



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
September 15, 2016**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 15, 2016.

CLOSED SESSION

2:40 p.m. To Discuss Property

WORK SESSION

4:20 p.m. Council Questions and Comments

4:30 p.m. – Review Business Friendly Initiative **PAGE 3**

4:40 p.m. – Recap of 2016 City Tour of Aspen, Roaring Fork Valley and Vernal **PAGE 6**

5:10 p.m. – Senior Citizen Programs Update **PAGE 7**

5:30 p.m. – Discuss COSAC Recommendation- Library Field Preservation **PAGE 26**

REGULAR MEETING

6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

- McPolin Barn Aspen Trees Removal **PAGE 37**
- Officer Art Boxall - Officer of the Year Award **PAGE 38**

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

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from August 25, 2016, and September 1, 2016 **PAGE 40**

V. CONSENT AGENDA

1. Request to Approve the Request by 41 Sampson, LLC to Release the Funds Designated to Re-Construct the Sampson Avenue Retaining Wall in the Amount of \$55,000 **PAGE 55**
2. Request to Approve the New Interlocal Agreement for the Central Wasatch Commission (formerly known as Mountain Accord) **PAGE 64**

VI. NEW BUSINESS

1. Public Hearing for the Purpose of Receiving Public Input on the \$25 Million Bonanza Flats General Obligation Open Space Bond Initiative that Will Appear on the November 8, 2016, Ballot and the Economic Impact that the Facilities and Property Financed with the Bonds Will Have on the Private Sector **PAGE 89**
2. Request to Authorize the City Manager, in a Form Approved by the City Attorney, to Enter into a Construction Contract with Entelen Design-Build LLC for the Stoneridge Trail and Trailhead Project in the Amount of \$267,797.40 **PAGE 94**
3. Consideration to Approve Resolution 22-2016, a Resolution to Amend Special Event Advisory Committee Adding Members to Advise Council on Hosting Events that Will Create a Diverse and Well Balanced Offering to the Local Community **PAGE 98**

(A) Public Hearing (B) Action

4. Consideration to Approve the Permit for Park City Shot Ski Event and Reduction in Related City Service Fees, as Conditioned, on the Following Date: Saturday, October 22, 2016 **PAGE 104**
5. Consideration of Ordinance 2016-44, an Ordinance Approving Amendments to the Land Management Code of Park City, Utah Regarding the Following Chapters: Chapter 1- General Provisions and Procedures; Chapter 2- Zoning Designations (2.1 HRL, 2.2 HR-1, 2.3 HR-2, 2.4 HRM, 2.5 HRC, 2.6 HCB, 2.7 ROS, 2.8 POS, 2.9 E-40, 2.10 E, 2.11 SF, 2.12 R-1, 2.13 RD, 2.14 RDM, 2.15 RM, 2.16 RC, 2.17 RCO, 2.18 GC, 2.19 LI, 2.22 PUT, 2.23 CT); Chapter 6- Master Planned Development Requiring Inventory and Report on Mine Sites for MPD Applications, Chapter 7-Effect of Vacation, Alteration, or Amendment of Plats; Procedures, Requirements and Review of Plat Amendments, Chapter 7.1- Modifications to Public Improvements Required for a Subdivision, Chapter 11-Historic Preservation Criteria for Designating Sites and Chapter 15-Definitions **PAGE 123**

(A) Public Hearing (B) Action

VII. 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



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

A multi- departmental task force has been working on the “Business Friendly Community” initiative in order to have Park City Municipal Corporation (PCMC) participate and be eligible for award as a “2016 Governor’s Business Friendly Community” during the Utah League of Cities and Towns (ULCT) Annual Fall Conference. This collaborative effort between the Governor’s Office, the ULCT, and the Salt Lake Chamber represents an opportunity for the City to be recognized as a business friendly community by the State, and recognized for completing an analysis of “Best Practices” in regards to local regulation of business.

Respectfully:

John Rock, Executive and Budget Intern



Subject: Business Friendly City Initiative
Author: John Rock, Executive/Budget Intern
Department: Executive
Date: September 1, 2016
Type of Item: Informational

A multi-departmental task force has been working on the “Business Friendly Community” initiative in order to have Park City Municipal Corporation (PCMC) participate and be eligible for award as a “2016 Governor’s Business Friendly Community” during the Utah League of Cities and Towns (ULCT) Annual Fall Conference. This collaborative effort between the Governor’s Office, the ULCT, and the Salt Lake Chamber represents an opportunity for the City to be recognized as a business friendly community by the State, and recognized for completing an analysis of “Best Practices” in regards to local regulation of business. This was marked as a high priority by the Executive Department to complete, to help maintain Park City’s reputation within the ULCT and State government.

As part of the procedures to conduct a “Business Friendly Regulatory Review”, the City undertook the following actions:

- Created a “Task Force” including members from the Executive, Sustainability, Building, and Finance Department, as well as from the Historic Park City Alliance (HPCA).
- Worked in collaboration with the HPCA to create a Business Practices Review Survey to be distributed to its members.
- Evaluated the results and recommendations of Customer Engagement Focus Groups undertaken by the Finance, Planning & Housing, Engineering, and Building Department.
- Reviewed the findings of a Business License Renewal Survey, and analyzed the process against the “Best Practices” prescribed by the Governor’s Office and ULCT’s *“Business Friendly City Starter Kit”*.
- Reviewed and compiled statistically relevant findings from the National Citizen’s Survey.
- Compiled the findings and recommendations in a report to be sent to the Salt Lake Chamber for approval.

As part of this process, the Business Friendly Task Force came to the following conclusions on PCMC’s regulatory practices:

- Every City Department was asked by the City Manager to host a Customer Engagement Focus Groups. These were a valuable tool when it came to seeing what practices were working, what changes were needed, and if PCMC’s future plans to alter processes matched up with what customers wanted to see changed.
- The Business License Renewal Survey, recently conducted by the Finance Department, helped gauge the business community’s feel for a policy change, and helped highlight the pro’s and con’s.

- While PCMC is a highly regulated community due to the demands of its residents, it is possible to maintain a high standard as long as regulations are clear and fair and processes streamlined to make it easier for customers.
- The HPCA survey allowed the task force to see what processes the City needed to work on, evaluate business owner comments and complaints, and set “benchmark” scores in customer service areas that could be evaluated in conjunction with future surveys.
- Many customers would prefer that PCMC not overreact to complaints on all regulations and ordinances, and would rather see stability than knee jerk changes.

With several city departments being involved in this process, the results have shown that community outreach and active participation in by the City’s elected officials and staff in various Boards, Commissions, or outside organizations have helped maintain a “Business Friendly Community”. The analysis conducted in this process has also helped identify several key elements to work on in the future, in accordance to the “Best Practices” established by the Governor’s Office. One area of improvement would be to continue to push a customer service first philosophy as exhibited by the Customer Engagement Focus Groups. Bringing this idea beyond the management Team level and making it a top priority would help continue positive customer engagement. Making this a priority would also help in a second identified area for improvement, as the HPCA Survey rated city staffs customer service skills at roughly 70/100. While this survey was a small sample size, by emphasizing customer friendly policies such as quick turn around on questions to city staff these scores could easily improve.



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

This review will include a slide presentation and recap of highlights and civic inspiration gleaned from the 2016 City Tour of Aspen, Roaring Fork Valley and Vernal. Staff will return to Council on October 20, 2016 to present a 2016 City Tour debrief, which will include participant survey results and detailed discussion of project ideas and implementation.

Respectfully:

Linda Jager, Community Engagement Manager



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

Summit County Senior Programs staff is presenting the results of an updated survey conducted in Winter/Spring of this year. The results of the survey indicate that a number of the Strategic Plan goals have been met such as:

- Wider access to key information regarding services and programs for Seniors;
- Less issue with finding affordable housing; and
- Many felt there was no problem finding transportation to help with their needs.

City staff is also providing an update on engagement with seniors to prepare for the potential move of the Center programs and possible development of a new space.

- Elliott Workgroup has begun developing concepts for an alternative use/location for the historic Keetley train depot which currently serves as two-thirds of the building in which the Park City Senior Center (PCSC) is located;
- The Lower Park Avenue project team met with members of PCSC to go over a list of needs compiled from numerous meetings over the past three years of engagement to ensure nothing had been missed; and
- This program list is being utilized to design a new facility for senior programs such as the re-designed recreation building to be constructed north of Miner's Hospital or another, to be determined, alternative location.

Respectfully:

Rhoda Stauffer, Housing Specialist

City Council Staff Report



Subject: Senior Programs Update
Author: Rhoda Stauffer
Department: Sustainability
Date: September 15, 2016
Type of Item: Informational

Summary Recommendation: Staff is presenting a progress report on the outcome of an updated survey completed by Summit County senior program staff. Staff is also providing an update on meeting strategic plan goals and engagement with the members of the Park City Senior Center (PCSC). No action is requested.

Executive Summary:

Summit County Senior Programs staff is presenting the results of an updated survey conducted in Winter/Spring of this year. The results of the survey indicate that a number of the Strategic Plan goals have been met such as:

- Wider access to key information regarding services and programs for Seniors;
- Fewer issues with finding affordable housing; and
- Many felt there was no problem finding transportation to help with their needs.

City staff is also providing an update on engagement with seniors to prepare for the potential move of the Center programs and possible development of a new space.

- Elliott Workgroup has begun developing concepts for an alternative use/location for the historic Keetley train depot which currently serves as two-thirds of the building in which the Park City Senior Center (PCSC) is located;
- The Lower Park Avenue project team met with members of PCSC to go over a list of needs compiled from numerous meetings over the past three years of engagement to ensure nothing had been missed; and
- As an option for future consideration by Council, this program list is being utilized to design a new facility for senior programs such as the re-designed recreation building to be constructed north of Miner's Hospital or another, to be determined, alternative location.

Acronyms:

LPA Lower Park Avenue
PCSC Park City Senior Center

The Problem:

Services to Summit County's aging population are paid for by a combination of federal and state resources which are managed by the Mountainland Association of Governments Aging Services (serving as the area Agency on Aging). Summit County also provides additional resources to serve seniors throughout the County. As a partner to the County, the City provides assistance through the free use of the old Keetley train

depot renovated and added to in the late 90's located at 1361 Woodside Avenue. City staff meets with PCSC members on a quarterly basis and include seniors in community engagement activities regarding LPA planning as well as city-wide issues. Staff also participates in a Senior Issues Working Group coordinated by Summit County Senior Programs staff.

Senior Programs further the goals of the General Plan in the "Sense of Community" category found on pages 78 – 85 of the [section linked here](#):

1. Goal 9: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors;
 - a. 9.A: Maintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options.
 - b. 9B: Local recreation options with close proximity to neighborhoods.
2. Goal 10: ...maintaining a balance between world-class, multi-season resort destination with sense of community for local residents.
 - a. 10B: Balance tourism events with preservation of small town character and quality of life....Locate community facilities near primary residents.

Background:

In 2009, resulting from the City Council Visioning session, City staff began working with County Senior Program staff to assess the needs as well as evaluate programs available to Park City's senior population. A survey was conducted of residents aged 55 and above. The survey findings resulted in a Senior Strategic Plan which was adopted by both City and County Councils in November and December of 2011. On August 15, 2013 City Council was provided with an update on progress toward meeting the goals of the strategic plan.

<u>Date</u>	<u>Item</u>
December 8, 2011	Original 2011 Senior Strategic Plan
August 15, 2013	Update on Senior Strategic Plan goals, Staff Report (Page 65)

Staff continues to work with the County's Senior Programs staff and is an active member of the Senior Issues Working Group.

The Strategic Plan adopted in 2011 established a number of goals as follows:

1. **Information Dissemination:** Establish an effective communication program to ensure that a wider number of county seniors have access to critical information and county programming.
 - a. *A rack card of critical contact information was developed and distributed to area doctors' offices, clinics, senior centers, home healthcare providers and SC Health Department. The rack card has been reprinted two times and continues to be popular.*
 - b. *A monthly newsletter is distributed via the three County senior centers.*

2. Program Participation: Expand program and service options to encourage wider participation.
 - a. *All three centers are experiencing greater participation due to a number of added programs: movie viewings on an additional afternoon in Park City, games and mind puzzle activities in Coalville and interest in the new building in Kamas.*
3. 'Age-in-Place' Programs: Explore "Aging-in-Place" programs to find a feasible fit for Summit County and Park City seniors.
 - a. *Through research, staff determined that all of the elements of an Aging-in-Place program existed quite well in Summit County. A white paper was produced in June of 2014 detailing this finding and it is attached as Exhibit C.*
4. Housing: Facilitate the development of more housing options for seniors.
 - a. *Beehive Home, a senior assisted living project in Highland Estates, was completed a year ago and provides an additional 16 rooms.*
 - b. *1450-1460 Park Avenue includes two single-level units that will be marketed to seniors wanting to down-size.*
 - c. *Lower Park Avenue (Woodside Park) will include a number of single story units that will lend themselves to downsizing seniors.*
5. Transportation: Improve the number of transportation assistance options.
 - a. *Park City's Transit system provides a number of options for seniors. Specifically the dial-a-ride service is highly utilized by seniors.*
 - b. *Summit County also provides on-call volunteer driver services to County seniors as needed (shopping, doctor's visits, etc.).*
6. Staffing: Assess feasibility and devise a plan for funding a full-time position to oversee Senior programming for both the County and the City.
 - a. *In summer of 2013, Summit County hired a part-time Senior Programs Manager who has been doing an excellent job!*

Updated Survey

In the fall of 2015, the Summit County Senior Programs Manager along with the members of the Senior Issues Working Group decided that it was time for a new survey with the same questions in hopes of finding out if senior program services had improved based on the 2011 results. During the months of January and February 2016, a survey, very similar in form to the one used in 2011, was distributed through a number of avenues: senior centers, meals on wheels program, area recreation centers and the care-givers network of providers. A total of 146 surveys were returned. Although the number of returned surveys was not statistically significant, the responses provide qualitative information about the needs and desires of the seniors most actively involved in programs. The findings of note are as follows:

1. Information on services and programs for seniors is accessible and there are now multiple avenues for important information.
2. Very few survey participants had difficulty finding affordable housing.
3. Many felt there was no problem finding transportation to help with their needs.

The working group established new goals based on the survey results:

1. Design and develop a welcome packet for new senior center participants.
2. High priority for keeping the county and city senior programs' webpages updated and linked.
3. Develop a new approach/program to assist more seniors with yard work and home maintenance.
4. Research solutions to make recreation activities and exercise programs more accessible for more seniors.

Lower Park Avenue/Woodside Park

The Lower Park Avenue project team including the Elliott Work Group and staff from Community and Economic Development Departments met with members of the PCSC on Monday, August 24, 2016. The meeting was to touch base and give the participants an update on planning and development of a new shared facility to accommodate a number of community needs. The project team reviewed the list of desires/needs and members asked to provide any additional input not already addressed. Work to date on the civic/senior center option for City Council consideration in the future is as follows:

- Elliott Workgroup has begun developing concepts for an alternative use/location for the historic Keetley train depot which currently serves as two-thirds of the existing building in which the Park City Senior Center (PCSC) is located; and
- The list of programs is being utilized to design a new facility for senior programs such as a re-designed recreation building to be constructed north of Miner's Hospital or another, to be determined, alternative location.

Department Review

This report was reviewed by the Sustainability Department, the City Attorney and the City Manager.

Funding Source

There is no funding source needed for this item.

Attachments

- Exhibit A:** Survey outcomes report
- Exhibit B:** Survey outcomes charts
- Exhibit C:** Aging-in-Place analysis

Exhibit A

2016 Senior Survey – What we learned.

Submitted by Heather Nalette, Summit County Senior Services

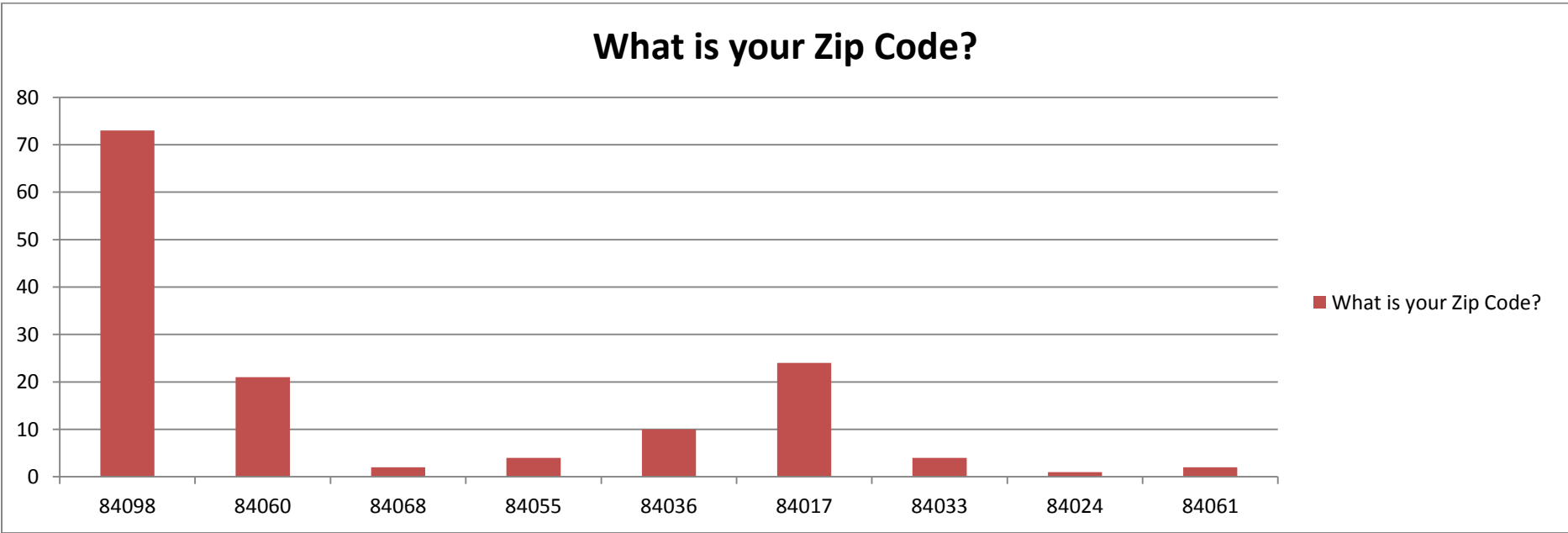
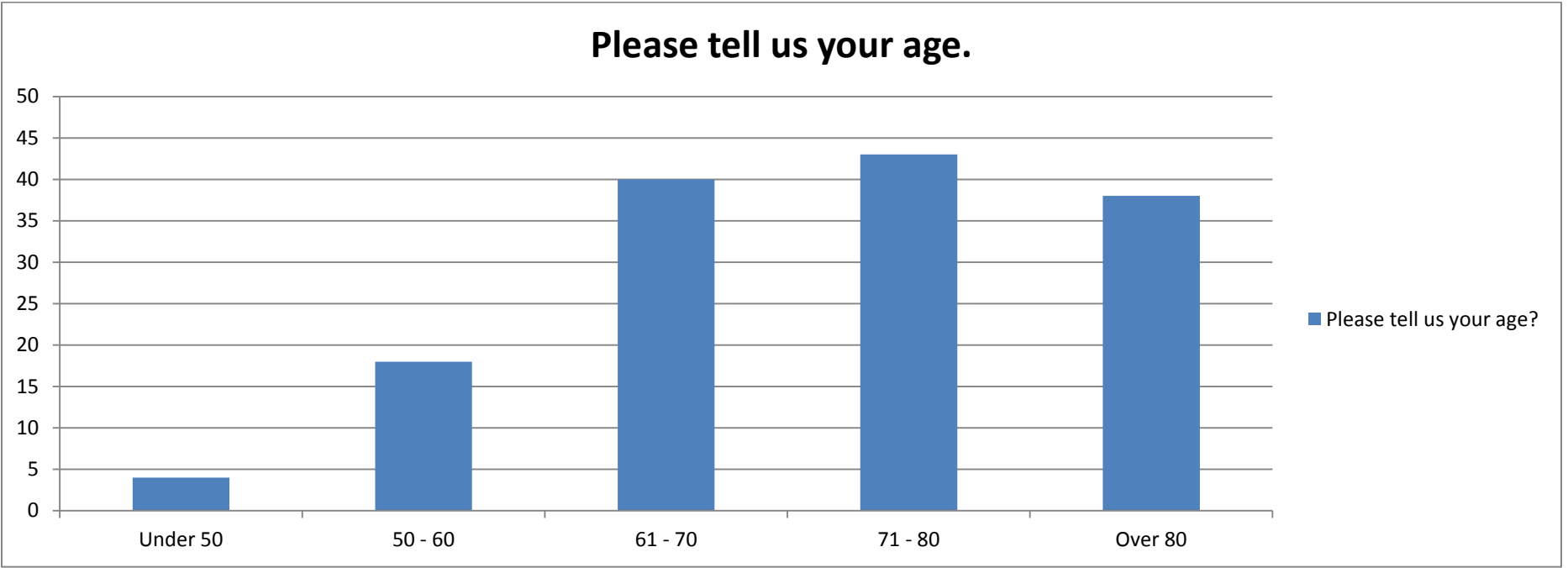
- There are many services available to the Senior Citizens of Summit County - three centers that provide meals and actives, a verity of medical and social services provided by the Mountainland Association of Governments (MAG), and more.
- In 2011 a survey was distributed to the senior citizens throughout Summit County with the goal of learning what the population felt was important. A strategic plan emerged based on the survey after a number of citizens raised concerns about perceived gaps in service.
- In the fall of 2011 a Senior Issues Working Group was formed and began the process of analyzing the survey findings. The group decided in 2015 it was time for a new survey with the same questions in hopes of finding out if the county had improved based on the 2011 results. During the months of January and February 2016 a survey was distributed throughout the senior centers, and through other local channels to local senior citizens.
- The 2011 survey helped establish a number of gaps in senior services
 - Additional information and better distribution about current services
 - A small number of units that would enable people to "downsize" their households, both market rate and affordable options
 - A plan for some form of additional assisted living units in the next five to ten years
 - More links between senior housing and community facilities
 - Better accessibility in old & historic buildings
 - More "aging in place" programs such as a social or Senior Companion Program both paid and volunteer (perhaps with help from high school students)
 - Additional volunteers for transportation with vehicles provided by Summit County
 - Enhanced programing at centers in order for a wider audience to utilize the space
 - A partnership program with high schools and other community programs to gain access to more community service volunteers.
- The 2016 survey helped establish a number of successes.
 - Currently the population surveys feels there is easy access to current services and there are multiple ways to find information
 - The majority who participated felt there was little issue finding affordable housing
 - Many felt there was no problem finding transportation to help with their needs.
- Goals as established by the working group based on the survey results

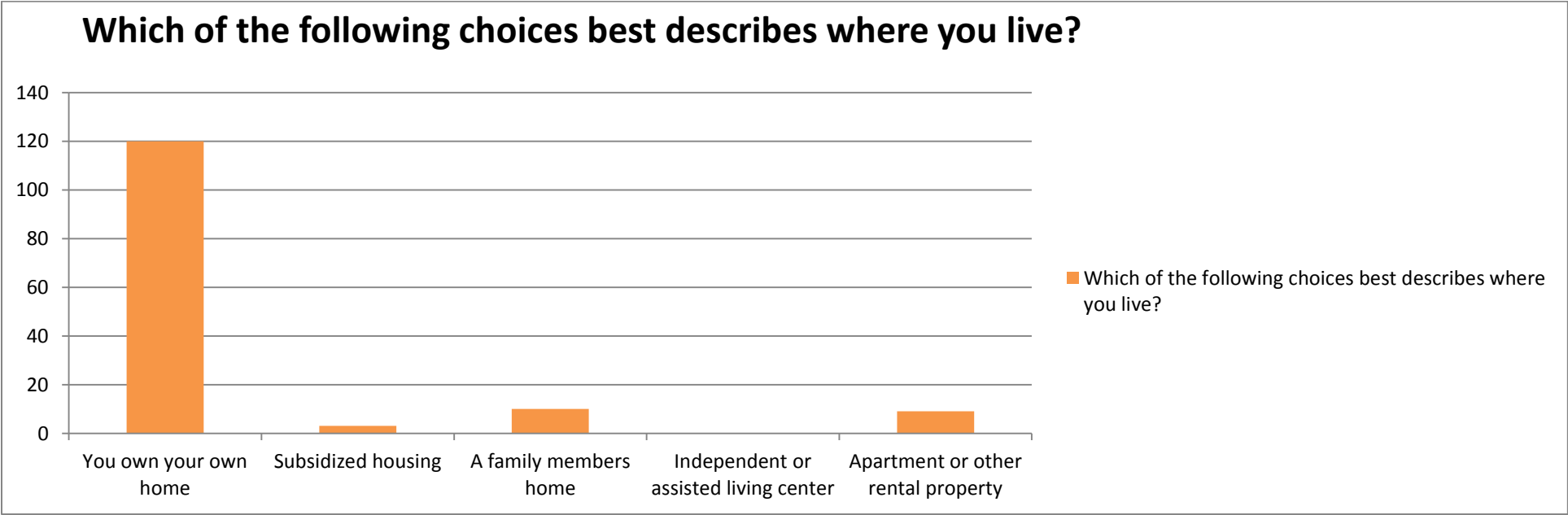
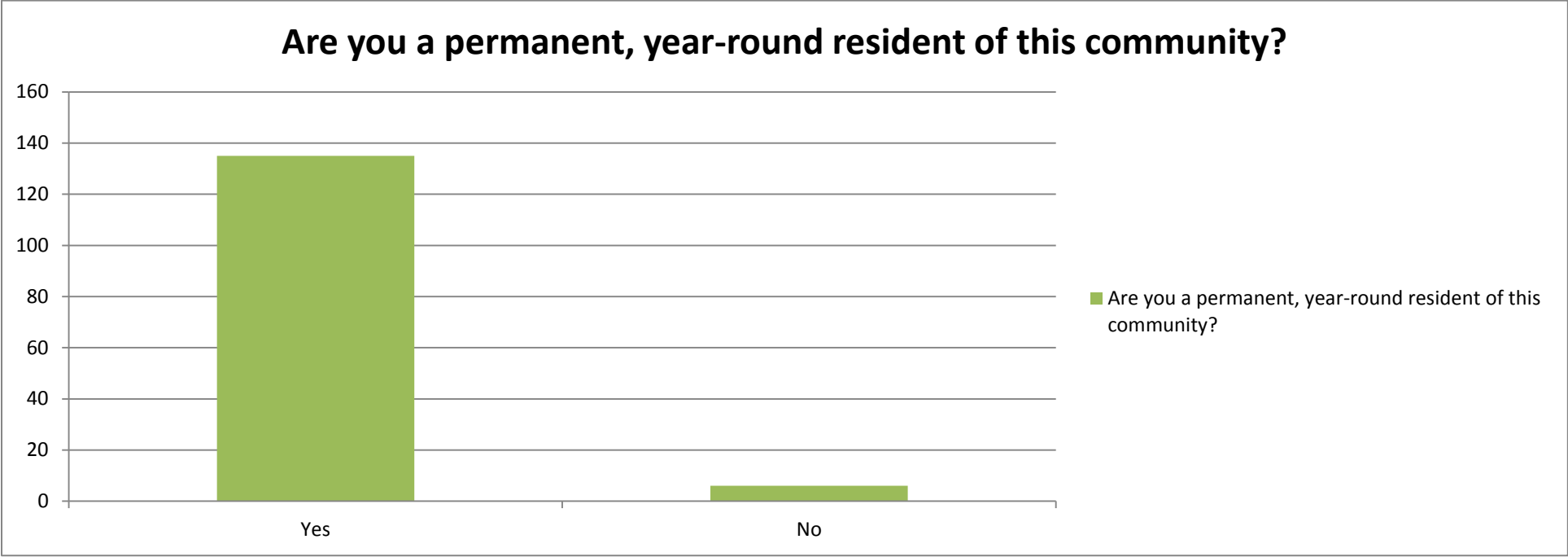
- Working group and staff feel a welcome packet at senior centers would help provide needed information. Keeping the county seniors webpage updated is a high priority.
- Seek out solutions to help senior citizens with yard work and home maintenance
- Better accessibility to recreation activities and exercise programs.

Summit County Senior Citizen Survey

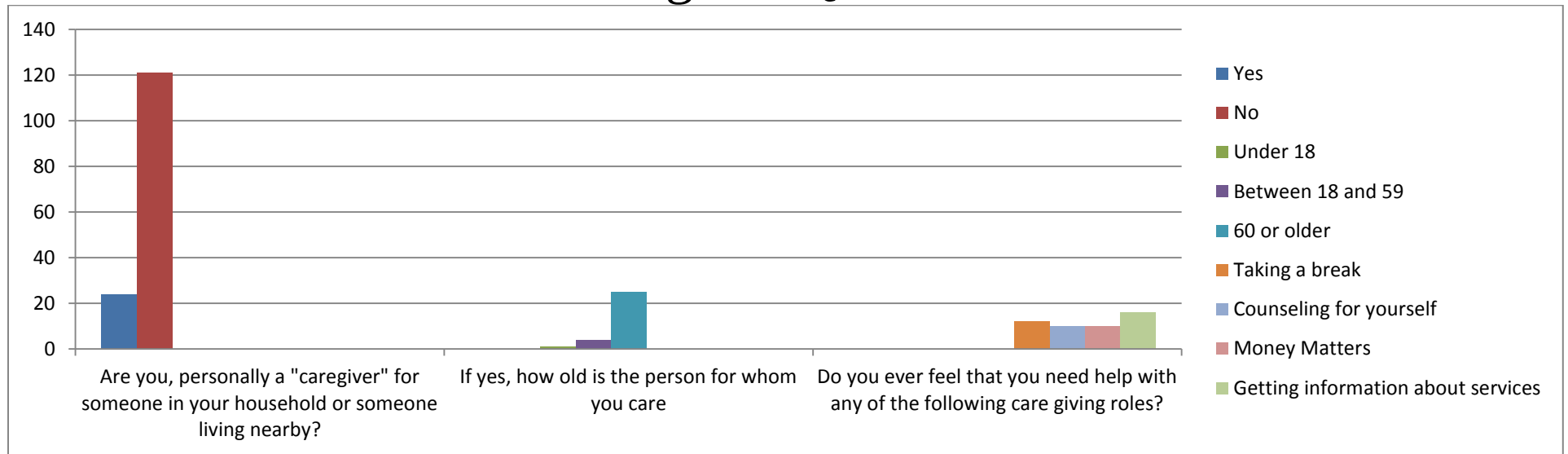
Results in graph form - 2016

143 Surveys returned
Heather Nalette

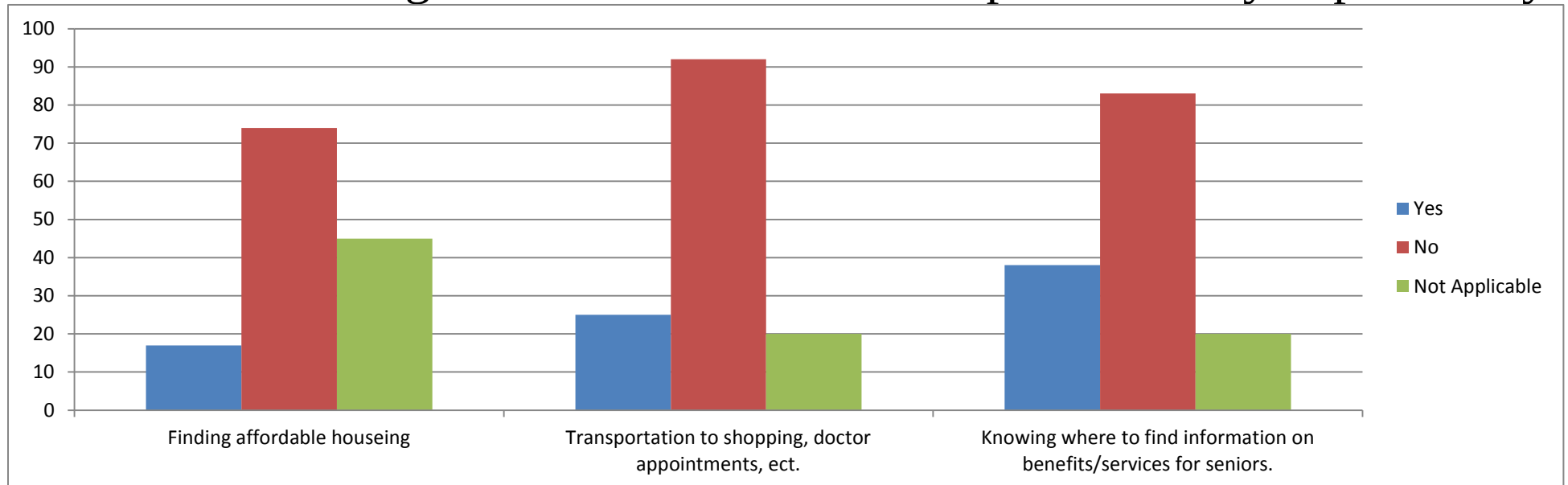




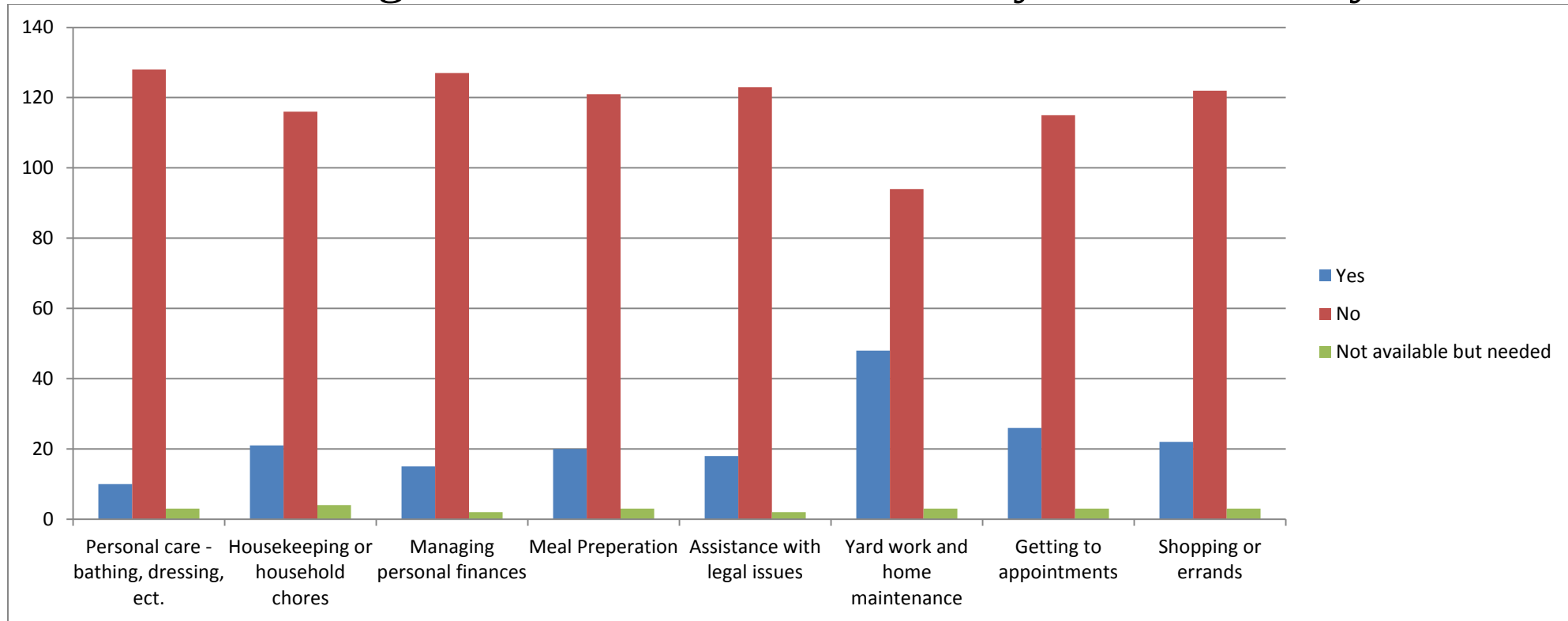
Caregiver Questions



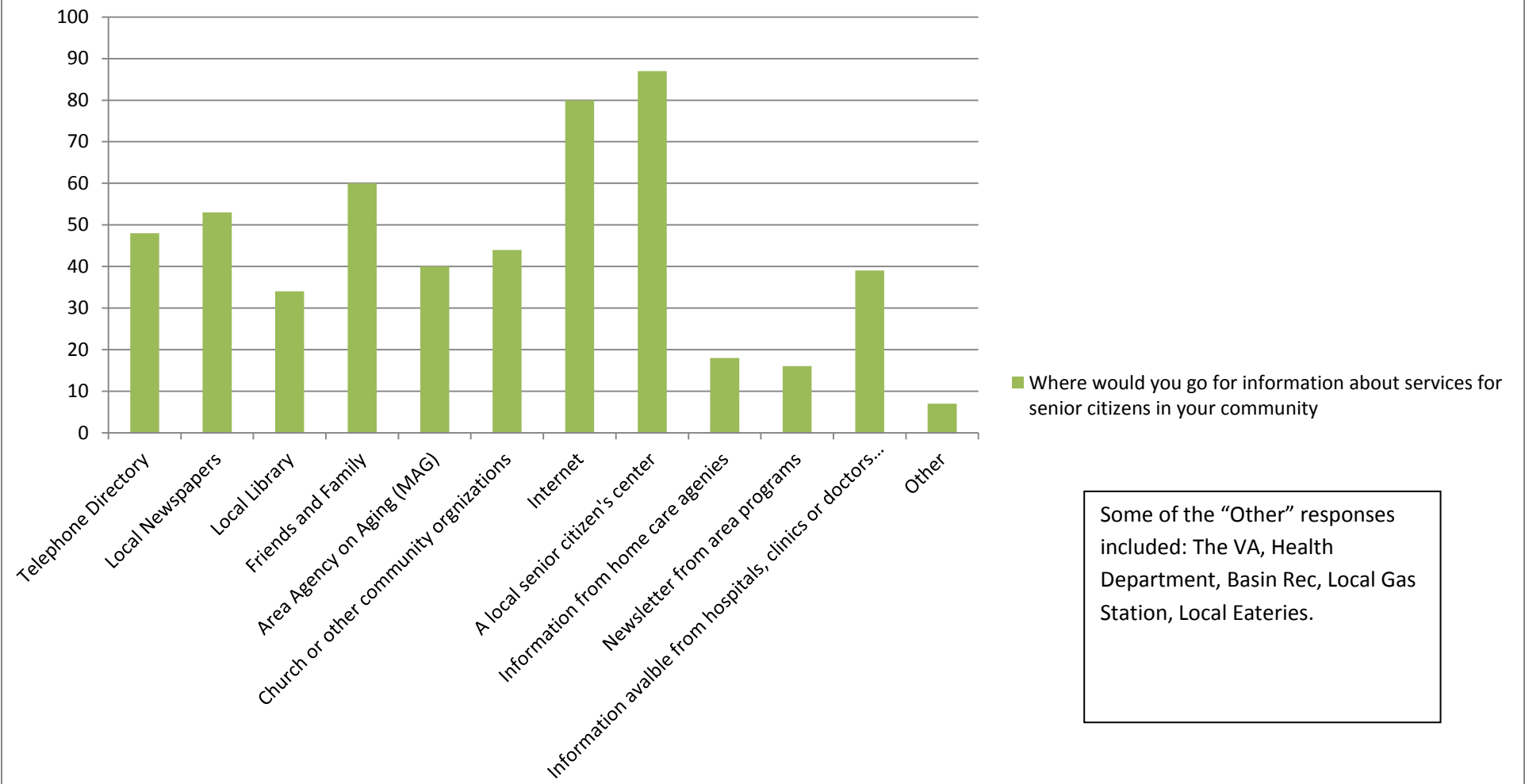
Indicate whether a given situation is or is not a problem for you personally



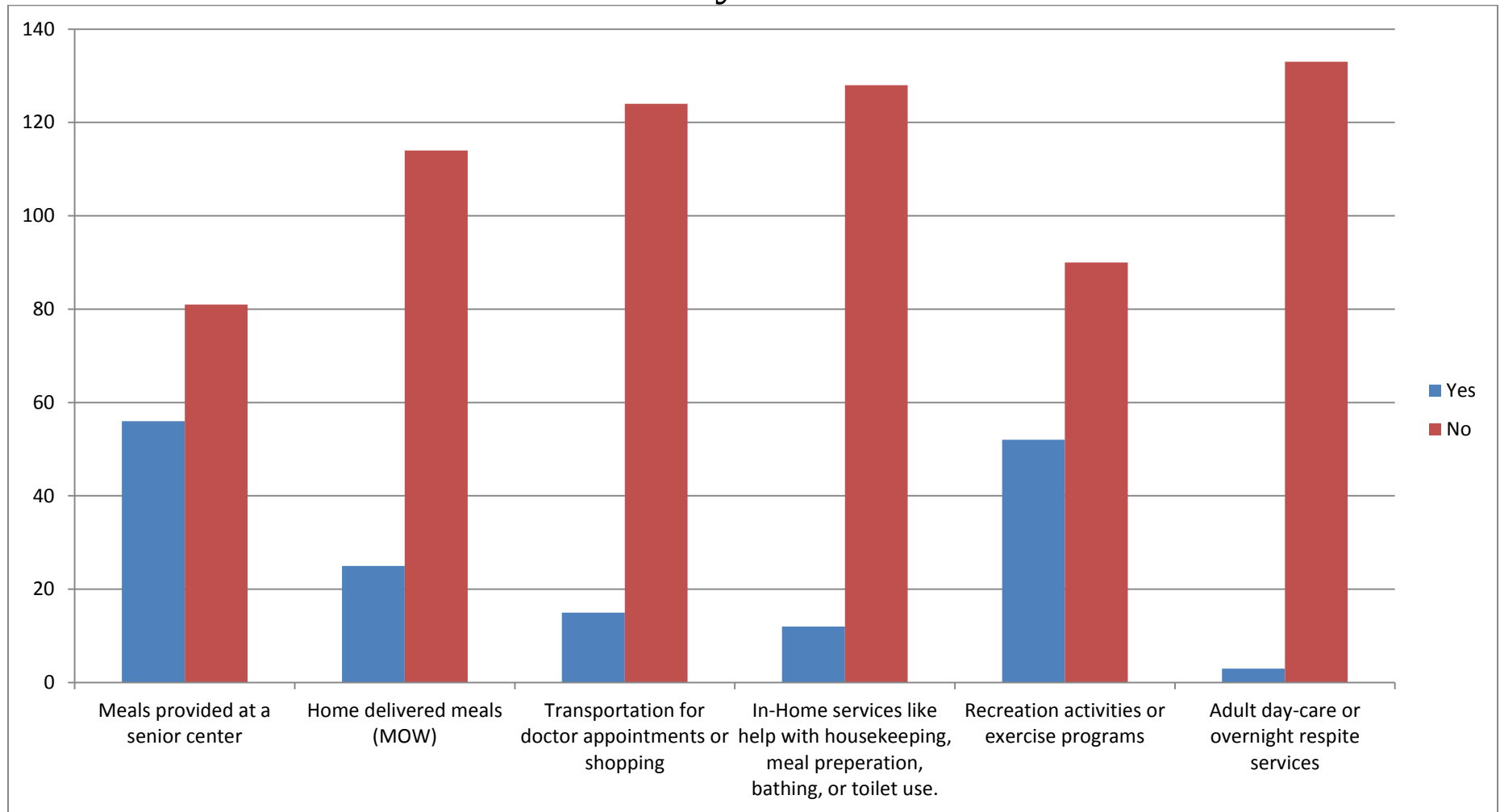
Do you currently get help with any of the following from family, friends, neighbors, or other members of your community?



