health Building.
- The remaining medical support density of 23.32 units were fulfilled with previously approved amendments.
 - 12.5 units associated with Peace House, for the value of the ground lease that Intermountain signed with Peace House.
 - 4.0 units associated with Peace House employee housing, in exchange for a payment of \$816,000 by Intermountain to Peace House.
 - 6.82 units associated with the 1440 Empire and Rail Central rental unit dedications approved earlier this year.

Additional Affordable Housing Requirements Due to Additional Approved Density

The Planning Commission approved Intermountain's request for additional medical support density on the hospital campus. This approval has a condition of approval for Intermountain to provide an additional 20.42 units of affordable housing. The Planning Commission also made a condition of approval that Intermountain needed to submit an amended housing mitigation plan for any proposed use of the additional density before a conditional use permit for the proposed use could be submitted to the Planning Commission.

- In February 2020 the Park City Housing Authority approved 4.5 AUEs towards this new affordable housing obligation, leaving 15.92 AUEs outstanding.

Housing Mitigation Plan for Proposed Ambulatory Surgery Center

Intermountain Healthcare is developing a project to build an ambulatory surgery center on Lot 6 of the campus, using some of the newly approved density.

The proposed ambulatory surgery center is currently planned to use 15,375 square feet of density. This use generates an affordable housing obligation of 6.54 AUEs. Since Intermountain's February 2020 approval provides 4.5 AUEs, there are an additional 2.04 AUEs that Intermountain needs to fulfill in connection with the ambulatory surgery center project.

Requests for Housing Authority Approval

Intermountain Healthcare requests that the Park City Housing Authority approve:

1. Make an in lieu payment of \$794,793 to satisfy the additional 2.04 AUEs.
2. If the actual square footage of the Conditional Use Permit is higher than 15,375 square feet, then an additional amount of in lieu payment will be paid to cover the total needed for the ASC project.
3. This will leave 13.88 AUEs that will need to be fulfilled as Intermountain develops projects to use the remaining additional density.

Benefits of this Proposal

Intermountain believes this proposal has benefits for both Park City and Intermountain.

1. Intermountain is able to proceed with development of the ambulatory surgical center project, providing lower cost surgical care to the residents of Park City.
2. The city gets cash to help fund city affordable housing projects during a time of diminished city revenue.



September 18, 2020

Morgan Busch
Intermountain Health Care
36 South State Street, 8th Floor
Salt Lake City, Utah 84111

Dear Morgan,

Please find below an Action Letter confirming the decision made by the Park City Housing Authority on September 17, 2020 to accept a payment of in-lieu fees in fulfillment of a portion of the housing obligation generated by an amendment to the IHC/USSA/Burbidge Annexation Agreement, dated October 9, 2019 as follows:

NOTICE OF HOUSING AUTHORITY ACTION

<u>Description:</u>	Updated/Amended Affordable Housing Mitigation Plan
<u>Project Title:</u>	IHC/USSA/Burbidge Annexation Agreement
<u>Date of Action:</u>	September 17, 2020

Summary of Housing Authority Action

On September 17, 2020, Park City Housing Authority approved a 5th Amendment to the Housing Mitigation Plan for the housing obligations resulting from the IHC/USSA/Burbidge Annexation Agreement recorded on January 23, 2007 and amended on October 9, 2019. In fulfillment of 2.04 AUEs of the housing obligation, the Housing Authority approved a payment of in-lieu fees totaling \$794,793 to satisfy the additional 2.04 AUEs.

1. On October 9, 2019, the Planning Commission approved an amendment to the IHC Master Planned Development (IHC-MPD) and Development Agreement to add 56 Unit Equivalents (UEs) (56,000 square feet) with a determination that 8 UEs (8,000 square feet) are undevelopable to meet a Housing Authority obligation, for a total of 48 developable UEs (48,000 square feet) to build a 20,000-square-foot ambulatory surgery center on Lot 6 (20 UEs) and 28,000-square-foot addition for support medical use on Lot 1 (28 UEs). This additional density generated a housing obligation equal to 20.42 AUEs and since it was approved in 2019, it is governed by the most recent Housing Resolution 03-2017.
2. IHC fulfill 2.97 AUEs by placing deed restrictions on 14 SRO units at Rail Central Building #3 owned by MJF Investments, LLC: Unit numbers 6, 7, 8, 10, 11, 12, 15, 16, 17, 19, 20, 21, 22, and 23.

3. IHC fulfill 1.53 AUEs by placing a deed restriction on Claim Jumper Condominium unit #364-U.
4. IHC will fulfill the remaining 2.04 AUEs by making a payment of in-lieu to Park City Municipal Corporation in the amount of \$794,793.