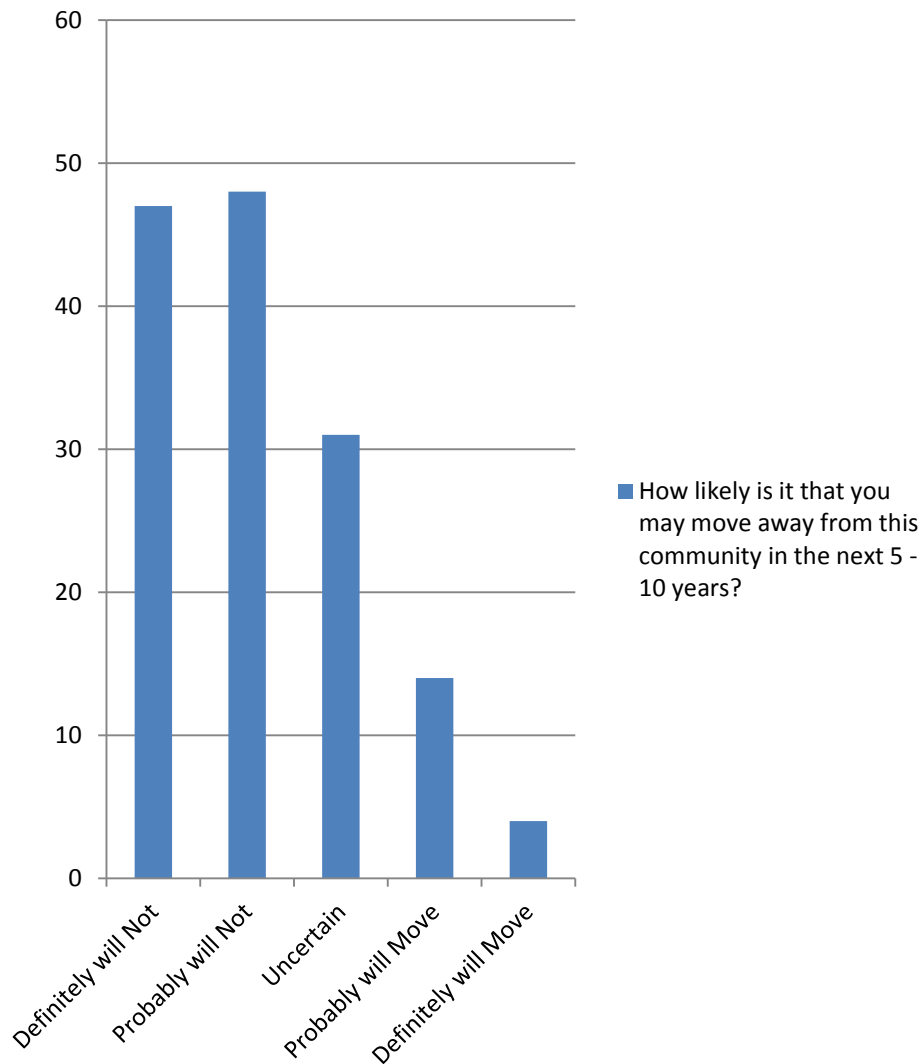
Where would you go for information about services for senior citizens in your community



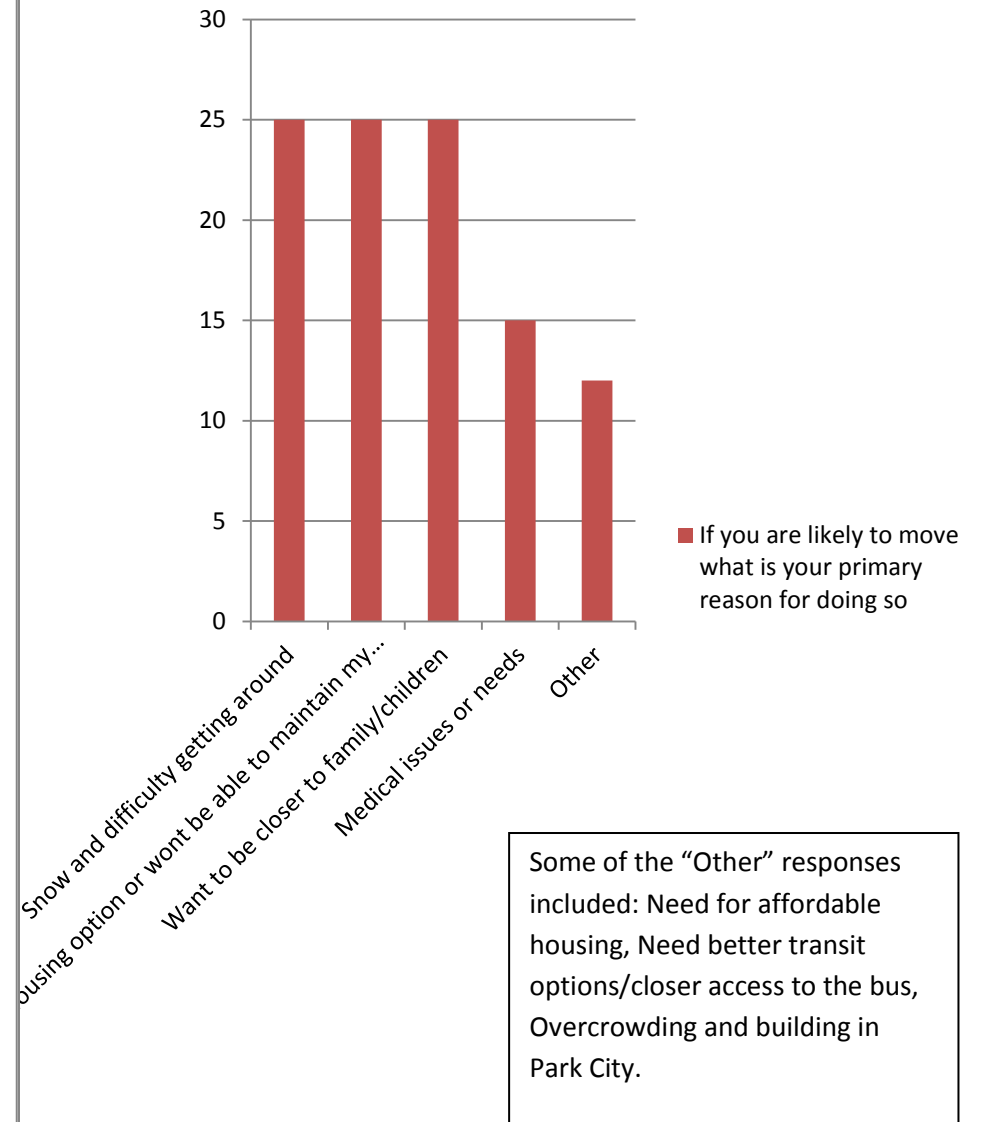
Below is a list of free or low cost community services that are available in some areas. Check yes or no to indicate whether you currently or have ever used any of these services.



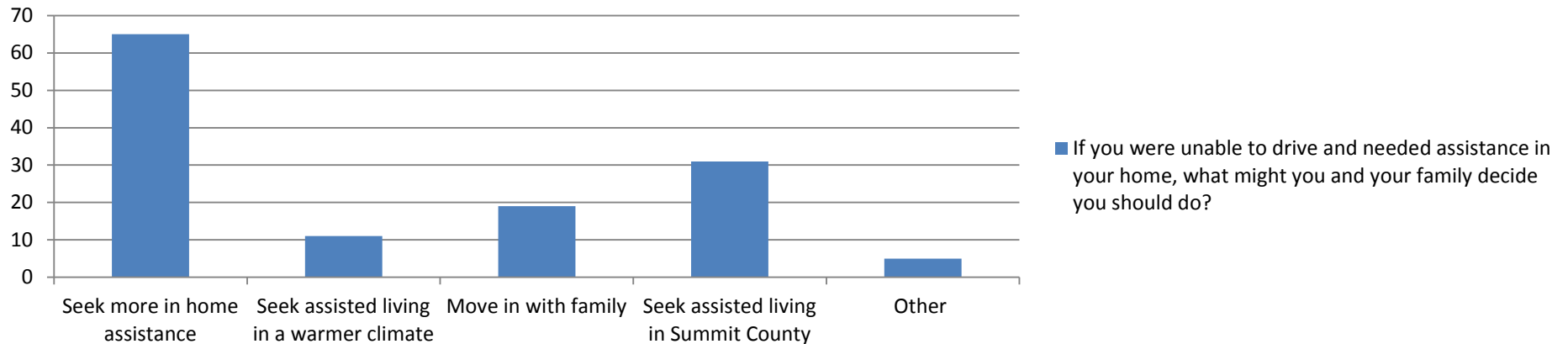
How likely is it that you may move away from this community in the next 5 - 10 years?



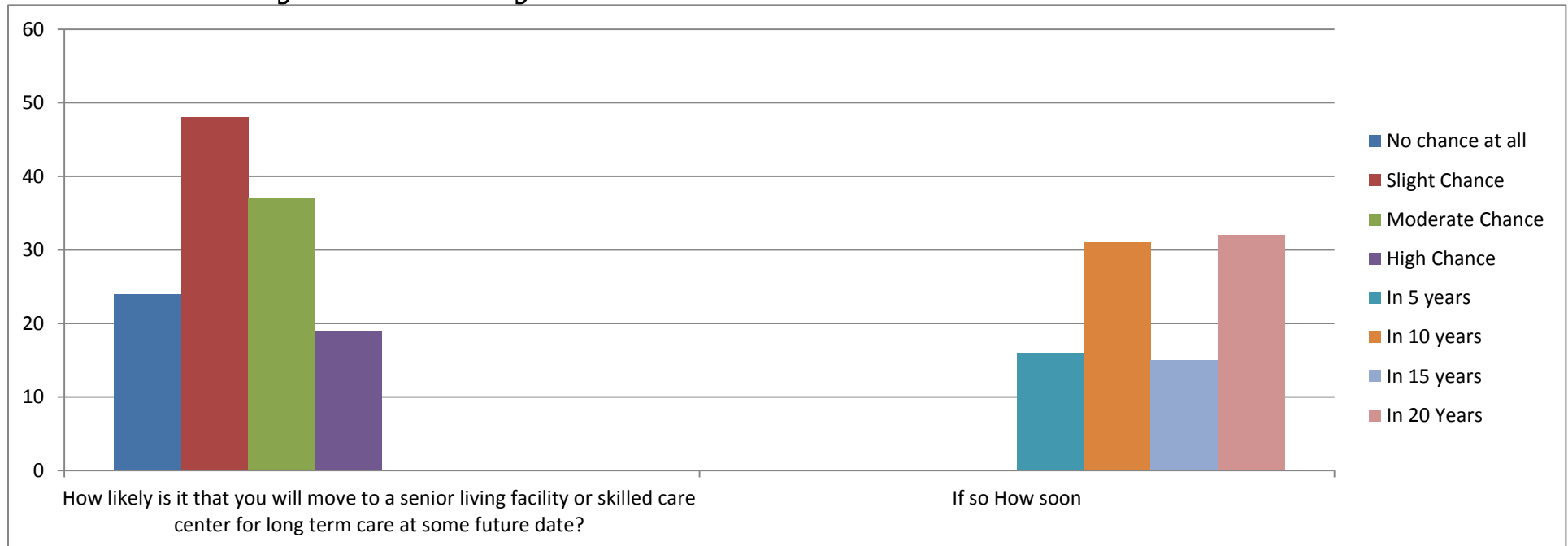
If you are likely to move what is your primary reason for doing so



If you were unable to drive and needed assistance in your home, what might you and your family decide you should do?



How likely is it that you will move from the area and if so when?



Top concerns about your own aging?

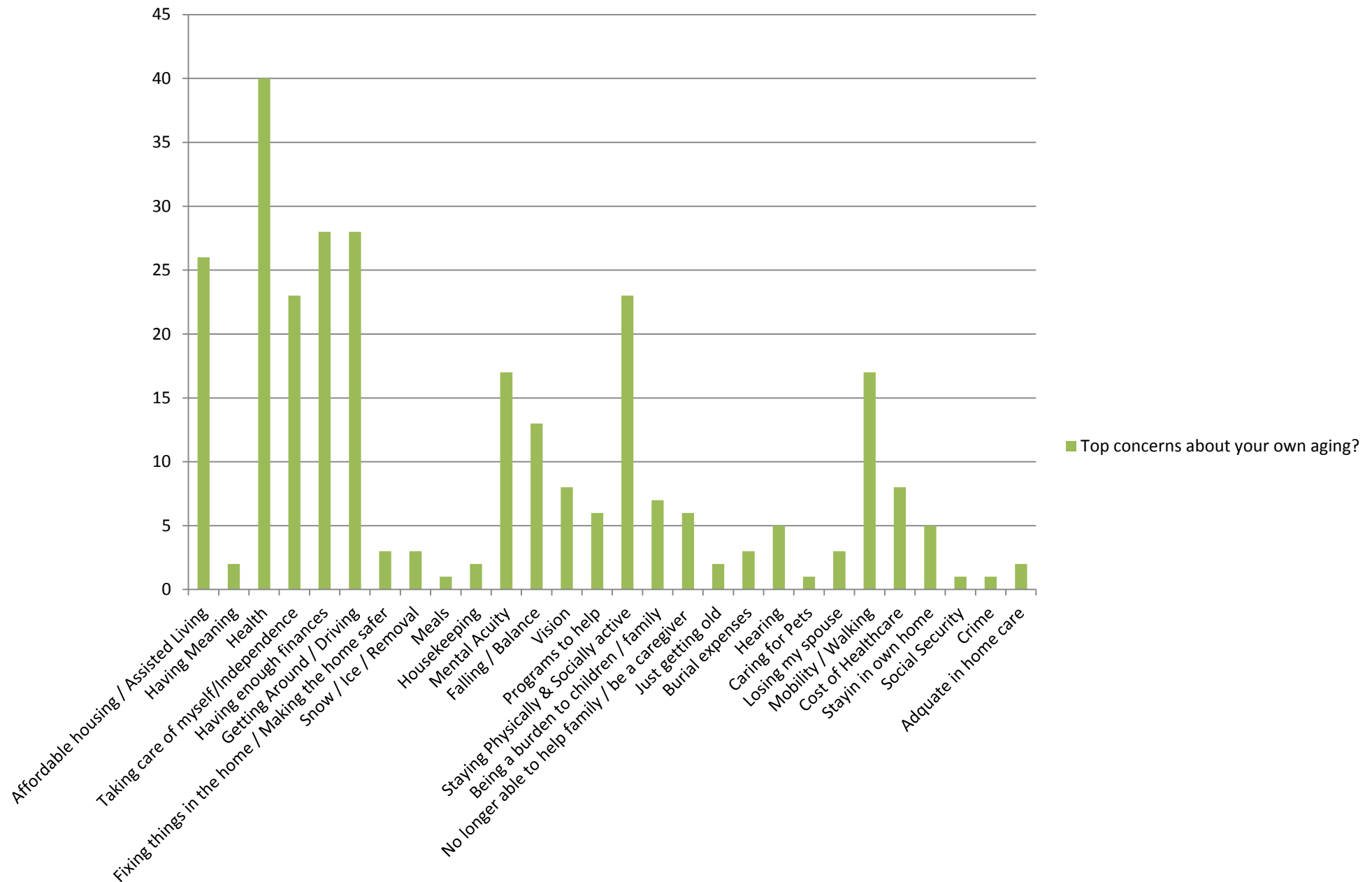


Exhibit C

Aging-in-Place

Programs that assist Park City and Summit County Seniors

Background:

A goal of the Senior Strategic Plan adopted by both Summit County and Park City Councils in 2009 was to explore the feasibility of instituting a County-Wide Age-in-Place program. Over the past two years, the following study and research has been completed:

- Review of literature on how rural communities address senior needs;
- Participation in workshops on the topic at HAC Rural Housing conference in December of 2012 and at the National Housing Conference in Atlanta in September of 2013;
- Review of case studies from a number of sources such as: HUD's Evidence Matters publications; AARP Compendium of Community Aging Initiatives; the Village movement; articles in Journal of Aging Studies and much more;
- Review of focus group discussion of professionals that work with seniors;
- Discussion with staff of Mountainland AOG Agency on Aging; and
- Survey of home-healthcare agencies serving Summit County and Park City such as Encompass, Applegate, Alpine Home Health Services and Danville Home Care.

Key components of successful Age-in-Place programs: The key elements that allow persons to age in their homes are regular contact and personal assistance, medical care, accessible homes and transportation. It is staff's conclusion, that Summit County has a pretty thorough Age-in-Place program in place. Below are each of the key areas and a synopsis of how each is covered for Summit County seniors.

- **Regular Contact and Personal Assistance:** As in many rural areas, Summit County seniors live within close proximity to extended family who play a key role in providing regular contact and personal assistance. They visit regularly, share holidays, include seniors in family activities and assist them in visiting their friends, going to church and participating in community activities. Family contact is supplemented in many cases by home health agencies and Mountainland Agency on Aging as well as volunteer programs such as RSVP (Retired Senior Volunteer Program) and church networks. There are also several programs providing day-care services and last but not least, there are three Senior Centers within Summit County that provide additional points of care and contact.
- **Medical Care:** The wealth of home health agencies working in the Summit County area meets the majority of medical needs. This statement is based on a survey of the existing programs, the Summit County Health Department and Mountainland AOG Agency on Aging. Medicaid and Medicare cover many of the in-home healthcare costs allowing for persons to remain in their homes. Those costs that aren't directly covered can be addressed through Summit County Health Department and the Agency on Aging as well as the People's Health Clinic. It is the experience of the agencies interviewed, that very

few people slip through the cracks of this system. Targeted medical monitoring services and education programs are also brought to each of the three Senior Centers in Summit County.

- **Accessible Homes:** In Summit County, many elderly have adapted their homes with the help of family members, church volunteers and other contracted services. For those seniors that can't afford to pay, there are a number of programs that provide assistance including but not limited to Mountainland AOG Agency on Aging and Habitat for Humanity of Summit and Wasatch Counties.
- **Transportation:** Most seniors depend on family members and friends to assist with transportation needs. In addition, Summit County provides a volunteer driver program and Park City Transit provides special on-call bus services within their system footprint. Senior Centers have many participants who carpool in order to ensure those who need assistance get to programs. The transportation needs can be the weakest link in Summit County's Age-in-Place program. Summit County's Senior Program Director gets more calls for transportation assistance than she has volunteers for. However, since requests are not screened for income or assessed based on need, it is not known which of the callers might be able to pay for transportation and which can't.

In conclusion: There exists within Summit County a highly functional Age-in-Place program. Reviewing each component of the program every two to three years will ensure that it continues to meet the majority of needs. The one area that could use some additional targeted resources is the transportation program to have more options for low-income seniors to get to their medical appointments and to help shut-ins get to Senior Center programs.

Submitted by
Rhoda J. Stauffer
June 2014



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

The Citizens Open Space Advisory Committee (COSAC) is recommending City Council consider granting a third party preservation easement on the Library Field. This easement, should Council provide direction, would form a legal binding agreement between a qualified land trust, which would define, in perpetuity, permitted and prohibited uses associated with the property. Staff is asking Council to consider the COSAC recommendation, as well as, other possible options that could preserve the field as open space while allowing for flexibility in implementing existing and future Council Strategic goals and Community priorities.

Respectfully:

Heinrich Deters, Trails and Open Space Program Manager

City Council Staff Report

Subject: COSAC Recommendation- Library Field Preservation Easement
Author: Heinrich Deters
Department: Sustainability
Date: September 15, 2016
Type of Item: Informational

Summary Recommendation

Staff recommends Council discuss and provide initial direction on the two options concerning additional preservation of the Library Field presented in the report:

1. Consistent with the COSAC recommendation, direct staff to issue a Request for Proposals (RFP) in accordance with the City's procurement policy for qualified land trusts to hold the proposed third party preservation easement; or
2. Direct staff to return to Council in a subsequent work session with details associated with alternative options to a third party preservation easement as provided within the report.



Executive Summary

The Citizens Open Space Advisory Committee (COSAC) is recommending City Council consider granting a third party preservation easement on the Library Field. This easement, should Council provide direction, would form a legal binding agreement between a qualified land trust, which would define, in perpetuity, permitted and prohibited uses associated with the property. Staff is asking Council to consider the COSAC recommendation, as well as, other possible options that could preserve the field as an open space while allowing for flexibility in implementing future Council

Strategic goals and Community priorities, including ones that may not be envisioned today

Acronyms

COSAC	Citizen's Open Space Advisory Committee
PCMC	Park City Municipal Corporation
POS	Protected Open Space
ROS	Recreation Open Space

The Problem or Opportunity

The Citizen's Open Space Advisory Committee (COSAC) has recommended the Park City Library Field parcel be encumbered with a third party preservation easement. The easement would constitute a legally binding agreement with a third party (land trust) which would limit certain types of uses or development from taking place in perpetuity.

The question to Council and the Community is simple: 'What is the best instrument to preserve an open space and related community uses associated with an urban park environment?'

Background

On December 15, 2015, following an affordable housing brainstorming process that left some residents concerned that the City had included the Library field in the brainstorming process; COSAC received public comment from several residents in the Lower Park Avenue area. Comments expressed concern over community discussion of the idea that sections of the Library field could be used for affordable housing specifically; the residents were interested in the proposition of encumbering the property with a type of third party preservation easement which would eliminate the possibility of future development.

At the meeting, COSAC approved a voted to , ask for staff to return with an analysis of the Library Field, including history of acquisition, title encumbrances, existing regulatory parameters and development/preservation history.

At the June 28, 2016 COSAC meeting, COSAC committee members voted to recommended additional protections to the city-owned library field parcel, above and beyond the existing zoning regulations. The Committee asked staff to return with encumbrance options and details associated with measures adopted by other communities.

At the same June 26' 2016 COSAC meeting, and after vigorous discussion, the Committee voted unanimously to make the recommendation to City Council for a '**permanent, third-party, preservation easement which would restrict development on the property,**' Specifically, the Committee recommendation is based on the following nuances:

1. *Permanent*- The easement runs with the land.

2. *Third-Party*- Involves a ‘transactional component’ with a third-party land trust that is legally binding and separate from the political process.
3. *Preservation Easement*- The intent of the recommendation is NOT to protect ‘a pristine and/or critical habitat’ rather the Committee understands the property is an ‘active community park’. Thus, it was important NOT to refer to the instrument as a ‘conservation’ easement.
4. *Restrict/Prohibit Development*- At the highest level, the Committee recommends prohibiting development.

Existing Documents and Reference

Date	Item
December 15, 2015	COSAC Meeting Minutes
June 28, 2016	COSAC Packet June 28
	COSAC Minutes June 28
July 26, 2016	COSAC Packet July 26
	DRAFT COSAC Minutes July 26

Alternatives for City Council to Consider

COSAC Recommendation: COSAC recommends placing a permanent, third party preservation easement, which restricts development, in a form to be determined later, on the Library Field.

Pros

- a. A third party easement will limit and/or determine, in perpetuity, future land uses associated with the Library Field.
- b. A third party easement, as envisioned by COSAC, would positively impact Council’s strategic goal of ‘preserving and enhancing the natural environment’ and specifically the stated Council priority- top goal of preserving ‘open spaces’.
- c. Preservation of the Library Field has been a long standing ‘hot topic’ for some of the Lower Park Avenue neighborhood. A third party easement could ultimately put the topic to rest.
- d. There are examples of urban park preservation easements in several towns and cities.

Cons

- a. Removes decision making from the Community process.
- b. Additional costs will likely be incurred by the City for ‘stewardship’ funds.
- c. The ‘active’ nature of the Library Field may present difficulty with the enforcement of a proposed easement when considering the appropriateness of special event uses and/or capital recreational or parks improvement requests.

Null Alternative - Do not make any changes: Land Use decisions specific to the Library Field are determined by the underlying zoning of Recreational Open Space (ROS) [ROS Zone](#) and in accordance with the existing Master Plan Development (MPD) approvals. Finally, special events and/or Park related decisions (off-leash dog park) are made by elected officials in an open and public meeting process.

Pros

- a. Decisions associated have been made in accordance with existing zoning and planning regulations, within a public process.

Cons

- a. Decisions made within the governmental process are subject to changing community goals and the political process.

Other Alternatives: Staff suggests there are a few additional alternatives Council might consider, individually or in conjunction with one another.

1. **Rezone the Library Field Protected Open Space (POS):** Rezoning the Library Field would provide additional restrictions than the ROS zone. [POS Zone](#)

Pros

- a. Simple to implement and further restricts approvals through the planning process, while maintaining flexibility.
- b. Decision making remains in the public process.

Cons

- a. The process is still subject to the political process.

2. **Create an Urban Park Overlay Zone:** Planning staff could create an overlay zone specific to urban parks, which would establish definitions and appropriate uses/infrastructure. This could be incorporated into the Lower Park Avenue Master Planning Process.

Pros

- a. Could be utilized for all of the City's urban parks.
- b. Decision making remains in the public process.

Cons

- a. Would require significant staff time.
- b. The process is still subject to the political process.

3. **Develop a Community Parks Master Plan Process and Resolution (The McPolin Barn Option):** Similar the 1995 SR-224 Entry Corridor Master Plan, which developed a community-based planning effort focused on the open spaces, trails and specific uses along the SR-224 entry corridor. The Plan could

be codified through a resolution with specific parameters and/or approval processes such unanimous Council decisions and a 60% approval by the voters
[SR-224 Entry Corridor Resolution](#)

Pros:

- a. The Community would establish specific use and preservation goals, specific parks within the City.
 - i. Parameters may include ‘no development’ options or limits to numbers and types of events
 - ii. The process could identify an advisory committee, such as the Recreational Advisory Committee (RAB), which reviews and advises Council on various aspects of each park. The committee would serve as the ‘third-party’, overseeing capital projects, maintenance efforts, specific uses and/or event requests.
- b. Could be utilized on all of the City’s urban parks, not just Library Field.
- c. Ensures Community input and a ‘third-party’ into the planning and review processes, which is important for an active community space.
- d. Subject to the political/community process.

Cons

- a. The process is still subject to the political process.
 - b. Does not include a third party land trust.
3. **Place preservation on a portion of the field:** In conjunction with a Community input and planning process, Council could choose to follow COSAC’s recommendation to place a ‘scenic open space’ easement on the majority of the Library Field, which may allow for other uses and/or special events on a remaining portion.



Pros:

- a. A third party easement will limit and/or determine, in perpetuity, future land uses associated with the Library Field.
- b. A third party easement, as envisioned by COSAC, would positively impact Council's strategic goal of 'preserving and enhancing the natural environment' and specifically the stated Council priority- top goal of preserving 'open spaces'.
- c. Preservation of the majority of the Library Field has been a long standing 'hot topic' for the Lower Park Avenue neighborhood. A third party easement could ultimately put the topic to rest.

Cons

- a. Removes future decision making from the Community process.
- b. Additional costs will likely be incurred by the City for 'stewardship' funds.
- c. The 'active' nature of the Library Field may present difficulty with the enforcement of a proposed easement when considering the appropriateness of special event uses and/or capital recreational or parks improvement requests.
- d. May be difficult to enforce due to lack of a 'boundary'.

Analysis

COSAC Mission

COSAC is an advisory committee that makes open space and land preservation recommendations to City Council. The Committee's focus is purely based on their

mission to provide the best possible 'open space' related option on any given topic. It does not take into account other City functions such as public works, public safety, economic development, Planning and zoning or Affordable Housing. That said, the Committee is not asked nor does it have the expertise to weigh and/or prioritize other City related projects and/or Strategic Goals

This report focuses on the best recommendation by COSAC. It is City Council's purview to balance the COSAC recommendation against other community and local government needs, as well as all other Council related strategies, priorities and projects.

Funding Restrictions

The Library Field was not purchased with open space funds, thus there is no financial restrictions on the property.

What does the General Plan say about the Library and Education Center?

While the General Plan does not provide specific direction on the topic, it does represent in the graphic below [General Plan Volume II- Neighborhoods 2](#) (page 196) the conundrum of 'enhancing' the area while not 'compromising' the existing attributes.



"Consider additional uses for the Library Center that enhance rather than detract from the civic and park characteristics the community currently enjoys at the site. A community garden or relocation of the Senior Center to this parcel are both examples of projects that could be entertained without compromising the existing attributes of the Library Center and green space."

Jack Johnson Company, 2009

Council's approach to balancing the community aspects of these gathering spaces into the future is paramount to what preservation tool they choose.

Is a 'Third-Party Preservation Easement' Appropriate for the Library Field?

The Internal Revenue Service provides parameters for the use of 'conservation easement' as applicable for tax deductions. Additionally, it notes the 'attributes' a property must exhibit for consideration: [Qualified Conservation Contributions](#)

Conservation purposes -

(1) *In general. For purposes of section 170(h) and this section, the term conservation purposes means -*

(i) *The preservation of land areas for outdoor recreation by, or the education of, the general public, within the meaning of [paragraph \(d\)\(2\)](#) of this section,*

(ii) *The protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem, within the meaning of [paragraph \(d\)\(3\)](#) of this section,*

(iii) *The preservation of certain open space (including farmland and forest land) within the meaning of [paragraph \(d\)\(4\)](#) of this section, or*

(iv) *The preservation of a historically important land area or a certified historic structure, within the meaning of [paragraph \(d\)\(5\)](#) of this section*

The Library Field does represent certain attributes, including scenic open space and/or public access and recreation, consistent with conservation purposes noted above.

That said easements need to be drafted carefully to be defensible or it simply undermines the use of the tool, as well as, flexible to allow for clarity when addressing unforeseen uses often found in 'active' properties such as the Library Field. For example, if an easement was donated for 'the Scenic Open Space' how would the following proposed uses be considered while preserving the initial attribute?

- Small park improvements such as water fountains, benches and/or trees and landscape improvements
- Playground equipment
- Permanent or Temporary active recreational improvements like soccer goals
- Temporary special events such as Sundance or Community requests
- Park Improvements for the newly designated 'off leash area' or community garden as noted in the General Plan

Coalition Park, located on Lower Main Street and encumbered by a third party easement, provides an example of how 'active property' present a challenge for land trusts as the communities desire to utilize the area evolves.

- The easement covers the 'trolley turn around' which may limit transportation options
- The easement covers the small park area and may limit improvements, such as public restrooms

Departmental Input

Several City Departments have provided input they would like Council to consider should they provide direction to place an easement (include language in the document) or provide direction to utilize an alternative mentioned above:

1. **Public Utilities:** Public Utilities request that should an easement be placed on the property, language which would allow maintenance of all utilities and/or easements is permitted. Additionally, they would request that new 'underground' utilities be permitted should they be required in the future.
2. **Recreation:** A number of recreational facilities may be temporarily impacted in the near future. Those include the recreation building at City Park and/or the active ball fields located on school district property. To that point, Recreation would request the right to have some temporary active recreational component (temporary fields and soccer goals/line striping) should there be construction and or maintenance on existing fields. Similarly, Recreation would request the ability to consider temporary programming the field with kid's camps or similar, again if existing infrastructure is under construction. It is important to note that Recreation is NOT requesting any permanent use of the Library Field.
3. **Sustainability:** A preservation easement may remove/limit the ability to provide 'community park' infrastructure, including public art, community spaces such as gardens, public restrooms, drinking fountains (for people/dogs), information kiosks or other unforeseen community requests. Additionally, the easement may prohibit an unforeseen energy related project on the property. If a preservation easement is to be placed on the Library Field, Sustainability would request that Council consider establishing in the easement a process for evaluation of and possible future placement of park support infrastructure.
4. **Planning:** The General Plan supports the development of a variety of Parks, ranging from 'mini to community', noting the importance of community open spaces and access to outdoor and recreational opportunities. Planning finds that urban park spaces are generally limited in town and supports the protection and continued acquisition of these areas for the Community.
5. **Special Events:** Special Events requests the ability to utilize the Library Field for temporary events, including temporary tents, restrooms, play equipment/bouncy houses, or other structures, as approved by City Council in an open and public meeting. The Department finds that the process is a prudent permitting mechanism. Existing events include the Sundance Film Festival and Community/Library related events.
6. **Library:** The Library Department would like to host small library related programs such as the Summer Slide, Summer Reading Party activities, Sledding Read-alouds and Cocoa for the Kids as a reserved right. Additionally, while no

expansion of the Library is envisioned for quite a long time, an easement could limit future expansion of the Library in 75 or 100 years

Department Review

Input for this report has been provided by the Library, Recreation, Planning, Special Events, Sustainability and Public Utilities Departments. The report has been reviewed by the City Attorney's Office and the Executive Department.

Funding Source

Funding for this item is currently unknown as the item is in its initial stages. That said, any funding associated would likely be minor and addressed through Open Space Maintenance capital budget.



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

McPolin Barn Structural Upgrades Project

It is the recommendation of the structural engineer and architect, supported by the Planning Department, Parks Department and project team, to remove the aspen trees growing against the fieldstone foundation on the Northwest side of the Barn. This is also supported by the Friends of the Farm as we are making a substantial investment in the structural upgrades to the Barn. The trees are volunteers, or basically weeds that seeded themselves against the building foundation and left to grow.

It is feared that the roots are growing into the fieldstone foundation joints and, if left to continue to grow, will cause significant damage to the foundation. After removing the trees and removing the stumps, new aspen trees will be planted away from the fieldstone foundation along the driveway. Any necessary repairs to the foundation will be made in conjunction with the Historic District Design Review preservation plan. Staff may also install a root barrier along the fieldstone foundation to prevent possible damage from the newly planted trees in the future.

The Sustainability Community Engagement team will also get the word out to the public. The communications strategy may include the following tools and tactics:

- Website news item
- E-Newsletter
- Other additional communications as necessary

The trees will be removed in approximately two weeks of this communication.

Respectfully:

Matthew Twombly, Senior Project Manager



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

Officer Art Boxall was selected by the police department's management team for this year's Elk's Lodge Officer of the Year Award and received the award at the annual First Responder Awards reception on Sunday, August 21st.

Respectfully:

Katie Madsen,

City Council Staff Communications Report



Subject: Officer Art Boxall selected for the Elk's Lodge Officer of the year award

Author: Captain Phil Kirk

Department: Police

Date: Sept. 2, 2016

Type of Item: Employee Award Announcement



Officer Art Boxall was selected by the police department's management team for this year's Elk's Lodge Officer of the year award and received the award at the annual First Responder Awards reception on Sunday, August 21st.

Officer Art Boxall was nominated by Sergeant Andrew Leatham for the following reasons:

- Integrity, character, work ethic, attitude, positive influence & productivity
- As a member of the County's multi-jurisdictional drug interdiction team, Art has been extremely successful and has taken several large loads of narcotic off of Interstate 80.
- Together with his wife has been instrumental in bringing the "Back the Blue" movement to Park City. Art and his wife have partnered with local businesses, such as the Park City Market, to honor police officers and their families and bring positive attention to our profession and our Department.



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the minutes for the August 25, 2016, and September 1, 2016, City Council Meeting. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder



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

August 25, 2016

The Council of Park City, Summit County, Utah, met in open meeting on August 25, 2016, at 3:00 p.m. in the City Council Chambers.

Council Member Henney moved to close the meeting to discuss property, personnel and litigation at 3:00 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, and Worel. Council Member Matsumoto was excused.

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting. Council Member Henney seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, and Worel. Council Member Matsumoto was excused.

PARK CITY REDEVELOPMENT AGENCY
A. WORK MEETING

Discuss Lower Park Avenue Affordable Housing Including Concept Development Options for Woodside Park, the Former Fire Station Parcel, Located at 1353 Park Avenue:

Jonathan Weidenhamer, Economic Development Manager, Anne Laurent, Community Development Manager, and Rhoda Stauffer, Affordable Housing Specialist, presented this item. Weidenhamer stated three concept design options would be presented for Council to review for the Fire Station parcel. Nate Rockwood, Budget Manager, reviewed the financial implications with regard to the \$40 million that was set aside for affordable housing in the City. Rockwood stated Concept One had Nine units, and Concepts Two and Three each had 12 units. He indicated the funds would come from the Redevelopment Agency (RDA), and the revenue received from the project would return to the RDA to be used for future projects. He explained that Concepts Two and Three would recoup approximately 80% of the investment, but Concept One would only recoup 60%, so from a financial standpoint, he would favor Concept Two or Three. Weidenhamer expressed the hope that the Council would keep in mind the streetscape goals and density goals as they considered these alternatives.

1 Craig Elliott, Elliott Workgroup Architects, explained the commonalities with the designs,
2 including a pedestrian access, which led from the park, through the parcel and onto
3 Woodside Avenue. He discussed blending the design of this project with the multiple
4 housing zones located in the area. He explained only Concept One had garages and
5 driveways. Concepts Two and Three had one parking area for all the units in the
6 project. Elliott reviewed that accessory apartments would be constructed behind the
7 townhomes in Concepts Two and Three. Council Member Gerber asked if the
8 Townhome owner would be required to rent out the accessory apartment because it
9 could easily be used as storage. There was discussion on restrictions for those
10 accessory apartments to promote the rentals. Elliott noted that in Concept Three a
11 common area was included, which he thought might be a great space for young
12 families.

13
14 Council Member Gerber thought this project should be geared toward lower income
15 families, noting there were other projects that offered units at the \$400,000 price range.
16 She preferred not to have the single family homes in this project, but more multi-family
17 dwellings so more units could be built on this parcel and made available for the lower
18 income families. Mayor Thomas stated the surrounding neighborhood to this site
19 needed to be taken into consideration, noting the entry corridor, the aesthetic, and the
20 relationship of the parcel with Park Avenue. Laurent stated that she learned those in the
21 30%-60% Average Median Income (AMI) bracket would mostly be looking to rent, since
22 they could not qualify for housing, so the accessory apartments were a first attempt to
23 address some of that demand. She also explained that a high density project would
24 need a bigger site than this parcel. Stauffer indicated the lower income target housing
25 needs would consume the City's resources very quickly, so the City was working with
26 Mountainlands Housing Trust to fill those needs. She acknowledged that working with
27 Mountainlands would take longer to get those projects completed, but felt this was the
28 best plan and wisest use of resources. Beerman stated parking seemed to be an issue
29 with this project and asked if the architects had considered underground parking, having
30 a no park project, or changing the code to allow for fewer parking spaces. Laurent
31 stated she was not in favor of a no parking space project because it would decrease the
32 street parking availability for the other homes in the area and a negative perception
33 could develop for this affordable housing project overall.

34
35 Council Member Worel stated she liked the open community gathering space within the
36 project, but was shocked at the cost per square foot for this project, and asked if staff
37 considered modular housing to reduce the cost. Laurent indicated in her assessment of
38 modular housing, the cost was not an equal comparison with construction costs of
39 homes. Council Member Henney stated he was in favor of the accessory apartments
40 planned in this project and hoped to expand the discussion of promoting accessory
41 apartments in the City's established areas in future talks. He also liked the common
42 parking lot. He hoped for housing above the parking, or at least for covered parking
43 around the exterior with solar panels, as well as for solar panels on the units. Mayor

1 Thomas liked the common area and the common parking area, and suggested flipping
2 some of the townhomes/accessory apartments to vary the facade.

3
4 Council Member Gerber stated the community space was nice, but it might be better
5 used with an additional two bedroom rental. She also suggested having an area that
6 could charge electric cars. She suggested having more storage and smaller bedrooms
7 within the units - targeting younger couples and not large families. Elliott stated the
8 zoning was driving the density for this project, so it restricted what could be done on this
9 parcel.

10
11 Council Member Beerman asked about underground parking with additional buildings
12 on top of the garage. Elliott stated an underground garage was considered but the
13 terrain was too flat. He noted that there was a possibility for storage units under the
14 common parking area. Council Member Gerber asked if the deed restrictions could
15 require that people live in the accessory apartments. Stauffer stated the units would be
16 monitored yearly.

17
18 The Council favored Concept Three with the possibility of adding up to three additional
19 units and to look at options for building over the parking garage. Laurent stated when
20 the parcel on the other side was developed, parking could be considered there as well.

21 22 **B. Adjournment**

23 24 **CITY COUNCIL WORK MEETING**

25 **Council Questions and Comments:**

26 Council Member Worel indicated she went to the Park Silly Market and reported that on
27 the July 4th weekend there were 22,000 patrons at this event. She felt that this event
28 was running smoothly and thought the Council would not need to do as many walk
29 throughs next year. She attended the Park City Advocates meeting where the Vice
30 Principal of Ecker Middle School stated every Friday afternoon they would be offering
31 after school activities.

32
33 Council Member Gerber stated she attended the Ski Utah meeting, where they
34 explained the grant allocations from the Department of Tourism. She attended the
35 Planning Commission meeting, where they presented the vision for Bonanza Park and
36 Park City Heights. She also attended the Friends of the Farm meeting and noted the
37 barn renovations were on schedule.

38
39 Council Member Henney indicated he attended the Historic Park City Alliance (HPCA)
40 meeting, and noted that Allison Kuhlrow had resigned as executive director. He attended
41 the Library Board meeting, where he filled out a tile wall donation form. He commented
42 the library was redesigning it's website, and also noted that library attendance was off
43 the charts. He attended the Summit Land Conservancy Board meeting and the Blue Sky
44 Fundraising Event, noting the funds raised far exceeded the fundraising goals. Council

1 Member Henney also attended the Recycle Utah Board meeting, the Chamber Board
2 meeting, and the Prospector Square HOA Board meeting, where he gave overviews of
3 the happenings in the City.

4
5 Council Member Beerman stated he attended the Utah League of Cities and Towns
6 (ULCT) lunch meeting for the update on the Legislative Interim Session. There was still
7 concern with regard to the bills on nightly rentals and historic districts. There were also
8 statewide errors with transportation funding but that had been resolved. He met with Ski
9 Industry Association (SIA) as they have set up shop here, and indicated they would be
10 hiring more employees in the near future. He attended a Rotary luncheon where the
11 Citizen of the Year awards were given to Leslie Thatcher and Kim McClellan. He also
12 asserted that he talked with council members from Moab who would like to meet with
13 Council and staff to talk about the visioning and budgeting for outcomes process, the
14 Leadership program and housing and energy.

15
16 Mayor Thomas stated that he also attended the Park City Advocates meeting and it
17 seemed to be working more smoothly.

18
19 **Affordable Housing Update:**

20 Rhoda Stauffer, Affordable Housing Specialist, and Anne Laurent, Community
21 Development Manager, presented this item. Foster stated Council directed staff to have
22 a goal of 220 units by 2020 and 800 units by 2026, noting that the staff report did not
23 acknowledge that interim goal. It was decided to bring a resolution with those numbers
24 to a future Council meeting for formal approval.

25
26 Council Member Gerber stressed the need to address housing for the workforce, who
27 was at the lower end of the AMI. Council Member Henney asked if the City was
28 specifically assigning responsibility for workforce housing to the resorts. Stauffer stated
29 that had not happened yet, but it should be considered since 300 units were needed on
30 that lower end of the spectrum. Council Member Henney asked that it be clearly
31 delineated where the government's role ends and the employers' role begins. Council
32 Member Beerman asked how to streamline the affordable housing process. The code
33 mentioned Master Planned Developments (MPD), but he felt there should be a specific
34 MPD section of the code to help make the process more efficient. Foster stated staff
35 should bring back a timeline for the housing goals. Laurent indicated she looked at this
36 issue from several different categories – regulatory, development, programmatic,
37 advocacy, outreach and education, and financial, and noted all these perspectives could
38 be looked at to see what would work best. Council Member Henney clarified that the
39 City wouldn't be circumventing the system, but rather creating a different channel to
40 progress past the roadblocks that have typically impeded efficiency. Foster stated the
41 City needed to meet its own standards, and added that there was no financial roadblock
42 for hiring the right people to support existing staff with regard to this priority.

Mayor Thomas stated a great design was always an easier process, so if a punch list could be created for architects, it would be a big help in achieving the housing goals more quickly. Laurent referred to a meeting she attended with Building, Engineering and Planning, where all agreed that when affordable housing projects come in, they would be bumped to the top of the priority list.

REGULAR MEETING

I. ROLL CALL

I.	Attendee Name	Title	Status
	Jack Thomas	Mayor	Present
	Andy Beerman	Council Member	Present
	Becca Gerber	Council Member	Present
	Tim Henney	Council Member	Present
	Cindy Matsumoto	Council Member	Excused
	Nann Worel	Council Member	Present
	Diane Foster	City Manager	Present
	Mark Harrington	City Attorney	Present
	Matt Dias	Assistant City Manager	Present
	Michelle Kellogg	City Recorder	Present

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communications Reports:

- **Variable Message Signs**

Foster stated staff worked with UDOT to make the signs more visually appealing. Brooks Robinson explained they would be five feet tall and attached to break away posts.

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

Mayor Thomas opened the meeting for those wishing to comment on items not being addressed on the agenda. No comments were heard. Mayor Thomas closed the public input portion of the meeting.

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from July 14, 2016, and August 4, 2016:

Council Member Gerber requested that the July 14th minutes clarify that Mayor Thomas performed her wedding ceremony. Council Member Henney requested that in the August 4th minutes on Page 1, the wording be changed to “there was need from a

demographic.” He also stated he did not vote on Items One and Three in the Regular Meeting because he had recused himself. Council Member Henney moved to approve the City Council Meeting minutes from July 14, 2016, and August 4, 2016 as amended. Council Member Beerman seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Daley Excavators L.L.C. for the Amber Road Water Improvements Project for an Amount Not to Exceed \$78,000:

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

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

VI. NEW BUSINESS

1. Consideration to Approve Resolution 20-2016, a Resolution Amending the Budget Policies and Objectives Chapter 5 Part II; and Repealing Resolution 02-98 in Its Entirety:

Nate Rockwood, Budget Manager, reviewed that this amendment included crop loss verbiage. Council Member Worel asked if crop loss settlements would cap at \$25,000 and all other claims would cap at \$50,000. Rockwood affirmed those cap amounts were correct.

Council Member Beerman moved to approve Resolution 20-2016, a resolution amending the Budget Policies and Objectives Chapter 5 Part II; and repealing Resolution 02-98 in its entirety. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

2. Consideration to Approve an Interlocal Agreement for Additional Transit Funding Provided by the Additional Mass Transit Tax Between Summit County and Park City, Utah:

Matt Dias, Assistant City Manager, stated he and Council, staff and the County worked for six months on this project. Last night the County Council approved that both tax initiatives would go on the November ballot. He gave credit to all who engaged with them on this issue, including the community.

Dias passed out a copy of the amended version of the proposed interlocal agreement and explained the mass transit tax could not be levied by the City and County at the same time, so this interlocal agreement was written, and then modified last night and approved by the County. The changes made by the County to the agreement in the packet defined what was considered unallocated revenues. The Joint Transportation Advisory Board (JTAB) would oversee the funds and the money would go back to the revenue that it was generated from.

Mayor Thomas opened the public hearing.

Roger Armstrong, Summit County Council, stated this had been a remarkable process. He thanked Caroline Ferris and Alfred Knotts for their work, thanked Mayor Thomas and Council Member Henney, along with so many others and stated this was an example of what governments should be doing - working together to listen to the concerns of the citizens and then coming up with solutions. Mayor Thomas acknowledged the County Council and staff and thanked them for all their work.

Mayor Thomas closed the public hearing portion of the meeting.

Council Member Henney moved to approve an Interlocal Agreement for Additional Transit Funding Provided by the Additional Mass Transit Tax between Summit County and Park City, Utah, as amended by the County Council. Council Member Beerman seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

3. Consideration to Continue a Plat Amendment at 220 King Road, Second Amended Lot 2, Phase 1, Treasure Hill Subdivision Pursuant to Findings of Fact and Conclusions of Law, in a Form Approved by the City Attorney:

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing portion of the meeting.

Council Member Beerman moved to continue a Plat Amendment at 220 King Road, Second Amended Lot 2, Phase 1, Treasure Hill Subdivision pursuant to findings of fact and conclusions of law, in a form approved by the City Attorney to a date uncertain. Council Member Gerber seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

4. Consideration to Continue a Public Hearing on Land Management Code Amendments to Chapter 1-Procedures, Chapter 2-Common Wall Development Process, Chapter 5-Landscape and Lighting Requirements, Chapter 6-Require Inventory and Report on Mine Sites for MPD Applications, Chapter 7-Effect of Vacation, Alteration, or Amendment of Plats; Procedures, Requirements and Review of Plat Amendments, Chapter 7.1-Modifications to Public Improvements Required for a Subdivision, Chapter 11-Historic Preservation Criteria for Designating Sites and Chapter 15-Definitions:

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing portion of the meeting.

Council Member Beerman moved to continue a Public Hearing on Land Management Code Amendments to a date uncertain. Council Member Gerber seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Beerman, Gerber, Henney, and Worel

EXCUSED: Council Member Matsumoto

Council Member Gerber moved to close the meeting to discuss personnel. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, and Worel. Council Member Matsumoto was excused.

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting. Council Member Henney seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, and Worel. Council Member Matsumoto was excused.

VII. 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

September 1, 2016

The Council of Park City, Summit County, Utah, met in open meeting on September 1, 2016, at 5:25 p.m. in the City Council Chambers.

Council Member Henney moved to close the meeting to discuss property, personnel and litigation at 5:25 p.m. Council Member Beerman seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting. Council Member Beerman seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

REGULAR MEETING

I. ROLL CALL

I.	Attendee Name	Title	Status
	Jack Thomas	Mayor	Present
	Andy Beerman	Council Member	Present
	Becca Gerber	Council Member	Present
	Tim Henney	Council Member	Present
	Cindy Matsumoto	Council Member	Present
	Nann Worel	Council Member	Present
	Diane Foster	City Manager	Present
	Mark Harrington	City Attorney	Present
	Matt Dias	Assistant City Manager	Present
	Michelle Kellogg	City Recorder	Present

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Jonathan Weidenhamer stated he wanted to discuss tenant vacancy on Main Street, and would bring this item to Council at the end of September. He indicated he would be meeting with Building, Planning and Engineering in preparation for the discussion. Council Member Beerman asked if it would be too late to implement anything for this winter. Weidenhamer said changes were possible and he had some suggestions that

could be implemented immediately. Council Member Beerman suggested that when a presentation date was confirmed, that Weidenhamer send out an update to all those who served on the business committee because he thought they would be anxious to participate and contribute to that discussion. Council Member Matsumoto asked if the tenant mix would address the dark store fronts. Weidenhamer stated there were three things he would talk about in his presentation, noting that the direction he was given was, by priority: to look at the vacancies on Main Street, look into drafting a chain ordinance, and look into the City's role in keeping local businesses – whether by initiating subsidies for local business rents, looking at the City space on Swede Alley or to build out a space at the Brew Pub lot. He indicated the two items that fell out were hotbeds and office uses for parking, which were less of a priority at this time.

Heinrich Deters indicated The Park Record gave the City an award for Round Valley being the best place to take a dog. He presented the award to Council.

Matt Dias showed Council a video about the library, which demonstrated how the 21st century library was the heartbeat of the City.

Council Member Gerber stated she met with some of the Youth City Council, and noted they were getting their website together and their first meeting would be September 13.

Council Member Henney indicated he attended an affordable housing panel discussion with the Board of Realtors, and felt everyone on the panel did a super job. He attended the Back Alley Bash which concluded the fundraising for KPCW. He also attended a Friends of Ski Mountain Mining History event which raised money to restore mining legacy structures.

Council Member Worel indicated she met with the Bright Futures program coordinator and board member. This program served underserved high school students. She said the mining event was beautifully executed and she was excited to see these structures restored. Also, as the liaison to the Peace House Board, she received a request to put purple lights on the McPolin Barn to bring awareness to domestic violence. Council Member Beerman suggested talking to the Friends of Farm Board.

Council Member Beerman stated he and Mayor Thomas met with Rocky Mountain Power about clean energy. He wanted to compliment John Rock on his business friendly report, stating Rock did a lot of work on this report and had done a great job putting it together. Council Member Beerman noted the Mine History picnic went great, and he sent kudos to all involved. He also indicated the Moab council members would be coming Friday, September 16th to meet with the Council.

Council Member Matsumoto stated she just returned from Michigan and therefore had nothing to report.

Mayor Thomas indicated he attended the Walk to End Alzheimer's and walked with the group as well as spoke at the event. He asserted that Alzheimer's affects 1 in 4 seniors. He also attended the Mining Structure event.

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

Mayor Thomas opened the meeting for those wishing to comment on items not being addressed on the agenda. No comments were heard. Mayor Thomas closed the public input portion of the meeting.

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from August 11, 2016, and Approve an Addition to the Approved City Council Meeting Minutes from April 14, 2016:

Council Member Beerman moved to approve the City Council Meeting minutes from August 11, 2016. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

Council Member Beerman moved to approve an addition to the approved City Council Meeting minutes from April 14, 2016. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute the First Addendum to the Professional Services Agreement (PSA) with CH2M Hill Engineers (CH2M), in a Form Approved by the City Attorney, for Additional Design and Construction Services for the Quinns Junction Water Treatment Plant Process, Capacity, and Energy Management Upgrades Project for an Increase to the Current Contract Amount of \$674,509.00 for a Total Contract Amount Not to Exceed \$1,174,009.00:

2. Request to Authorize the City Manager to Execute the Second Amendment to the Professional Services Agreement (PSA), in a Form Approved by the City Attorney, with URS Corporation for Services Related to the Engineering Evaluation/Cost Evaluation (EE/CA) Professional Services Aspects of the Richardson Flat Tailings Site Operable Unit 4 (OU4) (Also Known as the

Prospector Drain) Administrative Order on Consent (AOC) for an Increase to the Contract in an Amount Not to Exceed \$127,342:

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

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

VI. NEW BUSINESS

1. Consideration to Approve Resolution 21-2016, a Resolution Adopting the Park City and Summit County 2016 Short Range Transit Development Plan:

Blake Fannesbeck, Transportation Manager, and Alfred Knotts, Transportation Planning Manager presented this item. Fannesbeck reviewed that the Summit County Council approved this plan at their meeting last night. He then addressed some questions from the previous meeting. Fannesbeck indicated this short range plan could change from year to year based on different conditions and demand. For example, the Call a Bus program vehicle size could be changed, or the name could be changed, etc. He stated Foster looked into a public/private partnership with regard to the Call a Bus program and passed that information onto Fannesbeck for further research. As far as Call a Bus going into Park Meadows and Solamere Subdivisions, as demographics and public response change those timelines could change as well. He noted as the Call a Bus is implemented, his team would learn a lot and the program would evolve. Fannesbeck also noted the County Council didn't have any changes to the plan. Council Member Beerman thanked Fannesbeck for the explanation and thought it was a great plan.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing portion of the meeting.

Council Member Beerman moved to approve Resolution 21-2016, a resolution adopting the Park City and Summit County 2016 Short Range Transit Development Plan. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

2. Consideration of Ordinance 2016-41, an Ordinance Approving the Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2 Located at 4 Thaynes Canyon Way, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney, and Also Abandoning and Entering into a Temporary Easement Agreement.

1 Makena Hawley, Planning Department, and Marshall King, representing the applicant,
2 presented this item. Hawley explained the plat amendment would also abandon an old
3 temporary easement and implement a new temporary turn around easement.

4
5 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
6 closed the public hearing portion of the meeting.

7
8 Council Member Henney moved to approve Ordinance 2016-41, an ordinance
9 approving the Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2
10 located at 4 Thaynes Canyon Way, pursuant to findings of fact, conclusions of law, and
11 conditions of approval in a form approved by the City Attorney, and also abandoning
12 and entering into a temporary easement agreement. Council Member Gerber seconded
13 the motion.

14 **RESULT: APPROVED**

15 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

16
17 **3. Consideration of Ordinance No. 2016-42, an Ordinance Approving the**
18 **Zoning Map Amendment Request from Recreation Open Space (ROS) District to**
19 **Estate (E) District (And Vice Versa, Amending Estate (E) District to Recreation**
20 **Open Space (ROS) District) Located at 3776 Rising Star Lane Pursuant to the**
21 **Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form**
22 **Approved by the City Attorney:**

23 Makena Hawley, Planning Department, and Marshall King, representing the applicant,
24 presented this item. Hawley stated the plat amendment and zoning change were
25 concurrent. Outside the building pad was open space, so the zoning change was
26 necessary. She noted two other lots had done this as well.

27
28 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
29 closed the public hearing portion of the meeting.

30
31 Council Member Matsumoto asked about the referrals in the staff report to Reserved
32 Open Space and Recreational Open Space (ROS). Hawley stated the correct term was
33 Recreation and Open Space and Reserved Open Space was a mistake. Harrington
34 stated the Land Management Code (LMC) may have changed what ROS meant and to
35 note it in the motion.

36
37 Council Member Matsumoto moved to approve Ordinance No. 2016-42, an ordinance
38 approving the Zoning Map Amendment Request from Recreation Open Space (ROS)
39 District to Estate (E) District (And Vice Versa, Amending Estate (E) District to
40 Recreation Open Space (ROS) District) Located at 3776 Rising Star Lane pursuant to
41 the findings of fact, conclusions of law, and conditions of approval in a form approved by
42 the City Attorney. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

4. Consideration of Ordinance No. 2016-43, an Ordinance Approving the Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10 located at 3776 Rising Star Lane and 3800 Rising Star Lane Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a from Approved by the City Attorney:

Makena Hawley and Marshall King, representing the applicant, presented this item. Hawley indicated this amendment would change the building plan because of the zoning.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing portion of the meeting.

Council Member Worel moved to approve Ordinance No. 2016-43, an ordinance approving the Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10 located at 3776 Rising Star Lane and 3800 Rising Star Lane pursuant to findings of fact, conclusions of law, and conditions of approval in a from approved by the City Attorney. Council Member Beerman seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5. Consideration of an Appeal of Upper Norfolk Subdivision Conditional Use Permit for Construction in Platted, Un-Built City Right-Of-Way:

Bruce Erickson, Planning Director, presented this item. Teri Loreo, the appellant, stated her concern was worked out and she was withdrawing the appeal.

VII. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

The retaining wall that supports Sampson Avenue and the existing historic home at 41 Sampson Avenue was determined by the Chief Building Official to be in a state of disrepair and needing to be replaced. This determination occurred in the 2003-2004 time period. The 41 Sampson Avenue home owner requested that the City Council consider sharing the cost of rebuilding the wall. In June 2005, City Council granted the request and appropriated \$55,000 to the capital improvement fund (cp0107).

Respectfully:

Matthew Cassel, City Engineer



City Council Staff Report

Subject: Release of Funds for the Re-construction of
Sampson Avenue Retaining Wall
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: September 15, 2016
Type of Item: Administrative

Summary Recommendations:

The Council should consider approving the request by 41 Sampson, LLC to release the funds designated to re-construct the Sampson Avenue retaining wall in the amount of \$55,000.

Executive Summary:

The retaining wall that supports Sampson Avenue and the existing historic home at 41 Sampson Avenue was determined by the Chief Building Official to be in a state of disrepair and needing to be replaced. This determination occurred in the 2003-2004 time period. The 41 Sampson Avenue home owner requested that the City Council consider sharing the cost of rebuilding the wall. In June 2005, City Council granted the request and appropriated \$55,000 to the capital improvement fund (cp0107).

Acronyms:

CBO – Chief Building Official
CIP – Capital Improvement Project
FY – Fiscal Year

The Problem:

Council does not usually approve invoices but because of the uncommon nature of this expenditure, staff believed that Council should review and approve the final payment.

Background:

- In July of 2003, Tim and Erin Donnelly, owners of 41 Sampson, reached out to the City requesting the City to share in the cost of their project. Their request was for the City to share in the cost of their remodel, which would include removing and replacing the existing retaining wall. They noted in the letter that a part of their home was actually under Sampson Avenue (staff concurs with this assessment) and for them to remodel this historic home, they would compromise the retaining wall, which was already in disrepair,
- Eric DeHaan, City Engineer, responded in letter by providing them with two directions, approach Council to cost share or file again for funds through the Historic Grant Program,
- During the winter/spring of 2005, the request for \$55,000 was included as a CIP item for FY 2006 (CIP 813). The CIP Committee recommended that the project not be funded at that time,

- During May 12, 2005 and May 26, 2005 City Council work sessions, the retaining wall was discussed and then moved up in priority to be funded in FY 2006,
- City Council approved the FY 2006 budget, which included the \$55,000 for the Sampson Avenue retaining wall on June 9, 2005,
- Numerous delays ensued including litigation over the delays but a building permit was finally pulled on August 16, 2013 but only for panelization of the building,
- Following the panelization of the structure, the building permit was then issued on March 7, 2014 for the renovation of the single family home. The work was completed and the building permit was closed on April 1, 2015.

Alternatives:

A. Approve the Request:

This alternative allows staff to process the invoice and close out this request.

Pros – The road has been stabilized and the property owner met the requirements set forth by the CBO, City Engineer and Planning Director.

Cons – None noted.

B. Deny the Request:

Pros – The City's funds allocated to this project could be used for other needs.

Cons – Council committed to this expenditure back in June of 2005.

Analysis:

Staff researched past documents for criteria to be used for dispersing the funds. Finding none, staff created the following three step process to ensure the retaining wall was correctly built:

1. The retaining wall plans were to be submitted for approval by the CBO, Planning Director and City Engineer,
 - Because the retaining wall is part of the houses actual foundation, the plans were submitted as part of the building plans and approved for construction by all departments when the building permit was issued on March 7, 2014.
2. Since City funds were involved, the procurement process for the developer must include a minimum of three bids for the concrete work. These bids must be submitted to engineering prior to any disbursement of City funds,
 - The developer submitted three bids for the concrete work including bids from Jerry Davis Construction, Inc., Gordon Wilde Construction, Inc. and Diamond Concrete, Inc.
 - Staff allowed geotechnical oversight, temporary shoring and backfill work along the retaining wall to be included in the overall cost of the retaining wall.
3. A letter must be provided by the geotechnical or structural firm certifying that the wall was built correctly and a letter from the CBO, Planning Director and City Engineer that the work was complete and approving the disbursement of City funds.
 - A letter from Shen Engineers, Inc. (Structural Engineer) was submitted stating the work was in compliance with the construction documents.

- Letters/emails from the CBO, Planning Director and City Engineer are in the file.

The developer submitted invoices for the completed retaining wall work. He calculated that the cost for the retaining wall was \$105,000. Staff provided a separate analysis as follows:

- Based on staff's calculation of the total area of footing and foundation, it was determined that the concrete for the retaining wall was 25% of the total footing and foundation system for the house,
 - Retaining wall concrete \$22,569
 - Geotechnical inspection \$5,073
 - Temporary piles to support the road \$11,650
 - Excavation and backfill \$17,003
- | | |
|---------------------------|----------|
| Staff's Calculated Totals | \$56,295 |
|---------------------------|----------|

From the invoices provided by the developer and from staff's analysis, the cost to remove and rebuild the Sampson Avenue retaining wall exceeds the \$55,000 budgeted for the retaining wall. Staff supports the release of the \$55,000 for the Sampson Avenue retaining wall.

Department Review:

This report has been reviewed by City Manager, Budget, Building, Planning and Legal. All issues have been resolved.

Funding Source:

The Council has approved funding for this project as follows:

Capital Project cp0107 (Retaining Wall at 41 Sampson Avenue) contains \$55,000 for the project. However, since these funds were allocated in FY 2006, government accounting standards have been revised. Current guidance does not allow city capital improvement funds to be spent on non-city assets. Therefore, the Budget and Finance Departments recommend \$55,000 be released from Fund 64 (Self Insurance). As part of the budget adjustment process at the end of the fiscal year, cp0107 will be de-obligated to a project currently funded with funds to be transfer from the General Fund. The General Fund transfer to Fund 31 will be reduced by \$55,000 with the same amount transferred to Fund 64 to cover the cost of the retaining wall. This will result in a series of net zero transfers resulting in compliance with current government accounting requirements. A somewhat complicated but necessary step in the ongoing efforts to comply with state and federal law.

Recommendation:

The Council should consider approving the request by 41 Sampson, LLC to release the funds designated to re-construct the Sampson Avenue retaining wall in the amount of \$55,000.

Exhibits: October 22, 2014 request to release funds
 2005 Council Meeting Notes

Jerry Fiat
41 Sampson, LLC
PO Box 4581
Park City, UT 84060

October 22, 2014

Matt Cassel
City Engineer
Park City Municipal Corporation
445 Marsac
Park City, UT 84060

Re: Grant for 41 Sampson road shoring

Dear Mr. Cassel:

This is a request for release of the \$55,000.00 grant for the shoring work that was done at 41 Sampson.

Attached are expenditures that went towards shoring of the road:

Applied GeoTech	Invoice 1130769-01	\$2,277.50
Applied GeoTech	Invoice 1130769-02	\$2,930.00
Advanced Shoring	Invoice 1589	\$11,650.00
Diamond Concrete	Invoice 1066	\$78,649.00
Diamond Concrete	Invoice 1072	\$11,625.00
J.W.W. Excavating	Invoice 201807	\$35,872.99
J.W.W. Excavating	Invoice 201783	\$29,300.47
J.W.W. Excavating	Invoice 201790	\$2,839.00
Total		\$175,143.96

Please let us know what we can do to complete the process for releasing this grant.

Sincerely,



Jerry Fiat
41 Sampson, LLC

Attachment B – New CIP Descriptions

812 - Public Works Storage Bldg.

\$500,000 was requested to build a new storage facility near the existing storage parcel off of Bonanza drive. The facility would serve as a general storage area for Public Works and Transit. This project is an alternative 5 and not currently recommended for funding pending additional developments with the developer and interested parties.

813 - Retaining wall at 41 Sampson Ave

City contribution of a retaining wall at 41 Sampson Avenue. Project cost is estimated to be \$55,000 from the General Fund. The CIP Committee has recommended that the project not be funded at this time and is classed as an alternative 6.

815 - Deer Valley Drive Neighborhood/Business enhancements

The City received a request to fund various capital projects for the Deer Valley Drive neighborhood. Upon review of the CIP Committee, \$50,000 from the General Fund is recommended for this project in FY 2006. Staff's recommendation is to review the success of the recommended funded amount and then determine what else might be necessary in consultation with the neighborhood.

816 - Prospector Neighborhood/business enhancements

Although a request was received from the Prospector Business neighborhood for business enhancements, more recent discussions between businesses and the Public Works director have resulted in the request being withdrawn. The Business association and Public Works are in consultation to meet their needs within existing resources. The project is shown as unfunded, alternative 5.

817 - Prospector Ave. Storm Drain

A request has been made to install storm drain pipes and catch basins in Prospector Avenue near 1901 Prospector Avenue to alleviate ongoing drainage ponding and ice build-up. Project cost is estimated at \$50,000 slated for FY 2007, and is recommended for consideration as an alternative 4.

818 - Meadows Drive traffic signal

\$300,000 is required for the design and installation of traffic signals in intersection of Meadows Drive & SR224. The project was placed in alternative 5 by the CIP committee and is unfunded.

Page 2
Work Session Notes
May 12, 2005

alternatives, with one being the lowest. This year's CIP committee consisted of Eric DeHaan, Colin Hilton, Lori Collett, and Ken Fisher. Colin Hilton described the priority process and the six criteria applied to existing projects and noted that about 20 new requests were submitted this year. In response to a question from Council member Hier, Mr. Hilton responded that timing is factored into the ranking of a project. The Quinns Recreation Complex was discussed.

Gary Hill referred to the new projects, which must be supported by the City Council to be included in the budget. Several projects were products of the neighborhood request program implemented last year. With regard to Project #813, retaining wall at 41 Sampson Avenue, Eric DeHaan explained that the rear wall of the house is literally supporting Sampson Avenue. The home owners are requesting \$55,000 from the City to repair the retaining wall through a cost-sharing plan, but the wall is on their property which contributes to its low ranking. He emphasized that staff is not opposed to the project; it is desirable to complete, but that's where it ended up in the process. Additionally, there are survey problems. Marianne Cone felt that some property problems could be solved as they come up, and since this affects a City street, maybe it should be addressed sooner. The poor condition of Sampson Avenue was discussed and its reconstruction date scheduled in five years. Marianne Cone pointed out the merits of conducting the reconstruction and retaining wall projects together; five years seems like a long time to wait. Eric DeHaan agreed. Jim Hier expressed his concerns about dealing with property issues as they arise because it may promote unlimited demands on resources which are not identified in the budget. He suggested establishing a two-year fund to respond to neighborhood requests like 41 Sampson. Gary Hill indicated that this is possible but may be a step backwards. He pointed out that the City has deliberately moved away from that approach by identifying projects first and then prioritizing them for funding. This type of fund may prompt a sense of entitlement in neighborhoods. Jim Hier clarified that this would be an emergency fund, rather than part of a CIP plan, and agreed to meet with staff during the week. Mayor Williams believed that since City roads are creating a dangerous situation for a home owner, that it should be addressed differently from other neighborhood requests. Colin Hilton indicated that this topic can return to Council. Candace Erickson also relayed that the road issue should be solved.

With regard to #815, Deer Valley Drive neighborhood/business enhancements, Mr. Hilton explained that this has been reviewed by committee and \$50,000 is recommended for pedestrian improvements. There were a number of requests that were not supported and Ms. Cone encouraged the inclusion of a bus shelter. Mr. DeHaan explained that the money has been allocated but the project hasn't been detailed. Gary Hill referred to #820, storm drain and flood control devices, and explained that \$20,000 has been appropriated in 2006 for a survey of the storm drain system and \$75,000 in 2007 to upgrade storm drains. He referred to #819 and #817

Page 6
City Council Work Session
May 26, 2005

Gary Hill discussed Council's direction with regard to the Flagstaff transfer fees, which are allocated to transit enhancement, open space preservation and maintenance. CIP #821, Public Works complex improvements, is proposed for security measures in the amount of \$50,000. The repair of the retaining wall at Sampson Avenue has been moved up in priority and will be funded in 2006. The Three Kings storm drain project will also advance from 2007 to 2006 and the funding for the storm drain study will be retained for 2006. The City applied for RAP Tax monies for the museum expansion; the amount appears in the CIP to account as funds passed from the County to the Historical Society.

Mr. Hill estimated extended snow removal services in the Prospector business area to be \$30,000 for one-time equipment purchases and \$15,000 for on-going operating revenue. The expectation is to clear sidewalks within 24 hours after the end of a storm. Mike Sloan, Prospector Property Owners Association, stated that some areas in Prospector Square may be inappropriate to clear and may create a burden to the Association and the City. For instance, Parking Lot J near the Marriott has a number of trees which may be damaged. Association members would like to meet with staff to develop an efficient and effective plan. He emphasized that there is a misnomer that interior sidewalks are not cleared, but that is untrue as they have been maintained for years. Mr. Sloan requested that the City delay expanding service until there is an opportunity to meet with staff. Mr. Hier suggested that the funding be retained in the two-year budget. Pace Erickson explained that the recommended equipment could be used in other areas as well. The Mayor requested that Joe Kernan serve as liaison on this issue.

Gary Hill explained that the Mayor's and Council's compensation are compared with resort cities and the Wasatch Front, consistent with employees. Jim Hier believed the nature of the job of elected officials is very different than employees and resort criteria should solely be used, not the Wasatch Front. Council members were split on the methodology and Candace Erickson expressed that the Mayor is underpaid. Jim Hier stated that a reason for running for office should not be the pay. Dana Williams added that a minimal increase to salaries will not make a difference to the community. He felt the criteria should be the same for elected officials as it is for employees, which was affirmed by majority consensus.

Colin Hilton introduced Stacey Noonan, the newly hired facility manager. There has been a lot of review on building the complex and it is now he time to plan for operations, programs and maintenance. A self-managed team approach is proposed and a more detailed plan will return to Council once staff has more information. The proposed budget for 2006 is a conservative estimate.



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

The new interlocal agreement allows for the remaining payments to be made to the new Central Wasatch Commission. These funds were sent previously to Utah Transit Authority and the Wasatch Front Regional Council.

Respectfully:

Ann Ober, Community Relations



City Council Staff Report

Subject: Central Wasatch Commission/Mountain Accord
Author: Ann Ober
Department: Executive
Date: September 15, 2016
Type of Item: Administrative

Summary Recommendation

The City Council should review and approve the new Interlocal for the Central Wasatch Commission (formerly Mountain Accord).

Executive Summary

The new interlocal agreement allows for the remaining payments to be made to the new Central Wasatch Commission. These funds were sent previously to Utah Transit Authority and the Wasatch Front Regional Council.

Acronyms/Definitions

ILA	Interlocal Agreement
Wasatch Front	Salt Lake County and its associated cities
Wasatch Back	Snyderville Basin and Park City
Accord	The July 2015 document approved as a part of the Mountain Accord process

Background

- In July 2015, the Executive Board members of the Mountain Accord signed an agreement entitled "the Accord." That document is attached as an appendix to the new Governance Interlocal.
- The funding and management of the Accord has been an issue since the inception of the program, namely because the entity has moved from being about collaborative dialogue to implementation. Those are fundamentally different goals and the growing pains have been evident. Assuring long term funding and permanent structure is needed to move the implementation components forward.
- Because of these issues, the team has worked for the past six months to redesign the governance structure associated with implementing the Accord. The changes require a new Interlocal.
- In this new governance structure, the Wasatch Back will be guaranteed a seat on the board (currently expected to be six members). Summit County and Park City will reach agreement on who they nominate and then the board will have the appointment authority.
- The map of the Central Wasatch Commission boundary has been expanded from previous iterations to include the entire Snyderville Basin Planning Area as well as Park City. This was done at the request of Summit County.

- Previously approved projects including the Mountain Accord Valley to Mountain Alternative Analysis (formally called the I-80 Alternative Analysis) and the Mountain Accord Environmental Dashboard continue without amendment.
- This ILA was previously approved for three years of funding to be sent to Wasatch Front Regional Council. This new funding structure makes the process less cumbersome and removes previous concerns that the accepting organization had a Wasatch Front focus and a purely transportation focus.

Alternatives for City Council to Consider

Recommended Alternative: Council support the signing of the new Interlocal and continue to participate in the Central Wasatch Commission.

Pros

- a. Programing such as the I-80/SR 224 study would continue without interruption.
- b. The Environmental Dashboard would continue to include information and considerations specific to the Wasatch Back.
- c.

Cons

- a. The I-80 project would be put in jeopardy due to the lack of funding.
- b. The City would save approximately \$200,000.
- c. Staff resources could be redirected towards other, more local programming.
- d.

Null Alternative: Staying with the current contract is not an option. The Council must either adopt the new Interlocal Agreement or leave the Central Wasatch Commission process.

Department Review

Transit, Executive and Legal

Funding Source

Already approved funding for this program is being paid out of the Transit Department.

Attachment

Central Wasatch Commission Fiscal ILA

INTERLOCAL ASSIGNMENT, ASSUMPTION & CONSENT AGREEMENT

This Interlocal Assignment, Assumption and Consent Agreement (this "Agreement") is entered into effective _____, 2016 by and among Cottonwood Heights ("Cottonwood Heights"), Draper City ("Draper"), the Metropolitan Water District of Salt Lake & Sandy ("MWDSLS"), Park City Municipal Corporation ("Park City"), Sandy City ("Sandy"), Salt Lake City ("SLC"), Salt Lake County ("Salt Lake County"), Summit County ("Summit County"), the Town of Alta ("Alta"), Utah Department of Transportation ("UDOT"), Utah Transit Authority ("UTA"), the Wasatch Front Regional Council ("WFRC") and the Central Wasatch Commission (the "Commission"). Each is individually referred to as a "Party" and collectively as the "Parties."

RECITALS:

Whereas, most of the parties to this Agreement (namely, Cottonwood Heights, MWDSLS, Park City, Sandy, Salt Lake City, Salt Lake County, Summit County, Alta, UDOT & UTA, called the "Phase I Parties") have previously entered into a Program & Funding Agreement for Wasatch Summit Phase I (the "Phase 1 Agreement") dated February 3, 2014;

Whereas, the Phase I Parties, along with Draper and WFRC (the "Phase II Parties") also signed the Program & Funding Agreement Mountain Accord Phase II (the "Phase II Agreement") dated February 16, 2016, which superseded the completed Phase I Agreement;

Whereas, the Mountain Accord Executive Committee subsequently recommended that the Phase II projects and funding be transferred to a new Interlocal governmental entity;

Whereas, the Commission has been formed pursuant to the Utah Interlocal Cooperation Act, UCA Title 11, Chapter 13 (the "Interlocal Act"), to assume the management of the Mountain Accord Charter and the Accord (dated July 13, 2015) (the "Mountain Accord");

Whereas, the WFRC is currently managing two of the Phase II Projects;

Whereas, Salt Lake County is currently managing one of the Phase II Projects;

Whereas, Summit County is currently managing one of the Phase II Projects; and

Whereas, the Parties now desire to assign and transfer the remaining rights and obligations of the Phase II Agreement to the Commission.

AGREEMENT:

NOW, THEREFORE, in consideration of the recitals, mutual covenants and agreements herein set forth, the mutual benefits to the Parties to be derived, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties agree as follows:

1. **ASSIGNMENT AND ASSUMPTION.** The remaining rights and obligations of the Phase II Agreement are hereby assigned and delegated to the Commission. The Commission accepts and assumes the remaining rights and obligations of the Phase II Agreement.

2. **FUNDING.** The Phase II Agreement requires the Phase II Parties to contribute funding as shown on Table 1. These amounts were payable over a 3-year period of work pursuant to the Phase II Agreement. As of the date of this Agreement, the Phase II Parties have contributed the amounts shown on the Table 1 and acknowledge that the remaining amounts are due on the timetable specified in the Phase II Agreement:

Table 1.

Parties	Amount allocated	Amount Paid for 2015	Remaining Allocation for 2016 - 2017
Cottonwood Heights	\$150,000	\$50,000	\$100,000
Draper	180,000	60,000	120,000
MWDSLS	300,000	100,000	200,000
Park City	300,000	100,000	200,000
Sandy	300,000	100,000	200,000
SLC	600,000	200,000	400,000
Salt Lake County	600,000	200,000	400,000
Summit County	150,000	50,000	100,000
Alta	45,000	15,000	30,000
UDOT	150,000	50,000	100,000
UTA	600,000	0*	600,000*
Totals	\$3,375,000	\$925,000	\$2,450,000

Note *: Although UTA will not pay the \$600,000 in cash for the Phase II projects, it will provide \$600,000 in additional bus service over the same three-year period provided in the Phase II Agreement. The \$200,000 due in 2015 has been approved by the UTA Board as an in-kind contribution for additional bus service in 2016. In 2016 UTA, subject to Board approval, plans to pay the remaining \$400,000 over a two-year period by providing \$200,000 in additional bus service for 2017, and another \$200,000 in additional bus service for 2018.

3. **UTA HOLDING ACCOUNT.** The cash heretofore contributed by the Phase II parties has been deposited in the UTA Holding Account established by the Phase I Agreement and the Phase II Agreement. UTA shall transfer all funds in the UTA Holding Account to the Commission as soon as practicable after the effective date of this Agreement. At the time of transfer, UTA will provide the Commission with an accounting of all funds received and disbursed from the UTA Holding Account, reconciling receipts and disbursements to the amount being transferred to the Commission.

4. **CURRENT PHASE II PROJECTS.** The following Phase II projects are currently under way:

a. WFRM has a program director contract (the "Program Director Contract") with LJ Consulting. \$1,000,000 has been transferred from the UTA Holding Account and received by

WFRC for use under the Program Director Contract. As soon as practicable after the effective date of this Agreement, WFRC will assign the Program Director contract to the Commission together with (i) the remaining funds held by WFRC for the Program Director Contract; (ii) an accounting for all funds received from the UTA Holding Account and disbursed by WFRC for the Program Director Contract, and (iii) a progress report on the Program Director Contract. The Commission accepts the assignment and assumes responsibility for the Program Director Contract.

b. WFRC has entered into a Cottonwood Canyons transportation study contract (the "*Canyons Transportation Study Contract*") with WSP / Parsons Brinckerhoff. \$1,000,000 has been transferred from the UTA Holding Account and received by WFRC for use under the Canyons Transportation Study Contract, work under which is ongoing. As soon as practicable after the effective date of this Agreement, WFRC will assign the Canyons Transportation Study Contract to the Commission together with (i) the remaining funds held by WFRC for the Canyons Transportation Study Contract; (ii) an accounting for all funds received from the UTA Holding Account and disbursed by WFRC for the Canyons Transportation Study Contract; and (iii) a progress report on the Canyons Transportation Study Contract. The Commission accepts the assignment and assumes responsibility for the Canyons Transportation Study Contract.

c. Salt Lake County has received \$250,000 from the UTA Holding Account for an "Environmental Dashboard" project. Those funds will remain with Salt Lake County for the operation of the project. Salt Lake County will provide periodic reports to the Commission on the "Environmental Dashboard" project, including a final report upon its completion.

d. Summit County has received \$400,000 from the UTA Holding Account for an I-80 transportation study (the "I-80 Study"). Those funds will remain with Summit County for the operation of the project. Summit County will provide periodic reports to the Commission on the I-80 Study, including a final report upon its completion.

5. INVOICES. Payments for existing contracts are currently subject to the Phase II Agreement, Paragraph 11 Payment of Invoices requirements. Those payment requirements shall continue to be used hereunder until the Commission develops and implements a new procedure for processing and payment of project/program invoices, including the projects referenced in paragraph 4 above.

6. ENTIRE AGREEMENT; AMENDMENT. This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by any Party or agents of any Party that are not contained in this Agreement shall be binding or valid. Alterations, extensions, supplements or modifications to the terms of this Agreement shall be agreed to in writing by the Parties, incorporated as amendments (an "Amendment" or "Amendments") to this Agreement, and made a part hereof. To the extent of any conflict between the provisions of this Agreement and the provisions of any later Amendments, the later Amendments shall be controlling.

7. RECORDS. Records pertaining to this Agreement, specifically including but not limited to records pertaining to procurement or financial matters under this Agreement, will be subject to the Utah Government Records Access and Management Act and other applicable state and federal law. Records created by or through work performed by Commission staff or consultants shall be maintained by such staff and consultants in accordance with their respective duties and scopes of work.

8. WITHDRAWAL FROM AGREEMENT. Any Party may withdraw from participation in the Program as defined under the Phase II Agreement by giving written notice of such termination to all other Parties and specifying the effective date thereof. No Party or Parties withdrawing from participation shall be entitled to any refund of any monies previously contributed pursuant to the Phase II Agreement; provided, however, any such Party or Parties shall not be obligated to make any further contributions contemplated in the Phase II Agreement following the date of such withdrawal.

9. TERMINATION OF THE AGREEMENT. If the Commission determines the Phase II Projects should be discontinued and the Commission terminated, any remaining funds after payment of all Commission liabilities shall be refunded to each Party or contributor *pro rata* based on respective contributions over the duration of the Commission.

10. NOTICE. Notices required under this Agreement shall be sent to the Parties at the contact information set forth below:

COTTONWOOD HEIGHTS

Mayor Kelvyn H. Cullimore, Jr.
Cottonwood Heights
1265 East Fort Union Blvd, Suite 250
Cottonwood Heights, UT 84047
Email: kcullimore@ch.utah.gov

Copy to:

Wm. Shane Topham
Callister Nebeker & McCullough
10 East South Temple, 9th Floor
Salt Lake City, UT 84133
Telephone: (801) 530-7478
Email: wstopham@cnmlaw.com

DRAPER CITY

Mayor Troy K. Walker
Draper City
1020 East Pioneer Road
Draper, UT 84020
Email: troy.walker@draper.ut.us

METROPOLITAN WATER DISTRICT
OF SALT LAKE & SANDY

Michael L. Wilson
Metropolitan Water District of Salt
Lake & Sandy
3430 East Danish Road
Cottonwood Heights, UT 84093
Telephone: (801) 942.9685
Email: wilson@swdsls.org

PARK CITY MUNICIPAL CORPORATION

Council Member Andy Beerman
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060-1480
Email: andy@parkcity.org

Copies to:

Diane Foster, City Manager
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060-1480
Email: diane@parkcity.org

City Attorney
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060-1480
Telephone: (435) 615-5025

SANDY CITY

Mayor Tom Dolan
Sandy City
10000 Centennial Parkway
Sandy, UT 84070

Copy to:

John Hiskey
Sandy City
10000 Centennial Parkway
Sandy, UT 84070
Telephone: (801) 568-7104
Email: jhiskey@sandy.utah.gov

SALT LAKE CITY

Mayor Jackie Biskupski
Salt Lake City Mayor's Office
451 South State Street, Room 306
P.O. Box 145474
Salt Lake City, UT 84114
Telephone:
Email: jackie.biskupski@slcgov.com

Copies to:

Salt Lake City Attorney
451 South State Street, Room 505
P.O. Box 145478
Salt Lake City, UT 84114-5478
Telephone: (801) 535-7788

Laura Briefer
Salt Lake City Department of Public Utilities
1530 South West Temple
Salt Lake City, UT 84115
Email: laura.briefer@slcgov.com

SALT LAKE COUNTY

Mayor Ben McAdams
Salt Lake County Government Center
2001 South State Street, Ste. N2100
P.O. Box 144575
Salt Lake City, UT 84111-4575

Copy to:

Kimberly Barnett
Salt Lake County Government Center
2001 South State Street, Ste. N2100
P.O. Box 144575
Salt Lake City, UT 84114-4575
Email: kbarnett@slco.org

SUMMIT COUNTY

Christopher Robinson
Summit County Council
P.O. Box 982288
Park City, UT 84098
Email: cfrobinson@summitcounty.org

Copy to:
Tom Fisher
Summit County Council
60 North Main
Box 128
Coalville, UT 84017
Email: tfisher@summitcounty.org

TOWN OF ALTA

Mayor Tom Pollard
Town of Alta
P.O. Box 8016
Alta, UT 84052
Telephone: (801) 363-5105
Email: tjp@townofalta.com

UTAH DEPARTMENT OF TRANSPORTATION

Carlos Braceras
Executive Director
P.O. Box 141265
Salt Lake City, UT 84114-1265
cbraceras@utah.gov

Copy to:

James Palmer
Assistant Attorney General
4501 South 2700 West
P.O. Box 148455
Salt Lake City UT 84114-8455
jimpalmer@ut.gov

UTAH TRANSIT AUTHORITY

Jerry Benson
President & CEO
669 West 200 South
Salt Lake City, UT 84101
jbenson@rideuta.com

Copy to:

Jayne Blakesley
General Counsel
699 West 200 South
Salt Lake City, UT 84101
Email: jblakesley@rideuta.com

WASATCH FRONT REGIONAL COUNCIL

Andrew S. Gruber
Executive Director
Wasatch Front Regional Council
295 North Jimmy Doolittle Road
Salt Lake City, UT 84116
Email: agruber@wfrc.org

CENTRAL WASATCH COMMISSION

Except as otherwise provided in this Agreement, any notice given by a Party under this Agreement shall be made in writing and mailed by U.S. mail, hand-delivered, or emailed (with a confirmation copy sent by US mail) to the other Parties addressed as specified above. A Party may change its contact information from time to time by giving written notice to the other Parties in accordance with the procedures set forth in this section.

11. INTERLOCAL COOPERATION ACT REQUIREMENTS. In satisfaction of the requirements of the Interlocal Act, the Parties agree as follows;

a. This Agreement shall be authorized by resolution of the legislative body of each Party pursuant to Section 11-13-202.5 of the Interlocal Act, and the Executive Director of UDOT.

b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act.

c. A duly executed copy of this Agreement shall be filed with the keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act.

d. Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs, if any.

e. No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the mayor or chief executive officer of each Party. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

12. NO THIRD PARTY BENEFICIARIES. There are no intended third party beneficiaries to this Agreement. It is expressly understood that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any claim or right of action by any third person under this Agreement. It is the express intention of the Parties that

any person other than the Party who receives benefits under this Agreement shall be deemed an incidental beneficiary only.

13. EXECUTION IN COUNTERPARTS. This Agreement may be executed in counterpart originals, all such counterparts constituting one complete executed document.

14. AUTHORIZATION. Each Party is duly authorized to enter this Agreement.

IN WITNESS WHEREOF, the above-identified Parties enter into this Agreement effective the date of the last Party's signature. Except for the purposes of funding Paragraph 3, the effective date as to each Party is the date of that Party's signature.

COTTONWOOD HEIGHTS agrees to provide \$100,000 (subject to required appropriations) in two annual installments of \$50,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

COTTONWOOD HEIGHTS

Its: _____

Approved as to Form

DRAPER CITY agrees to provide \$120,000 (subject to required appropriations) in two annual installments of \$60,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

DRAPER CITY

Its: _____

Approved as to Form

METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY agrees to provide \$200,000 (subject to required appropriations) in two annual installments of \$100,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY

Its: _____

Approved as to Form

PARK CITY MUNICIPAL CORPORATION agrees to provide \$200,000 (subject to required appropriations) in two annual installments of \$100,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

PARK CITY MUNICIPAL CORPORATION

Its: _____

Approved as to Form

SANDY CITY agrees to provide \$200,000 (subject to required appropriations) in two annual installments of \$100,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

SANDY CITY

Its: _____

Approved as to Form

SALT LAKE CITY agrees to provide \$400,000 (subject to required appropriations) in two annual installments of \$200,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

SALT LAKE CITY

Its: _____

Approved as to Form

SALT LAKE COUNTY agrees to provide \$400,000 (subject to required appropriations) in two annual installments of \$200,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

SALT LAKE COUNTY

Its: _____

Approved as to Form

SUMMIT COUNTY agrees to provide \$100,000 (subject to required appropriations) in two annual installments of \$50,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

SUMMIT COUNTY

Its: _____

Approved as to Form

TOWN OF ALTA agrees to provide \$30,000 (subject to required appropriations) in two annual installments of \$15,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

TOWN OF ALTA

Its: _____

Approved as to Form

UTAH DEPARTMENT OF TRANSPORTATION agrees to provide \$100,000 (subject to required appropriations) in two annual installments of \$50,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

UTAH DEPARTMENT OF TRANSPORTATION

Its: _____

Approved as to Form

UTAH TRANSIT AUTHORITY agrees to provide \$600,000 (subject to appropriations) in additional bus service for the 2016 – 2019 ski seasons in the annual amount of \$200,000.

Dated this _____ day of _____, 2016.

UTAH TRANSIT AUTHORITY

Its: _____

Approved as to Form

Dated this ____ day of _____, 2016.

WASATCH FRONT REGIONAL COUNCIL

Its: _____

Approved as to Form

Dated this _____ day of _____, 2016.

CENTRAL WASATCH COMMISSION

Its: _____

Approved as to Form



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

State code requires that City Council hold a public hearing to take comments on the potential issuance of an open space bond, and the potential economic impact on the private sector of the improvement, facility, or property for which the bond pays all or part of the cost. As required by State code, notices for this hearing have been included in the Park Record for two consecutive weeks (8-31-2016 and 9-7-2016), and on the State Public Notice Website.

PCMC does not have a deal with the current owner of Bonanza Flats. If and when the owner of Bonanza Flats should approach PCMC, the availability of bond proceeds could give PCMC the ability to make an offer on the property. If PCMC has an opportunity to make an offer to purchase and preserve Bonanza Flats using proceeds from this open space bond, PCMC would publish notice of the bond issuance and there would be a public hearing prior to any bond(s) being sold.

Respectfully:

Michelle Kellogg, City Recorder



City Council Staff Report

Subject: \$25,000,000 General Obligation Open Space Bond
Author: Tom Daley, Deputy City Attorney
Department: City Attorney's Office
Date: September 15, 2016
Type of Item: Administrative

Summary Recommendation

City Council should conduct a public hearing for the purpose of receiving public input on the \$25 Million Bonanza Flats general obligation open space bond initiative that will appear on the November 8, 2016, ballot.

Executive Summary

State code requires that City Council hold a public hearing to take comments on the potential issuance of an open space bond, and the potential economic impact on the private sector of the improvement, facility, or property for which the bond pays all or part of the cost. As required by State code, notices for this hearing have been included in the Park Record for two consecutive weeks (8-31-2016 and 9-7-2016), and on the State Public Notice Website.

PCMC does not have a deal with the current owner of Bonanza Flats. If and when the owner of Bonanza Flats should approach PCMC, the availability of bond proceeds could give PCMC the ability to make an offer on the property. If PCMC has an opportunity to make an offer to purchase and preserve Bonanza Flats using proceeds from this open space bond, PCMC would publish notice of the bond issuance and there would be a public hearing prior to any bond(s) being sold.

Acronyms

PCMC Park City Municipal Corporation

Background and Summary of Previous Staff Reports

On August 11, 2016, the City Council adopted a resolution to put a \$25,000,000 general obligation bond question on the November 8, 2016, ballot. If voters approve the initiative by a simple majority, PCMC would be in a position to issue and sell open space bonds for the purpose of making a financial contribution to the purchase and preservation of Bonanza Flats.

Please view the August 4 and August 11, 2016 staff reports and the full text of the bond resolution using these links:

www.parkcity.org/Files/Staff_Report_8_4_16.pdf

www.parkcity.org/Files/Staff_Report_8_11_16_only.pdf

www.parkcity.org/Files/Staff_Report_8_11_16_Resolution.pdf

Park City has been aware of the development pressure on Bonanza Flats for decades. There is also long-standing public support for the idea of preserving Bonanza Flats for recreation and open space. As a result of Wells Fargo's foreclosure action against Talisker and the subsequent sheriff's sale, Redus, LLC currently owns Bonanza Flats along with other property. Redus, LLC is owned by Wells Fargo and its lending partner, Midtown Acquisitions. PCMC does not have a deal with the current owner of Bonanza Flats. If and when the owner of Bonanza Flats should approach PCMC, the availability of bond proceeds could give PCMC the ability to make an offer on the property. If approved by voters on November 8, 2016, PCMC would be authorized to issue the bond(s) as early as March, 2017, which would make funds *up to \$25,000,000* available at that time. The amount of the bonds issued and sold could be less than the \$25,000,000 authorization. PCMC is required to publish notice of the bond issuance and there would be public hearings prior to any bonds being sold. The authorization to issue the bond(s) for the purpose specified would remain effective for up to ten years. The purpose of this open space bond would be specific to the potential purchase and preservation of Bonanza Flats. Bonanza Flats is comprised of approximately 1,400 acres of undeveloped and pristine ground situated along Guardsman Pass Road in unincorporated Wasatch County at the upper elevations of the Wasatch Mountains. It is contiguous to Park City's southern boundary which is also the Summit and Wasatch County line. Bonanza Flats is bordered to the west generally by the ridge line of Clayton's Peak and 10420' which is also the Wasatch and Salt Lake County line. Bonanza Flats is a scenic mountain land parcel with alpine terrain of dramatic stands of conifers, large aspen groves, steep cliff areas, and open meadows.

Park City's long held legacy of successful open space purchases has been the result of voter approved open space bond measures and sales tax initiatives. Park City's approach to open space preservation has always included a willing seller and a willing buyer and the same would need to occur to make the purchase and preservation of Bonanza Flats possible.