Conditions of Approval:

1. Payment must be received prior to any building permits being issued.
2. Prior to submission of a Conditional Use Permit for any additional development on the site, the Applicant shall amend the Housing Mitigation Plan, approved by the City to satisfy the remaining obligation of 13.88 AUEs, pursuant to the requested density for the phase of construction for each Conditional Use Permit.

If you have any questions about this action letter, please contact Rhoda Stauffer at 435-615-5152 or via email at rhoda.stauffer@parkcity.org.

Attachments:

1. IHC Holdings Proposal for 5th Amended Housing Mitigation Plan dated July 2020.

CONFIRMED AND ADOPTED this 18th DAY OF September, 2020.

PARK CITY HOUSING AUTHORITY

Andy Berman, CHAIR

Attest:

Michelle Kellogg, City Recorder

Approved as to Form:

Mark Harrington, City Attorney

**PARK CITY MEDICAL CENTER
MEDICAL CAMPUS
HOUSING MITIGATION PLAN – 5th AMENDMENT
PARK CITY HOUSING AUTHORITY
9 JULY 2020**

Background

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Council Agenda Item Report

Meeting Date: September 17, 2020

Submitted by: Jason Glidden

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve the Third Amendment to the King's Crown Housing Mitigation Plan
(A) Public Input (B) Action

Suggested Action:

Attachments:

[Kings Crown Housing Mitigation Plan 3rd Amendment Staff Report](#)

[Exhibit A: Kings Crown 3rd Amendment Request July 2020](#)

[Exhibit B: Kings Crown Housing Mitigation Plan 3rd Amendment Approval-DRAFT](#)



Housing Authority Staff Report

Subject: King's Crown 3rd Amendment to Housing Mitigation Plan
Author: Jason Glidden & Rhoda J. Stauffer, Affordable Housing
Date: September 17, 2020
Type of Item: Administrative

Recommendation

Review the proposed third amendment to the King's Crown Housing Mitigation Plan, hold a public hearing, and approve the amendment in fulfillment of the affordable housing obligation generated by the King's Crown at Park City project.

Summary

In accordance with [Park City Housing Resolution 03-2017](#), development agreements resulting from Master Planned Developments (MPD) trigger a housing obligation of 15% of the number of residential units built and/or 20% of employees generated in commercial projects. This project does not have any commercial units. The Applicant is developing King's Crown at Park City with a total of 65 market-rate residential units, including:

- 31 Condominiums in four buildings;
- 7 townhomes; and
- 27 single family lots.

The proposed amendment exceeds the number of units required by the Housing Resolution. The City is supportive of the amendment as it increases the number of affordable units required by the City's Housing Resolution. These units are located in a very desirable location, and will be sold at a price point considerably lower than market rate.

Background

On January 10, 2018, the Park City Planning Commission approved the MPD for the Kings Crown at Park City project ([staff report linked here](#), page 354) and entered into a [Development Agreement](#) which was ratified by the Planning Commission on June 13 and recorded on June 14, 2018. On August 8, 2018, Park City Planning Commission forwarded a positive recommendation and on August 30, the Park City Housing Authority approved a Housing Mitigation Plan proposed by CRH Partners, LLC. The Action Letter verifying the approval is [attached here](#).

On May 29, 2019, the Applicant received approval to amend the Housing Mitigation Plan to remove income limits for the remaining attainable condo units, which not required by code to construct and were proving difficult to sell. The Applicant also added an affordable condo unit to one of the market rate condominium buildings. The total number of residential units increased in Building B resulting in an additional

affordable unit equivalents (AUE) obligation. Please find the Action Letter verifying the amendment approval [attached here](#).

On November 21, 2019, the Applicant received approval to amend the Housing Mitigation Plan and change Unit #B101 in Building B from common area to private so that potential future sale of the condo unit was possible. Please find the Action Letter verifying the 2nd amendment approval [attached here](#).

Analysis

Request to amend Housing Mitigation Plan

After continued unsuccessful attempts to sell the attainable condo units in Building A (the units have been for sale since October of 2019), the Applicant is submitting a request to amend the Housing Mitigation Plan. The request is to convert five of the attainable condo units to market rate condo units and in exchange preserve two of the attainable condo units as affordable condo units. The deed restrictions would be removed from the five market condo units and sales prices would not be limited. The HOA dues would increase accordingly for the market rate condo units and be reduced for the affordable and deed restricted condo units.

It is proposed that the two remaining attainable condo units be sold for \$311,358. These prices were set to meet desirable affordable housing pricing for households at 80% of AMI (annual income of \$82,008 for a family of three) in Summit County.