In the event Redus, LLC or its successor-in-interest approaches Park City regarding the availability of Bonanza Flats, Park City would need funds readily available to make an offer at that time. Staff has determined that a meaningful offer would need to be supported by the proceeds from a general obligation bond. In other words, staff feels that a general obligation bond may be the only means by which Park City could achieve the preservation and protection of Bonanza Flats. No purchase price has been identified for the Bonanza Flats property. The next opportunity to place a general obligation bond on the ballot would not arise until November 2017, and the availability of funds would be pushed back twelve months at a minimum.

Though similar to past open space bonds, this bond would be different in one respect: Voters in Park City have historically approved by high margins open space bonds without knowing what property might be purchased with those bond funds. For this ballot measure, voters will have the opportunity to authorize funding only if PCMC is able to reach an agreement to purchase a specific piece of property – namely Bonanza Flats. So while voters will have the opportunity to vote to preserve a specific piece of

property, they will be voting without certainty that PCMC will reach an agreement to buy and preserve that property or that the bond will be issued.

If PCMC were to issue and sell the full amount of the authorization, or \$25,000,000, full-time residents with primary resident tax status would pay annually \$15.15 for every \$100,000 of home value. Second homeowners/part time residents and businesses would pay \$27.54 per year per \$100,000 of home or business value. The life of the bond is anticipated to be 15 years.

On November 8, 2016, Park City voters will have the opportunity to answer this question on the ballot:

CITY PROPOSITION NUMBER 1

Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed \$25,000,000 and to mature in no more than 16 years from the date or dates of such bonds to acquire, improve, and forever preserve open space, park, and recreational land located in Bonanza Flats, if such land is available for purchase by the City, in order to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use?

PROPERTY TAX COST OF BONDS

If the bonds are issued as planned, an annual property tax to pay debt service on the bonds will be required over a period of 16 years in the estimated amount of \$122.67 on an \$810,000 primary residence, and in the estimated amount of \$223.05 on a business property having the same value.

The foregoing is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds.

☐

FOR THE ISSUANCE OF BONDS

☐

AGAINST THE ISSUANCE OF BONDS

If voters approve the bond on November 8, 2016, up to \$25,000,000 in bond(s) could be sold as early as March, 2017. Park City may sell a bond for less than \$25,000,000 depending on an agreed purchase price and/or contributions from other funding sources both public and private.

The authorization to issue the bond will remain effective for up to ten years, and prior to any issuance of a bond, there will be notice and a public hearing. The long-term viability

of the authorization will give Park City latitude well into the future to make an offer should the opportunity present itself.

In the event an agreement to acquire and preserve Bonanza Flats is not reached, Park City would not sell a bond. The resolution City Council approved on August 11, 2016, is limited to the possible purchase and protection of Bonanza Flats and it will not allow bonds to be sold for the purpose of acquiring any property other than Bonanza Flats.

City Council Action

The City Council should conduct a public hearing in compliance with Utah law to receive input consistent with this report.

Department Review

This report has been reviewed by the Executive Department and Budget and Finance Department.

Funding Source

There is no funding source associated with Council conducting a public hearing on this matter.



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

Council should review and approve a construction contract with Entelen Design-Build LLC. in the amount of \$267,797.40 for the construction of the Stoneridge Trailhead project.

Respectfully:

Heinrich Deters, Trails and Open Space Program Manager



City Council Staff Report

Author: Heinrich Deters
Subject: Stoneridge Trail & Trailhead Project
Construction Contract
Date: September 15, 2016
Type of Item: Administrative - Award of Contract

Summary Recommendation:

Staff requests authorization for the City Manager, in a form approved by the City Attorney, to enter into a Construction Contract with Entelen Design-Build LLC. for the Stoneridge Trail & Trailhead project in the amount of \$267,797.40.

Executive Summary

Council should review and approve a construction contract with Entelen Design-Build LLC. in the amount of \$267,797.40 for the construction of the Stoneridge Trailhead project.

Background

In April 2013, Park City Municipal attained the 296 acre Stoneridge open space parcel. The parcel is encumbered with a conservation easement held by Utah Open Lands, which allows for non-motorized recreational uses including, but not limited to, trails, a trailhead, and a small maintenance building. Staff, in conjunction with Utah Open Lands, created a recreational plan for the property and presented the plan to Council on October 3, 2013. Additionally, the plan was presented at a public open house on October 21, 2013.

In the Spring of 2014, the City received a Restaurant Grant from Summit County for the construction of a trailhead on the Stoneridge parcel in the amount of \$100,000.

In April of 2015, Park City Municipal received approvals from the Snyderville Basin Planning Commission to construct a 'minor trailhead' consisting of ten parking spaces on the property.

In conjunction with the Stoneridge trails and trailhead and with the County's improvements to Old Ranch Road, staff identified the existing Old Ranch Road trailhead for additional improvements. The improvements are mostly aesthetic in nature but also include improving the existing dirt parking area to asphalt.

The final project which was bid included the following:

1. Stoneridge Trailhead (base bid) for the ten car trailhead
2. Improvements to the Old Ranch Road trailhead (hard surfacing)
3. Construction of approximately two miles of 10' wide soft surface trail, which would connect the Stoneridge and Old Ranch Road trailheads.

Alternatives for City Council to Consider

Recommended Alternative: Staff recommends approving a Construction Contract for the Stoneridge and Old Ranch Road Trailheads but not bid alternate #1 (10' soft surface trail) as provided.

Pros

- Provides ability to move forward with the project and the initial phase of the Stoneridge parcel plan
- Addresses safety and environmental aspects' of the existing parking area for the Stoneridge parcel.
- Provides appropriate infrastructure (parking, kiosks, and temporary restrooms) for the parcel prior to implementing a complete multi-season trail plan.
- Cleans up the existing mounds of dirt which was dumped on site by the previous owner.
- Provides a hard surface connection to the other Basin Recreation facilities

Cons

- Parking area adjacent to neighborhood, which expressed concerns about the trailhead during the planning approvals.
- Staff is currently not recommending the Soft Surface trail due to budget concerns.

Modify the Contract: Council could choose to direct staff to modify the recommended contract to include or not include the alternative bid items.

Pros

- Council's discretion

Cons

- Due to construction timing and budget, staff is not recommending to change the current contract.

Null Alternative: Council may choose to deny the Construction Contract.

Pros

- Council would not spend the recommended contract amount.
- Staff could rebid the item but this is not recommended

Cons

- Should Council not approve the Contract as provided, the trail and trailhead improvements will not move forward and the safety and environmental aspects will remain.
- Could forfeit the grant money.

Muddy parking area will remain a mess; trailhead will not get cleaned up; vehicle turn concerns.

Analysis:

The Project was publically advertised on August 27th and 31st in the Park Record and August 25th and 26th in the Salt Lake Tribune. Additionally, the Request for bids was posted on the City's website and on www.utahlegals.com.

The project identifies a base bid item for the ten car trailhead, as well as, two alternate bid items for improvements to the existing Old Ranch Road trailhead (hard surfacing) and construction of approximately two miles of 10' wide soft surface trail.

On September 8th, a public bid opening was held at the Marsac building 3rd floor. The bids are as follows:

Bidder	Base Bid Amount	Alt 1/Bid Amount (Soft Surface Trail)	Alt 2/Bid Amount (Old Ranch Road)
ENTELEN	\$201,611.61	\$140,646.79	\$66,185.79
<i>Geneva Rock</i>	\$237,836.72	\$199,890.28	\$93,572.24
<i>Northridge</i>	\$243,507.61	\$159,492	\$75,230.13
<i>BoreBoom</i>	\$208,173.42	\$161,202.40	\$60,611.02
<i>Wardell Brothers</i>	\$239,359.37	\$221,947	\$83,985.29

Based on the bids and construction timeline, staff is recommending Council award the Stoneridge Trailhead (base bid) and the Old Ranch Road bid (Bid #2) in this contract.

The lowest 'responsible' and responsive bidder was **Entelen Design-Build LLC. at \$267,797.40.** (Base Bid and Bid #2)

- The engineer's estimate for the base bid was \$188,763.
- The engineer's estimate for bid #2 was \$57,834.

Construction is scheduled to begin as soon as the agreement is executed and all bonds and insurance requirements are submitted to the City. The substantial completion date for the project is November 15th 2016.

Staff anticipates annexing this parcel into City limits once the City's annexation boundary is expanded to include the property. Timeline for the expansion of the boundary, as well as, the actual annex is scheduled to take place in 2017.

Department Review

This report has been reviewed by City Manager, City Attorney's Office and the Budget Department.

Funding Source

Funding for the Stoneridge Trailhead portion of the project will be primarily from the Restaurant Tax grant secured by staff in 2014. Additional costs and other improvements associated with the project will be provided through the Trails Master Plan and the Open Space Maintenance budgets.



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

On March 19, 2015, City Council authorized staff to notice the formation of the Special Event Advisory Committee (SEAC). SEAC's mission is to provide recommendations to City Council and staff on:

- **Event Prioritization** - Scoring both existing and new events based on a series of weighted categories.
- **Event Resource Assistance** - Make recommendations on the level of City services to be provided to an event.
- **Event Debrief** - Provide information on event performance once the event is complete

The proposed makeup of SEAC was to include representatives from the following groups/entities:

- Historic Park City Alliance (HPCA)
- Park City Lodging Association
- Park City Restaurant Association
- Park City Chamber of Commerce & Visitors Bureau
- Mountain Trails Foundation
- Vail Resort
- Deer Valley Resort
- Four (4) community at large members

Staff is returning to City Council this evening to request the approval of the amended resolution adding Park City School District and Summit County as voting members of SEAC.

Respectfully:

Jennifer Diersen,

City Council Staff Report

Subject: Special Events Advisory Committee Amendment
Author: Jenny Diersen, Special Events Coordinator
Department: Special Events
Date: Thursday, September 15, 2016
Type of Item: Administrative

Summary Recommendation

City Council should approve the amended resolution, adding two (2) voting members to the Special Events Advisory Committee (SEAC) including Park City School District and Summit County.

Executive Summary

On March 19, 2015, City Council authorized staff to notice the formation of the Special Event Advisory Committee (SEAC). SEAC's mission is to provide recommendations to City Council and staff on:

- **Event Threshold** – Make recommendations on overall event calendar and whether acceptable thresholds levels are being exceeded.
- **Event Resource Assistance** – Make recommendations on the level of City services to be provided to an event.
- **Event Debrief** – Provide information on event performance once the event is complete

The initial and current makeup of SEAC includes representatives from the following groups/entities:

- Historic Park City Alliance (HPCA)
- Park City Lodging Association
- Park City Restaurant Association
- Park City Chamber of Commerce & Visitors Bureau
- Mountain Trails Foundation
- Vail Resort
- Deer Valley Resort
- Four (4) community at large members

Staff is returning to City Council this evening to request the approval of the amended resolution adding Park City School District and Summit County as voting members of SEAC. It is important that these stakeholders are added as voting members as their coordination is essential for mitigating impacts. Additionally, these stakeholders have facilities which are impacted by events in Park City.

Acronyms

SEAC – Special Events Advisory Committee

The Problem

A request was made to include the Park City School District on SEAC after City Council authorized the formation of the Committee. Additionally, Summit County was originally asked to be included in the group as a nonvoting member. Due to implications of events on facilities owned and operated by each entity, it is appropriate for each to have voting capabilities.

Background

At the [July 9th, 2015 City Council Meeting](#), staff presented communications requesting the addition of the Park City School District to the Committee as a voting member.

Furthermore, at the [June 30th, 2016 City Council meeting](#), staff requested adding Summit County to the Committee as a voting member.

After careful consideration, staff recommends adding both of these stakeholder groups to SEAC as voting members. The School District and Summit County play a major role in cross jurisdictional coordination and the City's ability to host and mitigate community impacts of special events and find it important that they have voting rights for the Special Events Advisory Committee.

As a reminder, SEAC is an advisory committee and only provides recommendation to staff and City Council. SEAC does not have any authority in the approval or denial of events.

Alternatives for City Council to Consider

1. Recommended Alternative:

Staff recommends that City Council amend the Special Events Advisory Committee Resolution, adding the Park City School District and Summit County as voting members of SEAC.

2. Null Alternative:

City Council could review and ask staff to come back to a regularly scheduled meeting to further discuss any changes.

3. Other Alternatives

City Council could choose to provide no direction, preventing the adoption of the amended resolution adding the Park City School District and Summit County as voting members of SEAC.

Department Review

The Special Events, Economic Development, Executive and Legal Departments have reviewed this report.

Funding Source

No funding is necessary for the members of the Special Events Advisory Committee. Members are not compensated.

Attachments

Exhibit A Resolution 22 - 2016 Amending the Special Events Advisory Committee
Exhibit B July 9th, 2015 Staff Communications Report – SEAC Addition, Park City School District

Resolution 22-2016

RESOLUTION TO AMEND SPECIAL EVENT ADVISORY COMMITTEE ADDING MEMBERS TO ADVISE COUNCIL ON HOSTING EVENTS THAT WILL CREATE A DIVERSE AND WELL BALANCED OFFERING TO THE LOCAL COMMUNITY

WHEREAS, Park City plays hosts to various special events;

WHEREAS, Council has a goal to maintain a balanced cultural event offering;

WHEREAS, Council has a goal to create a world class multi-seasonal resort economy;

WHEREAS, Clear communication and coordination between local non-profits, committees and organizations and the City Council is vital to the overall success and fabric of the Park City community.

NOW THEREFORE, be it resolved by the Park City Council as follows:

1. The City Council will appoint an advisory committee, to be referred to as the Special Event Advisory Committee (SEAC), to advise and make recommendations to City Council **threshold, city services and debrief regarding special events in Park City.**

2. The SEAC be made up of the following stakeholder groups:

- Historic Park City Alliance (HPCA)
- Park City Lodging Association
- Park City Area Restaurant Association
- Park City Chamber of Commerce & Visitors Bureau
- Park City Mountain- local ski area representative - Vail Resorts
- Deer Valley- local ski area representative – Deer Valley Resort Company
- Mountain Trails Foundation
- **Park City School District**
- **Summit County**

Each stakeholder group will be responsible for providing a representative to sit on the committee. Stakeholder groups should make every effort to have the same person represent the group, and avoid multiple people attending meetings throughout the year, in an effort to maintain consistency and efficiency with the committee.

3. The City Council shall appoint four (4) at large community members to serve on the committee. These community members must reside within City limits, and should not be an active member of the boards or commissions of any of the above mentioned stakeholder groups. The four at large members should represent a cross section of various neighborhood areas throughout Park City. Each at large member shall be appointed to a three year term, although for the initial term 2 members will be appointed for 2 years and 2 members will be appointed for 3 years in order to stagger the appointments. Members shall serve no more than two consecutive terms.

This Resolution shall become effective upon adoption, dated this 15th day of September 2016.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

City Attorney's Office



To: Honorable Mayor/Members of City Council

From: Jason Glidden – Sustainability Department

MANAGER'S REPORT July 9, 2015

On March 19, 2015, City Council authorized staff to notice the formation of the Special Event Advisory Committee (SEAC). SEAC's mission is to provide recommendations to City Council and staff on:

- **Event Prioritization** – Scoring both existing and new events based on a series of weighted categories.
- **Event Resource Assistance** – Make recommendations on the level of City services to be provided to an event.
- **Event Debrief** – Provide information on event performance once the event is complete

The proposed makeup of SEAC was to include representatives from the following groups/entities:

- Historic Park City Alliance (HPCA)
- Park City Lodging Association
- Park City Restaurant Association
- Park City Chamber of Commerce & Visitors Bureau
- Representatives from Vail Resort & Deer Valley
- Four community at large members

As staff has begun the process of reaching out to the stakeholder groups, a request was made to include the Park City School District on SEAC. After careful consideration, staff felt that this was a stakeholder group that was overlooked and needed to be on the committee. The School District plays a major role in a large number of special events by hosting various recreational events as well as provides off-site parking for a number of other events. Staff plans to add the Park City School District as a stakeholder to SEAC unless directed differently from City Council.



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

In conjunction with the Wasatch Brewery's 30th Anniversary they will sponsor a one thousand (1000) person shot ski down Main Street from Heber Ave to Swede Alley. A beer garden will be created in the Brew Pub Parking Lot with live music and a food truck from noon to 5pm. In accordance with Park City Municipal Code, 4-8-4C, City Council shall review and approve, approve with conditions or deny applications for Level Three Event permit renewals where materials elements have substantially changed. Staff is coming to you this evening, as the event has substantially changed from years past.

Respectfully:

Tommy Youngblood, Events Coordinator

City Council Staff Report



Subject: Level Three Special Event Approval –
Park City Shot Ski
Principal Author: Tommy Youngblood, Special Events Coordinator
Department: Sustainability, Special Events
Date: Thursday, September 15, 2016
Type of Item: Administrative

Summary Recommendation

Review the Level Three Special Event Permit, conduct a public hearing, and approve the permit for Park City Shot Ski and approve a fee reduction not to exceed \$2,800.00 in the related city service fees, as conditioned, on the following date: Saturday, October 22, 2016.

Executive Summary

In conjunction with the Wasatch Brewery's 30th Anniversary and as a fundraiser for the Park City Sunrise Rotary, the Salt Lake Brewing Company will sponsor a one thousand (1000) person shot ski down Main Street from Heber Ave to Swede Alley, as well as a beer garden in the Brew Pub Parking Lot with live music and a food truck from noon to 5pm.

In accordance with Park City Municipal Code, 4-8-4C, City Council shall review and approve, approve with conditions or deny applications for any new Level Three Event permit.

Acronyms/ Definitions

HPCA – Historic Park City Alliance

Background

The application is part of the celebration of the 30th anniversary of Wasatch Brewery in Park City. The major activity of the will be attempting to set the world record for longest Shot Ski, down historic Main Street. All proceeds from ticket sales will go back to the Park City community through the Sunrise Rotary, who will be partnering with Wasatch Brewery in the event. The applicant hopes that this will spur a friendly rivalry with Breckenridge, CO – the current record holder for the world's longest shot ski at 881 participants as of 2015. Ideally, this will become an annual tradition for Park City, and another way in which we can firmly establish our dominance as the greatest ski town in the country.

Wasatch Brew Pub founder and 2016 Myles Rademan Spirit of Hospitality award winner, Greg Schirf, will be the Master of Ceremonies for the party. Mr. Schirf will be announcing the countdown to attending guests, residents, friends and family of Wasatch Brewery, the Park City Rotary and of course local media. Shot Ski tickets are available publicly; the applicant will be making a conscious effort to focus their marketing on Park City exclusively. It is the hope of the founder, staff and family of the Wasatch Brew Pub to celebrate the achievement of brewing craft beers in Utah for 30 years with the locals who have been paramount to Wasatch's success in this very competitive industry. This event has the support of the HPCA.

Analysis

Traffic and Parking

The event requires a full closure and removal of parking on Main Street from Heber Ave to 9th Ave. as well as the Brew Pub Parking Lot. Closure of the Brew Pub Parking Lot will occur at 6am the day of the event. Parking will be removed from Main Street starting at 6am and a full closure of the street will occur at 10am. Heber Ave. would remain open to traffic and Park City Transit throughout the event. Wasatch Brewing has secured use of the Park City High School for parking for the event and has coordinated with city staff to have signage directing participants to park there.

Shot Ski Event

The Shot Ski portion of the event will take place on Main Street. Wasatch Brewing will be setting up an area with controlled access starting at 10am. Once set up, the area will be monitored by volunteers and security provided by the Sunrise Rotary. Participants will check in at one of the designated check in stations starting at noon. They will be assigned their designated location and be wrist banded once proper identification is provided to the T.I.P.S certified check in volunteer. The record-breaking attempt will be a 2pm. No alcohol will allowed to be consumed on the street outside of the designated area.

Beer Garden

In addition to the shot ski event, the Brew Pub Parking Lot will become a ticketed beer garden with music and a food truck from noon to 6:00pm. The event organizer has worked closely with staff from both the city and the Utah Department of Alcohol and Beverage Control (UDABC) to ensure that all state and local regulation will be adhered to. In accordance with the regulations of the UDABC, no one under 21 will be allowed within the beer garden. Admission to the beer garden is included in the price of the shot ski event and Wasatch Brewing will be selling additional tickets into the beer garden to the general public that did not participate.

Fee Reductions

The timing of this event does not allow it to be included into the Fee Reduction Process, which calls for fee reductions applications for events occurring July 1 – December 31 be submitted by April 1st. The applicant conceived of the event in late April of 2016 however the application was not received until July 28th, 2016.

The applicant requests a full fee reduction of the following estimated city services from Council not to exceed \$5600.00.

Staff recommends a fee reduction of one half of the estimated city services of an amount not to exceed \$2,800.00. This recommendation is based on the applicant's ability to meet the fee reduction criteria as explained below.

The fee reduction policy that has been adopted by City Council allows for the following:

Applications received outside the scheduled application process may be considered when the applicant demonstrates an immediate need for funding and provides justification for why the application was not filled within the specified deadline, unless otherwise directed by the Council.

Extraordinary requests received must meet all of the following criteria to be considered:

1. The request must align with the Special Event Fee Reduction Evaluation Criteria [See staff analysis below];
2. The applicant must show that the requested fee waivers represent an immediate fiscal need that could not have been anticipated before the deadline; and 3. The applicant must demonstrate significant consequences of not being able to wait for the next semiannual review. i. Significant consequences could include inability to hold event due to event date or immediate fiscal need, but not wish or preference.

Staff finds that the applicant meets **Extraordinary Condition # 2** by having conceived of this event after the April 1st deadline to have applied for a fee reduction.

Staff finds that the applicant meets **Extraordinary Condition # 3**; the event is scheduled to take place prior to the next review and would need to be moved.

The applicant requests a full wavier of city fees associated with the event. The proceeds from the event will be donated to the Sunrise Park City Rotary a service-oriented organization which encourages members to find ways to give back to the club and to the community,

If Council chooses not to reduce these fees the event may need to reduce the planned donation to Sunrise Rotary to cover event costs.

Estimated City Service Fees	
Main Street Parking Space Fee - 126 spaces - \$16 per space	\$ 2016
Brew Pub Parking Lot Fee 51 spaces - \$16 per space	\$ 816
Building Permit Fee	\$ 225
Police Officer Fee 6 officers @ \$75 per hour 5 hour each	\$2250
Total City Fees	\$ 5307

Staff finds that the request of this reduction meets two of the five evaluation criteria in the fee reduction policy;

1. **Criterion 2:** Provides free programs, or raises funds for organizations or free programs, benefitting local youth, seniors or underserved constituents; -Staff finding: which does [what programs meeting above?]

Staff finds that the benefactor Sunrise Park City Rotary, a Park City service-oriented organization which encourages members to find ways to give back to the club and to the community would be aided in their mission by the donations from this event.

In 2015, Sunrise Rotary awarded \$20,000 to 24 community organizations. The recipients this year include local Park City and Summit County groups: Alf Engen Ski Museum, Arthritis Foundation, Arts-Kids, KPCW, Big Brothers Big Sisters of Utah, Christian Center, Holy Cross Ministries, The Hope Alliance, Mountain Town Music, Mountainlands Community Housing Trust, Leadership Park city, PC Reads, Park City School District, PC Tots, Peace House, Park City Treble Makers, People's Health Clinic, Philippines Humanitarian, Recycle Utah, Summit Land Conservancy, Swaner Preserve and EcoCenter, Park City Anti-Bullying Campaign, Women's Athenaeum, YMCA and Youthlinc.

2. **Criterion 4:** Provides event opportunities during resort off seasons, defined as September 21-November 15, and April 1-May 15, excluding holidays; -

Staff finds that the event, proposed to take place on October 22nd, meets Criteria 4 by providing event opportunities during the resort off season Sept. 21 – Nov 15.

Furthering the Goals of the General Plan

Staff finds that the event meets two Council goals outlined in the General Plan as follows:

Sense of Community:

Goal 10:

Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community.

Staff finds that the Shot Ski Event meets this goal with its focus on local participation of the activity and donations of proceeds to Sunrise Park City Rotary. The Shot Ski itself also highlights a friendly regional Rocky Mountain ski town competition, with Breckenridge, CO., of a unique winter sports activity.

Historic Character:

Goal 16:

Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.

Staff finds that the Shot Ski Event will bring a fun vibrant celebration of the 30th anniversary of the Wasatch Brewery which continues as a consistent mainstay businesses attraction to residents and tourists on Main Street.

Alternatives for City Council to Consider

1. Recommended Alternative:

Staff recommends that City Council review and approve the Level Three Special Event Permit for the Park City Shot Ski and approve a fee reduction not to exceed \$2800.00 in the related city service fees, as conditioned.

Pros

- a. This plan positively impacts of Council goals of events that add to a diverse event calendar, which allows for both economic and cultural opportunities, as well as helps create a world class, multi-seasonal destination.
- b. Supports Historic Park City Alliance's goals of promoting targeted Main Street Events
- c. The proceeds will assist the mission of a local not for profit community service organization,

d. Cons

- a. Parking and vehicular traffic will be removed from Main Street from Heber Ave to Swede Alley and from the Brew Pub parking lot for the duration of the event. Typical parking revenues for those areas will not be collected by the PCMC.

2. Modification Alternative 1:

City Council could modify the recommendation by granting the full requested amount of the fee reduction of \$ 5600

Pros:

- a. Applicant states that any additional amounts not paid in fees will be donated to the Sunrise Park City Rotary..

Cons:

- a. All fees not collected will be transferred from the general fund to the effective city department line item. Fee waivers are putting a significant strain on the Police Department budget; Police Fees are approximately half of the fees for this event.

3. Modification Alternative 2:

City Council could approve the event and not provide any fee waivers.

Pros:

- a. Applicant pays for all city service costs of the event; Park City General Fund is not used to offset event cost to organizer.

Cons:

- a. Proceeds from the event earmarked to go to local non-profit may be reduced by applicant to offset event costs.

4. Denial of Approval Alternative:

City Council could deny the approval of the event. The event would be cancelled and City Council could request further information is needed in order to proceed with approval.

Department Review

Departments consisting of Special Events, Police, Building, Building Maintenance, Public Works, Parking Services, Transit, Transportation Planning, Recreation, Parks Executive, and Legal have reviewed the report and application for the Park City Shot Ski and their comments have been incorporated.

Funding Source

No current city services funding is needed for this event. However the applicant is requesting a fee reduction. If a fee reduction is granted, these reductions would have to be absorbed within the current budgets the city departments.

Attachments

Exhibit A - Park City Shot Ski Application

Exhibit B - Main Street Set Up Map

Exhibit C – Findings of Fact and Conditions of Approval



Park City Municipal Corporation

Special Event Permit Application

Special Events Department
City Hall, Third Floor
445 Marsac Avenue
P.O. Box 1478
Park City, Utah 84060
specialevents@parkcity.org

[Print](#)[Submit](#)

You must save the PDF first, then open from computer, complete and submit.

APPLICATIONS DO NOT CONSTITUTE AS A PERMIT.

PERMITS ARE APPROVED BY THE SPECIAL EVENTS DEPARTMENT OR CITY COUNCIL IN WRITING AFTER COMPLETE APPLICATIONS ARE REVIEWED UNDER PARK CITY MUNICIPAL CODE 4-8.

Applications for Special Event Permits are due no later than 90 days (Level 3), 60 days (Level 2), or 30 days (Level 1) prior to an event. Incomplete applications cannot be reviewed. Applications submitted after the deadlines as described above may be denied. More information can be found at www.parkcity.org or by contacting specialevents@parkcity.org.

IF YOU HAVE QUESTIONS, OR WOULD LIKE TO SCHEDULE A MEETING BEFORE SUBMITTING YOUR APPLICATION, PLEASE CONTACT:

Tommy Youngblood	tommy.youngblood@parkcity.org	435.615.5187	Jenny Diersen	jenny.diersen@parkcity.org	435.615.5188
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APPLICATION FEES & EXPENSES

Level Three Special Event Permit	\$160.00
Level Two Special Event Permit	\$80.00
Level One Special Event Permit	\$40.00

- Application Levels are determined by the Special Events Department after reviewing complete applications.
- Additional fees for other City Services will be estimated and provided to the applicant upon receipt of a complete application.
- Applicants may incur additional expenses from other City, County or State jurisdictions.
- Fee Reductions for some City Services are considered bi-annually. Fee Reduction Applications are due on:
• **April 1**, for events July 1 – December 31; and **October 1**, for events January 1 – June 30.

AS THE APPLICANT YOU UNDERSTAND & AGREE TO THE FOLLOWING: (Check all that you understand and agree to)

- ☐ To insure prompt and accurate processing of your application, ensure that ALL support materials and documentation accompany your application. Failure to do so will constitute an incomplete application and may delay review and approval processes. I understand a complete application shall include this application completed, with traffic and transportation plan, contingency plan – including operations plan, emergency plan, weather conditions and residential and notification outreach plan; site plan and permission of use for properties.
- ☐ Park City Municipal Corporation requires a certificate of insurance in an amount to be determined by the City Attorney's Office. Submitting incomplete application information may delay the ability to determine the amount required. The amount of insurance required by the City Attorney's office is final and the applicant shall be required to submit proof of coverage including naming Park City Municipal Corporation, 445 Marsac, P.O. Box 1480, Park City, Utah 84060 as additionally insured prior to the start of any event activity.
- ☐ After the application is evaluated, the applicant will be responsible for providing proof that I have obtained other permits as necessary from City, County or State agencies, as well as the application fee amount based on the Level of event.
- ☐ I understand that as the applicant, I will assume and reimburse the City for any and all costs and expenses determined by Park City Municipal Corporation. Park City Municipal Corporation may require a deposit to cover such expenses. I may incur costs from other departments or other jurisdictional agencies. I understand I can request an estimate of City Services for the event upon submitting a complete application, and that should I choose to, I can request a reduction of fees for some services as pertains to Park City Municipal code 4-8-9 through the bi-annual fee reduction application and process.
- ☐ I understand I am able to request a meeting with the Special Events Department prior to submitting an application and that this application does not constitute as a valid permit. I understand that permits are approved by the Special Events Department or City Council in writing after complete applications are reviewed under Park City Municipal Code 4-8.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME OF EVENT: <u>1st Annual Park City Shot Ski</u>			
FIRST TIME EVENT:	☒ Yes ☐ No	ANNUAL EVENT:	☐ Yes ☐ No
ANNUAL EVENT THAT WILL BE THE SAME AS LAST YEAR:		☐ Yes ☒ No	
ANNUAL EVENT THAT WILL HAVE CHANGES FROM LAST YEAR:		☐ Yes ☒ No	
NAME OF APPLICANT (FIRST & LAST): <u>Lauren Boyack</u>			
TITLE / POSITION: <u>marketing manager</u>			
BUSINESS / ORGANIZATION NAME: <u>Salt Lake Brewing Co DBA Wasatch Brew Pub</u>			
IS BUSINESS / ORGANIZATION A REGISTERED NON-PROFIT		☐ Yes, a copy of IRS paperwork is attached	☒ No
MAILING ADDRESS OR BUSINESS / ORGANIZATION: <u>1735 S 300 W</u>			
CITY, STATE, ZIP: <u>Salt Lake City, UT 84115</u>			
PHYSICAL ADDRESS OF BUSINESS / ORGANIZATION: <u>250 Main St</u>			



Park City Municipal Corporation

Special Event Permit Application

Special Events Department
City Hall, Third Floor
445 Marsac Avenue
P.O. Box 1478
Park City, Utah 84060
specialevents@parkcity.org

CITY, STATE, ZIP: <u>Park City, UT 84060</u>	
PHONE (PRIMARY): <u>435-649-0900</u>	PHONE (SECONDARY):
EMAIL: <u>lauren@squatters.com</u>	
BUSINESS / ORGANIZATION WEBSITE: <u>www.wasatchbeers.com</u>	
SOCIAL MEDIA LINKS: <u>www.facebook.com/wasatchbeers</u>	
DAY OF EVENT PRIMARY CONTACT	
ON-SITE DAY OF PRIMARY CONTACT NAME (FIRST & LAST): <u>Lauren Boyack</u>	
ON-SITE DAY OF PRIMARY CONTACT CELL PHONE: <u>801-664-2360</u>	
ON-SITE DAY OF PRIMARY CONTACT EMAIL: <u>lauren@squatters.com</u>	
PUBLIC EVENT INFORMATION	
WEB SITE FOR PUBLIC EVENT INFORMATION: <u>www.wasatchbeers.com/shotski</u>	
PHONE NUMBER FOR PUBLIC EVENT INFORMATION: <u>801-328-2329 x248</u>	
EMAIL ADDRESS FOR PUBLIC EVENT INFORMATION: <u>lauren@squatters.com</u>	
Overall event description is attached as a separate document, with the contingency plan and is submitted with the application.	
EVENT LEVEL DETERMINATION	
THE EVENT WILL INCLUDE THE FOLLOWING ACTIVITIES: (Check all that apply)	
☒ FESTIVAL / FAIR	☐ PARADE
☐ SKI / SNOW BOARD	☐ RUN
☐ BIKE	☐ WALK
☐ TRAIL USE	☐ CONCERT
☐ CULINARY	☐ FILMING
☐ ARTS & CULTURE EVENT	☐ HOLIDAY CELEBRATION
☐ RECREATION / SPORTING EVENT	☐ OTHER:
THE EVENT WILL INVOLVE THE USE OF: (Check all that apply)	
☒ MAIN STREET	☐ RESORT PROPERTY
☐ SCHOOL DISTRICT PROPERTY	☐ PRIVATE PROPERTY
☐ CITY PARKS	☐ CITY FIELDS
☐ CITY FACILITY RENTAL	☐ RESIDENTIAL AREAS
☐ PARK CITY LIMITS	☐ MULTI-JURISDICTION
☐ AMPLIFIED SOUND	
THE TARGET MARKET FOR THIS EVENT IS: (Check all that apply)	
☐ YOUTH / FAMILIES	☒ ADULTS
☐ LOCAL	☐ STATE-WIDE
☐ REGIONAL	☐ NATIONAL
☐ INTER NATIONAL	☐ SPECTATORS
☐ PARTICIPANTS	☐ OTHER: ☐
THIS EVENT WILL: (Check all that apply)	
☒ LIMIT # OF PARTICIPANTS	☒ BE FREE FOR SPECTATORS
☐ BE FREE FOR PARTICIPANTS	☐ INCLUDE VENDORS OR SPONSOR
☐ BE FREE AND OPEN TO THE PUBLIC	
☐ LIMIT # OF SPECTATORS	☐ CHARGE ADMISSION FOR SPECTATORS
☒ CHARGE PARTICIPANTS	☐ NOT INCLUDE VENDORS OR SPONSOR
☐ BE A PRIVATE EVENT	
THIS EVENT WILL BE HELD: (Check all that apply)	
EVENT DATE(S): <u>October 22nd, 2016</u>	
☐ MONDAY	☐ TUESDAY
☐ WEDNESDAY	☐ THURSDAY
☐ FRIDAY	☒ SATURDAY
☐ SUNDAY	
☐ WEEKLY	☐ MONTHLY
☐ SERIES	☒ ONE DAY
NUMBER OF EVENT(S): <u>2: shot ski beer garden after party</u>	# OF CONSECUTIVE DAYS: <u>one</u>



Park City Municipal Corporation

Special Event Permit Application

Special Events Department
City Hall, Third Floor
445 Marsac Avenue
P.O. Box 1478
Park City, Utah 84060
specialevents@parkcity.org

ONE DAY EVENT HOUR(S)

EVENT HOUR(S): 12 PM - 6 PM	OPENING TIME: 12 PM	EVENT ENDS: 6 PM
EVENT SET-UP DATE: October 22, 2016	BREAK-DOWN DATE: October 22, 2016	
SET-UP TIME(S): 8 AM - 10 AM	BREAK-DOWN TIME(S): Main reopen: 3 PM Brew Pub lots 8 PM	

MULTIPLE DAY EVENT HOUR(S) - If different for each date

DAY:	DATE:	OPENING TIME:	EVENT ENDS:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	OPENING TIME:	EVENT ENDS:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	OPENING TIME:	EVENT ENDS:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	OPENING TIME:	EVENT ENDS:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	
DAY:	DATE:	OPENING TIME:	EVENT ENDS:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	

INCLEMENT WEATHER INFORMATION

DAY:	DATE:	OPENING TIME:	EVENT ENDS:
EVENT SET-UP DATE:		BREAK-DOWN DATE:	
SET-UP TIME(S):		BREAK-DOWN TIME(S):	

☒ No inclement weather date is required, and the event will be held rain or shine. I understand the event may be cancelled or postponed by the city due to hazardous or damaging conditions

EVENT ATTENDANCE (Complete all that apply)

IF ANNUAL EVENT:	
TOTAL EVENT ATTENDANCE OF PREVIOUS YEAR:	TOTAL DAILY EVENT ATTENDANCE OF PREVIOUS YEAR:

ALL APPLICANTS MUST COMPLETE THE FOLLOWING SECTION (NEW OR ANNUAL EVENTS)

ESTIMATED # OF PARTICIPANTS: 1,000 - 1,500	ESTIMATED # OF VENDORS: 2
ESTIMATED # OF SPECTATORS: 250 - 500	ESTIMATED # OF VOLUNTEERS: 40
ESTIMATED # OF STAFF: 15	ESTIMATED DAILY ATTENDANCE: 1,000 - 1,500
ESTIMATED HIGHEST TOTAL ATTENDANCE AT ONE TIME: 1,500	ESTIMATED TOTAL ATTENDANCE OF ENTIRE EVENT: 1,500

I anticipate the event to have an attendance of 500 or more people and understand, as the applicant, I may be required to obtain a mass gathering permit from summit county: <http://www.summitcountyhealth.org/>



Park City Municipal Corporation

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445 Marsac Avenue
P.O. Box 1478
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specialevents@parkcity.org

SIDEWALK & STREET USE (circle and complete all that apply)

THE EVENT WILL HAVE

STREETS

☒	STREET CLOSURE MAP IS ATTACHED	CLOSURE SIGN / MARKING					
☐	ROLLING CLOSURE	☐	PARTIAL CLOSURE	☐	FULL CLOSURE	☐	NO CLOSURE
NAMES OF STREETS TO BE CLOSED:				TIMES: (START / END OF CLOSURE)			
Main St. (full, from Heber up)				START: 6 AM		END: 3 PM	
				START:		END:	
				START:		END:	
				START:		END:	

REASON FOR CLOSURE: full Main St. closure for a 1,000 person "shot ski" event @ 2 PM, w/ tear down immediately following.

SIDEWALKS

☐	SIDEWALK CLOSURE MAP IS ATTACHED	CLOSURE SIGN / MARKING					
☐	PARTIAL CLOSURE	☐	FULL CLOSURE	☒	NO CLOSURE	☐	CROWD CONTROL PLAN

ADDRESS:

ADDRESS OF CLOSURE: (FROM / TO)		TIMES: (START / END OF CLOSURE)	
FROM:	TO:	START:	END:
FROM:	TO:	START:	END:
FROM:	TO:	START:	END:
FROM:	TO:	START:	END:

REASON FOR CLOSURE:

n/a

TRAILS

☐	TRAIL COURSE MAP IS ATTACHED	☐	COURSE / SIGN MARKING INFORMATION IS ATTACHED
NAMES OF TRAILS TO BE USED:			

PARADE

ASSEMBLY AREA:	DISBANDING AREA:	# OF PARADE ATTENDEES:	
PARADE IS:			
☐ WALKING ONLY	☐ VEHICLES & WALKING	☐ VEHICLES ONLY	☐ WILL HAVE ANIMALS

OTHER PARADE INFO:



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CITY PARKING FACILITIES REQUEST

GENERAL PARKING (Where will you be directing event attendees to park cars?)

HOW MANY PARKING SPACES DOES THE EVENT NEED?

AT HIGHEST POINT? 1,000

☐

MAIN STREET

☒

CHINA BRIDGE

☐

FLAGPOLE LOT

☐

BREW PUB LOT

☐

SANDRIDGE PARKING LOTS

☐

PARK AVENUE

☐

CITY PARK

☐

MAWHINNEY LOT

☐

QUINNS LOT

☐

RICHARDSON FLATS

OTHER: Deer Valley (not public)

WILL THE EVENT PROVIDE TRANSPORTATION SERVICES TO THE EVENT FROM PARKING AREAS?:

☒

YES

NO

ADA PARKING AVAILABLE?:

☒

YES

NO

THE EVENT WILL REQUIRE PARKING REMOVAL?:

☒

YES

NO

The event will require parking removal as indicated below, and I will complete a special use of public parking application as required with the Park City Parking Services Department

NAME OF AREA OR STREETS: Brew Pub lot

BETWEEN:

TIME - START / END: 6 AM - 8 AM

REASON (what/who): to begin event set-up

NAME OF AREA OR STREETS: Main St.

BETWEEN: Heber and grade turn

TIME - START / END: 6 AM - 8 AM

REASON (what/who): to begin event set-up

NAME OF AREA OR STREETS:

BETWEEN:

TIME - START / END:

REASON (what/who):

NAME OF AREA OR STREETS:

BETWEEN:

TIME - START / END:

REASON (what/who):

TRANSPORTATION

WILL THE EVENT PROVIDE ALTERNATIVE TRANSPORTATION OPTIONS?

☐

BUS

☐

BIKE

☐

WALK

THE APPLICANT IS PROVIDING SHUTTLE OR BUS TRANSPORTATION OUTSIDE OF THE CITY'S SCHEDULE. THE APPLICANT HAS PROVIDED BUS DROP OFF AREA ON THE SITE MAP ATTACHED WITH THIS APPLICATION.

NAME OF TRANSPORTATION PROVIDER / COMPANY:

PHONE:

EMAIL:

THE APPLICANT IS PROVIDING BIKE TRANSPORTATION AT THE EVENT. WE HAVE PROVIDED BIKE PARKING AREAS ON THE SITE MAP WITH THIS APPLICATION.

WE ARE PROVIDING WALKING AS AN OPTION TO ATTEND THE EVENT. WE HAVE PROVIDED WALKING PATH IDEAS ON THE SITE MAP WITH THIS APPLICATION.

ADDITIONAL TRANSPORTATION INFORMATION:

only normal public transit schedule

PUBLIC FACILITY USE

CHECK ALL THAT APPLY:

☐

MINERS HOSPITAL AT CITY PARK

☐

PARK CITY LIBRARY MEETING ROOMS

☐

JIM SANTY AUDITORIUM

☐

SOPUTH CITY PARK

☐

CITY PARK COVERED BBQ AREA

☐

CITY PARK GAZEBO / STAND

☐

CITY PARK SOFTBALLFIELD

☐

CITY PARK RUGBY FIELD

☐

SKATE PARK AT CITY PARK

☐

QUINN'S SPORTEX FIELDS

☐

ROTARY PARK

☐

SCHOOL DISTRICT FIELDS

☐

DIRT JUMP PARK

☐

PARK CITY ICE ARENA

☐

OTHER:



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TEMPORARY STRUCTURES & FLAMMABLE MATERIALS

I UNDERSTAND ALL TEMPORARY STRUCTURES AND FLAMMABLE MATERIALS MUST BE APPROVED BY THE PARK CITY BUILDING DEPARTMENT. SUCH INSPECTIONS WILL REQUIRE A FIRE/BUILDING PERMIT TO BE SUBMITTED 10 DAYS BEFORE THE EVENT, AS WELL AS AN INSPECTION THE DAY OF THE EVENT.

☐	☐	☒	☐	☐
TEMPORARY BLEACHERS	INFLATABLES	CANOPIES	TEMPORARY BADGES	TEMPORARY LIGHTING
TENTS 10X10 OR UNDER		HOW MANY: 5		
TRAILER		HOW MANY: 2		
STRUCTURES OVER 6 FEET TALL		PURPOSE: only canopies for shade		HOW MANY: 5
DOES EVENT HAVE ELECTRICAL NEEDS?:		☒ YES	☐ NO	DOES EVENT REQUIRE USE OF GENERATORS
				☐ YES ☒ NO
WILL YOU BE REQUESTING PERMITS FOR FIREWORKS?:		☐ YES ☒ NO		
WILL THE EVENT REQUIRE THE USE OF FLAMMABLE MATERIALS, FUELS OR GASSES?:		☐ YES ☒ NO		
NAME SUCH MATERIALS: n/a				

WASTE MANAGEMENT AND RECYCLING

THE EVENT WILL PROVIDE ITS OWN GARBAGE CANS AND WASTE MANAGEMENT. Yes						
THE EVENT WILL PROVIDE ITS OWN DUMPSTERS, WHICH IS INDICATED ON THE SITE MAP. Yes						
THE EVENT WILL USE THE CITY'S GARBAGE CANS AND WASTE MANAGEMENT, REQUIRING ADDITIONAL FEES. No						
THE EVENT WILL USE THE CITY'S DUMPSTERS, REQUIRING ADDITIONAL FEES. No						
THE EVENT WILL HIRE A COMPANY AND PROVIDE RECYCLING SERVICES FOR THE FOLLOWING MATERIALS: Yes						
☒	☒	☒	☐	☐	☐	☐
PLASTIC	PAPER	ALUMINUM	GLASS	CARDBOARD	COMPOST	OTHER
THE EVENT WILL UTILIZE CITY RESTROOM FACILITIES (List areas of city restroom facilities below: No						
THE EVENT WILL BRING ITS OWN RESTROOMS AND SANATARY STATIONS. (May be required by Summit County Health Department or Park City Building Department) Yes						
WILL ANIMALS BE AT THE EVENT?:		☐ YES	☒ NO	IF YES, PLEASE DESCRIBE TYPE OF ANIMALS AND WASTE PLANS		
TYPES OF ANIMALS: n/a						

I HAVE INCLUDED THE PLACEMENT OF THE ANIMALS IN THE SITE MAP OR LINE UP IN THE CONTINGENCY PLAN

WILL DOGS BE ALLOWED AT THE EVENT?:	☐ YES	☐ NO	☐ LEASHED	☐ UNLEASHED
WASTE MANAGEMENT PLAN HAS BEEN DESCRIBED IN THE CONTINGENCY PLAN ATTACHED TO THIS APPLICATION.				

FOOD & MERCHANDISE SALES

I UNDERSTAND THAT ALL VENDORS MUST OBTAIN A PARK CITY BUSINESS LICENSE. ALL VENDORS SERVING FOOD OR DRINKS MAY BE REQUIRED TO OBTAIN A FOOD SERVICE OR FOOD HANDLERS PERMIT FROM SUMMIT COUNTY.