The proposed changes will affect the overall housing requirement for the development. Based on the new number of market rate units being developed, the new housing requirement will increase. See the chart below.

Kings Crown Affordable Housing Housing Requirement		
	Current	Proposed
Market Rate Units	60	65
Affordable Housing Units Required	9	9.75
Required Square Footage	8100	8775
Proposed Affordable/Attainable Housing Units	17.79	12.91
Proposed Square Footage	16013	11616

The developer is proposing to exceed the housing requirement of 9.75 AUE's by providing a total of 12.91 AUE's. While this is an overall drop in the total number of attainable condo units, staff believes that this is a win/win situation. First, the two affordable condo units will be offered at a price point well below what they are currently being offered for the attainable condo units, which will make them available for a wider range of lower income applicants. Second, the developer has proposed that the two affordable condo units be located on the third floor of the building, resulting in all of the affordable condo units being co-located on one floor. Third, the developer has agreed to add restrictions into the governing documents that will prohibit nightly rentals in the market units within Building A where the majority of the affordable units are located. This should minimize negative impacts that could have been caused if nightly rentals

were allowed to comingle. As part of the deed restrictions, all affordable units in Building A already are prohibited from any type of short term rental and must be occupied by the owner of the unit.

A condition of approval will be that the Plat, CCRs and Restrictive Covenants are all amended for Building A to account for this change and in a form approved by the City Attorney's office. The changes will include a provision in the CCRs protecting the affordability of the HOA dues for the deed restricted units as well as restricting nightly rentals for the 5 non-deed restricted (market rate) units.

Department Review

This report has been reviewed by the Community Development and Executive departments and the City Attorney's Office.

Funding Source

There is no funding source needed for this project.

Attachments

- Exhibit A – 3rd Amendment Proposal from Applicant

- Exhibit B – Draft Approval for 3rd amendment to the Kings Crown Affordable Housing Mitigation Plan

July 17, 2020

Mr. Jason Glidden
Park City Housing Development Manager
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1450
Park City, Utah 84060

RE: King's Crown Affordable Housing

Thank you for the opportunity to submit this proposal to you. We appreciate the Council's consideration of this concept. As you are aware, we have had a very difficult time selling the attainable housing units associated with King's Crown. The affordable units sold immediately and we could have sold them many times over. We were required to build seven affordable units as a result of our housing obligation for King's Crown. We chose to build not only the seven affordable, but eight additional attainable units. This was meant completely in the spirit of doing the right thing and attempting to address the issue of affordable housing within City limits.

Unfortunately, what we found was that there were relatively few attainable buyers and even fewer that could pass the criteria implemented in the deed restrictions. After two years and one attainable sale, we have found ourselves in the unenviable position of going back to the City to reexamine the attainable units to see if there were alternatives that could be considered. Our workforce building was constructed on-site and was the first building constructed in the entire King's Crown project. Our commitment is and remains strong for affordable housing. However, the market has made it clear that attainable housing, while perhaps strong in other communities such as Aspen, is not yet a market force in Park City.

At the present time, we are very upside-down with the workforce housing building from a cost-to-revenue perspective. That is not as much of a consideration as is the apparent inability to sell the attainable units. At the same time, the affordable housing need in Park City remains acute. The combination of these dynamics has created a possible solution we respectfully request that the Council consider. The idea originated from Staff and we would like to request permission to pursue this idea formally.

It has been determined that the greatest need is more affordable housing units. While the economics of the building preclude us reducing the current pricing, a combination/mix of affordable units and market-rate units would not cause additional loss and at the same time provide for additional affordable housing. The basic proposal is that we convert two of the remaining Attainable units to affordable housing units (AMI to be determined by Affordable Housing Staff). The remaining five units would be sold at market-rate. The City affordable housing inventory would increase by two units and the net additional units contributed to the City would be above and beyond the current requirement.

The above idea that was developed by the City Staff and Council, is an elegant solution to a difficult problem. The Attainable Buyer that fully qualifies for deed-restricted housing is much rarer than we had anticipated. Due to the high AMI of an attainable unit, the price approaches market-rate, particularly when one considers the older inventory located at the base of the resort. Buyers who qualify will tend towards obtaining an older market-rate unit to avoid the deed-restrictions. By converting the current attainable units into affordable, the market opens up very widely and these units will be greatly sought after and there will likely be many qualified applicants interested in them. Converting the upper two floors to market-rate in exchange for the two new affordable units is a win for the City, a win for two eligible buyers and a win for CRH, who is underwater on the building.