WILL THERE BE SALE OF MERCHANDISE?:	☐ YES	☒ NO
WILL THERE BE COMPLIMENTARY FOOD?:	☐ YES	☒ NO
WILL THERE BE SALE OF FOOD?:	☒ YES	☐ NO
WILL THERE BE ALCOHOL FOR SALE?:	☒ YES	☐ NO
☒	☐	☐
BEER	WINE	LIQUOR

I HAVE CONTACTED THE PARK CITY FINANCE DEPARTMENT REGARDING REQUIREMENTS FOR BEER & LIQUOR LICENSES.



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I UNDERSTAND THAT THE UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (UDABC) MAY REQUIRE OTHER PERMITS. Yes

WILL FOOD ITEMS BE PRE-PACKAGED?: ☐ YES ☒ NO

WILL FOOD ITEMS BE COOKED ON SITE?: ☒ YES ☐ NO

I UNDERSTAND THAT IF COOKING IS ONSITE, A PARK CITY BUILDING/FIRE PERMIT MAY BE REQUIRED. Yes

WILL FOOD ITEMS BE PREPARED OFFSITE?: ☐ YES ☒ NO

DESCRIBE ITEMS:
one food truck will be present

TEMPORARY SIGNS

WILL THERE BE TEMPORARY SIGNS AT THE EVENT?: ☒ YES ☐ NO

I HAVE ATTACHED A SIGN PLAN DESCRIBING THE CONTENT, SIZES AND LOCATIONS IN THE CONTINGENCY PLAN.

SAFETY - SECURITY

THE EMERGENCY AND SECURITY PLAN HAS BEEN ATTACHED IN THE OPERATIONS PLAN, INCLUDING CROWD CONTROL, ACCESS, FIRST AID. AFTER REVIEW OF THIS APPLICATION, REQUIREMENTS FOR EMTS, FIRE AND POLICE SERVICES WILL BE DETERMINED AS PART OF THE CONDITIONS OF APPROVAL OF THIS EVENT. THE SPECIAL EVENTS DEPARTMENT WILL BE ABLE TO GIVE THE APPLICANT AN ESTIMATE OF SUCH CITY SERVICE REQUIREMENTS.

THE EVENT WILL REQUIRE LAW ENFORCEMENT SERVICES BEYOND ROUTINE PERIODIC PATROL.

THE EVENT WILL NOT REQUIRE LAW ENFORCEMENT SERVICES BEYOND ROUTINE PERIODIC PATROL.

COMMUNICATION NEEDS

WILL THERE BE INSTALLATION OF AN ANTENNA FOR COMMUNICATION NEEDS?: ☐ YES ☒ NO

INSTALLATION OF AN ANTENNA FOR COMMUNICATION IS INDICATED IN THE SITE PLAN WITH SPECIFICATIONS.

MARKETING OF EVENT

PROPER MARKING OF YOUR EVENT IS VITAL TO ITS SUCCESS. PLEASE CONTACT THE PARK CITY CHAMBER FOR ADDITIONAL INFORMATION AND ASSISTANCE: www.visitparkcity.com

☒ I HAVE CHOSEN TO LIST INFORMATION REGARDING MY EVENT ON THE PARK CITY CHAMBER'S WEBSITE.

I HAVE CHOSEN NOT TO LIST INFORMATION REGARDING MY EVENT ON THE PARK CITY CHAMBER'S WEBSITE.

WHO IS THE TARGET MARKET FOR THIS EVENT?: over 21 locals & media

WHERE IS THE TARGET MARKET FOR THIS EVENT?: (choose all that apply)

☒
LOCAL

☐
REGIONAL

☐
NATIONAL

☐
INTERNATIONAL

WILL THIS EVENT BE FILMED AND TELEVISED?: (choose all that apply) ☐ YES ☐ NO

☐
LOCAL

☐
REGIONAL

☐
NATIONAL

☐
INTERNATIONAL

PLEASE LIST ALL ADVERTISEMENT INCLUDING MEDIA COVERAGE, NEWSPAPER AND MAGAZINES:

MEDIA (RADIO/TV): KPCW

NEWSPAPER: Park Record

MAGAZINES:

OTHER: social media

PLEASE SELECT RANGE OF MARKETING BUDGET:



\$100 OR UNDER



\$100 - \$500



\$500 - \$1,000



\$1,000 - \$2,500



ABOVE \$2,500



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APPLICANT AGREEMENT & SIGNATURE

I, the undersigned representative, have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein, including supporting documentation is complete and accurate.

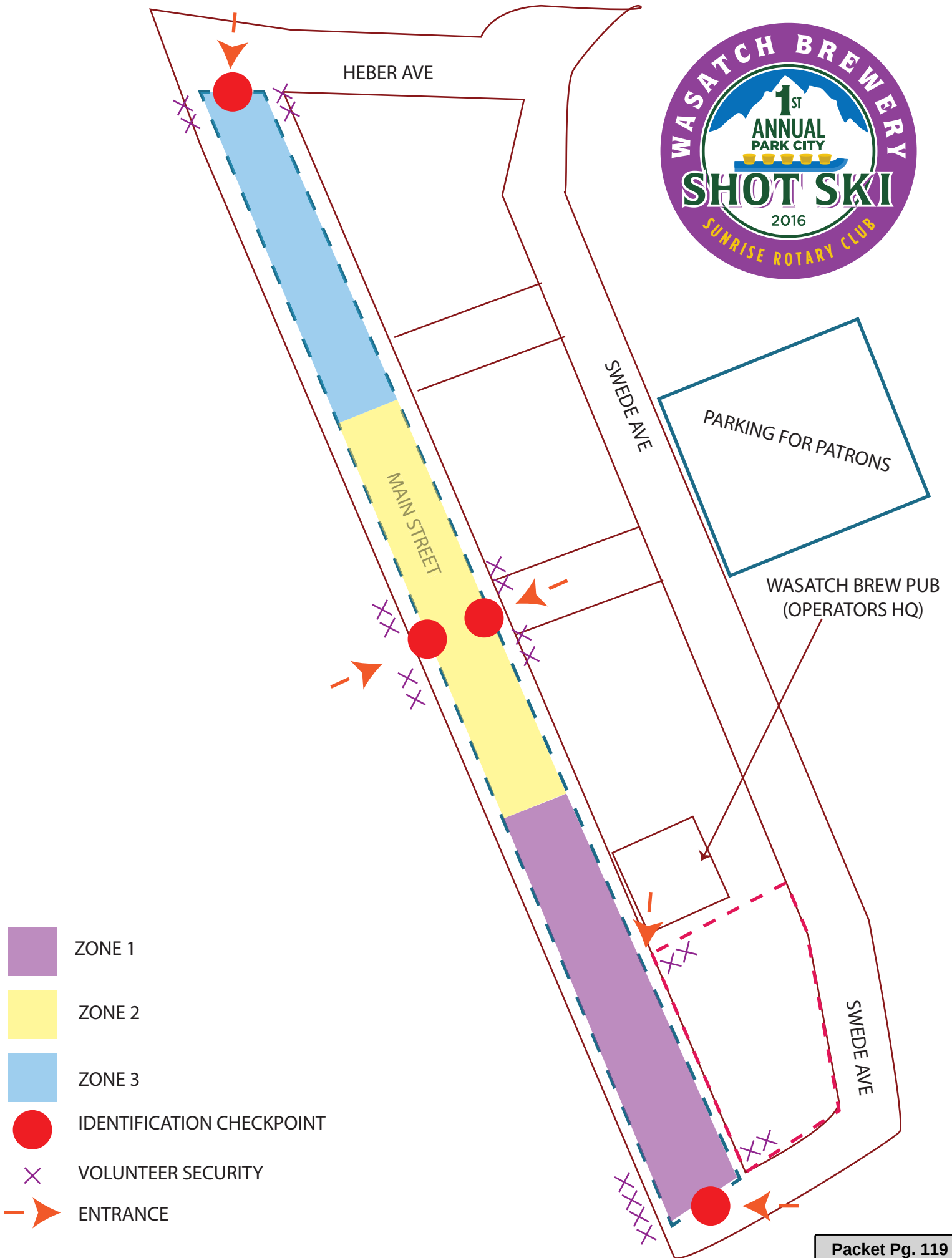
Name (Printed):

Lauren Boyack

Signature:

L Boyack

Date: 07.28.16





SPECIAL EVENT PERMIT

Level of Permit: Level 1 Level 2 X Level 3
Event Name: Park City Shot Ski
Event Date(s): Saturday, October 22, 2016
Event Location: Main Street from Heber Ave to Swede Alley & the Brew Pub
 Parking Lot
Licensee: Salt Lake Brewing Co. DBA. Wasatch Brew Pub
Contact Person: Lauren Boyack
Approved By: Special Events Coordinator X City Council of Park City
Approval Date: Thursday, September 15, 2016

The City Council of Park City has approved the Special Event Permit for the Park City Shot Ski on Saturday, October 22, 2016. This Special Event License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(C) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Park City Shot Ski will be held on Saturday, October 22, 2016. The event will last from 12:00pm to 6pm. There will be a Beer Garden area located in the Brew Pub Parking Lot from 12:00pm to 6:00pm with a live band and a food truck. Access to the Beer Garden area as well as participation in the Shot Ski event on Main Street is limited to persons 21 years of age and over.
2. Main Street - Parking will be removed along Main Street from Heber Ave to Swede Alley starting at 6am. A full street closure will begin at 10:00am. Volunteers assigned by the organizer will control access and check for proper identification. The activity will take place at 2pm. Main Street will reopen to regular traffic by 4:00pm
3. Brew Pub Lot / Beer Garden – Setup will begin at 6:00am, Activities will take place from 12:00pm – 6pm. The Brew pub lot will be reopened to regular parking activity by 9:00pm
4. All consumption of alcohol shall be in defined areas and in accordance with permits and approvals issued by the Utah Department of Alcohol and Beverage Control.

Parking for the anticipated crowd of 2000 participants can be accommodated within China Bridge and the adjacent public parking areas. The Applicant has secured use of the Park City High School for parking for the event and has coordinated with city staff to have signage directing participants to park there.

- 5.
6. The events associated with the Park City Shot Ski will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
7. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
8. There are no other Special Event Permits that have been granted for October 22, 2016.
9. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
10. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. The applicant will work with City Staff to orient the activities so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
 - (A) The program manager, or his/her designee, shall provide on-site management for each aspect of the event.
 - (B) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage. No amplified sound is permitted before 10:00 a.m. or after 10:00 p.m.
 - (C) All events, except race fee entry, shall be open to the public and free of charge.
3. Applicants shall provide proof of liability insurance in the amount of four

Exhibit C – 2016 Park City Shot Ski Findings & Conditions of Approval

million dollars (\$4,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.

4. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by Friday, October 14, 2016.
5. The applicant is responsible for a Parking and Pedestrian Management Plan in a form approved by the Park City Municipal Event Manager and Chief of Police.
6. The applicant use of barricade and signage will be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
7. All Summit and Wasatch County and State of Utah permit approvals required for this event shall be secured by Friday, October 14, 2016 and submitted to Park City Municipal.

APPROVED this Thursday, the 15th day of September, 2016

PARK CITY MUNICIPAL CORPORATION

City Manager, Diane Foster

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney



DATE: September 15, 2016

TO HONORABLE MAYOR AND COUNCIL

Planning Staff is in the process of reviewing the Land Management Code (LMC). The review includes various administrative and substantive items to align the LMC with the adopted General Plan, to address issues and inconsistencies that have come up over the past year, and to align the LMC with changes made to the State Code.

Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

On June 22nd and August 10th, 2016 the Planning Commission conducted public hearings and forwarded positive recommendations on these LMC Amendments.

The following amendments are proposed:

- 1) Standards for review of Conditional Use and Master Planned Development applications with regard to the General Plan (**Chapters 1 and 6**);
- 2) Common wall development (**Chapter 2** add to HR-1, HR-2, RC, and CT Districts and amend HRM, HRC, R-1, SF, RD, RDM, RM, RC, GC, and LI);
- 3) Exceptions to building height and building footprint requirements for historic structures as valid complying structures (HRL, HR1, HR2, HRM, HRC, and RC) and clarification of building height exceptions for garages on downhill lots in HRL, HR-1, HR2 and RC (**Chapter 2**);
- 4) Steep Slope CUP applicability in HRL, HR-1 and HR-2 (**Chapter 2**);
- 5) Consistent language for screening mechanical service, delivery and loading areas in districts with commercial uses (**Chapter 2** for HRM, HRC, LI, CT and add to RC and GC);
- 6) Barrel roof form (**Chapter 2** for HRC, R-1, SF, RD, RDM, RM, RC, GC, LI, ROS, POS, E, E-40, CT, and PUT);
- 7) Submittal requirements for MPD applications and MPD review to include historic structures report and other historic site information (**Chapter 6**);
- 8) Review criteria for designating sites to the Historic Sites Inventory, (**Chapter 11**);

- 9) Notice, vesting, appeals, and exactions requirements and procedures, including State code changes (**Chapter 1**);
- 10) State code changes to subdivision regulations and procedures (**Chapters 7 and 7.1**); and
- 11) Definitions for Affected Entity, Barrel roof, Billboard, Essential Historical Form, Historic Structures Report, Office, Qualified Historic Preservation Professional, and Utah Public Notice Website (**Chapter 15**)

Respectfully:

Kirsten Whetstone, Senior Planner

City Council Staff Report



PLANNING DEPARTMENT

Application: PL-16-03115
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: September 15, 2016
Type of Item: Legislative- Land Management Code (LMC) Amendments

Recommendation

Staff recommends the City Council review proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider approving these amendments pursuant to the attached Ordinance.

Description

Project Name: LMC Amendments
Approximate Location: Citywide
Proposal: Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding the following:
1) Standards for review of Conditional Use and Master Planned Development applications with regard to the General Plan (**Chapters 1 and 6**);
2) Common wall development (**Chapter 2** add to HR-1, HR-2, RC, and CT Districts and amend HRM, HRC, R-1, SF, RD, RDM, RM, RC, GC, and LI);
3) Exceptions to building height and building footprint requirements for historic structures as valid complying structures (HRL, HR1, HR2, HRM, HRC, and RC) and clarification of building height exceptions for garages on downhill lots in HRL, HR-1, HR2 and RC (**Chapter 2**);
4) Steep Slope CUP applicability in HRL, HR-1 and HR-2 (**Chapter 2**);
5) Consistent language for screening mechanical service, delivery and loading areas in districts with commercial uses (**Chapter 2** for HR-2, HRC, LI, PUT, CT and add to RC and GC);
6) Barrel roof form (**Chapter 2** for HRC, R-1, SF, RD, RDM, RM, RC, GC, LI, ROS, POS, E, E-40, CT, and PUT);
7) Submittal requirements for MPD applications and MPD review to include historic structures report and other historic site information (**Chapter 6**);
8) Review criteria for designating sites to the Historic Sites Inventory, (**Chapter 11**);

- 9) Notice, vesting, appeals, and exactions requirements and procedures, including State code changes (**Chapter 1**);
- 10) State code changes to subdivision regulations and procedures (**Chapters 7 and 7.1**); and
- 11) Definitions for Affected Entity, Barrel roof, Billboard, Essential Historical Form, Historic Structures Report, Office, Qualified Historic Preservation Professional, and Utah Public Notice Website (**Chapter 15**)

Executive Summary

Planning Staff is in the process of reviewing the Land Management Code (LMC). The review includes various administrative and substantive items to align the LMC with the adopted General Plan, to address issues and inconsistencies that have come up over the past year, and to align the LMC with changes made to the State Code. Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council. On June 22nd and August 10th, 2016 the Planning Commission conducted public hearings, made some amendments to the proposed language, and forwarded positive recommendations on these LMC Amendments.

Acronyms

The following are acronyms used in this report:

AICP- American Institute of Certified Planners
CUP- Conditional Use Permit
FAR- Floor Area Ratio
LMC- Land Management Code
MPD- Master Planned Development
SF- Square Feet (also sf) (see SF zoning district below)

Zoning Districts:

HRL- Historic Residential Low Density District
HR-1- Historic Residential District
HR2- Historic Residential 2 District
HRM- Historic Residential Medium Density District
HRC- Historic Recreation Commercial District
ROS- Recreation Open Space District
POS- Protected Open Space District
E-40- Rural Estate District
E- Estate District
SF- Single Family District
R-1- Residential District
RD- Residential Development District
RDM- Residential Development Medium Density District
RM- Residential Medium Density District
RC- Recreation Commercial District
GC- General Commercial District
LI- Light Industrial District
PUT- Public Use Transition District
CT- Community Transition

Purpose of the Land Management Code

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the (adopted) Park City General Plan, and for the following purposes:

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- (B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,
- (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
- (D) To protect the tax base and to secure economy in governmental expenditures,
- (E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
- (F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
- (G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,
- (H) To protect and ensure access to sunlight for solar energy devices, and
- (I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to make amendments on a regular basis and to fully exercise all of the powers granted to the City by the provisions of the Municipal Land Use Development and Management Act, Title 10 Chapter 9a of the Utah Code Annotated, 1991, as amended and all other powers granted by statute or by common law, for the necessary regulation of the Use and Development of land within the City.

General Plan

These proposed Land Management Code (LMC) amendments have been reviewed for consistency with the current adopted Park City General Plan. The LMC 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

neighborhoods and unique character and values. Additionally, the LMC is intended to be updated on a regular basis to stay current with State Law.

Background

On April 13th and April 27th, 2016, the Planning Commission met in work session to discuss and prioritize various lists of LMC Amendments. LMC amendments were discussed and placed into three groupings, namely, minimum, moderate, and significant based on an estimate of the amount of staff and commission time each would entail. These groupings were then prioritized as to importance (see Exhibit H). LMC Amendments presented in this report are from the “minimum group” as they are primarily clarification of existing language and definitions. After completion of these more administrative amendments, staff will be bringing forward items from the priority lists in Exhibit H in the coming months. While primarily administrative, as discussed in the Analysis Section below, certain amendments are also substantive changes to the existing Code.

On June 22, 2016, the Planning Commission conducted a public hearing, discussed items in this report and forwarded to City Council unanimously with a positive recommendation. Several items were continued to August 10th for further staff research and discussion.

On August 10, 2016, the remaining items, with the exception of amendments related to landscaping and lighting requirements (Chapter 5), were forwarded to City Council unanimously with a positive recommendation. Staff combined all of the forwarded items into this report. Amendments to Chapter 5 were continued to a date uncertain and will be re-noticed for Planning Commission and Council hearings in the near future (see Exhibit G –minutes of PC meetings).

Analysis

Proposed LMC Amendments

- 1. Standards for review of Conditional Use Permit and MPD applications (See Exhibit A- Chapter 1 General Provisions and Procedures and Exhibit C- Chapter 6 Master Planned Developments).**

Background: General plan means “a document that a municipality adopts that sets forth general guidelines for future development of the land within the municipality”. Conditional use means “a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts”. Master Planned Development provisions “set forth use, density, height, parking, design theme and general site planning criteria for larger and/or more complex projects having a variety of constraints and challenges...”

Final action on Conditional Use Permit and Master Planned Development applications is an administrative action, as opposed to a legislative action on

items such as annexations, re-zonings, code amendments, etc. where policy and compliance with the goals and objectives of the community's General Plan are paramount.

For administrative actions, such as CUPs and MPDs, the LMC outlines specific standards for review (conclusions) and review criteria (findings of issue mitigation) that the application must comply with in order to receive a positive action.

The current LMC includes as part of its standard for review of CUP applications, that "the Use is consistent with the Park City General Plan, as amended" and fifteen specific items that the application is reviewed against to determine whether any potential impacts can be or are mitigated by the proposed application. Current code also includes fifteen required findings and conclusions of law, of which one is "the MPD, as conditioned, is consistent with the Park City General Plan".

Reviewing these administrative applications against an overly broad General Plan broadens the review to a more legislative or policy directed review.

Purpose of Amendments: The purpose of these amendments is to make a clear distinction between standards for review and required findings and conclusions of law, for administrative applications, such as Conditional Use Permits and Master Planned Developments and standards for review for legislative actions, such as LMC Amendments, re-zoning requests, subdivisions, and annexations.

Implications and consequences: The primary implication of these amendments is to identify the review of an application (CUP or MPD) for consistency with the Park City General Plan as one of the review criteria to be considered in total and weighed against the other criteria, as opposed to a standard of review or required finding of fact or conclusion of law that alone is binding.

By its nature as a broad, overarching document, the General Plan provides guidance as to priorities, use, purposes for land use decisions while the Land Management Code provides detailed regulations for specific land use applications.

Review of these administrative applications for consistency with the goals and objectives of the General Plan is correct as one review criteria, allowing the overall review to also focus on more specific criteria. Additionally, making findings of compliance with the General Plan for these administrative applications is not supported by the Utah State Code.

Staff recommendation: Staff recommends deleting Conditional Use Standards for Review Section 15-1-10 (D) item (3) written currently as:

(3) the Use is consistent with the Park City General Plan, as amended.

And inserting, under (Conditional Use Permit) Review Section 15-1-10 (E), a new review item as follows:

(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

Staff similarly proposes amendments to Chapter 6 regarding the Required Findings and Conclusions of Law regarding MPDs in Section 15-6-6. Staff proposes deleting 15-6-6 (C) written currently as:

(C) The MPD, as conditioned, is consistent with the Park City General Plan.”

and inserting instead, under 15-6-5 MPD Requirements:

(N) GENERAL PLAN REVIEW. All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.”

Therefore, Staff proposes the following redlines:

15-1-10 CONDITIONAL USE REVIEW PROCESS.

...

(D) **STANDARDS FOR REVIEW.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

- (1) the Application complies with all requirements of this LMC;
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
- ~~(3) the Use is consistent with the Park City General Plan, as amended; and~~
- (34) the effects of any differences in Use or scale have been mitigated through careful planning.

(E) **REVIEW.** The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

(1).... (15)

(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

15- 6- 5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) – (M) ...

(N) **GENERAL PLAN REVIEW.** All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

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

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

~~(C) The MPD, as conditioned, is consistent with the Park City General Plan;~~

- 2. Adding provisions for common wall development with a party wall agreement in HR-1, HR-2, RC, and CT Districts and amending language to be consistent in the HRM, HRC, R-1, SF, RD, RDM, RM, RC, GC and LI (See Exhibits B2, B3, B4, and B7- Chapters HR-1, HR-2, RC and CT and Exhibit B8 for HRM, HRC, R-1, SF, RD, RDM, RM, RC, GC and LI).**

Background: In the past, duplexes, and some triplexes, were constructed on a single lot, or on individual lots, connected at the common property line with a common wall. When individual ownership of the units was desired staff directed owners to go through the condominium plat process to create individually saleable lots. Condominium plats for two and three units create financing issues for property owners, and in some cases affordability issues have arisen, due to financing constraints, as well as the cost of the condominium plat.

Purpose of Amendments: The purpose of these amendments is to allow individual ownership of connected dwelling units that are situated on individual

platted lots, without the requirement of a condominium plat, provided construction meets applicable Building and Fire codes, and a party wall agreement is recorded against the lots.

Implications and consequences: These amendments can remedy barriers to ownership of one half of a duplex or one third of a triplex (or other multi-unit dwelling in zones where such multi-unit dwellings are permitted). Currently, these units can only be sold individually if the project is condominiumized. Removing the requirement for a condominium plat can have positive implications on the availability, financing, and affordability of such attached housing units. Additionally, there are existing duplexes in Old Town, as well as in Prospector, located on individual lots where each side is owned separately, but no condominium plat was filed.

One implication of this amendment is that the internal side setback requirements would not apply, as may otherwise be required between detached units on separate lots. In certain Districts, such as the HR-1 and HR-2 Districts the side setbacks are determined by the width of a lot. If a duplex is on a combination of two “old town” lots and the width is 50’ the LMC requires minimum outside side setbacks to be 5’. If the duplex is constructed as two units with a common party wall on the property line and if each unit is located on a single lot with a width of 25’, then the minimum outside setback is 3’ rather than 5’. Staff recommends that setbacks are based on the width of each individual lot; however the Planning Commission may increase setbacks during the CUP review to mitigate impacts of the proposed building on neighboring properties.

Another implication of this amendment is that the total building footprint of two combined old town lots is 1,519 SF as opposed to the building footprint of a single lot which is 844 SF (1,688 SF for two lots). If building footprint for common wall development is based on the combined lot size then there is no increased footprint. If building footprint is based on individual lot size then the total footprint would be 169 SF more. Staff recommends that building footprint is based on underlying lots; however the Planning Commission may decrease the footprint during the CUP review to mitigate impacts of the proposed building on neighboring properties.

In the Districts where this language already exists, namely in the R-1, HRM, HRC, SF, RD, RDM, RM, RC (except for single family and duplexes), GC, and LI, setbacks for all uses and lot sizes, are the same, and the code does not require additional setbacks for duplexes or tri-plexes. Compliance with floor area ratio (FAR) and other coverage requirements is still required.

In the HR-1 and HR-2 districts, as well as the RC District for single family and duplex uses, duplexes require a CUP application and approval by the Planning Commission. Triplexes are not allowed, so the proposed code language in the

HR-1 and HR-2 is only for duplexes. Multi-dwelling units are permitted in the CT, as part of an MPD, such as the townhouse units at Park City Heights. The recommended language includes, as a condition of a Conditional Use Permit in HR-1, HR-2, and RC that increased exterior side setbacks and decreased building footprint may be required to mitigate potential impacts on adjacent properties.

Setbacks and building footprint, in other zones where this language already exists, are not based on use or lot size. Common wall development with a party wall agreement is currently allowed in the HRM, HRC, SF, R-1, RD, RDM, RM, RC (for tri-plexes and multi-dwelling units), GC and LI districts (Chapter 2). These proposed amendments allow construction of attached units, with each unit on a separate lot, without requirement of a condominium plat for HR-1, HR-2, and RC zoned property, provided there is a party wall agreement recorded against the lots, and make the language consistent throughout the districts.

Underlying uses of the districts still apply, e.g. three units could not be connected as these districts (HR-1, HR-2 and RC (single family and duplexes only)) do not allow for tri-plexes. The districts where a common wall development is allowed all allow at least a duplex, as an allowed or conditional use.

Staff recommendation: The following language is proposed to be added to the HR-1, HR-2, RC, and CT districts under Lot and Site Requirements- Side Yard and amendments are proposed to HRM, HRC, R-1, SF, RD, RDM, RM, RC, GC, and LI to make these districts consistent (see Exhibit B):

A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

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.

3. **Allow Historic Structures that do not comply with Building Footprint and Building Height, including the ten (10') minimum horizontal step and the 35' maximum height requirement, in HRL, HR-1, HR2, HRM, HRC and RC District (for single family and duplexes), to be considered as valid Complying Structures and provide additional clarification regarding**

**Building Height exceptions for garages on downhill lots in these Districts
(See Exhibit B- Chapters 2.1 HRL, 2.2 HR-1, 2.3 HR2, 2.4 HRM, 2.5 HRC, and
2.16 RC).**

Background: In the HRL, HR-1, HR2, HRM, HRC, and RC Zoning Districts the LMC describes Historic Structures that don't comply with Building Setbacks, Off-Street parking, and driveway location standards as valid Complying Structures. There are also some Historic Structures that also don't comply with current Building Footprint and Building Height, in particular to the required ten-foot stepping requirement.

During review of these amendments Staff encountered several unique situations with very steep lots and with historic structures located well below or above the streets, and attempted to revise the Code to address some of these unique or extreme situations. In trying to accommodate the extreme cases, Staff was concerned that previous considered amendments could open the Code to unknown consequences and decided not to address the most extreme situations. When a lot has such unique characteristics it makes more sense to apply for a variance.

Purpose of Amendments: The purpose of these amendments is to recognize that the Building Footprint and Building Height of Significant and Landmark Historic Structures should be recognized as legal non-complying structures, and that such historic structures should not have to be modified to comply with current regulations for new construction. Additionally, the current language regarding height exceptions for garages, circulation and ADA elevators on downhill lots was not clear and staff desired to provide more clarity.

Implications and consequences: The first part of these amendments provides clarification that historic structures that don't comply with the current required Building Footprint and Building Height requirements are valid Complying Structures.

The second part provides clarification for Building Height exceptions for garages on downhill lots, in particular on very steep slopes where the depth of a garage with a pitched roof can exceed the standard 27' from existing grade. The current language is open to various interpretations and can be difficult to apply consistently. The proposed language provides clarification as to what "in tandem configuration" means and clarifies that circulation, stairs, elevators, and reasonably sized front entry areas and porches are allowed to be accommodated by the height exception; provided these elements contribute to a compatible streetscape and the Building Height for these elements does not exceed thirty-five feet (35') from Existing Grade (the 35' is consistent with the current language).

If these amendments are adopted, the Planning Commission will review and decide on such requests for Building Height exceptions, during review of a Steep Slope CUP. Currently the decision is made by the Planning Director.

Staff recommendation: Staff proposes amendments to add the following language to the HRL, HR-1, HR2, HRM, HRC, and RC Districts (see Exhibit B) for existing historic structures:

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with **Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards** are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create Lockout Units or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height. All Conditional Uses 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 Setbacks, and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the adopted International Building and Fire Codes, and
- (5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

Staff recommendation: Staff proposes amendments to add the following language to the HRL, HR-1, HR2, and RC Districts (see Exhibit B) to clarify Building Height exceptions for garages on downhill lots and to have the Planning Commission, as opposed to the Planning Director, review such requests for Building Height exceptions during review of a Steep Slope CUP. The language is the same, but the “Section” numbering will change for HR-1, HR-2, and RC (see Exhibit B).

(4) **GARAGE ON DOWNHILL LOT.** The Planning ~~Director~~ Commission may allow additional **Building Height (see Section 15-2.1-5) height** 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 ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may~~

~~be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height height may not exceed thirty-five feet (35') from Existing Grade.

4. Clarify Steep Slope CUP applicability (See Exhibit B – Chapter 2 (HRL, HR-1, and HR-2 Zoning Districts)).

Background: Based on various applicants' interpretations of the applicability of the Steep Slope CUP, Staff sees a need to clarify that Steep Slope CUP applications apply when development occurs on the Steep Slope as well as when projected over the Steep Slope, as is the case with setback regulations.

Purpose of Amendments: The purpose of these amendments is to clarify that the Steep Slope Conditional Use review process applies when development occurs on and over slopes that are 30% and greater.

Implications and consequences: Approval of these amendments provides clarity as to the application of the Steep Slope CUP criteria. There is no change in the way Staff is interpreting and applying the criteria.

Staff recommendation: Staff recommends that the following language be added to the Development on Steep Slopes regulations in Chapter 2 (HRL, HR-1, and HR-2):

(A) CONDITIONAL USE.

(1) A Steep Slope 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 ~~upon~~ **on or projecting over** an existing Slope of thirty percent (30%) or greater.

(2) A Steep Slope 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 ~~upon~~ **on or projecting over** an existing Slope of thirty percent (30%) or greater.

(3) A Steep Slope Conditional Use permit is require for any Access driveway located ~~upon~~ **on or projecting over** an existing slope of (30%) or greater.

5. Provide consistent language for mechanical service, delivery, and loading areas in HR2, HRC, RC, GC, LI, PUT, and CT Districts (See Exhibit B).

Background: Section 15-2.19-9 Mechanical Services, Delivery, and Loading Areas in the Light Industrial (LI) District, includes specific requirements for mechanical service, delivery and loading areas that are not included in the General Commercial (GC) and Recreation Commercial (RC) Districts, and are worded differently in the HR2, HRC, PUT, and CT Districts.

Purpose of Amendments: The purpose of these amendments is for consistency between Chapters and to clarify language regarding screening of mechanical equipment in Districts with commercial uses.

Implications and consequences: Approving the amendments makes the code language consistent between districts.

Staff recommendation: Include the following language in RC and GC and change “eliminate” to “mitigate” in LI, make other minor changes, and amend HR2, HRC, PUT, and CT districts to be consistent. There is some variation between districts that remain, such as districts which have separate sections for “Mechanical Service” from “Delivery and Loading Areas”.

15-2.18-8. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS. All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to ~~eliminate~~ 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.

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.

6. **Allow barrel roofs as a permitted roof form (See Exhibit B – Chapters HRC 2.5, ROS 2.7, POS 2.8, E-40 2.9, E 2.10, SF 2.11, R-1 2.12, RD 2.13, RDM 2.14, RM 2.15, RC 2.16, GC 2.18, LI 2.19, PUT 2.22, and CT 2.23).**

Background: The architectural community has approached Planning Staff to consider allowing barrel roofs as a permitted roof form and to provide direction in the LMC regarding whether a barrel roof is permitted the additional 5’ of building height as is currently allowed for pitched roofs of 4:12 or greater.

Purpose of Amendments: The purpose of this amendment is to include barrel roofs as a permitted roof form and to allow the additional 5’ of building height provided the barrel fits within a 4:12 pitched roof, using the tangents to the curved roof to measure.

Implications and consequences: Including “barrel roof” in the height sections allows this roof form to be proposed and allows an additional 5’ of building height for barrel roofs provided they are consistent with a 4:12 pitched roof, as described below.

Staff recommendation: Staff proposes the term “barrel roof” be defined and added to Chapter 15. Staff recommends the following amendments to Building Height in all Chapter 2, Districts, with the exception of HRL, HR1, HR2, HRM, and HCB (which don’t allow additional building height over 27’) to allow for additional five feet (5’) of building height for barrel roofs, as is currently allowed for gable, hip, or similar pitched roof. Additional height will be permitted if the tangents to the barrel roof create a minimum 4:12 “pitch” triangle. This measurement method will be identified in the Planners policy manual. The Historic District Design Guidelines will address barrel roof form in the historic district. These amendments address the building height exception for various roof forms.

BUILDING HEIGHT EXCEPTIONS. To allow for a pitched roof and to provide useable space within the Structure, the following height exceptions apply:

- (1) A gable, hip, **Barrel**, or similar pitched roof may extend up to five feet (5’) above the Zone Height, if the roof pitch is 4:12 or greater.

Staff recommends including the language regarding barrel roofs in the following Districts:

HRC	Section 15-2.5-5 (A) (1)
ROS	Section 15-2.7-4 (A) (1)
POS	Section 15-2.8-4 (A) (1)
E-40	Section 15-2.9-4 (A) (1)
E	Section 15-2.10-4 (A) (1)
SF	Section 15-2.11-4 (A) (1)
R-1	Section 15-2.12-5 (A) (1)
RD	Section 15-2.13-4 (A) (1)
RDM	Section 15-2.14-4 (A) (1)
RM	Section 15-2.15-5 (A) (1)
RC	Section 15-2.16-4 (A) (1)
GC	Section 15-2.18-4 (A) (1)
LI	Section 15-2.19-6 (A) (1)
PUT	Section 15-2.22-4 (B) (1)
CT	Section 15-2.23-5 (A) (1)

Staff recommends including in Chapter 15- Defined Terms a definition for “barrel roof” as follows:

BARREL ROOF. A roof with a semi-cylindrical form and having a semi-circular cross section.

7. **Master Planned Development (MPD) submittal requirements requiring Historic Sites Report (See Exhibit C- Chapter 6 Master Planned Developments).**

Background: Staff is proposing certain amendments regarding existing historic structures to ensure that review of Master Planned Development applications is consistent with the goals of the General Plan, including understanding and preserving Park City's cultural heritage. In 2015, requirements were added to the MPD Chapter to include Mine Hazards and Historic Mine Waste Mitigation, as well as including a list and map of all known physical mine hazards, as part of the MPD Development Agreement. During review of various approved Master Planned Developments Staff recognized that a similar requirement for Historic Structures should be included to get a complete picture of the existing property in order to take into consideration the designation and preservation of significant historic structures and sites.

Purpose of Amendments: The purpose of these amendments is to ensure that review of MPD applications is consistent with the Zoning Districts as well as the goals of the General Plan, including understanding and preserving Park City's cultural heritage.

Implications and consequences: The first proposed amendment was a clarification and reiteration that MPDs must be consistent in terms of "land uses" with the underlying zoning districts. Staff recommended to the Planning Commission, additional language to the applicability Section 15-6-2 (D) regarding MPDs permitted only when uses within the MPD are allowed or conditional in the zoning district. The Planning Commission reviewed and forwarded this language. Upon further review Staff believes the amendment is duplicative of language already in Section 15-6-3 (A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone (s) in which it is located...). Staff has therefore deleted the previously proposed amendment regarding applicability.

The second of the proposed amendments requires submittal of a Historic Structures Report (HSR) with the MPD application. These amendments have consequences in terms of how changes to the MPD proposal may impact the historic structures, such as if the boundary changes during the review. An option Staff discussed is to require an inventory or reconnaissance level survey of historic structures and sites at the time of the MPD application and then the Historic Structures Report required as part of the final Development Agreement once the MPD is approved. Having a report that documents historic structures located within an MPD provides information that the Staff and Planning Commission can use to review the site plan and general layout of development in determining whether the MPD meets the required review criteria and can be approved.

Staff will administratively amend the MPD application form making it clear what portions of the HSR are due with the application and what portions will be required to be recorded with the Development Agreement, if an MPD is approved by the Planning Commission.

Staff recommendation: Staff recommends amendments to Chapter 6 regarding MPD Development Agreements, in Section 15-6-4 (G), to include an inventory of Historic Structures, as well as a report that provides for an explanation of the inventory and any proposed mitigation measures for Historic Sites within the MPD. Staff recommends the following language:

15-6-4. PROCESS.

...

(G) DEVELOPMENT AGREEMENT.

Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

...

(9) A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a Qualified Historic Preservation Professional.

Additionally, Staff reviewed Section 15-6-5 (MPD) REQUIREMENTS and noted that while Mine Hazards and Historic Mine Waste Mitigation are listed as MPD requirements, a map and report of Historic Sites are not currently required. Staff proposes certain terms be defined (in Caps) and proposes amendments to Section 15-6-5 to include the following language:

15-6-5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

...

(O) HISTORIC SITES. All MPD Applications shall include a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report, as further described on the MPD application. The Historic Structures Report shall be prepared by a Qualified Historic Preservation Professional.

Staff also proposes amendments to Section 15-6-6-REQUIRED FINDINGS AND CONCLUSIONS OF LAW as follows:

15-6-6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

...

(O) The MPD, as conditioned, addresses and mitigates Historic Structures and Sites on the Property, according to accepted City regulations and policies.

8. Amendments related to Historic Preservation process (See Exhibit E-Chapter Eleven).

Background: On December 17, 2015, City Council amended the Land Management Code provisions for designating sites to the Historic Sites Inventory. The purpose of these amendments was to modify the criteria for the “Significant” designation as well as add a third category, “Contributory” to the Historic Sites Inventory.

Purpose of amendments: Staff has been using the amended criteria in the Historic Preservation Board (HPB)’s review of Determination of Significance (DOS) applications. There was a scrivener’s mistake which confused the placement of some of the “ors” and “ands.” Further, “Essential” in “Essential Historical Form” had been eliminated as part of the December 2015 revisions and needs to be included as “Essential Historical Form” is a defined term. The definition of this term, per [LMC 15-15-1.96](#) is “the physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.”

Implications and consequences: Under the Significant designation, the “and” ensures that the structure being reviewed meets Criterion A, B, C, and D. Within the subsections of these Criterion, the “Or” provides an opportunity for the site to meet one of the examples listed, but does not require that all the criteria are met. For instance, in Criterion B, the site must retain its Essential Historical Form. This may be demonstrated by (i) receiving a historic grant from the City in the past, OR (ii) being previously listed on the Historic Sites Inventory, OR being listed as Significant on any reconnaissance or intensive level survey in the past. By adding the word “Essential” to “Historical Form” we are avoiding confusion and referencing back to the adopted definition.

Staff recommendation: Staff recommends making these changes to LMC 15-11 to provide greater clarity and consistency to the criteria used for designating sites as Landmark and Significant on the City’s Historic Sites Inventory:

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

A. CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

1. **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the [Planning Department Historic Preservation Board](#) finds it meets all the criteria listed below:
 - a. It is at least fifty (50) years old or ~~has achieved Significance or~~ if the Site is of exceptional importance to the community; and
 - b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and
 - c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
 - (i) An era that has made a significant contribution to the broad patterns of our history; ~~or~~
 - (ii) The lives of Persons significant in the history of the community, state, region, or nation; or
 - (iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.
2. **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the [Planning Department Historic Preservation Board](#) finds it meets all the criteria listed below:
 - a. It is at least fifty (50) years old or the Site is of exceptional importance to the community; and
 - b. It retains its **Essential** Historical Form as may be demonstrated but not limited by any of the following:
 - (i) It previously received a historic grant from the City; or
 - (ii) It was previously listed on the Historic Sites Inventory; or
 - (iii) It was listed as Significant ~~or on~~ any reconnaissance or intensive level survey of historic resources; ~~or and~~

- c. It has one (1) or more of the following:
 - (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Essential Historical Form even if it has non-historic additions; ~~and-or~~
 - (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; ~~or-and~~
- d. It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic Importance to the community, or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

9. Notice, vesting, appeals, and exactions requirements (See Exhibit A-Chapter One)

Background: Over the last couple of years a series of LMC amendments to different Chapters resulted in inconsistencies in notice requirements for different types of applications. Additionally, Utah State Code has been amended regarding noticing for various applications. There are new requirements for publishing notice of public hearings on the Utah Public Notice Website and new requirements for timing of notice for certain types of applications. Certain types of applications now require mailed notice. Mailed notices under the LMC are currently courtesy mailings in the LMC. There are new requirements in State Code for exactions, vesting, and appeals.

Purpose of amendment: Clarify these requirements for various types of applications for consistency with the State Code and for consistency between Sections and Chapters within the LMC.

Implications and consequences: Timing of notice for most types of applications is currently 14 days, with the exception of Administrative CUPs and Administrative Permits, which require a 10 day notice. Appeals to the Board of Adjustment require a 14 day notice period, for posted, mailed, and published notice. Appeals of Planning Director, Historic Preservation Board, and Planning Commission decision, and City Council Call-up, require a 7 day notice. Planning Staff discussed this inconsistency and requested that the 7 day notice be changed to a 14 day notice consistent with other notices.

One implication of these amendments is that State Code requires a 10 day notice period, which is an easier timeframe to meet for notices published in the Park Record (a Wednesday and Saturday publication) due to the increased lead time required for Tuesday meetings. Staff found that the consistency of the 14 day notice period outweighed the negatives of the increased lead time. Staff recommends the 14 day notice due to the number of property owners who receive their mail in other states and countries.

When mailed notice is required by the State Code, those notices cannot be considered a "courtesy" mailing. Amendments are required to comply with State Code.

State Code was amended to add certain noticing for Zoning Map Amendments and public improvements, and has made updates to language regarding vesting and exactions.

Staff recommendation: Staff recommends the following amendments to Chapter One of the LMC regarding noticing, vesting, appeals, and exactions (See Exhibit A, Chapter One- General Provisions and Procedures for all of the redlined amendments):

15-1 -7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.

All amendments to the LMC or Zoning Map must be made in the following manner:

(A) **APPLICATION**. An Application must be filed first with the Planning Department on a form prescribed for that purpose. The Planning Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic Preservation Board may initiate an amendment as provided below.

(B) HEARINGS BEFORE PLANNING COMMISSION.

(1) Land Management Code Adoption or Amendments

(a) The Planning Commission shall hold a public hearing on all ~~amendments-adoption or amendments~~ to the LMC. Notice of ~~amendment~~ hearings ~~before the Planning Commission~~ shall be given by doing the following at least fourteen (14) days prior to the first public hearing:

(i) posting notice on the City website or in at least three (3) public places within the City; and

(ii) publishing notice in a newspaper of general circulation within the City; -and

(iii) publishing notice on the Utah Public Notice Website; and

(iv) mailing notice to each Affected Entity (as defined in Chapter 15), ~~posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~

(b) The notice must state ~~the general~~ ~~generally the~~ nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice ~~other than a minimum of 24 hours prior to the meeting~~ posting notice on the City website or in at least three (3) public places within the City until the hearing is closed.

(2) Zoning Map Amendments

(a) In addition to the requirements listed above, before the City holds a hearing to adopt the Official Zoning Map or map amendment, the City shall send a courtesy notice to each Owner whose property is located entirely or partially within the proposed map area, at least fourteen (14) days prior to the scheduled date of the public hearing.

(b) The notice shall:

- (i) identify each Owner of record of real Property that will be affected by the proposed Zoning Map or map amendments; and
- (ii) state the current zone in which the affected property is located;
- (iii) state the proposed new zone for the affected property; and
- (iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the Property will be subject to if the Zoning Map or map amendment is adopted; and
- (v) state that the Owner of the Property may no later than ten (10) days after the date of the first public hearing file a written objection to the inclusion of the Owner's Property in the proposed Zoning Map or map amendment; and
- (vi) state the address where the Property Owner should file the objection; and
- (vii) notify the Property Owner that each written objection filed with the City will be provided to the City Council; and
- (viii) state the location, date, and time of the public hearing.

(c) If written objections are received in matters relating to the adoption of a Zoning Map or map amendment, the Planning Commission shall, in addition to the requirements set forth in 15-1-7(C), consider each objection when adopting its formal recommendation and forward all objections to the City Council.

(C) **ACTION BY PLANNING COMMISSION.** Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council

regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL.** The City Council ~~must~~ shall hold a public hearing on all amendments to the LMC. Notice of ~~the hearings~~ shall be given by doing the following at least fourteen (14) days prior to the first public hearing:

- (i) posting notice on the City website or in at least three (3) public places within the City; and
- (ii) publishing notice in a newspaper of general circulation within the City; and
- (iii) publishing notice on the Utah Public Notice Website; and
- (iv) mailing notice to each Affected Entity (as defined in Chapter 15).

providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.

The notice must state the general nature of the proposed amendment; land affected; and the time, place, and date of the hearing. Once opened the hearing may be continued, if necessary, without re-publication of notice other than a minimum of 24 hours prior to the meeting posting notice on the City website or in at least three (3) public places within the City until the hearing is closed.

Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. - Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS.** At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall be given by following the notice requirements of Subsection D, Hearing Before City Council above. ~~posting notice in at least three (3) public places within the City and by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~

Following the hearing and Commission vote, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(F) **TEMPORARY OR EMERGENCY ~~ZONING~~ LAND USE REGULATIONS.** The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an Ordinance establishing a temporary ~~zoning-land use~~ regulations for any part or all of the Area within the municipality if:

- (1) The City Council makes a finding of compelling, countervailing public interest; or

- (2) The area is unregulated.

Those temporary ~~zoning~~ **land use** regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

15-1 -12. NOTICE.

~~Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic Preservation Board must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter.~~

All notice of public hearing, unless otherwise specified in this Code or State law, must be provided in accordance with this Section and must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

(A) **POSTED NOTICES.** The Planning Department must post notice on the Property affected by the Application and as further specified in Section 15-1-21 Notice Matrix, and on the City's official website or in at least three (3) public locations within the municipality.

(B) **PUBLISHED NOTICE.** Published notice shall be given by publication in a newspaper having general circulation in Park City and by publication on the Utah Public Notice Website, as further specified in Section 15-1-21 Notice Matrix.

(C) **COURTESY-MAILED NOTICE.** Pursuant to Section 15-1-21 Notice Matrix for required or courtesy mailed noticeAs a ~~courtesy~~ to adjacent and surrounding Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Property Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix, together with a mailing list for those Property Owners. The addresses for ~~adjacent~~ Property Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner.

For ~~C~~courtesy mailed notice that is not a legal requirement per Utah State Code, for specific actions and noted herein, and further specified in Section 15-1-21 Notice Matrix,

and any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) **APPLICANT NOTICE.** For each land Use Application, the Planning Department must notify the Applicant of the date, time and place of each public hearing and public meeting to consider the Application and of any ~~F~~final ~~A~~action on the pending Application. A copy of each Staff report regarding the Applicant or the pending Application shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. If the requirements of this subsection are not met, an Applicant may waive the failure so that the Applicant may stay on the agenda and be considered as if the requirements had been met.

(E) **EFFECT OF NOTICE.** Proof that notice was given pursuant to ~~subsections (A) and (B) this Section above~~ is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days after the date of the hearing or action for which the challenged notice was given, the notice is considered adequate and proper.
~~Notice pursuant to subsections (C) and (F) is courtesy only.~~

...
(G) **NOTICE FOR AN AMENDMENT TO PUBLIC IMPROVEMENTS.** Prior to implementing an amendment to adopted specifications for public improvements that apply to Subdivisions or Development, the City shall give thirty (30) days mailed notice and an opportunity to comment to anyone who has requested the notice in writing

...

15-1-17. VESTING.

(A) An Applicant is entitled to a substantive review and approval of a land Use Application if the Application conforms to the requirements of the City's Land Use and Zoning Maps, the municipal specification for public improvements applicable to a Subdivision or Development, and the an applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

(1) the land Use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or

(2) in the manner provided by local ordinance and before the Application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the Application as submitted.

...

15-1-18. APPEALS AND RECONSIDERATION PROCESS.

...

(K) **NOTICE.** There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal.

Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board; ~~and~~ notice of all appeals to City Council, reconsiderations, or call-ups; and notice of appeals to the Board of Adjustment, shall be given by:

(1) Publishing the matter once at least fourteen (14) seven (7) days prior to the first hearing in a newspaper having general circulation in Park City;

(2) ~~By M~~mailing courtesy notice at least fourteen (14) seven (7) days prior to the first hearing to all parties who received mailed courtesy notice for the original action. ~~The City Recorder shall provide noticing for Council call-ups; and~~

(3) Posting the Property at least fourteen (14) seven (7) days prior to the first hearing; and

(4) Publishing notice on the Utah Public Notice website at least fourteen (14) days prior to the first hearing.

~~Notice of appeals to the Board of Adjustment, except for appeals of staff determination regarding Historic District Design Guidelines for City Development projects where the Historic Preservation Board participated in the design review, shall be given by:~~

~~(1) Publishing the matter once at least fourteen (14) days prior to the hearing in a newspaper having a general circulation in Park City;~~

~~(2) By mailing courtesy notice at least fourteen (14) days prior to the hearing to all parties who received mailed courtesy notice for the original action; and~~

~~(3) By posting the property at least fourteen (14) days prior to the hearing.~~

15-1-20. EXACTIONS.

Exaction or exactions may be imposed on Development proposed in a land Use Application if:

(A) An essential link exists between a legitimate governmental interest and each exaction; and

(B) Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed Development.

The City may impose an exaction for another governmental entity upon the governmental entity's request. If the City imposes an exaction on behalf of another governmental entity, the City must transfer the exaction to the requesting governmental entity.

15-1-21. NOTICE MATRIX.

Staff proposes various amendments to the Notice Matrix (LMC Section 15-1-21) to make it consistent with the notice language in the text of LMC Sections 15-1-7 (LMC Amendments and Zoning Map Amendments), 15-1-12 (Notice), and 15-1-18 (Appeals and Reconsideration Process). **(See Exhibit A- Chapter One General Provisions for redlines to the Notice Matrix.)**

10. State Code Changes to Subdivision Sections (See Exhibit D- Chapters 7 and 7.1).

Purpose of amendments: The purpose of these amendments is to revise the LMC to match amendments to the State Code.

Implications and consequences: If these changes are adopted the LMC will match the State Code for these items.

Staff recommendations: Staff recommends the following amendments:

15-7-7. VACATION, ALTERATION OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended. If the amended plat is approved and recorded, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat on the same land. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.

15-7.1-3. CLASSIFICATION OF SUBDIVISIONS.

B. **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final

Subdivision Plat and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.

(A) SIGNING OF PLAT.

4. The plat shall conform to City ordinances and be approved by the culinary water authority, ~~and~~ the sanitary sewer authority, and the local health department, if the local health department and the City consider the local health department's approval necessary.

11. Definitions (See Exhibit F- Chapter 15 Defined Terms).

Background: Various proposed amendments include terms that are not yet defined in the LMC. The LMC should define what is meant by a Historic Structures Report, as well as who is qualified to prepare one. Current definition for "billboard" has been incorrect for at least 10 years.

Purpose of amendments: The purpose of these amendments is to ensure that the meaning of certain terms is clear.

Implications and consequences: Qualified Historic Preservation Professional is the preservation industry equivalent of AICP (American Institutes of Certified Planners). Criteria for who meets the standards can be found at https://www.nps.gov/history/local-law/arch_stnds_9.htm. Staff can request a list of Qualified Historic Preservation Professionals from the State Historic Preservation Office and have it on hand at the Planning Department counter.

Staff recommendation: Staff recommends changing "Essential Historical Form" to "Essential Historic Form" to be grammatically correct. Staff recommends adding definitions for Qualified Historic Preservation Professional and Historic Structures Report consistent with amendments to the Master Planned Development Chapter 6, discussed above. In addition, Staff recommends adding a definition and link to the official Utah Public Notice Website. The definition of Billboard has been incorrect for at least ten years. The proposed definition is consistent with the Sign Code. Notice requirements as required by the State Code use the term "Affected Entity" and "Utah Public Notice Website", both terms are not currently defined in the LMC.

At the June 22nd Planning Commission meeting proposed changes to various "Office" definitions were approved and forwarded to City Council. These changes attempt to provide clarity to three levels of "office" use, namely general,

moderately intensive, and intensive as they relate to number of employees per 1000 SF, client intensity and interaction, parking demand and use tables. Staff recommends the following amendments:

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

AFFECTED ENTITY. A county, municipality, local district, special service district under Utah State Code Title 17D, Chapter 1, Special Service District Act, school district, inter-local cooperation entity established under Utah State Code Title 11, Chapter 13, Inter-local Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if: (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity.

BARREL ROOF. A roof with a semi-cylindrical form and having a semi-circular cross- section.

BILLBOARD. ~~A separate room designed for or used as a sleeping room.~~ A permanent outdoor Sign that is located off-premises.

ESSENTIAL HISTORICAL FORM. The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

HISTORIC STRUCTURES REPORT (HSR). A multi-disciplinary planning document, often created by a team of professionals that provides a forum to identify historic fabric and the means to minimize its loss, damage, or adverse effects upon it. The HSR generally includes the history of construction, alterations, owners, and significant events at the property based on physical and documentary evidence; current conditions; remaining significant and character-defining features; evaluation of current and proposed program needs in relation to the historic fabric; recommended overall treatment approaches; recommended treatments for individual features or areas; prioritization of recommendations and cost estimates; and identification of future areas of research or documentation. The report provides a framework for owners and stewards to consider physical alterations to the property with the understanding of how the proposed work will impact the historic fabric and character.

OFFICE, GENERAL. ~~A Building-~~ Business offering executive, administrative, professional, or clerical services, ~~or a portion of a Building wherein services are~~

~~performed involving predominately operations performed with limited client visits and limited traffic generation generated by employees and/or clients; that generally employs fewer than three persons per one thousand square feet of Net Leasable Floor Area.~~

~~**OFFICE, INTENSIVE.** Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.~~

OFFICE, INTENSIVE. A Business offering executive, administrative, professional or clerical services performed with a high level of client interaction and a high level of traffic generation; that employs five or more persons per one thousand square feet of Net Leasable Floor Area.

OFFICE, MODERATELY INTENSIVE. A Business offering executive, administrative, professional, or clerical services ~~which are~~ performed with a moderate level of client interaction and moderate traffic ~~generation generated by employees and/or clients~~; that generally employs fewer than five persons per one thousand square feet of Net Leasable Floor Area.

QUALIFIED HISTORIC PRESERVATION PROFESSIONAL. A professional with a combination of education in a closely related field of study plus work experience to meet the Secretary of the Interior's Historic Preservation Qualification Standards. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. The standards are set for history, archeology, architectural history, architecture, and historic architecture.

UTAH PUBLIC NOTICE WEBSITE. A website dedicated to bringing greater accessibility to public notice information and increased participation by the public in the State of Utah. It is a central source for all public notice information statewide, provided in a standardized format for publishing. It allows the public to subscribe by either RSS feed or email to a Body to receive its notices and updates. <http://www.utah.gov/pmn/index.html>

Process

Land Management Code amendments are processed according to Section 15-1-7. Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council 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. On June 22nd and August 10th the Planning Commission conducted public hearings and voted unanimously to forward positive recommendations to the City Council (Exhibit G).

Notice

On August 27, 2016, notice of the September 15, 2016, City Council public hearing was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website.

Public Input

Public input was received at the June 22nd and August 10th Planning Commission hearings regarding setback and building footprint requirements for common wall development (see Exhibit G).

Alternatives

- The City Council may approve the Land Management Code Amendments as proposed or amended; or
- The City Council may deny the Land Management Code Amendments and direct staff to prepare findings supporting this recommendation; or
- The City Council may continue the discussion to a date certain to allow Staff time to respond to any concerns or issues raised at the public hearing.

Significant Impacts

There are no significant fiscal or environmental impacts to the City from these LMC Amendments that provide clarification of current development code language and definitions and as further described above.

Recommendation

Staff recommends the City Council review proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider approving these amendments pursuant to the attached Ordinance.

Exhibits

Ordinance

Exhibit A – Chapter One- General Provisions and Procedures

Exhibit B-1– Chapter 2.1 (HRL District)

Exhibit B-2 – Chapter 2.2 (HR-1 District)

Exhibit B-3 – Chapter 2.3 (HR2 District)

Exhibit B-4 – Chapter 2.16 (RC District)

Exhibit B-5 – Chapter 2.18 (GC District)

Exhibit B-6 – Chapter 2.19 (LI District)

Exhibit B-7 – Chapter 2.23 (CT District)

Exhibit B-8 – Chapters 2.4 (HRM), 2.5 (HRC), 2.7 (ROS), 2.8 (POS), 2.9 (E-40), 2.10 (E), 2.11(SF), 2.12 (R-1), 2.13 (RD), 2.14 (RDM), 2.15 (RM), 2.22 (PUT) regarding barrel roofs, common wall development, historic structures, and mechanical screening.

Exhibit C – Chapter Six- Master Planned Developments

Exhibit D – Chapter Seven (7 and 7.1) Subdivisions

Exhibit E – Chapter Eleven- Historic Preservation

Exhibit F – Chapter Fifteen- Defined Terms

Exhibit G – Minutes of Planning Commission meetings of 6/22/16 and 8/10/16

Exhibit H – Commission work program and priorities lists regarding LMC Amendments

Ordinance 16-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1 GENERAL PROVISIONS AND PROCEDURES; CHAPTER 2 ZONING DESIGNATIONS (2.1 HRL, 2.2 HR-1, 2.3 HR-2, 2.4 HRM, 2.5 HRC, 2.7 ROS, 2.8 POS, 2.9 E-40, 2.10 E, 2.11 SF, 2.12 R-1, 2.13 RD, 2.14 RDM, 2.15 RM, 2.16 RC, 2.17 RCO, 2.18 GC, 2.19 LI, 2.22 PUT, and 2.23 CT); CHAPTER 6 MASTER PLANNED DEVELOPMENTS; CHAPTERS 7 AND 7.1 SUBDIVISIONS, CHAPTER 11 HISTORIC PRESERVATION AND CHAPTER 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 City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the State Code and Council's goals; and

WHEREAS, Chapter 1 provides a description of general provisions and procedures of the Park City's land development and management code that the City desires to revise. These revisions are specifically related to the appeals process, vesting of applications, notice requirements, standards of review for applications regarding the General Plan, exactions, and other procedures and requirements; and

WHEREAS, Chapters 2.1 Historic Residential-Low Density District (HRL), 2.2 Historic Residential (HR-1), 2.3 Historic Residential 2 (HR-2), 2.4 Historic Medium Density (HRM), 2.5 Historic Recreation Commercial (HRC), 2.7 Recreation Open Space (ROS), 2.8 Protected Open Space (POS), 2.9 Rural Estate (E-40), 2.10 Estate (E), 2.11 Single Family (SF), 2.12 Residential (R-1), 2.13 Residential Development (RD), 2.14 Residential Development Medium Density (RDM), 2.15 Residential Medium Density (RM), 2.16 Recreation Commercial (RC), 2.18 General Commercial (CG), 2.19 Light Industrial (LI), 2.22 Public Use Transition (PUT) and 2.23 Community Transition (CT)) provide a description of requirements, provisions and procedures specific to these zoning district that the City desires to revise. These revisions concern consistent requirements for screening of mechanical equipment (HR2, HRC, RC, GC, LI, PUT and CT); common wall development (HR-1, HR2, HRM, HRC, R-1, SF, RD, RDM, RM, RC, GC, LI and CT); building footprint and height exceptions for historic structures (HRL, HR1, HR2, HRM, HRC, and RC); height exceptions for garages on downhill lots (HRL, HR-1, HR-2, and RC), provisions for barrel roof form (HRC, POS, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, LI, PUT, and CT), in Districts as identified; and

WHEREAS, Chapter 6 provides a description of requirements, provisions and procedures specific to Master Planned Developments (MPD). These revisions relate to requiring information on Historic Structures and Sites for MPD applications, as well as standards of review regarding the General Plan; and

WHEREAS, Chapter 7 provides a description of requirements, provisions and procedures specific to Subdivisions. These revisions relate to vacations, alterations, and amendments to Subdivisions; classification of Subdivisions; required signatures and recordation of Subdivision plats and other items for consistency with the amended Utah State Code; and

WHEREAS, Chapter 11 provides a description of requirements, provisions, and procedures specific to Historic Preservation. These revisions concern the criteria and process for designating sites to the Park City Historic Sites Inventory; and

WHEREAS, Chapter 15 provides a description of defined terms used in the Land Management Code and the City desires to revise for clarity and/or add various definitions related to the above identified code amendments; and

WHEREAS, the Planning Commission conducted work sessions to discuss the Land Management Code on March 23rd and April 13th and 27th, 2016; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 22, 2016 and August 10, 2016, and unanimously 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 15, 2016; 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 State of Utah Code and the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, 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. AMENDMENTS TO TITLE 15 - Land Management Code Chapter One (General Provisions and Procedures). The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 (Historic Residential Low Density (HRL)). The recitals above are incorporated herein as findings of fact. Chapter 2.1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-1).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.2 (Historic Residential (HR-1)). The recitals above are incorporated herein as findings of fact. Chapter 2.2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-2).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.3 (Historic Residential 2 (HR-2)). The recitals above are incorporated herein as findings of fact. Chapter 2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-3).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.16 (Recreation Commercial (RC)). The recitals above are incorporated herein as findings of fact. Chapter 2.16 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-4).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.18 (General Commercial (GC)). The recitals above are incorporated herein as findings of fact. Chapter 2.18 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-5).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.19 (Light Industrial (LI)). The recitals above are incorporated herein as findings of fact. Chapter 2.19 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-6).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.23 (Community Transition (CT)). The recitals above are incorporated herein as findings of fact. Chapter 2.23 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-7).

SECTION 9. AMENDMENTS TO TITLE 15- Land Management Code Chapter 2 (various sections for barrel roof provisions, mechanical screening, common wall development, and historic structures as identified above). The recitals above are incorporated herein as findings of fact. These Sections of Chapter 2 of the Land Management Code of Park City are hereby amended as redlined (see Exhibit B-8)

SECTION 10. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6 (Master Planned Developments). The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 11. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 7 (Subdivisions- Chapters 7 and 7.1)). The recitals above are incorporated herein as findings of fact. Chapters 7 and 7.1 of the Land Management Code of Park City are hereby amended as redlined (see Exhibit D).

SECTION 12. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11 (Historic Preservation). The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 13. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 (Defined Terms). The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 14. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 15th day of September, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits (Redlines of specific LMC Sections)

Exhibit A – LMC Chapter One- General Provisions and Procedures

Exhibits B1-B8 – LMC Chapter Two Zoning Districts

Exhibit C – LMC Chapter Six- Master Planned Developments

Exhibit D – LMC Chapter Seven- Subdivisions (7.0 and 7.1)

Exhibit E – LMC Chapter Eleven- Historic Preservation

Exhibit F – LMC Chapter Fifteen- Defined Terms

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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All amendments to the LMC [or Zoning Map](#) must be made in the following manner:

(A) **APPLICATION.** An Application must be filed first with the Planning Department on a form prescribed for that purpose. The Planning Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic Preservation Board may initiate an amendment as provided below.

(B) **HEARINGS BEFORE PLANNING COMMISSION.**

[\(1\) Land Management Code Adoption or Amendments](#)

[\(a\)](#) The Planning Commission shall hold a public hearing on all [adoption or](#) amendments to the LMC. Notice of ~~amendment~~ [hearings before the Planning Commission](#) shall be given by [doing the following at least fourteen \(14\) days prior to the first public hearing:](#)

- [\(i\) posting notice on the City website or in at least three \(3\) public places within the City; and](#)
- [\(ii\) publishing notice in a newspaper of general circulation within the City; and](#)
- [\(iii\) publishing notice on the Utah Public Notice Website; and](#)

[\(ivii\) mailing notice to each Affected Entity as defined in Chapter 15.](#)

~~posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~

[\(b\)](#) The notice must state [the general](#) ~~generally the~~ nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice [other than a minimum of 24 hours prior to the meeting posting notice on the City website or in at least three \(3\) public places within the City](#) until the hearing is closed.

[\(2\) Zoning Map Amendments](#)

[\(a\)](#) In addition to the requirements listed above, before the City holds a hearing to adopt [the Official](#) Zoning Map or map amendment, the City shall send a courtesy notice to each Owner whose Property is located entirely or partially within the proposed map area, at least fourteen (14) days prior to the scheduled date of the public hearing.

[\(b\)](#) The notice shall:

(i) identify each Owner of record of real Property that will be affected by the proposed Zoning Map or map amendments; and
(ii) state the current zone in which the affected Property is located;
(iii) state the proposed new zone for the affected Property;
(iv) provide information regarding, or a reference to, the proposed regulations, prohibitions, and permitted Uses that the Property will be subject to if the Zoning Map or map amendment is adopted; and
(v) state that the Owner of the Property may no later than ten (10) days after the date of the first public hearing file a written objection to the inclusion of the Owner's Property in the proposed Zoning Map or map amendment; and
(vi) state the address where the Property Owner should file the objection; and

(vii) notify the Property Owner that each written objection filed with the City will be provided to the City Council; and
(viii) state the location, date, and time of the public hearing.

(c) If written objections are received in matters relating to the adoption of a Zoning Map or map amendment, the Planning Commission shall, in addition to the requirements set forth in 15-1-7 (C), consider each objection when adopting its formal recommendation and forward all objections to the City Council.

(C) **ACTION BY PLANNING COMMISSION.** Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL.** The City Council ~~must~~ shall hold a public hearing on all amendments to the LMC. Notice of ~~the~~ hearings shall be given by doing the following at least fourteen (14) days prior to the first public hearing:

- (1) posting notice on the City website or in at least three (3) public places within the City; and
- (2) publishing notice in a newspaper of general circulation within the City; and
- (3) posting publishing notice on the Utah Public Notice Website; and
- (4) mailing notice to each Affected Entity as defined in Chapter 15.

~~providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~

The notice must state the general nature of the proposed amendment; land affected; and the time, place, and date of the hearing. Once opened the hearing may be continued, if necessary, without re-publication of notice other than a minimum of 24 hours prior to the meeting posting notice on the City website or in at least three (3) public places within the City until the hearing is closed.

Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS.** At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first.

Notice for any joint hearing shall be given by ~~posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.~~ following the notice requirements of Subsection D, Hearing Before City Council above.

Following the hearing and Commission vote, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(F) **TEMPORARY OR EMERGENCY ZONING LAND USE REGULATIONS.**

The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an Ordinance establishing a temporary zoning land use regulations for any part or all of the Area within the municipality if:

- (1) The City Council makes a finding of compelling, countervailing public interest; or
- (2) The area is unregulated.

Those temporary zoning land use regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

(Amended by Ord. No. 06-22)

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

(A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.

(B) No new Use shall be valid on any Property within the City unless the Use is allowed.

(C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.

(D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application per type, per Property, will be accepted and processed at a time.

(E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments, Administrative Permits, and Administrative Conditional Use permits.

(F) Projects in the Historic Districts and Historic Sites outside the Historic Districts are subject to design review under the Design Guidelines for Historic Districts and Historic Sites.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and Final Action approval.

(H) Subdivisions and Plat Amendments are initially reviewed by staff and submitted to by the Planning Commission who makes a recommendation to -and submitted to the City Council for Ffinal Action approval.

(I) Variances, Special Exceptions, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

(J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other fees including engineering fees have been paid, and following applicable staff review.

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed Use	X				
Allowed-	X		z (when HPB		

if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section have not been met.

(Amended by Ord. Nos. 06-22; 09-23; 11-05)

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the

proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

(A) **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-Application conference with the Planning Department to discuss the proposed Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts.

(B) **THE APPLICATION.** An Applicant must file a Complete Application on forms provided by the Planning Department for Conditional Uses.

(C) **NOTICE/POSTING.** Upon receipt of a Complete Application, the Planning Department shall provide ~~published~~ notice ~~and posting~~ per Section 15-1 -12. NOTICE.

The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit Application and shall either approve, deny, or modify and approve the permit.

(D) **STANDARDS FOR REVIEW.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC;

(2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation; and

~~(3) the Use is consistent with the Park City General Plan, as amended; and~~

(34) the effects of any differences in Use or scale have been mitigated through careful planning.

(E) **REVIEW**. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

(1) size and location of the Site;

(2) traffic considerations including capacity of the existing Streets in the Area;

(3) utility capacity, including Storm Water run-off;

(4) emergency vehicle Access;

(5) location and amount of off-Street parking;

(6) internal vehicular and pedestrian circulation system;

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

(9) usable Open Space;

(10) signs and lighting;

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; ~~and~~

(15) within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and -

(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

(F) **TRANSFERABILITY.** A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not Transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION.** Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditional Use has commenced on the project or a Building Permit for the Use has been issued.

The Planning Director may grant an extension of a Conditional Use permit for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan review criteria in Section 15-1-10 (E) or other provisions of the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted in writing prior to the expiration of the Conditional Use permit.

The Planning Commission may grant an additional one (1) year extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with ~~the Park City General Plan~~ review criteria in Section 15-1-10 (E) or other provisions of the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1.12. Extension requests must be submitted in writing prior to the expiration of the Conditional Use permit.

(H) **APPEALS.** Appeals must be pursuant to Section 15-1 -18 herein.

(Amended by Ord. No. 06-22; 11-05; 12-37)

15-1 -11. SPECIAL APPLICATIONS.

(A) **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS.** Applications for MPDs shall be reviewed according to LMC Chapter 15-6.

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES.** The Board of Adjustment must review Applications for Variances, Special Exceptions and appeals of Planning Director determinations regarding Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior

to the issuance of any Conditional Use permit or Master Planned Development, or other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

(C) **PLAT AMENDMENTS/ SUBDIVISION**. Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS**. The Planning Director, or his or her designee, shall review and take Final Action on Administrative Conditional Use permits. Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

(E) **ADMINISTRATIVE PERMITS**. The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and temporary change of occupancy permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

(Amended by Ord. Nos. 06-22; 09-10; 12-37)

15-1 -12. NOTICE.

~~Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic Preservation Board must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter.~~

All notice of public hearing, unless otherwise specified in this Code or State law, must be provided in accordance with this Section and must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

(A) **POSTED NOTICES**. The Planning Department must post notice on the Property affected by the Application and as further specified in Section 15-1-21 Notice Matrix and on the City's official website or in at least three (3) public locations within the municipality.

(B) **PUBLISHED NOTICE.** Published notice shall be given by publication in a newspaper having general circulation in Park City and by publication on the Utah Public Notice Website, as further specified in Section 15-1-21 Notice Matrix.

(C) **COURTESY-MAILED NOTICE.** Pursuant to Section 15-1-21 Notice Matrix, for required or courtesy mailed notice ~~As a courtesy~~ to adjacent and surrounding Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Property Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix, together with a mailing list for those Property Owners. The addresses for adjacent Property Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner.

For ~~C~~courtesy mailed notice that is not a legal requirement, per Utah State Code, for specific actions and noted herein, and further specified in Section 15-1-21 Notice Matrix, and any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) **APPLICANT NOTICE.** For each land Use Application, the Planning Department must notify the Applicant of the date, time and place of each public hearing and public meeting to consider the

Application and of any ~~F~~final ~~A~~action on the pending Application. A copy of each Staff report regarding the Applicant or the pending Application shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. If the requirements of this subsection are not met, an Applicant may waive the failure so that the Applicant may stay on the agenda and be considered as if the requirements had been met.

(E) **EFFECT OF NOTICE.** Proof that notice was given pursuant to ~~subsections (A) and (B) this Section,~~ above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days after the date of the hearing or action for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

(F) OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.

(1) **REGISTRATION.** Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00). The registration must consist of a copy of the Owners association's Utah State Business or corporate registration and the name(s), addresses including post office box numbers, and telephone numbers of

at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

Associations not registered with the City will not be included in the published list of Owners associations and do not receive notice of Building Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the Building Department within ten (10) days of the change.

(2) **NOTICE.** Prior to, or at the time of Application for a permit for any Development, the Applicant must file with the City evidence of notification to the appropriate registered Owners association(s). Acceptable evidence of notification shall be the following:

(a) the properly executed notice form, as approved by the City; or

(b) a signed return receipt from a certified letter posted to the registered association representative, with a copy of the notice form approved by the City.

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an

Applicant and an Owners association. Nothing herein shall be interpreted to require Owners association consent prior to City Final Action. This notice is courtesy notice only.

(G) NOTICE FOR AN AMENDMENT TO PUBLIC IMPROVEMENTS. Prior to implementing an amendment to adopted specifications for public improvements that apply to Subdivisions or Development, the City shall give thirty (30) days mailed notice and an opportunity to comment to anyone who has requested the notice in writing.

(Amended by Ord. Nos. 02-57; 06-22; 09-10; 11-05; 12-37)

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) **POLICY.**

(1) **GUARANTEE REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site or Public Improvements on construction projects, it is the policy of the City to require that Developers either complete all Site or Public Improvements prior to occupancy, or if that is not possible, that adequate

reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

(Amended by Ord. No. 06-22; 11-05)

15-1 -15. PENALTIES.

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class “C” misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

Private citizens of Park City or Property Owners have the right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. LICENSING.

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. VESTING.

(A) An Applicant is entitled to [a substantive review and](#) approval of a land

Use Application if the Application conforms to the requirements of [the City’s Land Use and Zoning Maps, the municipal specification for public improvements application to a Subdivision or Development, and the](#) applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

(1) the land Use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or

(2) in the manner provided by local ordinance and before the Application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the Application as submitted.

(B) The municipality shall process an Application without regard to proceedings initiated to amend the municipality’s ordinances if:

(1) 180 days have passed since the proceedings were initiated; and

(2) the proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.

(C) An Application for a land Use approval is considered submitted and complete when the Application is provided in a form that complies with the

petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo and it shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance.

(H) **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

(I) **CITY COUNCIL ACTION ON APPEALS.**

(1) The City Council, with the consultation of the appellant, shall set a date for the appeal.

(2) The City Recorder shall notify the Property Owner and/or Applicant of the appeal date. The City Recorder shall obtain the

findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.

(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) **CITY COUNCIL CALL-UP.** Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as

required by Sections 15-1 -12 and 15-1-18 ~~(-K)~~ herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(K) **NOTICE**. There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal.

Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board; ~~and~~ notice of all appeals to City Council, reconsiderations, or call-ups; and notice of appeals to the Board of Adjustment, shall be given by:

(1) Publishing the matter once at least fourteen (14) ~~seven (7)~~ days prior to the first hearing in a newspaper having general circulation in Park City;

(2) By Mailing courtesy notice at least fourteen (14) ~~seven (7)~~ days prior to the first hearing to all parties who received mailed courtesy notice for the original action. ~~The City Recorder shall provide noticing for Council call-ups; and~~

(3) By Posting the Property at least fourteen (14) ~~seven (7)~~ days prior to the first hearing; and

(4) Postublishing notice on the Utah Public Notice Website at least fourteen (14) days prior to the first hearing.

~~Notice of appeals to the Board of Adjustment, except for appeals of staff determination regarding Historic District Design Guidelines for City Development projects where the Historic Preservation Board participated in the design review, shall be given by:~~

~~(1) Publishing the matter once at least fourteen (14) days prior to the hearing in a newspaper having a general circulation in Park City;~~

~~(2) By mailing courtesy notice at least fourteen (14) days prior to the hearing to all parties who received mailed courtesy notice for the original action; and~~

~~(3) By posting the property at least fourteen (14) days prior to the hearing.~~

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

(M) **APPEAL FROM THE CITY COUNCIL**. The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those

affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

(N) **RECONSIDERATION.** The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(O) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 10-15; 12-37; 14-37; 15-35; 15-53; 16-15)

15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE.** Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES.** The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

(C) **APPEAL.** Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the

City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) TAKINGS APPEAL BOARD.

There is hereby created a three (3) member Takings Appeal Board. The City Manager shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection (C), the City Manager shall appoint a member or sufficient members to fill the vacancies.

15-1 -20. EXACTIONS.

Exaction or exactions may be imposed on Development proposed in a land Use Application if:

(A) An essential link exists between a legitimate governmental interest and each exaction; and

(B) Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed Development.

The City may impose an exaction for another governmental entity upon the governmental entity's request. If the City imposes an exaction on behalf of another governmental entity, the City must transfer the exaction to the requesting governmental entity.

(Created by Ord. No. 06-22)

15-1 -21. NOTICE MATRIX.

(See following pages)

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)

ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Zoning and Rezoning	14 days prior to each <u>the first</u> hearing <u>before the Planning Commission and City Council</u> . Any subsequent hearings shall be posted at least 24 hours prior to <u>hearing City before the Planning Commission and City Council</u>	<u>Required mailing</u> 14 days prior to <u>the first hearing</u> to each <u>Aaffected Eentity</u> and to each Property Owner whose property is at least partially within the area to be zoned or rezoned.	14 days prior to each <u>the first</u> hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each <u>the first</u> hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to <u>hearing</u> .	<u>Required mailing</u> 14 days prior to <u>the first hearing</u> to each <u>Aaffected Eentity</u> .	14 days prior to each <u>the first</u> hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each <u>the first</u> hearing <u>before the Planning Commission and City Council</u> . Any subsequent hearings shall be posted at least 24 hours prior to <u>hearing</u> . before the Planning Commission	<u>Required mailing</u> 14 days prior to <u>first hearing</u> to each <u>Aaffected Eentity</u> .	14 days prior to each <u>the first</u> hearing. Any subsequent hearings shall be so published at least 24 hours prior to <u>hearing</u> . before the Planning Commission and City Council .

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)

ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE:</u>
	and City Council.		
Master Planned Developments (MPD)	14 days prior to the <u>first</u> hearing. before the Planning Commission.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Planning Commission , to <u>Property Owners</u> within 300 ft.	Once 14 days prior to the <u>first</u> hearing. before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up <u>and Reconsideration</u>	147 days prior to the date set for the appeal, <u>reconsideration</u> , or call-up hearing <u>(See Section 15-1-18)</u> .	<u>Courtesy mailing 14 days prior to the appeal, reconsideration, or call-up hearing, to</u> To all parties who received mailed notice for the original Administrative or Planning Commission hearing <u>action being appealed. 7 days prior to the hearing (See Section 15-1-18)</u> .	Once 147 days <u>prior to</u> before the date set for the appeal, <u>reconsideration</u> , or call-up hearing <u>(see Section 15-1-18)</u> .
Conditional Use Permit	14 days prior to the <u>first</u> hearing before the Planning Commission.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing before the Planning Commission.

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)

ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Administrative Conditional Use Permit	10 days prior to Final Action.	<u>Courtesy mailing</u> 10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	<u>Courtesy mailing</u> 10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the <u>first</u> hearing before the Board of Adjustment.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the <u>first</u> hearing before the CAD Hearing Board.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing before the Historic Preservation Board.
Determination of Significance	14 days prior to the <u>first</u> hearing before the Historic Preservation	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Historic Preservation Board to	Once 14 days prior to the <u>first</u> hearing before the Historic

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)

ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
	Board.	property owners within 100 feet.	Preservation Board.
Historic Preservation Board Review for Material Deconstruction	14 days prior to the <u>first</u> hearing before the Historic Preservation Board.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Historic Preservation Board to property owners within 100 feet.	Once 14 days prior to the <u>first</u> hearing before the Historic Preservation Board.
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required. Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with	First <u>Courtesy</u> Mailing: To <u>Property</u> Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated. Second <u>Courtesy</u> Mailing: To <u>Property</u> Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The	If appealed, then once <u>147</u> days before the date set for the appeal

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)

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	the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.	
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	-----	<u>Required mailing to</u> To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	-----
Lot Line Adjustments:	10 days prior to Final Action on the Property.	<u>Courtesy mailing to</u> To <u>Property</u> Owners within 300	<u>No published notice required.</u>

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)

ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Between 2 Lots without a plat amendment.	Other posted legal notice not required.	ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from <u>all</u> adjacent Owners.	
Preliminary and Final Subdivision Plat Applications	14 days prior to the <u>first</u> hearing. before the Planning Commission.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing before the Planning Commission, to <u>Property</u> Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing <u>before the Planning Commission and City Council.</u> before the Planning Commission.
Condominium <u>Plats Applications;</u> <u>Record of Survey Plats</u>	14 days prior to the <u>first</u> hearing. before the Planning Commission.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing <u>to before the Planning Commission,</u> to <u>Property</u> Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing <u>before the Planning Commission and City Council.</u> before the Planning Commission.
Condominium Plat Amendments	14 days prior to the <u>first</u> hearing.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing, to <u>Property</u> Owners within 300 ft.	Once 14 days prior to the <u>first</u> hearing <u>before the Planning Commission and City Council.</u>
			Once 14 days prior to

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)

ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Subdivision Plat Amendments	14 days prior to the <u>first</u> hearing.	<u>Courtesy mailing</u> 14 days prior to the <u>first</u> hearing, to <u>Property</u> Owners within 300 ft.	the <u>first</u> hearing <u>before the Planning Commission and City Council.</u>
<u>Implementing an amendment to adopted specifications for public improvements that apply to a subdivision or development</u>		<u>The City shall give a thirty (30) day mailed notice and an opportunity to comment to anyone who has requested the notice in writing.</u>	
Vacating or Changing a <u>Public Street, Right-of-Way, or easement</u>	<u>14 days prior to each hearing before the City Council on or near the Street, Right-of-Way, or easement in a manner that is calculated to alert the public</u>	<u>Required mailing to each Affected Entity and to each Property Owner of record of each Parcel or Lot that is accessed by the Public Street, Right-of-Way or easement at least 14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.</u>	<u>Once 14 days prior to each the hearing a week for 4 consecutive weeks prior to the hearing before the City Council.</u>

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)

ACTION:	POSTED <u>(ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY):</u>	COURTESY MAILING:	PUBLISHED <u>(IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):</u>
Extension of Approvals	Posted notice shall be the same as required for the original application.	Courtesy-M mailed noticeing shall be the same as required for the original application.	Published notice shall be the same as required for the original application.

Note: 1) For all Applications, notice will be given to the Applicant of date, time, and place of the each public hearing and public meeting to consider the Application and of any Final Action on a pending Application, as required by Utah State code, as amended.

2) All notices, unless otherwise specified in this Code or by State law, must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without re-publication of notice until the hearing is closed.

3) A copy of each Staff report regarding the Applicant, or the pending Application, shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting.

4) If notice provided per this Section is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

5) All days listed are the minimum number of days required.

Appendix A – Official Zoning Map (Refer to the Planning Department)

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 11-05; 12-37; 15-35; 15-53)

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(7) 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 as permitted in Section 15-4-2 Fences and Walls.

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or Steps connecting to a City staircase or pathway.

(H) **SIDE YARDS.**

(1) The minimum Side Yard 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.

(2) On Corner Lots, the minimum Side Yard that faces a side or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁹

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁸

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.⁸

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') eave overhang is permitted on Lots with a side Yard less than five feet (5').⁸

(5) Window sills, belt courses, trim, exterior siding, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.

(7) Fences or walls, as permitted in Section 15-4-2 Fences and Walls.

(8) A driveway leading to a garage or Parking Area.

⁹ Applies only to Lots with a Side Yard of five feet (5') or greater.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

(K) **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.

(Amended by Ord. Nos. 06-56; 09-10; 15-35)

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic 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

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.

(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 Setbacks, and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit, and

(2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the Uniform-adopted Building and Fire Codes, and

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

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 primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(1) 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, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



(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 associated Screening, when Screened or enclosed, may extend up to five feet (5') above the

height of the Building.

(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 of the Building 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 ~~Director-Commission~~ may allow additional Building Height (see entire Section 15-2.1-5) height 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 ~~an~~ internal Parking Space (s) as dimensioned within this Code,

Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~
The additional Building Height ~~height~~ may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

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 and Chapter 5.

(A) **CONDITIONAL USE.**

- (1) A Steep Slope 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 ~~upon~~ on or projecting over an existing Slope of thirty percent (30%) or greater.
- (2) A Steep Slope 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 ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

- (3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ or projecting over an existing Slope of (30%) or greater.

(B) 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.

(C) The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission. 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. Common 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.

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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 as permitted in Section 15-4-2, Fences and Walls.

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard 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.

(2) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(3) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

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.

(I) **SIDE YARD EXCEPTIONS.** The Side Yard 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 Yard.¹⁰

(2) Chimneys not more than five feet (5') wide projecting not more

¹⁰ Applies only to Lots with a minimum Side Yard of five feet (5').

than two feet (2') into the Side Yard.¹⁰

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹⁰

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹⁰

(5) Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade.

(7) Fences, walls, or retaining walls as permitted in Section 15-4-2, Fences and Walls.

(8) Driveways leading to a garage or Parking Area.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **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.

(Amended by Ord. Nos. 06-56; 09-10; 15-35)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with **Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards** are valid Complying Structures. Additions to Historic 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. All Conditional Uses 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 Setbacks and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International- adopted Building and Fire Codes, and
- (5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(Amended by Ord. Nos. 06-56; 07-25)

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 primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(1) 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 parapets, railing, or similar features

shall not exceed twenty four inches (24") above the highest top plate mentioned above.

(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 associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (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 ~~Director~~Commission may allow additional Building Hheight (see entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Ttandem 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 ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Hheight may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

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 and Chapter 5.

(A) CONDITIONAL USE

- (1) A Steep Slope 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 ~~upon~~ on or projecting over an existing Slope of thirty percent (30%) or greater.
- (2) A Steep Slope 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 (200sq. ft.), if the Building Footprint of the addition is located ~~upon~~ on or projecting over an existing Slope of thirty percent (30%) or greater.
- (3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ on or projecting over an existing Slope of thirty percent (30%) or greater.

(B) 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.

(C) The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission. 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

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TITLE 15 - LAND MANAGEMENT CODE

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(7) 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 not more than six feet (6') in height or as permitted in Section 15-4-2.

(10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard 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.

(2) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(3) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

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.

(I) **SIDE YARD EXCEPTIONS.** The Side Yard 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 Yard.¹²

(2) Chimneys not more than five

¹² Applies only to Lots with a minimum Side Yard of five feet (5')

feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹²

(5) Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.

(7) Fences or walls not more than six feet (6') in height or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or Parking Area.

(9) Pathway or steps connecting to a City staircase or pathway.

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard

Setback of three feet (3').

(11) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **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.

(L) **MASTER PLANNED DEVELOPMENTS.** The Planning Commission may increase or decrease Setbacks in Master Planned Developments in accordance with Section 15-6-5 (C); however the above Grade spacing between houses shall be consistent with the spacing that would result from required Setbacks of the Zone and shall be Compatible with the historic character of the surrounding residential neighborhood. The Planning Commission may increase or decrease Maximum Building Footprint in Master Planned Developments in accordance with Section 15-6-5 (B).

(Amended by Ord. Nos. 06-56; 09-10; 10-14; 15-35)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Building Footprint, Building Height, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic 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**. 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, s, and driveway location standards for additions to Historic Buildings, including detached single car Garages:

(1) Upon approval of a Conditional Use permit, and

(2) When the scale of the addition, Garage, and/or driveway location is Compatible with the historic character of the surrounding residential neighborhood and the existing Historic Structure, and

(3) When the new Construction addition complies with all other provisions of this Chapter, and

(4) When the new Construction addition complies with the Uniform adopted Building

and Fire Codes and snow shedding and snow storage issues are mitigated and.

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

15-2.3-6 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:

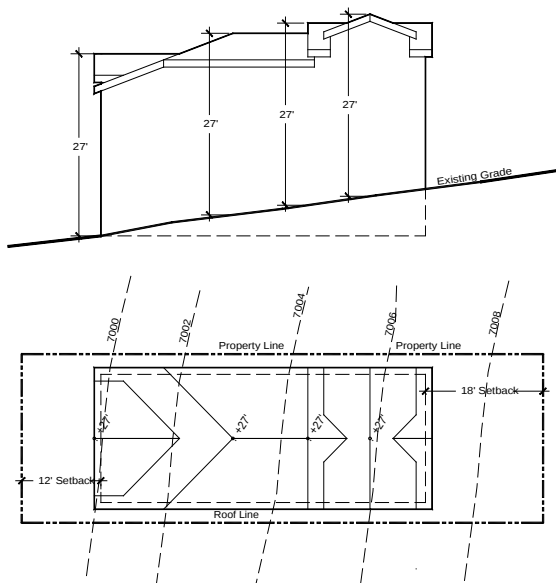
(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The Planning Commission may grant an exception to this requirement as part of a Master Planned 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 primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(1) 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, railings, or similar features shall not exceed twenty four (24") above the highest top plate mentioned above.

(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (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 of the Building 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 ~~Director~~ Commission may allow additional Building Height (see entire Section 15-2.3-6) on a downhill Lot to accommodate a single car wide garage in a Tandem 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 ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height may not exceed thirty-five feet (35') from existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 10-14; 13-48)

15-2.3-7. 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, and Chapter 5.

(A) CONDITIONAL USE

(1) A Steep Slope 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 ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

(2) A Steep Slope 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 ~~upon~~ or projecting over an existing Slope of thirty (30%) or greater.

(3) A Steep Slope Conditional Use permit is required for any Access driveway located ~~upon~~ or projecting over an existing Slope of thirty percent (30%) or greater.

(B) For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines

(I) 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 inn. The Planning Commission may waive the parking requirement for Historic Structures, if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic 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 Section 15-1-10, Conditional Use review.

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 Refuse collection and storage Areas must be fully 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.

(Amended by Ord. Nos. 06-56; 10-14)

15-2.3-14. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

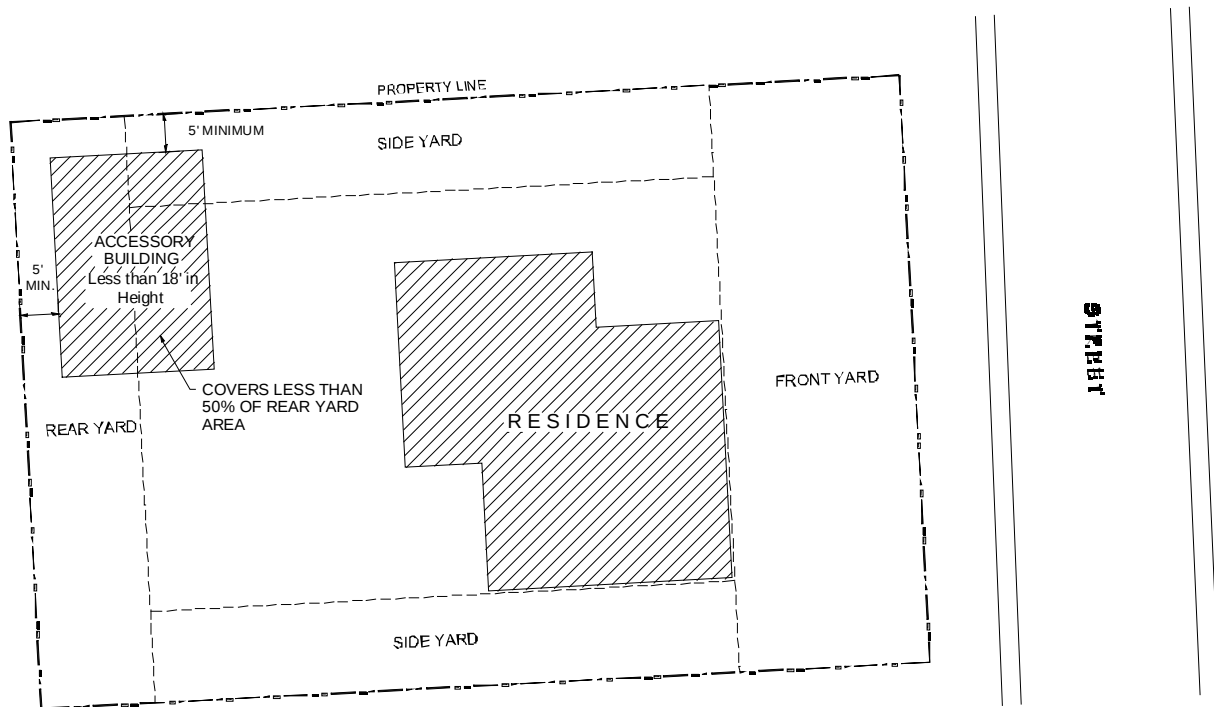
(A) OUTDOOR DISPLAY OF GOODS PROHIBITED. Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall to window

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TITLE 15 - LAND MANAGEMENT CODE

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(7) 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 and walls as permitted in Section 15-4-2, Fences and Walls.