We have put together an Exhibit showing the original concept and the proposed concept and they are attached to this report. As the Exhibit shows, the first two floors do not change. In the third floor, the two eastern-most units change from attainable units to affordable units so that the entire third floor is now affordable in the proposed plan. The upper floors convert to market-rate and the one attainable unit that was sold remains as an attainable unit and is under the deed-restrictions imposed at the time of the sale. The following Table 1. Shows the individual units, their square footages, their designation (affordable, attainable or market) currently and their proposed designation subsequent to this application.

Table 1.

Unit #	Square footage	Designation (current)	Designation (proposed)
A101	1,349 sf	Affordable	Affordable
A102	1,000 sf	Affordable	Affordable
A203	1,000 sf	Affordable	Affordable
A202	998 sf	Affordable	Affordable
A203	1,377 sf	Affordable	Affordable
A301	989 sf	Attainable	Affordable
A302	987 sf	Attainable	Affordable
A303	1,000 sf	Affordable	Affordable
A304	997 sf	Affordable	Affordable
A401	671 sf	Attainable	Market
A402	959 sf	Attainable	Market
A403	1,174 sf	Attainable	Market
A404	1,189 sf	Attainable	Market
A501	1,160 sf	Attainable	Market
A502	1,163 sf	Attainable	Attainable

Having a Market component within the building will also bring with it a cash-incentive that will greatly benefit the current affordable and attainable owners. It is entirely within the law to assign HOA dues based on a value perspective. Naturally, the market units will be substantially more valuable than the affordable units. This gives us an opportunity to drastically reduce the monthly HOA dues for the affordable units. We believe that it will allow for a 50% reduction from the current dues and thus make the units a great deal more affordable and livable.

We deeply appreciate the Affordable Housing Authority's consideration of this request. We believe that this proposal is a very graceful solution to a complex problem. It allows for additional affordable units to be placed into the market. It also minimizes the loss being absorbed by the applicant on the building. Most importantly, it puts people into housing where it is need most. Please do not hesitate to contact me with any questions or comments whatsoever concerning his proposal.

Sincerely,



Rory Murphy
Managing Partner
CRH Partners, LLC

THIRD AMENDED AFFORDABLE HOUSING MITIGATION PLAN FOR THE KINGS CROWN PROJECT FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL

WHEREAS, the owners of the Kings Crown Project located on Lowell Avenue and Rothwell Road have a total housing obligation of 8,775 SF equaling 9.75AUEs.

WHEREAS, the Park City Housing Authority approved a Housing Mitigation Plan on August 30, 2018, for the construction of a 15-unit building, Building A, to provide seven Affordable units priced affordable to households earning an average of 76% of AMI and eight Attainable units priced affordable to households at 150% of AMI.

WHEREAS, the Park City Housing Authority approved an amendment to the Housing Mitigation Plan on May 29, 2019, adding another AUE to Building B to meet an increase in the number of residential units due to a change in project design. The amendment also lifted the income limits for the remaining Attainable units which hadn't sold after 10 months of advertising.

WHEREAS, the Park City Housing Authority approved a 2nd amendment to the Housing Mitigation Plan on November 21, 2019 allowing the AUE in Building B to be changed from common space to private.

NOW, THEREFORE, the Housing Authority of Park City, Utah hereby approves the 3rd Amendment to the Housing Mitigation Plan as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Housing Mitigation Plan submitted by the Applicant is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The applicable Development Agreement was recorded June 14, 2018 for the Kings Crown Master Planned Development (MPD).
2. Housing Resolution 03-2017 Section 8 requires that affordable housing shall be provided equal to 15% of the market residential units in an MPD. The total residential units proposed in the MPD are sixty-five (65), 15% equals 9.75 Affordable Unit Equivalents (AUEs) totaling 8,775 SF. This requirement is met by providing 12.91 AUEs (11,616) of affordable housing averaging less than 80% of AMI. Each AUE is measured as 900 square feet of interior space.
3. The Housing Mitigation Plan was recommended for approval by the Planning Commission to the Park City Housing Authority on August 8, 2018.
4. The applicant proposes to build:
 - a. 9,697 SF of affordable housing comprised of nine (9) two and three bedroom units varying in size from 997 SF to 1,377 SF within Building A;
 - b. one (1) 1,163 SF attainable unit (150% AMI, HUD Income Limits) in the same Building A; and
 - c. One (1) unit of 756 SF in Building B.