(10) Patios, decks, pathways, steps, and similar Structures not

more than thirty inches (30") above Final Grade.

(11) Pathways and steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16 above.

(2) Site plans and Building

designs must resolve snow release issues to the satisfaction of the Chief Building Official.

- (3) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

- (4) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

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.

- (I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹¹
- (2) Chimneys not more than five Feet (5') wide projecting not more than two feet (2') into the Side Yard.¹¹
- (3) Window wells and light wells Projecting not more than four feet (4') into the Side Yard.¹¹
- (4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹¹
- (5) Window sills, belt courses,

¹¹ Applies only to Lots with a minimum Side Yard of five feet (5') or greater

- (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 ~~Director~~ Commission may allow additional Building Height (see entire Section 15-2.16-5 (L)) height 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 ~~an~~ internal Parking Space (s) as dimensioned within this Code, Section 15-3. ~~Additional width may be utilized only to accommodate circulation and an ADA elevator.~~ The additional Building Height height may not exceed thirty-five feet

(35') from Existing Grade.

(Amended by Ord. Nos. 06-76; 09-10; 11-05; 13-48; 15-35)

15-2.16-6. EXISTING HISTORIC STRUCTURES.

Historic 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 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. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Sites, the Planning Commission may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings upon:

- (1) Upon approval of a Conditional Use Permit, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this

Chapter, and

(4) When the addition complies with the ~~International-adopted~~ Building and Fire Codes, ~~and~~

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(Amended by Ord. Nos. 06-76;11-05)

15-2.16-7. ARCHITECTURAL REVIEW.

(A) **ALL DEVELOPMENT.** Prior to the issuance of Building Permits for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

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

(B) **SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE HISTORIC AREAS.**

(1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:

(a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and

(b) Any residential Development that is located along or Accessed off of Park Avenue.

The Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.

(2) Appeals of departmental determinations of compliance with the Design Guidelines for Historic Districts and Sites, LMC Section 15-11 and Section 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of this Code.

(Amended by Ord. Nos. 06-76; 09-10;11-05)

15-2.16-8. PARKING REGULATIONS.

(A) Tandem Parking is allowed for Single Family and Duplex Dwellings in the RC 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 such a shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

(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 Parking Structure may occupy below Grade Side and Rear Yards if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Chapter 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. Driveway widths are regulated in Section 15-3.

(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.

(Amended by Ord. Nos. 06-76; 09-1; 11-05)

15-2.16-9. MECHANICAL SERVICE.
All exterior mechanical equipment 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 architectural review.

All Structure 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. Refuse storage must be Screened, enclosed, and properly ventilated.

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.

15-2.16-109. 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 15-2.16-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

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.

(Amended by Ord. Nos. 05-49; 06-76; 09-10)

15-2.16-1~~10~~. 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:

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.

(B) 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.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental room(s).

(H) 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 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.

(I) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-76)

15-2.16-1~~24~~. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a

determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and
 - (5) feed/hay.

15-2.16-1~~32~~. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50

sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-76)

15-2.16-1~~43~~. SIGNS.

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

15-2.16-1~~54~~. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.

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- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.

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(6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(10) Enclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Rear Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(E) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10').

(2) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered

a Front Yard and the Setback must not be less than twenty feet (20').

(5) The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I)

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows and chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(11) Unenclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Side Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building

Code (IBC) and Fire Code requirements.

(G) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(H) **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.

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related

Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS**. In the Prospector Square Subdivision, Front, Side and Rear Yards may be reduced to zero feet (0') for all Affected Lots as specified above. Commercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2-20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection.

(Amended by Ord. Nos. 04-11; 06-76; 13-23)

15-2.18-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

(1) Gable, hip, **Barrel**, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 of greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may

No Sexually Oriented Business may be located:

- (1) within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;
- (2) within three hundred feet (300') of any residential zoning boundary; or
- (3) within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

(B) **MEASUREMENT OF DISTANCES.** For the purposes of this Section, distances are measured as follows:

- (1) The distance between any two (2) Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.
- (2) The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park,

library, cemetery, or religious institution.

- (3) The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.

(C) **DEFINITIONS.** Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings set forth in the Municipal Code of Park City, Section 4-9-4.

15-2.18-8. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS .

All exterior mechanical equipment 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 Structure 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.

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.

15-2.18-89. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Permit. No permit may be issued unless the following criteria are met:

- (A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (B) 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.
- (C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (D) The rooms are available for Nightly Rental only.
- (E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is on-Site at a rate of one (1) space per rentable room. The Planning Commission 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.

(I) The Use complies with Section 15-1-10, Conditional Use review.

15-2.18-910. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, 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

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(6) Hard-Surfaced Parking Areas subject to the same location requirements a detached Accessory Building meeting all landscaping requirements stated in LMC Chapter 15-3-3 and Title 14.

(7) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(8) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁸

(9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade provided it is located at

⁸Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

least five feet (5') from the Rear Lot Line.

(G) **SIDE YARDS.**

(1) The minimum Side Yard is ten feet (10').

(2) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief~~

Building Official.

(3) The minimum Side Yard for a detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard is five feet (5').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows and chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above

Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over doorways and windows projecting not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁹

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

⁹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(Amended by Ord. No. 06-76)

15-2.19-6. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty feet (30') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, Barrel, 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 the International Building Code (IBC).
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lifts and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

(Amended by Ord. Nos. 06-76; 07-25)

15-2.19-7. ARCHITECTURAL REVIEW.

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

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

(Amended by Ord. No. 06-76)

15-2.19-8. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require a Conditional Use Permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.19-9. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to ~~eliminate mitigate its visual impacts view from nearby on nearby~~ Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use ~~P~~ermit and/or architectural review.

All Structures's 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 ~~P~~ermit and/or architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

The loading and unloading of goods must take place entirely on the Site. Loading ~~a~~Areas must be Screened from general public view. All loading ~~a~~Areas shall be shown on the plans prepared for Conditional Use permit and/or architectural review.

15-2.19-10. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use subject to a Conditional Use review. No Conditional Use permit may be issued unless the following criteria are met:

(A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) 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.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is provided on-Site at a rate of one (1) space per rentable room.

(I) The Use complies with Section 15-1-10.

15-2.19-11. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, 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

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- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot
- (16) Municipal/Institutional Accessory Building and Use
- (17) Parking Lot, Public or
- (18) Public Utility or Essential Services
- (19) Single Family Dwelling (with an approved MPD¹)
- (20) Duplex Dwelling (with an approved MPD¹)
- (21) Multi-Unit Dwelling (with an approved MPD¹)
- (22) Telecommunication Antenna
- (23) Transit Facilities
- (24) Parking Areas, Lots, and Structures with more than five (5) Parking Spaces
- (25) Raising and Grazing of Horses
- (26) Commercial Riding Stables
- (27) Small Energy Wind Systems

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

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

15-2.23-3. 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 must comply with the following:

(A) **LOT SIZE.** There is no minimum Lot size in the CT District.

(B) **FRONT, REAR AND SIDE YARDS.** The minimum Front, Side, and Rear Yards for all Structures is twenty-five feet (25'). The Planning Commission may vary required yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. Setbacks may be further restricted by Frontage Protection Overlay (FPZ) standards and/or Master Planned Development conditions of approval.

A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however; the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit

¹ Residential Uses cannot exceed 1 unit/acre

review, to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

(C) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, and approved Parking Areas are allowed as exceptions in the Front, Side, and Rear Yards. Screened mechanical and utility equipment, hot tubs, and decks are allowed as exceptions in the Side and Rear Yards provided that a minimum five feet (5') Setback is maintained.

(D) **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.

(Amended by Ord. No. 09-10)

15-2.23-4. DENSITY.

The base Density of the CT District is one (1) unit per twenty (20) acres. Residential Uses cannot exceed one (1) unit/acre.

(A) **DENSITY BONUS – ONE (1) UNIT/ACRE.** The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are

incorporated through a Master Planned Development:

(1) **OPEN SPACE.** The Master Planned Development shall provide seventy percent (70%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the Master Planned Development's required project parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **PUBLIC TRANSIT FACILITIES.** The Master Planned Development shall include the Development of a public transit hub

measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that

provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

(5) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23-4(A)(8). Total is 110% of base requirement.

15-2.23-5. MAXIMUM BUILDING HEIGHT.

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

(A) **MAXIMUM BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

(1) Gable, hip, Barrel, or 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, 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.

(3) Water towers, mechanical equipment, and associated Screening,

when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(5) Anemometers and Anemometer Towers used to measure wind energy potential may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point or top of tower, whichever is greater.

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

15.-2.23-6. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-5 and compliance with any additional architectural design guidelines approved by the Planning Commission as part of the Master Planned Development.

15-2.23-7. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3.

15-2.23-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to ~~eliminate~~ mitigate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the adjacent district, and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and/or architectural review ~~by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.~~

15-2.23-9. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage facilities must be on-Site and accessible from a Public Street. All refuse storage facilities must be shown on the plans prepared for Conditional Use Permit and/or architectural review. Refuse storage must be ~~fully Screened,~~ enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

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.

15-2.23-10. 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%). 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.
- (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.

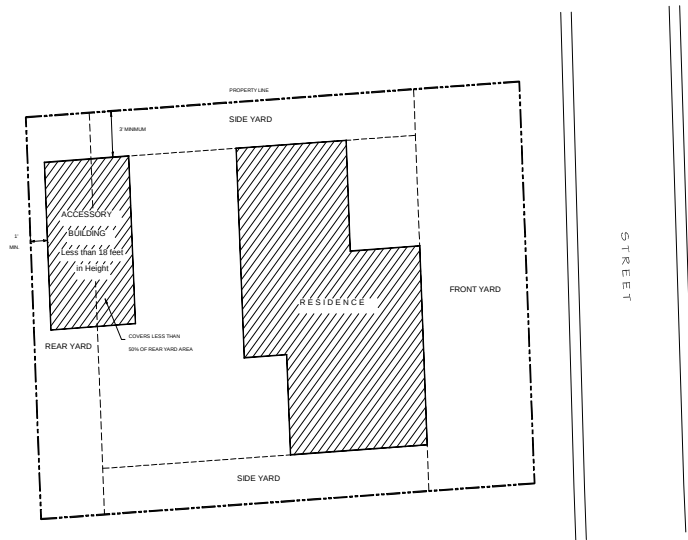
(2) **OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an

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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, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2.

(10) Patios, decks, pathways, steps, and similar Structures not

more than thirty inches (30") above Final Grade.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

(2) The minimum Side Yard for Lots twenty-five feet (25') wide or less is three feet (3').

(3) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

(4) The minimum Side Yard for a detached Accessory Building, not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building, is three feet (3').

(5) On Corner Lots, the minimum Side Yard that faces a

Street is ten feet (10') for both Main and Accessory Buildings.

(6) See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹¹

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window well and light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.¹²

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

(6) Patios, decks, pathways, steps, and similar Structures not

¹¹ Applies only to Lots with a minimum Side Yard of five feet (5').

more than thirty inches (30") in height above Final Grade.

(7) Fences, walls and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City staircase or pathway.

(10) Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **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.

(Amended by Ord. Nos. 06-69; 09-10; 15-35)

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** The Front Yard 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 on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard 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 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%).

(Amended by Ord. Nos. 09-10; 12-37; 13-42)

15-2.4-6. EXISTING HISTORIC STRUCTURES.

Historic 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 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 order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setbacks and driveway location standards:

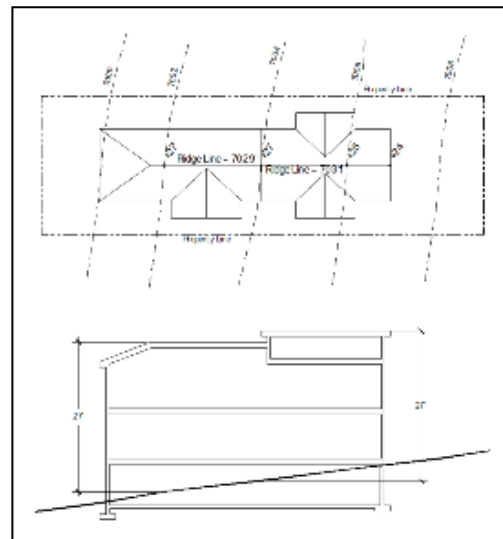
- (1) Upon approval of a Conditional Use permit, and
- (2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International-adopted Building and Fire Codes, and

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(Amended by Ord. Nos. 06-69; 13-42)

15-2.4-7. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

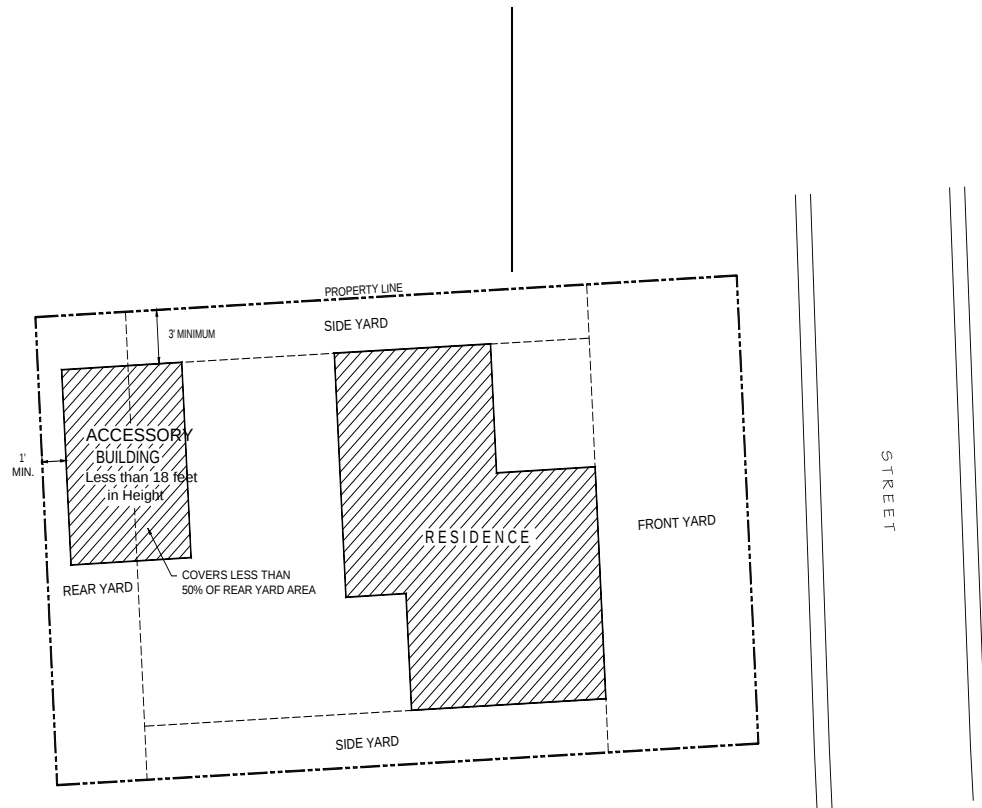
- (1) Antennas, chimney, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building

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(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(10) Patios, decks, steps, pathways, and similar Structures not

more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(E) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.

(3) A Side Yard 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.

Exterior Side Yards shall be based on the minimum required Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed one hundred feet (100').~~

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide, projecting not more

than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City stairway or pathway.

(10) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three

extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) 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) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement and complies with height exception criteria in Section 15-2.2-6(B)(10).

(Amended by Ord. Nos. 06-69; 07-25; 09-10)

15-2.5-6. EXISTING HISTORIC STRUCTURES.

Historic 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 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:

(1) Upon approval of a Conditional Use Permit, and

(2) When the scale of the addition and/or driveway is Compatible with the Historic Structure, and

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the adopted International Building and Fire Codes, and.

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(Amended by Ord. No. 06-69)

15-2.5-7. 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, 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, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23; 15-53)

15-2.5-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to ~~eliminate~~ mitigate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District, and general public view.

All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and/or architectural review ~~by the Planning, Building, and Engineering Departments. The staff will approve or reject the location, Screening and painting of such equipment as part of the architectural~~

~~review process.~~

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. Refuse storage must be Screened, enclosed, and properly ventilated.

(Amended by Ord. No. 06-69)

15-2.5-9. SERVICE ACCESS.

~~All Development must provide an on-Site refuse collection and loading Area. Refuse and Service Areas must be properly Screened, and ventilated. Refuse collection Areas may not be located in the required Yards.~~

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.

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:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.

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

(Amended by Ord. No. 09-10)

15-2.7-4. BUILDING HEIGHT.

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

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

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

analysis and administrative approval by the Planning Director.

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

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

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

15-2.7-5. ARCHITECTURAL REVIEW.

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

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

(Amended by Ord. No. 09-10)

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.8 - PROTECTED OPEN SPACE (POS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.8-1. PURPOSE.

The purpose of the Protected Open Space (POS) District is to:

- (A) promote useable, public, non-improved, non-commercial, connected and contiguous Open Space for community benefit,
- (B) promote open lands that remain fundamentally undisturbed,
- (C) prohibit construction on ridge lines and Steep Slopes, or in wetlands, watersheds, and view sheds,
- (D) promote the preservation of Historic Sites,
- (E) preserve the vegetation and habitat of natural Areas,
- (F) provide incentives to protect Open Space and conservation resources through voluntary conservation easements and/or deed restrictions, and

- (G) provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails.

15-2.8-2. USES.

Uses in the POS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE
CONDITIONAL USE PERMIT (CUP).**

- (1) Parking Area or Structure for four (4) or fewer spaces.
- (2) Fences greater than six feet (6') in height from existing Grade.

(C) **CONDITIONAL USES.**

- (1) Trail and Trailhead Improvement
- (2) Essential Municipal Public Utility Use, Service, or Structure

- (3) Accessory Building, less than 600 sq. ft.
- (4) Ski-related Accessory Building, less than 600 sq. ft.
- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge¹

(D) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 06-69)

15-2.8-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, at Grade patios, driveways, Ancillary Structures, approved Parking Areas and Screened mechanical and utility equipment are allowed in the Front, Side, and Rear Yards.

(Amended by Ord. No. 09-10)

15-2.8-4. BUILDING HEIGHT.

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

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, Barrel, 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 the International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(Amended by Ord. Nos. 06-69; 07-25)

15-2.8-5. ARCHITECTURAL REVIEW.

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

¹Subject to a City approved Ski Area Master Planned Development and LMC Section 15-4-18.

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(Amended by Ord. No. 06-69)

15-2.9-4. BUILDING HEIGHT.

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

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, Barrel, 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 the International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but shall not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lifts and tramway towers may extend above the Zone Height subject to a Conditional Use Permit, a visual analysis, and compliance with requirements as stated in LMC Section 15-4-18.

(Amended by Ord. Nos. 06-69; 07-25)

15-2.9-5. ARCHITECTURAL REVIEW.

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

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

(Amended by Ord. No. 06-69)

15-2.9-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate-40 (E-40) District are subject to the Sensitive Lands Overlay (SLO) Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the following materials with a Conditional Use Application:

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TITLE 15 - LAND MANAGEMENT CODE

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equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(Amended by Ord. No. 06-69)

15-2.10-4. BUILDING HEIGHT.

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

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, Barrel, 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 associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Section 15-5, 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) Ski lift and tramway towers may extend above the Zone Height subject to a Conditional Use permit, a visual analysis and compliance with requirements as stated in LMC Section 15-4-18.

(Amended by Ord. Nos. 06-69; 07-25)

15-2.10-5. ARCHITECTURAL REVIEW.

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

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

(Amended by Ord. No. 06-69)

15-2.10-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate (E) District are subject to the Sensitive Lands Overlay (SLO) Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.11 - SINGLE FAMILY (SF) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.11-1. PURPOSE.

The purpose of the Single Family SF District is to:

- (A) maintain existing predominately Single Family detached residential neighborhoods,
- (B) allow for Single Family Development Compatible with existing Developments,
- (C) maintain the character of mountain resort neighborhoods with Compatible residential design; and
- (D) require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

15-2.11-2. USES.

Uses in the SF District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling¹
- (3) Secondary Living Quarters²
- (4) Accessory Apartment³
- (5) Nightly Rental⁴
- (6) Home Occupation
- (7) Child Care, In-Home Babysitting⁵
- (8) Child Care, Family⁵
- (9) Child Care, Family Group⁵
- (10) Accessory Building and Use
- (11) Conservation Activity

¹Permitted only on Lots designated for Duplexes on the official Subdivision Plat.

²Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or Allowed Use within Holiday Ranchettes Subdivision.

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments. Accessory Apartments in detached Structures are not allowed within Holiday Ranchettes Subdivision.

⁴Allowed only within Prospector Village Subdivision. Commercial Uses are not allowed within Nightly Rental units.

⁵See LMC Chapter 15-4-9 for Child Care Regulations.

- (12) Agriculture
- (13) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Guest House⁶
- (2) Group Care Facility
- (3) Child Care Center⁵
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna⁷
- (7) Satellite Dish, greater than thirty-nine inches (39") diameter⁸
- (8) Raising, grazing of horses
- (9) Bed and Breakfast Inn
- (10) Parking Area or Structure with five (5) or more spaces⁹
- (11) Temporary Improvements⁹
- (12) Outdoor Event⁹
- (13) Recreation Facility, Public or Private

⁶Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or Allowed Use within Holiday Ranchettes Subdivision.

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

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

⁹Requires an Administrative Conditional Use permit.

- (14) Master Planned Development with moderate income housing Density bonus
- (15) Fences greater than six feet (6') in height from Final Grade⁹

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

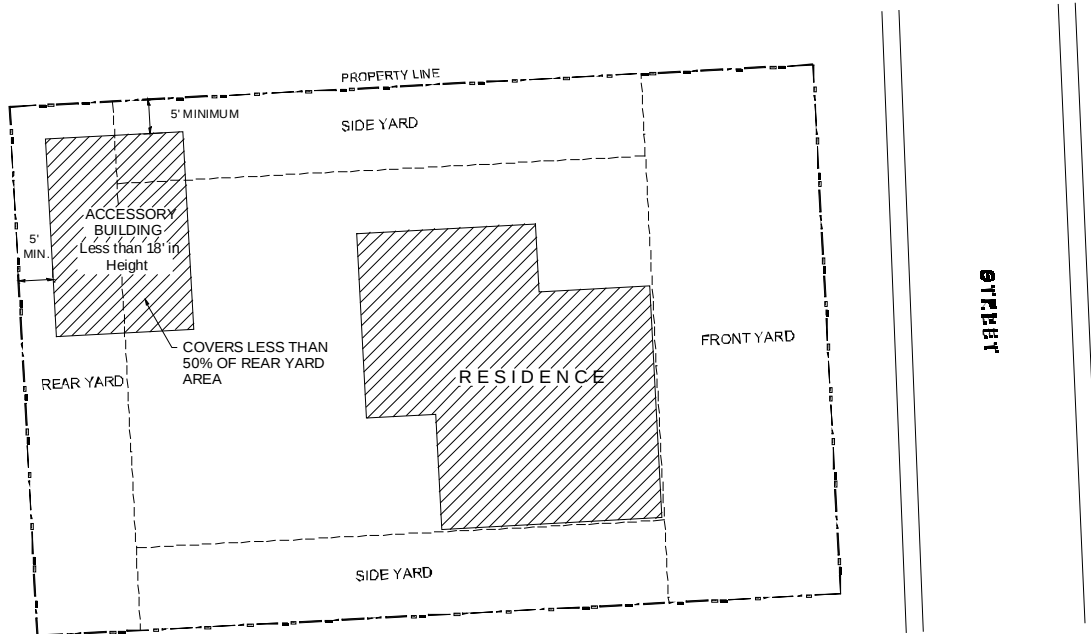
(Amended by Ord. No. 06-76)

15-2.11-3. 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 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 must comply with the following:

(A) **DENSITY.** The maximum Density for Subdivisions is three (3) units per acre. Subdivisions must Cluster Development to maximize common Transferred Development Right (TDR) Open Space.

(B) **FRONT, REAR, AND SIDE YARDS.** All Development activity must comply with the following minimum Yards. See Section 15-2.11-3(I) for Yard exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.



(7) Hard-Surfaced Parking Areas subject to the same location requirements as detached Accessory Buildings.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning

Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁰

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard is twelve feet (12').

¹⁰Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(2) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during any required Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five

feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

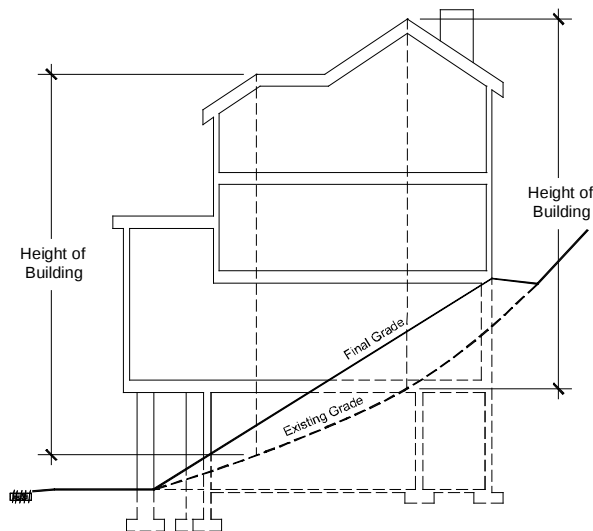
(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Sections 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height. Accessory Structures in the SF District shall not exceed a maximum height of eighteen feet (18').



(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) A gable, hip, Barrel, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) 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 associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Chapter 15-5, 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) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(Amended by Ord. Nos. 05-65; 06-76; 07-25)

15-2.11-5. ARCHITECTURAL REVIEW.

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

Appeals of departmental actions on architectural compliance are heard by the

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(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹¹

(10) Patios, decks, pathways, steps and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line.

¹¹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review , to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building is one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On a Corner Lot, the minimum Side Yard that faces a Street is ten feet (10') for both the Main and Accessory Buildings.

(G) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade located at least a one foot (1') from the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in

height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(H) **SNOW RELEASE.** Site plans and Building design must resolve snow release

¹²Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

issues to the satisfaction of the Chief Building Official.

(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.

(Amended by Ord. No. 06-76)

15-2.12-4. SPECIAL SETBACK REQUIREMENTS FOR CONDITIONAL USES.

Conditional Uses in the R-1 District must maintain the following Setbacks:

(A) **SIDE YARD.** The minimum Side Yard is ten feet (10').

(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind the front facade of the Main Building or underground.

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(D) Front, Rear, and Side Yard Exceptions as stated in Section 15-2.12-3 apply.

15-2.12-5. BUILDING HEIGHT.

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

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, Barrel, 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 associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Design Guidelines, LMC Chapter 15-5, 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 Department.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3 -3(D).
- Lighting. LMC Chapters 15-3 -3(C); 15-5-5(I).
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.13 - RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

- (A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

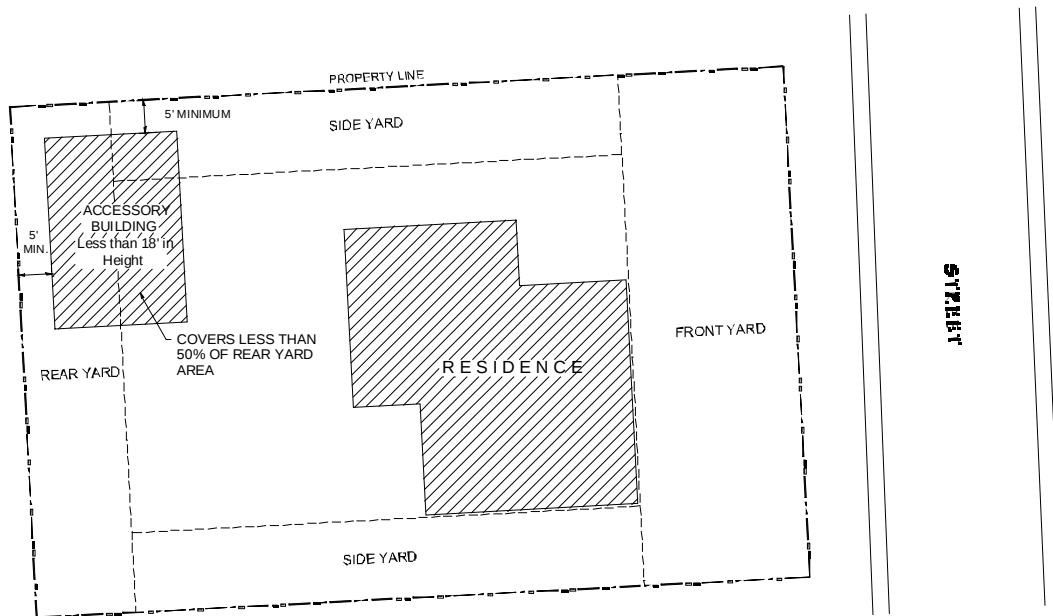
- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴

¹Nightly rental of Lockout Units requires a Conditional Use permit

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

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

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



(7) Hard-Surfaced Parking Areas subject to the same location requirements as detached Accessory Buildings.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least

three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁵

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

¹⁵Fences and walls greater than six feet (6') in height requires an administrative Conditional Use permit

(F) **SIDE YARD.**

(1) The minimum Side Yard is twelve feet (12').

(2) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

(G) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than

ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning

Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

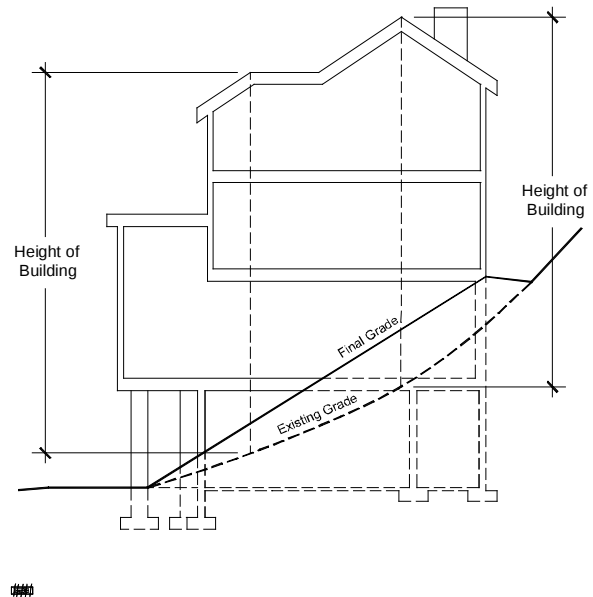
(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(G) **OTHER EXCEPTIONS.** The Planning Commission may vary Side Yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in Section 15-2.13-3(F)(2).

(Amended by Ord. No. 06-76)

15-2.13-4. BUILDING HEIGHT.

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



(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, **Barrel**, 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

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.14 - RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY
(RDM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.14-1. PURPOSE.

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) allow Development in accordance with the Sensitive Lands Ordinance;
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and between adjacent

Areas; and

- (G) minimize impacts of the automobile on architectural design.

(Amended by Ordinance No. 02-24)

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

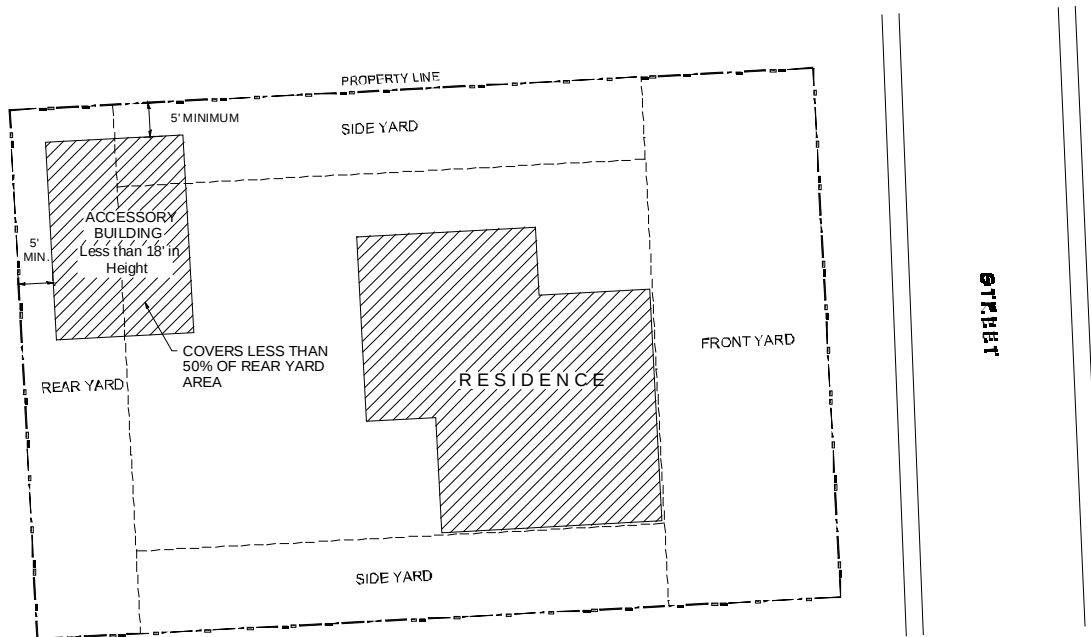
(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation

¹Nightly Rental of Lockout Units requires a Conditional Use permit.

²See LMC Chapter 15-4, Accessory Apartments.

³Nightly Rentals do not include the Use of Dwellings for Commercial Use.



(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review¹⁴.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Structure is ten feet (10').

(2) A Side Yard between

¹⁴ Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

(3) On Corner Lots, the Side Yard that faces a Street may not have a Side Yard that is less than fifteen feet (15').

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.
- (2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.
- (3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.
- (4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.
- (5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or Structure to which it is attached.
- (6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, located at least a minimum of one foot (1') from the Side Lot Line.
- (7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning

Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁵

(8) Driveways leading to a garage or approved Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **OTHER EXCEPTIONS.** The Planning Commission may vary Front, Rear and Side Yards in Subdivisions and Master Planned Developments. In no case may the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in LMC Section 15-2.14-3(G) herein.

(Amended by Ord. No. 06-76)

15-2.14-4. BUILDING HEIGHT.

¹⁵ Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

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

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, Barrel, 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 associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to LMC Chapter 15-5 Architectural 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.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.15 - RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.15-1. PURPOSE.

The purpose of the Residential Medium Density RM District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- (E) encourage affordable housing,
- (F) encourage Development that minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas,

15-2.15-2. USES.

Uses in the RM District are limited to the following:

(A) **ALLOWED USES.**

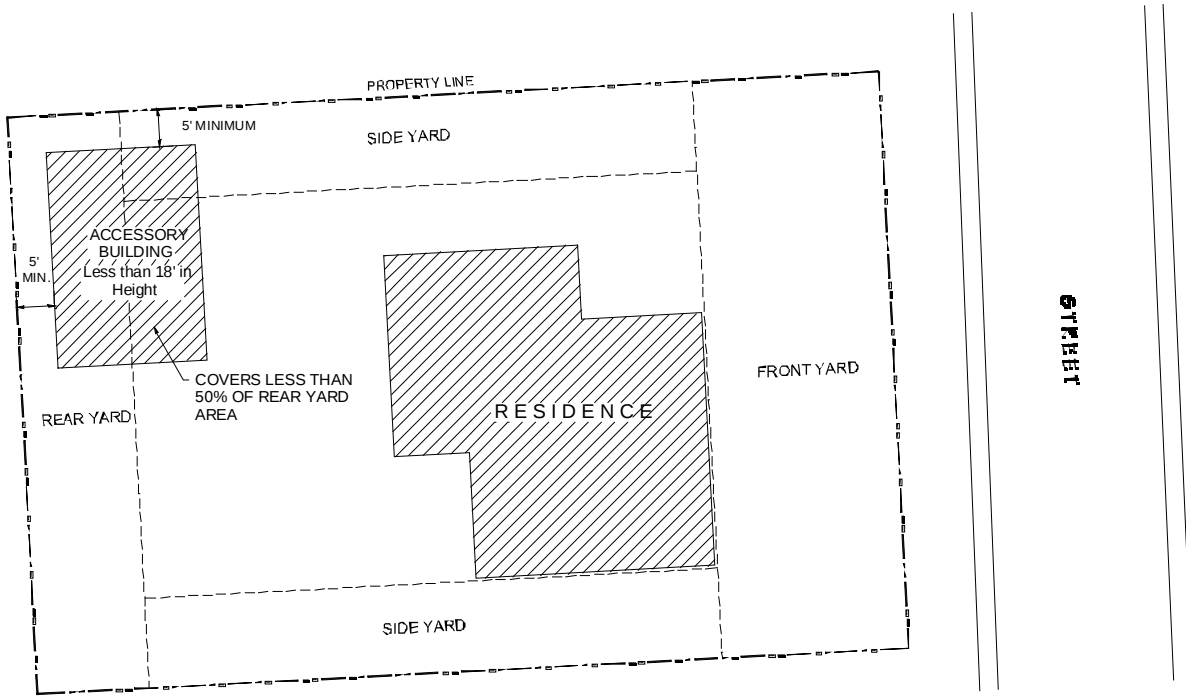
- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting⁴
- (10) Child Care, Family⁴
- (11) Child Care, Family Group⁴
- (12) Accessory Building and Use

¹Nightly rental of Lockout Units requires a Conditional Use permit

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

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9, Child Care Regulations



(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁹

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling

⁹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

or Accessory Building is five feet (5').

(2) A Side Yard 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.

Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

~~A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.~~

(3) The minimum Side Yard for a detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building is three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(5) See Section 15-2.15-4 Special Requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided

Triplex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. This Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

15-2.15-5. BUILDING HEIGHT.

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

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, [Barrel](#), 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 associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 15-5, 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.

(Amended by Ord. No. 06-76)

15-2.15-6. ARCHITECTURAL REVIEW.

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

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

15-2.15-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use, subject to an Administrative Permit. No permit may be issued unless the following criteria are met:

- (A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.
- (B) 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.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.22 – PUBLIC USE TRANSITION DISTRICT
REGULATIONS

Chapter adopted by Ordinance No. 05-12

15-2.22-1. PURPOSE.

The purpose of the Public Use Transition (PUT) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental, and residential center;
- (B) allow the Use of land for recreational and institutional purposes with limited commercial support to enhance and foster the economic and cultural vitality of the City;
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City town core;
- (D) encourage the preservation of Historic Structures within the district;
- (E) encourage pedestrian-oriented, pedestrian-scale Development;
- (F) minimize the impacts of new Development on parking constraints of Old Town;

(G) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes;

(H) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces;

(I) allow for community input on Development design within the District through the public Conditional Use permit review process; and

(J) provide a transition between the HCB and the HR-1 Districts for the purpose of providing municipal Uses and public gathering and activity Areas.

15-2.22-2. USES.

Uses in the Public Use Transition District are limited to the following:

(A) **ALLOWED USES.**

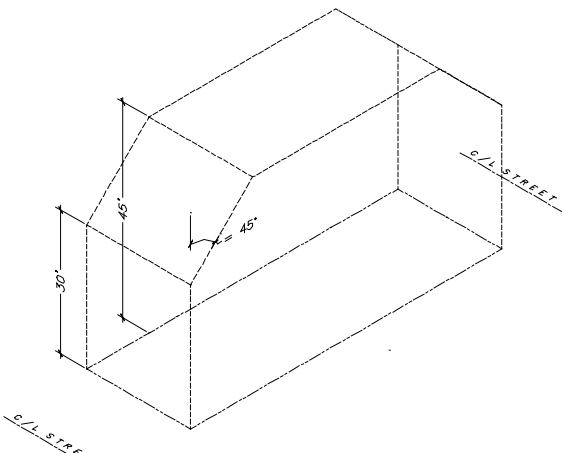
- (1) Municipal/Institutional Accessory Building and Use 600 sf or less
- (2) Conservation Activity

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the PUT District; however, where new construction abuts a residential zone, the new construction shall meet the required minimum Setback of the abutting zone.

(C) **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.

15-2.22-4. MAXIMUM BUILDING 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. The maximum Building Height shall be forty-five feet (45') as measured from Existing Grade.



(B) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, Barrel, 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 associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning and Building Departments.
- (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').
(Amended by Ord. Nos. 06-76; 07-25)

15-2.22-5. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-9. Restorations, rehabilitations, adaptive reuses, and additions to Historic Structures within the PUT shall be reviewed by the Planning Department for compliance with the Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with all LMC and/or Historic District Design Guidelines, the staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the LMC and/or Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal staff's determination of compliance to the Planning Commission. Appeals must be

written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Code provisions violated by the staff determination.

15-2.22-6. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.

15-2.22-7. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to mitigate ~~eliminate~~ visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HCB District, and general public view.

All mechanical equipment must be shown on the plans prepared for Conditional Use Permit and/or architectural review, ~~by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.~~

15-2.22-8. ACCESS, SERVICE AND DELIVERY.

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. The refuse storage must be on-Site and accessible from a Public Street. ~~Refuse storage must be fully enclosed and properly ventilated.~~ Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

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.

15-2.22-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, 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 15-2.6-1(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the City upon the

issuance of an Administrative Permit. 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 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) No net increases in the Restaurant's seating capacity without adequate

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(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

(1) A legal description of the land;

(2) All relevant zoning parameters including all findings, conclusions and conditions of approval;

(3) An express reservation of the future legislative power and zoning authority of the City;

(4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developers agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

(8) A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.

(9) A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a Qualified Historic Preservation Professional.

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The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.**

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the MPD requirements in this Chapter and the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or

surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

(I) **MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for

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compliance with the large scale MPD approval.

(Amended by Ord. Nos. 06-22; 09-10; 11-05)

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY**. The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor

Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/

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All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(L) **MINE HAZARDS.** All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

(M) **HISTORIC MINE WASTE MITIGATION.** For known historic mine waste located on the property, a soil remediation mitigation plan must be

prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

(N) GENERAL PLAN REVIEW. All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

(O) HISTORIC SITES. All MPD Applications shall include a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report, as further described on the MPD application. The Historic Structures Report shall be prepared by a Qualified Historic Preservation Professional.

(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14; 11-05 11-12; 13-23; 15-36)

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

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

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

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(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

~~(C) The MPD, as conditioned, is consistent with the Park City General Plan;~~

~~(DC)~~ The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

~~(ED)~~ The MPD, as conditioned, strengthens and enhances the resort character of Park City;

~~(FE)~~ The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

~~(GF)~~ The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;

~~(HG)~~ The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

~~(HI)~~ The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

~~(JI)~~ The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been

designed to place Development on the most developable land and least visually obtrusive portions of the Site;

~~(KJ)~~ The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

~~(LK)~~ The MPD has been noticed and public hearing held in accordance with this Code.

~~(ML)~~ The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

~~(NM)~~ The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

~~(ON)~~ The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

~~(O)~~ The MPD, as conditioned, addresses and mitigates Historic Structures and Sites on the Property, according to accepted City regulations and policies.

(Amended by Ord. Nos. 06-22; 10-14; 13-23)

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(2) PRIVATE PROVISIONS.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) **SEVERABILITY.** If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these

regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

(Amended by Ord. No. 06-22)

15-7-6. CONDITIONS.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended. If the amended plat is approved and recorded, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat on the same land. The recorded vacating

ordinance shall replace a previously recorded plat described in the vacating ordinance.

(Amended by Ord. No. 06-22)

15-7-8. VARIANCES.

Refer to Section 15-10-9 herein regarding variance procedures.

15-7-9. SAVING PROVISION.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any Person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

15-7-10. ENFORCEMENT.

It shall be the duty of the Planning Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(A) No Owner, or Agent of the Owner, of any Parcel of land located in a proposed Subdivision, shall Transfer or sell any such Parcel before a plat of such Subdivision has been approved by the Planning Commission

and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

(B) The Subdivision of any Lot or any Parcel of land, by the Use of metes and bounds description for the purpose of sale, Transfer, or lease with the intent of evading these regulations, shall not be permitted. However, the City may approve metes and bounds descriptions for purposes of Lot Line Adjustments, resolving conflicting boundary descriptions, and the recombination of historically platted Properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described Subdivisions shall be subject to all of the requirements contained in these regulations.

(C) No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or plat subdivided or sold in violation of the provisions of these regulations.

(Amended by Ord. No. 06-22)

15-7-11. VIOLATIONS AND PENALTIES.

Any Person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

(A) **CIVIL ENFORCEMENT.**
Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to

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(1) **MINOR SUBDIVISION.** A Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

(a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final Subdivision Plat and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. GENERAL PROCEDURE.

(A) **OFFICIAL SUBMISSION DATES.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED.** All residential Subdivisions with more than

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Procedures**

section of this code of the
IBC.

(3) Approval of a condominium plat amendment to combine units does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.

(Amended by Ord. Nos. 06-22; 11-05; 15-35)

**15-7.1-7. SIGNATURES AND
RECORDING OF THE PLAT.**

(A) SIGNING OF PLAT.

(1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.

(2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as

shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

(3) The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.

(4) The plat shall conform to City ordinances and be approved by the culinary water authority, ~~and~~ the sanitary sewer authority, and the local health department, if the local health department and the City consider the local health department's approval necessary.

(5) The City may withhold an otherwise valid plat approval until the Owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(6) a Subdivision Plat recorded without the required signatures is void.

(B) RECORDING OF PLAT. It shall be the responsibility of the Developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such

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(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; and

(I) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.

(Amended by Ord. No. 09-23; 15-53)

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District or any structures on the Historic Sites Inventory.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property which are structures on the Historic Sites Inventory or are within a two (2) block radius of the Historic District.