5. The Applicant proposes to price the nine affordable units at an average household AMI of 77% (\$57,834 to \$85,680 annual household income based on the Resolution definition of household size) and one unit at attainable to 150% of AMI depending on the household size (\$128,520 to \$219,600 annual household income).
6. The Applicant proposes to plat the 756 SF, one-bedroom unit in Building B (B101) as a private unit and set rent affordable to a household at 45% of AMI.
7. Under Section 9 of the Housing Resolution, Applicant is requesting to use Alternative Distribution Ratios so that instead of building 4 townhomes, 1 single family home and 3.5 condominiums, they build 11 affordable/attainable Units in two buildings.
8. Housing Resolution 03-2017 allows for waivers by the Housing Authority.
9. The Applicant has requested the Housing Authority waive pursuant to Section 19 of Housing Resolution 03-2017 requirements related to construction timing and delivery of the affordable housing units, specifically Sections 11 (Timing of Occupancy) which states that the affordable units must be delivered in proportional timing to the market units & 14A (Construction of Market Units) which states that Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units.
10. The waiver provision states that the City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development.
11. The Applicant will build the affordable/attainable building to green building standards in compliance with Section 9.B.5 of Housing Resolution 03-2017.
12. In addition, in order to meet the spirit of the Housing Resolution timing requirements, applicant proposes that:
 - a. CRH will post a Performance Bond in an amount equal to the construction cost and in a form acceptable to the City for the completion of the Affordable Housing building.
 - b. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction, the Applicant shall appear before the Park City Housing Authority within 30 days to explain the timing discrepancy and propose a remedy. The Housing Authority shall at that time have the right to require that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.

Conclusions of Law:

1. The conditions of the Development Agreement between CRH Partners, LLC and Park City Municipal Corporation recorded on June 14, 2018 related to Affordable Housing have been met by this plan.
2. This plan complies with Park City Housing Resolution 03-2017.

3. Housing Authority approves a waiver of the Housing Resolution timing of construction and delivery of the affordable housing units.

Conditions of Approval:

1. The Affordable Housing building will be the first building to draw a building permit.
2. No Certificate of Occupancy will be granted for the Crown Homes (market townhomes) prior to receiving the CO for the affordable/attainable building.
3. CRH will post a Performance Bond equal to the cost of construction and in a form acceptable to the City for the construction of the Affordable Housing building.
4. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction, the Applicant shall appear before the Park City Housing Authority within 30 days to explain the timing discrepancy and propose a remedy. The Housing Authority shall at that time have the right to require that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.
5. Units will be sold at pricing as follows:

Unit #	Sq Ft	# of	Sales Price
		Bedrms	
A-101	1,349	3	\$ 308,010.00
A-102 ADA	1,000	2	\$ 200,724.00
A-201	1,000	2	\$ 242,558.00
A-202	998	2	\$ 242,558.00
A-203	1,377	3	\$ 308,010.00
A-303	1,000	2	\$ 267,632.00
A-304	997	2	\$ 267,632.00
A-301	989	2	\$ 311,358.00
A-302	987	2	\$ 311,358.00
A-502	1,163	3	\$ 577,519.00

6. Deed Restrictions shall be recorded against 11 units in a form approved by the City Attorney.
7. CCRs for the Affordable/Attainable building will include a provision that HOA fees won't increase more than three percent (3%) per year.
8. Initial HOA dues shall not exceed an average of \$250 per month per unit excluding utilities and internet and/or an average of \$370 per month per unit including utilities and internet.
9. Ten units within Building A, the affordable/attainable building shall be sold to Qualified Buyers as defined in the recorded Deed Restriction.

10. One Unit within Building B will be rented to Qualified Renters defined in the recorded Deed Restriction, or if sold, to a Qualified Buyer as defined in the recorded Deed Restriction.

11. All sales shall be approved in writing by the City Affordable Housing Office.

12. Housing Authority waived the Housing Resolution 03-2017 construction timing and delivery of the affordable housing units Sections 11 and 14.A.

13. The 756 SF one-bedroom unit in Building B (B101) shall be platted as a private unit and rent shall be set affordable to a household at 45% of AMI (\$39,528 maximum income for a family of two and \$988 monthly rent in 2019) and shall be inclusive of HOA dues. HOA dues may not be charged separately to the lease holder of Unit B101.

13.14. The developer is required to amend the MPD/CUP Final Action Letter and the Development Agreement to reflect the changes approved in this plan.

SECTION 2. EFFECTIVE DATE. This approval shall take effect upon adoption and execution.

PASSED AND ADOPTED this 18th day of September, 2020

PARK CITY HOUSING AUTHORITY

Andy Beerman, CHAIR

Attest:

Michelle Kellogg, City Recorder

Approved as to Form:

Mark Harrington, City Attorney