(Amended by Ord. No. 09-23)

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

(Amended by Ord. Nos. 06-35; 09-23)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

(A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

(B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

(C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

(D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

(E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic

Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. Nos. 09-09; 09-23)

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated

to the Historic Sites Inventory as a Landmark Site if the ~~Planning Department~~ Historic Preservation Board finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or ~~has achieved Significance~~ or if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history; or

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type,

period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the ~~Planning Department~~ Historic Preservation Board finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

(b) It retains its Essential ~~Historical~~ Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant ~~or on~~ any reconnaissance or intensive level survey of historic resources; ~~or~~ and

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to its Essential ~~Historical~~ Form even if it has non-historic

additions; ~~and/or~~

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; ~~or~~ and

(d) It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic Importance to the community, or

(ii) Lives of
Persons who were of
Historic importance to
the community, or

(iii) Noteworthy
methods of
construction,
materials, or
craftsmanship used
during the Historic
period.

(3) CONTRIBUTORY SITE.

Any Buildings (main, attached,
detached or public), Accessory
Buildings and/or Structures may be
designated to the Historic Sites
Inventory as a Contributory Site if
the Planning Department finds it
meets all the criteria listed below:

(a) The structure is forty
(40) years old or older
and

(b) Meets one of the
following:
(i) Expresses
design characteristics
such as mass, scale,
composition,
materials, treatment,
cornice, and/or other
architectural features
as are Visually
Compatible to the
Mining Era
Residences National
Register District; or
(ii) It is important
in local or regional

history, architecture,
engineering, or
culture associated
with at least one (1)
of the following:

(a) An era of
Historic
importance to the
community; or

(b) Lives of
Persons who were
of Historic
importance to the
community, or

(c) Noteworthy
methods of
construction,
materials, or
craftsmanship
used during the
Historic Period

(c) Contributory
structures may be eligible for
Historic District Grant
funding. Contributory
structures are eligible for
demolition.

(4) Any Development involving
the Reassembly or Reconstruction of
a Landmark Site or a Significant Site
that is executed pursuant to Sections
15-11-14 or 15-11-15 of this code
shall remain on the Park City
Historic Sites Inventory. Following
Reassembly or Reconstruction, the
Historic Preservation Board will
review the project to determine if the
work has required a change in the
site or structure's historic

- (ii) The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or
- (iii) The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; or

(4) All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:

- (i) Restoring the building at its present site; or
- (ii) Relocating the building within its original site; or
- (iii) Stabilizing the building from deterioration and retaining it at its present site for future use; or
- (iv) Incorporating the building into a new development on the existing site.

(B) PROCEDURE FOR THE RELOCATION AND/OR

REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.

All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

(Created by Ord. 09-23; Amended by Ord. Nos.12-37; 15-53)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.

In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; and

(2) At least one of the following:

(a) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(b) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or

(c) The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, ~~the~~ at that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly; unique conditions include but are not limited to:

- (i) If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or
- (ii) If the physical conditions of the existing materials prevent temporarily lifting or moving a

building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or
(iii) All other alternatives have been shown to result in additional damage or loss of historic materials.

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.

All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1.1 **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

- (A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.4 **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the to the primary Use located on the same Lot.

1.5 **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

1.6 **ADMINISTRATIVE PERMIT.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7 **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8 **AFFECTED ENTITY.** A county, municipality, local district, special service district under Utah State Code Title 17D, Chapter 1, Special Service District Act, school district, inter-local cooperation entity established under Utah State Code Title 11, Chapter 13, Inter-local Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if: (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity.

1.8 **AGENT.** The Person with written authorization to represent an Owner.

1.9 **AGRICULTURE.** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

1.10 **ALLOWED USE.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

1.11 **ALTERATION, BUILDING.** Any act or process that changes the Architectural Detail of a Building, including but not limited to, the erection, construction, reconstruction, or removal of any Building.

1.12 **ANCILLARY STRUCTURE.** One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

1.13 **ANEMOMETERS AND ANEMOMETER TOWERS.** A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind

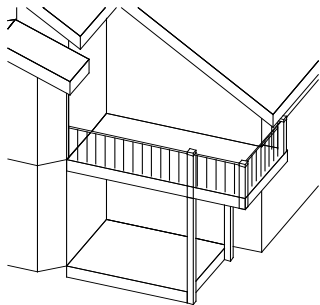
proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

1.19 **AREA OR SITE**. A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

1.20 **ATTIC**. The space between the ceiling joists and roof rafters.

1.21 **BAKERY**. A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

1.22 **BALCONY**. A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. See following illustration:



1.23 **BAR**. A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

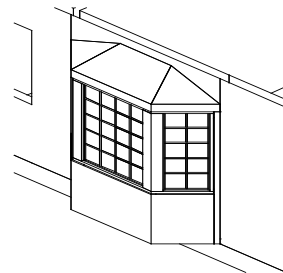
1.231.24 **BARREL ROOF**. A roof with a semi-cylindrical form and having a semi-circular cross-section.

1.241.25 **BASE ZONING**. Existing zoning without the addition of the Transfer of Development Rights overlay zone.

1.251.26 **BASEMENT**. Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.



1.261.27 **BAY WINDOW**. A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



1.271.28 **BED AND BREAKFAST INN**. A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented

nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

~~1.28~~1.29 **BEDROOM.** A separate room designed for or used as a sleeping room.

~~1.30~~ **BILLBOARD.** ~~A separate room designed for or used as a sleeping room. A permanent outdoor Sign that is located off-premises.~~

~~1.29~~1.31

~~1.30~~1.32 **BLANK WALL.** A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

~~1.31~~1.33 **BLOCK.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

~~1.32~~1.34 **BOARDING HOUSE.** A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

~~1.33~~1.35 **BUILDING.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

~~1.34~~1.36 **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

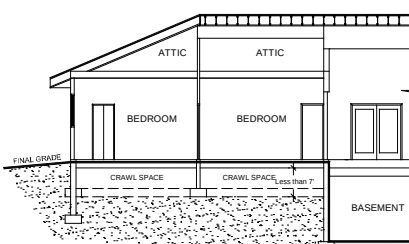
~~1.35~~1.37 **BUILDING FOOTPRINT.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the

by the Historic Preservation Board.

1.681.70 COUNCIL. Members of the City Council of Park City.

1.691.71 COVER, SITE. The Area covered by an Impervious Surface such as a Structure, deck, pool, patio, walk, or driveway.

1.701.72 CRAWL SPACE. An uninhabitable Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



1.711.73 CREST OF HILL. The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

1.721.74 CUL-DE-SAC. A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

1.731.75 DELI OR DELICATESSEN. A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code (IBC) Commercial Kitchen facilities and

does not employ hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

1.741.76 DEMOLISH OR DEMOLITION. Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed Buildings(s) or Structure(s). Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, ~~or~~ and Reconstruction pursuant to Section 15-11-15 of this Code. It also excludes any Material Deconstruction approved by the Historic Preservation Board pursuant to Section 15-11-12.5, or is exempt pursuant to 15-11-12(A).

1.751.77 DENSITY. The intensity or number of non-residential and Residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

(A) In terms of visual compatibility, Density refers to the pattern of clustering residential or commercial structures within a neighborhood and/or District. The pattern is established by the overall mass (length, height, and width) of the structure visible from the Right-of-Way, size of the lot(s), width between structures, and orientation of structures on the site.

1.761.78 DESIGN GUIDELINE. A standard of appropriate activity that will

proximity of Structures.

~~1.88~~1.90 **DWELLING.**

(A) **Dwelling, Duplex.** A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex.** A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit.** A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family.** A Building containing not more than one (1) Dwelling Unit.

~~1.89~~1.91 **DWELLING UNIT.** A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

~~1.90~~1.92 **ECONOMIC HARDSHIP, SUBSTANTIAL.** Denial of all reasonable economic Use of the Property.

~~1.91~~1.93 **ELDER CARE.** A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

~~1.92~~1.94 **ELEVATOR**

PENTHOUSE. The minimum Structure required to enclose the top most mechanical

workings of an elevator.

~~1.93~~1.95 **EMERGENCY REPAIR WORK.** Work requiring prompt approval because of an imminent threat to the safety or welfare of the public or to the structure or site. The scope of the approval for emergency repair work shall only be to the extent related to stabilizing or repairing the emergency situation. Staff shall give a verbal report regarding the emergency repairs at the next Historic Preservation meeting.

~~1.94~~1.96 **EQUIPMENT SHELTER.** See Telecommunications Facilities, Equipment Shelter 1.231(B).

~~1.95~~1.97 **ESCROW.** A deposit of cash or approved alternate in lieu of cash with a third party held to ensure a performance, maintenance, or other Guarantee.

~~1.96~~1.98 **ESSENTIAL HISTORICAL FORM.** The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

~~1.97~~1.99 **EXTERIOR ARCHITECTURAL APPEARANCE.** The architectural character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

~~1.98~~1.100 **FACADE.**

finished surface of the interior of the exterior boundary walls.

(B) **Floor Area, Gross Commercial.**

The Area of a Building including all enclosed Areas excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

(C) **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

~~1.108~~1.110 **FLOOR AREA RATIO**

(FAR). The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

~~1.109~~1.111 **FOOT CANDLE.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

~~1.110~~1.112 **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

~~1.111~~1.113 **FULLY SHIELDED.**

Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

~~1.112~~1.114 **GARAGE.**

(A) **Garage, Commercial.** A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing.** Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private.** An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public.** A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

1.115 **GEOLOGIC HAZARD.** A hazard

joinery, tooling, and turning.

(F) **Feeling.** A Site's expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property's Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.135 HISTORIC SITES INVENTORY.

A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

1.1321.136 HISTORIC STRUCTURES REPORT (HSR). A multi-disciplinary planning document, often created by a team of professionals that provides a forum to identify historic fabric and the means to minimize its loss, damage, or adverse effects upon it. The HSR generally includes the history of construction, alterations, owners, and significant events at the property based on physical and documentary evidence; current conditions; remaining significant and character-defining features; evaluation of current and proposed program needs in relation to the historic fabric; recommended overall treatment approaches; recommended treatment for individual features or areas; prioritization of recommendations and cost estimates; and identification of future areas of research or documentation. The report

provides a framework for owners and stewards to consider physical alterations to the property with the understanding of how the proposed work will impact the historic fabric and character.

1.1331.137 HOME OCCUPATION. A

Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

1.1341.138 HOSPITAL. An institution

specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as "Office, Medical".

(A) **Hospital, Limited Care.** An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

1.1351.139 HOTEL/MOTEL. A

Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies.

(A) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

~~1.170~~1.174 **NOTEWORTHY.**

Deserving notice or attention because of uniqueness, excellence, or Significance.

~~1.171~~1.175 **NURSERY,**

GREENHOUSE. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

~~1.172~~1.176 **NURSING HOME.** A Business described also as a “rest home”, or “convalescent home”, other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

~~1.173~~1.177 **OFF-SITE.** Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

~~1.174~~1.178 **OFF-STREET.** Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

~~1.175~~1.179 **OFFICE.**

(A) **Office, General.** A ~~Building Business~~ offering executive, administrative, professional, or clerical services; ~~or portion of a Building wherein services are performed involving predominately operations performed~~ -with limited client visits and limited traffic ~~generated generation by employees and/or clients; that generally employs fewer than three persons per one thousand square feet of Net Leasable Floor Area.~~

(B) **Office, Intensive.** ~~Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.~~ A Business offering executive, administrative, professional or clerical services performed with a high level of client interaction and a high level of traffic generation; that employs five or more persons per one thousand square feet of Net Leasable Floor Area.

(C) **Office, Medical.** A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian

clinic, but does not include pet boarding
Uses for non-medical related reasons.

(D) **Office, Moderately Intensive.** A Business offering executive, administration, professional, or clerical services ~~which are~~ performed with a moderate level of client interaction and traffic ~~generated~~ generation: that generally employs fewer than five persons per one thousand square feet of Net Leasable Floor Area. by employee and/or clients.

~~1.176~~1.180 **OFFICIAL STREETS MASTER PLAN.** As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of the Streets, highways, roads, and Rights-of-Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

~~1.177~~1.181 **OFFICIAL ZONING MAP.** The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries; and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

~~1.178~~1.182 **ONE BEDROOM APARTMENT.** A Dwelling Unit consisting

of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

~~1.179~~1.183 **OPEN SPACE.**

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

~~1.180~~1.184 **ORDINARY HIGH WATER MARK.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot

Street, as set forth above, shall be designated as a “Storefront Property.” The Planning Director or designee shall have the final determination of applicability.

~~1.204~~**1.208** **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

~~1.205~~**1.209** **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner’s Agent.

~~1.206~~**1.210** **PUBLIC ART.** Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

~~1.207~~**1.211** **PUBLIC IMPROVEMENT.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may ~~effect~~**affect** a City improvement.

1.212 PUBLIC USE. A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

~~1.208~~**1.213** **QUALIFIED HISTORIC**

PRESERVATION PROFESSIONAL. A professional with a combination of education in a closely related field of study plus work experience to meet the Secretary of the Interior’s Historic Preservation Qualification Standards. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. The standards are set for history, archeology, architectural history, architecture, and historic architecture.

~~1.209~~**1.214** **QUALIFIED PROFESSIONAL.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

~~1.210~~**1.215** **QUASI-PUBLIC USE.** A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

~~1.211~~**1.216** **RECEIVING SITE.** A Parcel of real property denoted as a receiving site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A receiving site is the site to which Development Credits may be Transferred.

~~1.212~~**1.217** **RECONSTRUCTION.** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose

number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

1.297 UTAH PUBLIC NOTICE WEBSITE. A website dedicated to bringing greater accessibility to public notice information and increased participation by the public in the State of Utah. It is a central source for all public notice information statewide, provided in a standardized format for publishing. It allows the public to subscribe by either RSS feed or email to receive its notices and updates.
<http://www.utah.gov/pmn/index.html> (create link to this website)

1.2921.298 VANTAGE POINTS. A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and
- (K) Across valley view.

1.2931.299 VEHICLE CONTROL

GATE. Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.2941.300 WETLAND,

SIGNIFICANT. All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

1.2951.301 WILDFIRE/WILDLAND

INTERFACE ZONE. All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.2961.302 WIND ENERGY SYSTEM,

SMALL. All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

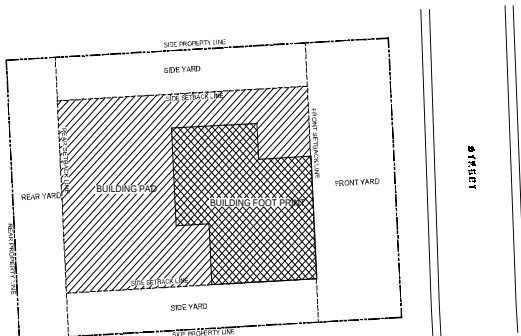
1.2971.303 YARD.

(A) **Yard, Front.** The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line

of the closest Structure.

(B) **Yard, Rear.** The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



1.299 **ZONING DISTRICT.** An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

1.2991.305 **ZONING MAP, OFFICIAL.** The map adopted by the City Council depicting the geographic scope of

the City’s land Use designations.

~~1.300~~1.306 **XERISCAPE.** A landscaping method developed especially for arid and semiarid climates utilizing water – conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07; 09-05; 09-09; 09-10; 09-14; 09-23; 09-40; 11-05; 11-12; 12-37; 14-57; 15-53; 16-02)

15-15-2. LIST OF DEFINED TERMS.

-A-
 Access
 Accessory Apartment
 Accessory Building
 Accessory Use
 Active Building Permit
 Administrative Permit
Affected Entity
 Affordable Housing
 Agent
 Agriculture
 Allowed Use
 Alteration, Building
 Ancillary Structure
 Anemometers and Anemometer Towers
 Antenna
 Antenna, Test Drive
 Antenna, Enclosed
 Antenna, Freestanding
 Antenna, Roof Mounted
 Antenna, Temporary
 Antenna, Wall Mounted

Apartment	Certificate of Occupancy
Applicant	Child Care
Application	Child Care, In-Home Babysitting
Application, Complete	Child Care, Family
Architectural Detail	Child Care, Family Group
Area or Site	Child Care Center
Attic	City Development
-B-	Clearview of Intersecting Streets
Bakery	Club
Balcony	Club, Private
Bar	Club, Private Residence
<u>Barrel Roof</u>	Club, Private Residence Conversion
Base Zoning	Club, Private Residence Off-Site
Basement	Club, Private Residence Project
Bay Window	Cluster Development
Bed and Breakfast Inn	Code
Bedroom	Collector Road
Billboard	Co-Location (see Telecommunications Facility, Co-Location)
Blank Wall	Commercial Use
Block	Commercial Use, Support
Boarding House	Commercial Use, Resort Support
Building	Common Area
Building, Attached	Common Ownership
Building, Detached	Compatible or Compatibility
Building, Main	Conditional Use
Building, Public	Condominium
Building Alteration (see Alteration, Building)	Conservation Activity
Building Envelope	Conservation Easement
Building Footprint	Constitutional Taking
Building Pad	Construction Activity
Building Permit	Construction Mitigation Plan
Business	Construction Plan
-C-	Contributing Building, Structure, Site/Area or Object
Café	Council
Canopy	Cover, Site
Capital Improvements Program	Crawl Space
Certificate of Appropriateness	Crest of Hill
Certificate of Economic Hardship	Cul-de-sac

-D-

Deli or Delicatessen
Demolish or Demolition
Density
Design Guideline
Detached
Developable Land
Developer
Development
Development Agreement
Development Approval Application
Development Credit
Development Credit Certificate
Development Right
Disabled Care
Dissimilar Location
Dwelling, Duplex
Dwelling, Triplex
Dwelling, Multi-Unit
Dwelling, Single Family
Dwelling Unit

-E-

Economic Hardship, Substantial
Elder Care
Elevator Penthouse
Equipment Shelter (see Telecommunications
Facility, Equipment Shelter
Escrow
Essential Historical Form
Exterior Architectural Appearance

-F-

Facade, Building
Façade, Front
Facade Easement
Facade Shift
Fence
Filtered Light Fixture
Final Action
Final Plat

First Story
Flood Plain Area
Floor Area, Gross Commercial
Floor Area, Gross Residential
Floor Area, Net Leasable
Floor Area Ratio (FAR)
Foot Candle
Foot Candle, Average (afc)
Foot Candle, Horizontal (hfc)
Foot Candle, Vertical (vfc)
Frontage
Fully Shielded

-G-

Garage, Commercial
Garage, Front Facing
Garage, Private
Garage, Public
Geologic Hazard
Good Cause
Governing Body
Grade
Grade, Existing
Grade, Natural
Grade, Final
Grading
Green Roof
Group Care Facility
Grubbing
Guarantee
Guest House

-H-

Habitable Space (Room)
Hard-Surfaced
Height, Building
Helipad
Heliport
Helistop
Historic
Historic Building, Structure, Site or Object

Historic District
 Historic Integrity
 Historic Significance, Period of
 Historic Sites Inventory
 Historical Form, Essential (see Essential
 Historical Form)

Historic Structures Report

Home Occupation
 Hospital
 Hospital, Limited Care
 Hotel/Motel
 Hotel/Motel, Major
 Hotel/Motel, Minor
 Hotel Room
 Hotel Suite

-I-

Impact Analysis
 Impervious Surface
 Inaction
 Incidental Retail Sales
 Indoor Entertainment Facility

-K-

Kitchen
 Kitchen, IBC Commercial
 Kitchenette

-L-

Landmark
 Landmark Site
 Landscaping, Interior
 Landscaping, Parking Area
 Landscaping, Perimeter
 Liftway
 Liftway Setback
 Light Source
 Light Source, Refractive
 Limits of Disturbance
 Lockout Unit
 Lot

Lot, Corner
 Lot Depth
 Lot Line
 Lot Line Adjustment
 Lot Width
 Lumen
 Luminaire
 Luminaire, Cutoff Type
 Luminaire, Fully Shielded
 Luminaire, Partially Shielded

-M-

Master Festival
 Master Planned Development (MPD)
 Maximum Extent Feasible
 Maximum House Size
 Model Home

-N-

Neighborhood Convenience, Commercial
 Nightly Rental
 Non-Complying Structure
 Non-Conforming Use
 Noteworthy
 Nursery, Greenhouse
 Nursing Home

-O-

Off-Site
 Off-Street
 Office, General
 Office, Intensive
 Office, Medical
 Office, Moderately Intensive
 Official Streets Master Plan
 Official Zoning Map
 One Bedroom Apartment
 Open Space, Landscaped
 Open Space, Natural
 Open Space, Transferred Development
 Right (TDR)

Ordinary High Water Mark
 Ordinary Repairs and Maintenance
 Outdoor Use
 Outdoor Recreation Equipment (see
 Recreation Equipment, Outdoor)
 Owner

-P-

Parcel
 Parking, Public
 Parking, Residential
 Parking, Shared
 Parking Area
 Parking Lot, Commercial
 Parking Space
 Parking Structure
 Passenger Tramway
 Period of Historic Significance
 Person
 Physical Mine Hazard
 Planned Unit Development (PUD)
 Porous Paving
 Preliminary Plat
 Preservation
 Preservation Easement
 Private Club (see Club, Private)
 Private Residence Club (see Club, Private
 Residence)
 Private Residence Club Conversion (see
 Club, Private Residence Conversion)
 Private Residence Club Project (see Club,
 Private Residence Project)
 Property
 Property, Storefront
 Property Line
 Property Line, Front
 Property Owner (see Owner)
 Public Art
 Public Improvement
 Public Use

-Q-

Qualified Historic Preservation Professional
 Qualified Professional
 Quasi-Public Use

-R-

Receiving Site
 Reconstruction
 Recreation Equipment, Outdoor
 Recreation Facilities, Commercial
 Recreation Facilities, Private
 Recreation Facilities, Public
 Recycling Facility
 Recycling Facility, Class I
 Refractive Light Source
 Regulated Use
 Rehabilitation
 Residential Use
 Resort Support Commercial
 Restaurant
 Restaurant, Drive-Through
 Restoration
 Resubdivision
 Retail and Service, Commercial-Auto
 Related
 Retail and Service, Commercial-Major
 Retail and Service, Commercial-Minor
 Retail and Service, Commercial-
 Personal Improvement
 Ridge Line Area
 Riding Stable, Commercial
 Right-of-Way
 Road, Collector
 Road Classification
 Road Right-of-Way Width

-S-

Salt Lake City 2002 Winter Olympic Games
 Olympic Legacy Displays
 Satellite Receiving Station
 SBWRD

Screen or Screened
 Secondary Living Quarters
 Sending Site
 Sensitive Land
 Sensitive Land Analysis
 Sensitive or Specially Valued Species
 Setback
 Sexually Oriented Businesses
 Significance
 Significance, Period of Historic
 Significant Ridge Line Area
 Significant Site
 Significant Vegetation
 Single Family Subdivision
 Site
 Site Development Standards
 Site Distance Triangle
 Site Suitability Analysis
 Sketch Plat
 Slope
 Slope, Steep
 Slope, Very Steep
 Spacing
 Special Event
 Storefront Property (see Property,
 Storefront)
 Story
 Stream
 Stream Corridor
 Street
 Street, Public
 Streetscape
 Streetscape, Architectural
 Structure
 Studio Apartment
 Subdivision
 Subdivision, Major
 Subdivision, Minor
 Subdivision Plat
 Substantial Economic Hardship (see
 Economic Hardship, Substantial)

Suitability Determination

-T-

Tandem Parking
 Telecommunications
 Telecommunications Facility
 Telecommunications Facility, Co-Location
 Telecommunications Facility, Equipment
 Shelter
 Telecommunications Facility, Stealth
 Telecommunications Facility, Technical
 Necessity
 Temporary Improvement
 Timeshare Conversion
 Timeshare Estate
 Timeshare Instrument
 Timeshare Interval
 Timeshare Off-Premises Contacting Activity
 Timeshare Off-Premises Sales Activity
 Timeshare Off-Premises Sales Office
 Timeshare On-Site Sales Activity
 Timeshare On-Site Sales Office
 Timeshare Project
 Timeshare Sales Presentation
 Timeshare Unit
 Timeshare Use
 Transfer
 Transferred Development Right (TDR)
 Open Space
 Transportation Services

-U-

UDOT
 Uniformity Ratio
 Unit Equivalent
 Use
 Use, Intensity of
[Utah Public Notice Website](#)

-V-

Vantage Points

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6. A financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.

7. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for new development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.

8. A note shall be included on the plat prior to recordation stating that all new development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of the building permit application.

9. A 10' wide non-exclusive public utility and snow storage easement shall be shown along the frontages of Round Valley Drive and Gillmor Way prior to plat recordation.

7. Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding 1) standard of review for appeals and noticing;; 2) standard of review for applications with regard to the General Plan; 3) Steep Slope CUP applicability; 4) common wall development (in HR-1, HR-2, and CT Districts); 5) exceptions to building height and footprint for Historic Sites as valid Complying Structures in HRL, HR-1, HR2 and RC; 6) mechanical service, delivery, and loading areas (GC, LI Districts); 7) lighting requirements or reducing glare and landscape mulch materials; 8) specifications for barrel roofs; 9) require historic site information in MPD applications and review; 10) clarify review criteria to be met when making a determination of historic significance, 11) administrative corrections for consistency and clarity between Chapters such as noticing requirements; and 12) definitions for barrel roof, billboard, glare, and intensive office. (Application PL-16-03115)

Commissioner Suesser returned to the meeting.

Planner Whetstone stated that if the Planning Commission forwards a positive recommendation to the City Council for the proposed amendments the Motion should be pursuant to the Ordinance as opposed to pursuant to the Findings of Fact and Conclusions of Law.

Chair Pro Tem Band suggested that the Planning Commission review the LMC amendments item by item as listed in the Staff report.

1. Standards of Review for Appeals and Noticing

Planner Whetstone noted that the noticing changes were reflected in Exhibit A. The changes were primarily for consistency with change to the State Code.

Commissioner Suesser stated that she did not have the opportunity to review the amendments closely prior to the meeting, and she was not prepared to comment this evening.

Chair Pro Tem asked if these amendments were noticed for action. Assistant City Attorney stated that it was noticed for public hearing and action and the Planning Commission could forward a recommendation to the City Council or continue to another meeting. They could also forward the amendments where there was agreement and continue the ones that need further discussion.

Planner Whetstone explained that this was the only process in Appeals that had a seven day noticing requirements. On appeals the State does not specify a period. Planner Whetstone stated that most of the noticing processes for Park City are 14 days. The Staff recommended changing to a 14 day notice for consistency, unless the State Code has a different requirement, since 14 days is standard in the Code.

Commissioner Suesser referred to the added language in 151-18K, and suggested that "Staff determination" should be plural, to read "Appeals of Staff determinations."

Planner Whetstone noted that another change consistent with State Law is to post to the Utah Public Notice website, which is a State requirement.

Commissioner Suesser asked if there were multiple hearings in these appeals. Planner Whetstone stated that the requirement is for the first hearing. If the public hearing is continued and the public hearing is not closed on any item that has been noticed, a republication of notice is not required. Assistant City Attorney McLean stated that this was the current practice. Before the first hearing before the Planning Commission the item will be noticed 14 days prior. If it is continued to a date certain it is not re-posted or re-

published in the paper. It is always re-noticed on the Park City website and on the Utah Public Notice website, along with the agenda. That is done for every meeting under the Open Public Meetings Act laws. The only distinction is that the language clarifies that before the first meeting before City Council there will be a published noticed. That has not been consistently done in the past.

The Commissioners were comfortable with Item 1.

2. Standards of Review for applications with regard to the General Plan

Planner Whetstone stated that this amendment was a recommendation from the City Attorney. Under D, Standards of Review, having the use consistent with the Park City General Plan was struck in that section and inserted under the Review Criteria, where an application is reviewed for consistency with the goals and objectives of the Park City General Plan. She noted that it changes the standard of review for an MPD or CUP application. The Code is supposed to reflect the General Plan. Planner Whetstone read the added language, "...review for consistency with the goals and objectives of the General Plan, however, such review for consistency shall not alone be binding."

Planner Whetstone replied that the same language applies to MPDs. It was removed from 15-6-6, under Required Findings and Conclusions of Law and added under General Review. The change was reflected on page 213 of the Staff report.

Director Erickson clarified that the amendments were cleaning up the language to reflect that the General Plan is guidance and not regulation.

Commissioners were comfortable with Item 2, with the exception of Commissioner Suesser who was not prepared to sign off on the proposed change.

Chair Pro Tem Band stated that this item could be removed for action if the Commissioners wanted to discuss it further when Commissioners Joyce and Strachan were present. The Commissioners agreed to continue this amendment for further discussion.

3. Steep Slope CUP applicability

Planner Whetstone remarked that this amendment would increase the regulation in Historic Districts for what counts as footprint for steep slopes. Director Erickson stated that the issue is when a Steep Slope CUP would be required. If the steep area was a horizontal plane and something projected over it, it would not be regulated. Based on the new language, if it is a vertical plane and a deck projects into it, it would require a steep slope

CUP. Planner Whetstone pointed out that it would not apply to decks because decks are not building footprint.

Commissioner Campbell noted that a cantilever floor counts as a footprint. Director Erickson remarked that floor area is different than regulating for Steep Slope. Commissioner Campbell was unsure why the proposed language was necessary. Director Erickson explained that if someone tried to avoid doing a steep slope CUP and maximizing building volume, he would design the footings and foundation and the first floor to not impact the steep slope, and then on the second floor cantilever a deck over it. Commissioner Campbell stated that his understanding of building footprint is that if you shine a light from above directly down, anything in the shadow of that was part of the building footprint. Planner Whetstone stated that if the house cannot project over the steep slope area. Commissioner Campbell thought the existing footprint rule would catch it if that occurred. Planner Whetstone noted that the current language only states "If the footprint is located upon an existing slope", meaning that the footprint actually touches the steep slope.

Director Erickson suggested that the Staff might need to further consider this amendment. The intent was to clarify that a Steep Slope CUP could not be avoided. Commissioner Campbell favored the intent but he questioned the necessity of the added language. Commissioner Phillips agreed with Commissioner Campbell that it was already regulated by the footprint rule. However, he was not opposed to leaving in the added language for additional clarification. The Commissioners concurred.

4. Common Wall Development

Planner Whetstone stated that this amendment would not apply in the HR-L zone because only single-family is allowed in the HR-L zone. Reference to the HR-L should be stricken from the language. The proposed amendment would apply to HR-1, HR-2 and CT zones. It also currently applies in the other zones.

Planner Whetstone revised the proposed language on page 214 of the Staff report, "A side yard between connected structures is not required where structures are designed with a common wall on a property line, each structure is on an individual lot, and the lots are burdened with a party wall agreement in a form approved by the City Attorney, Chief Building Official, and all applicable Building and Fire Code requirements are met." She clarified that IBC was replaced with Building.

Assistant City Attorney recalled that the Staff had an internal discussion on policy issues in terms of setbacks and new construction versus old construction. She explained the issues that were created by this amendment related to setbacks and the common wall. Another

issue is whether this amendment is meant to clean up the non-conformities that were historically done and preventing having to go through the condominium process; or whether the Planning Commission thinks this should be allowed in the future.

Chair Pro Tem Band thought this item needed further consideration and discussion. The Commissioner agreed to continue item 4 for discussion.

5. Exceptions to building height and footprint for Historic Sites as valid complying Structures in HRL, HR-1, HR2 and RC.

Chair Pro Tem understood from the Staff that this item was not ready to be forwarded to the City Council.

Planner Whetstone explained that the intent of this language was to say that a historic structure should not have to be modified to have a ten foot step at 23 feet to meet the Code. It should be a legal complying structure if it does not have a setback.

Planner Whetstone stated that another exception is when you have a historic structure 35 feet below grade with a garage at the top, there would be an exception to the 35 feet. Another exception is a historic structure that does not meet the total 35 feet in height from finish floor to the wall plane because that is how it sits as an existing historic structure and it is non-complying. The proposed amendment recognizes that if something is historic they are legally non-complying structures. However, additions must comply with building setbacks, building footprint, driveway location standards and building height. That language did not change.

Planner Whetstone stated that the exception has always been used for a basement under a historic structure. A basement or driveway location could be approved with a conditional use permit if all the other criteria are met. Planner Whetstone remarked that one additional criteria was added requiring that it comply with the Design Guidelines. The second exception related to a house being so far below the street that a new garage would keep it from meeting the overall building height.

The Commissioners agreed to continue this item for further discussion. Director Erickson suggested a drawing or a site tour to help with the discussion.

6. Mechanical service, delivery and loading areas (GC, LI Districts).

Planner Whetstone stated that the language is currently in the LI District and the Staff was proposing to put the same language into the GC zone. The only change to the language is

to replace eliminate the view with mitigate the view from nearby properties. The Commission recommended this item be forwarded to City Council.

7. Lighting requirements for reducing glare and landscape mulch materials

Commissioner Campbell thought lighting and landscaping were important issue and he suggested that they wait until all the Commissioners were present to have the discussion.

Commissioner Phillips asked if there is a way to measure lighting. Director Erickson replied that there are three different ways of measuring three different kinds of lighting including glare. He noted that Community Development Director, Anne Laurent has a proposed lighting ordinance that carries a full suite of measurements, including for glare, which is defined in the amendments as the difference between how dark it is and how light it is.

Planner Whetstone remarked that the amendment upgrades the purpose statements and adds a definition for "Glare". It also add LEDs as an approved light source and the temperature for LEDs should be less than 3000K.

The Commissioner agreed to continue this item, for additional information and discussion with the rest of the Commission.

8. Specifications for barrel roofs.

Director Erickson suggested that the definition of barrel roofs could be moved forward subject to removing the phrase, "such as cathedrals, railroad station, theaters and sports venue arenas", because it was intended to address residential structures.

Chair Pro Tem Band stated that unless the Commissioner had other issues this item would be forwarded to the City Council as amended by Director Erickson.

9. Require historic site information in MPD applications and review.

Director Erickson believed this item would need input from the public as well as discussion by the planning Commission. He noted that they require MPDs to identify mine sites and mine hazards, but they do not require identification of potentially historic structures. Director Erickson recalled that the Planning Commission required a new inventory at Park City Mountain Resort; however, it was not required on Alice Claim and it was later discovered that there was a historic site. This would require historic sites to be identified in an MPD.

Planner Whetstone read the proposed language under (O) on page 220 of the Staff report. "All MPD applications shall include a map and a list of known historic sites on the property and a historic Structures Report, as further described on the MPD applicant. The Report shall be prepared by a qualified historic preservation professional".

Director Erickson stated that the Planning Commission should decide whether or not to give the Planning Director the authority to waive the requirement on small MPDs. Planner Whetstone did not think it should be waived if the intent is to know all historic sites in an MPD.

Commissioner Thimm remarked that those types of things become difficult in terms of defining when it is waivable. Chair Pro Tem Band thought this amendment helps more than it hurts and if they find that it causes problems with smaller developments it could always be amended.

Commissioner Suesser asked if there was a requirement to have the property inspected for historic sites. She noted that the proposed language says "a map and list of known historic sites on the property". She noted that it does not require someone going out to the site to look at it. Planner Whetstone stated that the remainder of that language requires a report to be prepared by a qualified professional, which would require someone going to the site.

Commissioner Suesser wanted to know what the report would entail. Director Erickson explained that there is a professional standard for an inventory of known historic sites which involves using the Historic Sites Inventory and mapping anything on the MPD. He pointed out that this language does not require a reconnaissance of new sites. If they want a reconnaissance the Staff would need to revise the language.

Commissioner Campbell thought the language was vague. Chair Pro Tem Band noted that the language requires a report to be prepared by a qualified historic preservation professional. Commissioner Suesser thought reconnaissance was important and it should possibly be required.

Planner Whetstone noted that the language came from the Historic Planners and they may have a definition for a Historic Structures Report. Commissioner Campbell suggested a definition for a qualified historic preservation professional.

Chair Pro Tem Band suggested that they continue this item to discuss some of the issues that were raised.

10. Clarify review criteria to be met when making a determination of historic significance.

Planner Whetstone presented an exhibit from Chapter 11-11 – Criteria for designating sites to the Historic Sites Inventory. She indicated where “and’s” and “or’s” were corrected in the language after review by the Historic Preservation Planners and Assistant City Attorney McLean.

Chair Pro Tem Band asked for the essential change in this section. Assistant City Attorney McLean stated that Essential Historic Form is a defined term in the Code but it was not clear. The intent was to clarify that it was the same term. Planner Whetstone stated that Essential Historical Form was incorrect and it was changed in the definition to Essential Historic Form.

Commissioner Suesser understood that the changes might not be significant, but not having had the opportunity to review it she was not prepared to sign off on it.

This item was continued this item for further discussion.

11. Administrative corrections for consistency and clarity between Chapters such as noticing requirements.

Planner Whetstone referred to the notice matrix and noted that that the changes were made to be consistent with State Code. Assistant City Attorney referred to noticing for Zoning and Rezoning and noted that after “first hearing”, language should be added to say, “of the Planning Commission and the City Council”.

Chair Pro Tem Band suggested that the Planning Commission continue this item for further changes and clarification.

12. Definitions for barrel roof, billboard, glare and intensive office.

Planner Whetstone added a definition of Affected Entity and handed out a sheet to the Commissioners with the definition and what it involves. She requested that it be included in the definitions being forwarded to the City Council. Assistant City Attorney McLean noted that the language for Affected Entity was directly from the State Code.

Chair Pro Tem Band noted that the language for barrel roofs was revised earlier in this discussion and the same revision applied.

The Commissioners discussed the definition of a billboard and what constitutes a billboard. Due to various regulations related to billboards, Director Erickson suggested that they pull billboard from this list of definitions.

Chair Pro Tem Band added Affected Entity to the definitions.

Regarding the definition for glare, Commissioner Campbell remarked that excessive and uncontrolled is hard to define and could be argued. He asked if they revise the language to say "caused by brightness". Chair Pro Tem Band stated that anything could be considered brightness. Planner Whetstone stated that if the light bulb is not shielded and in an opaque it creates glare. Director Erickson believed the definition for glare was taken from the International Lighting Code. Commissioner Campbell asked Ms. McLean if she could defend the words "excessive and uncontrolled" by someone who argues that they do have control of their light bulb. Ms. McLean agreed that the more definitive the better.

Director Erickson stated that there are standards coming forward that define the contrast in terms of luminosity. He was not opposed to continuing the definition for glare for further discussion. Commissioner Suesser was not comfortable with the word "sensation". She recommending using "impact" instead of "sensation".

The Commissioners agreed to continue the definition of glare for further discussion.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

Chair Pro Tem Band summarized that Items 1, 3, 6 and 8 as amended and a portion of item 12, would be forwarded to the City Council. The remaining items would be continued.

MOTION: Commissioner Campbell moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments Items 1, 3, 6 and 8 as amended and a portion of Item 12, the definitions for Affected Entity, and Barrel Roof, Office, General, Office Intensive, and Office, Moderately Intensive. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Campbell made a motion to CONTINUE LMC Amendments Items 2, 4, 5, 7, 9, 10 and 11, and a portion of Item 12, the definitions for glare and billboard, to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

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The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

4. Land Management Code (LMC) amendments - Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, noticing, and standards of review; Chapter 2- common wall development process (in HR-1, HR-2, and CT Districts), clarification of building height requirements (horizontal stepping and overall height) for Historic Structures and Sites; Chapter 5- landscape and lighting requirements; Chapter 6- require inventory and report on mine sites for MPD applications; Chapter 11- historic preservation Criteria for designating sites; Chapter 15- related definitions (Billboard, Historic Structures Report, Qualified Historic Preservation Professional, Glare, and others); and various Chapters to provide consistency between Chapters. (Application PL-16-03115)
5. Land Management Code (LMC) amendments - Various administrative and substantive amendments to the LMC in order to comply with changes made in the State Code. Chapter 1- regarding procedures, noticing, and other requirements; Chapter 7- effect of vacation, alteration, or amendment of plats; procedures, requirements and review of plat amendments; Chapter 7.1 modifications to public improvements required for a subdivision; Chapter 15 – related definitions. (Application PL-16-03115)

Planner Kirsten Whetstone noted that the majority of the Commissioners had reviewed these LMC amendments on June 22nd, and continued them for further discussion when all the Commissioners were present.

Planner Whetstone stated that the amendments involve six chapter. The amendments to Chapter one, the general provisions and notice appeals vesting exactions, are amendments to comply with State Code. The second part was the standard of review for conditional use permits regarding the General Plan, and putting it as one of the review criteria.

Planner Whetstone noted that the amendments for Chapter Two relate to the zoning districts. One change was in the CT, Community Transition Zone, to allow attached structures with a common wall party wall to be separately owned without a condominium plat. The same amendment is proposed in the historic residential zones; but only if duplexes or triplexes are allowed in the zone.

Planner Whetstone noted that the Chapter 6, Master Planned Developments, was the third chapter being amended. One amendment is the standard of review for Master Planned Developments as related to the General Plan, and moving it from a required finding to one of the review criteria. The second amendment to Chapter 6 are the

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inclusion of requirements for historic sites map and the inventory of historic structures and sites, as well as a historic structures report. The fourth chapter being amended was Chapter 7, Subdivisions. The amendments to 7 and 7.1 were compliance with changes to the State Code. Chapter 11 was the next chapter being amended, which is Historic Preservation. The amendment is a clarification of criteria for designating sites to the Park City Historic Sites Inventory. Chapter 15 were definitions related to these amendments. The definitions were for Essential Historical Form, Historic Structures report, Qualified Historic Preservation Professional, and the Utah Public Notice website.

Planner Whetstone noted that Chapter 5 was included in the agenda, which is the architectural chapter and addresses lighting and landscaping. The Staff requested that the Planning Commission continue Chapter 5 to a date uncertain.

The Staff requested that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Chair Strachan referred to Chapter 15 and asked if the only changes were those required by State Statute. Assistant City Attorney McLean explained that the City is more restrictive than State Code. Currently, the State Code does not require any published notice other than on the Utah Public Notice website. However, the City has additional requirements within the Code that are greater than the State requirement. Ms. McLean clarified that most of the proposed changes in Chapter 15 were due to the fact that the State Code changed with regards to zoning, noticing, and LMC noticing. She gave examples of some definitions that were verbatim out of the State Code. The language regarding appeals was more of a reflection of consistency by Staff.

Chair Strachan noted that the City previously amended the appeals portion of the Code based on the roles of the Board of Adjustment and the HPB, and duplicative reviews. He asked why it was being done again. Assistant City Attorney McLean replied that it was an effort to clean up the language and remove duplicative references. She clarified that there were no substantive changes from what was already approved regarding appeal rights. It extends the noticing from 7 days to 14 days across the board and cleans up the Code for better clarification.

Chair Strachan opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside Avenue, commented on the duplex common wall where two separate structures are attached. Ms. Meintsma assumed they would primarily be single lot structures, and noted that by being attached with a common wall, the 3-foot side yard becomes a 6-foot side yard on each side. She stated that a 6-foot side yard is a nice side yard on a structure in Old Town; whereas, a 3-foot side yard is mostly dead space. With a 6-foot side yard the closest structure 9-feet away. Ms. Meintsma referred to a comment in the Staff report that the Planning

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Commission may consider increasing the exterior side yards. However, with a 6-foot side yard the structure would be 19-feet wide. She did not think it was reasonable to make the side yard greater. Ms. Meintsma pointed out that the footprint on two individual structures with a common wall is 844 square feet. If it is not a common wall but it is still a duplex, it becomes one structure with two parts and the footprint is reduced by 169 square feet. If it is not a common wall it actually becomes a smaller structure. Ms. Meintsma stated that if it really is two individual structures with a common wall, the side yard should not be reduced and should remain at 6-feet to keep the structure from being narrower than 19-feet. She suggested that the structures might need a smaller footprint as opposed to a smaller side yard.

Chair Strachan closed the public hearing.

Planner Whetstone indicated the proposed redline language for that particular situation on page 330 of the Staff report. It was the same language in the HR-L, HR-1, the RC section for single family duplex lots, and the HR-2. If lots are combined in any of the above-mentioned zones, a duplex requires a conditional use permit. Planner Whetstone read, "The Planning Commission made consider increasing side yards during the required conditional use permit review for the use to mitigate potential impacts on adjacent property". It also talks about how all the side yard exceptions apply. The Planning Commission may also consider decreasing the building footprint during the conditional use permit review. She pointed out that some of these are existing duplexes that sit on two lots, and others could be new duplex structures on two lots that are built with a common wall. Planner Whetstone remarked that the intent was that the side yards would be based on the underlying lots. On a 25' lot the side yard would be 3' and 3'. The Planning Commission could increase that setback depending on the design of the lot because there is a set footprint based on the lot. Depending on the neighborhood or a specific situation, the side yard may also be decreased.

Commissioner Campbell asked for an explanation of Exhibit G on page 513 of the Staff report. Planner Whetstone replied that it was the minutes from the June 22nd Planning Commission meeting. The header was missing to reflect that they were the minutes from that meeting, and she assumed the header was cut off when the packet was printed. She reiterated that two Commissioners were not present on June 22nd and the Planning Commission continued these LMC amendments until they could be reviewed by the full Commission. Also, some of the amendments needed further clarification and description of the background and the consequences. She had included the minutes from the previous meeting so the Planning Commission could recall the details of that discussion. Planner Whetstone would make sure the heading was back on before this goes to the City Council.

Commissioner Suesser referred to Chapter 15-1-10-E-16, regarding the conditional use review process and the language, "The use is consistent with the Park City General

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Plan as amended. She noted that it was removed from the first section and moved to subsection 16. Commissioner Suesser understood from the language that if the Planning Commission does not find that the conditional use as proposed is consistent with the General Plan, that alone could not justify denial. She was told that was correct.

Chair Strachan explained that the old Code used to say that the Planning Commission had to find compliance with the General Plan. The problem is that the General Plan is both sword and shield. Everyone can find something in the General Plan that supports their position or undermines it. There was no way to find compliance with the General Plan, and the General Plan itself is not a binding documents, therefore, the Planning Commission would have problems during a CUP review when the application ran afoul of certain provisions in the General Plan.

Commissioner Joyce had the same question and he was unsure how to address it. He felt like it had no teeth and was completely ambiguous. Assistant City Attorney McLean stated that the change was suggested by the City Attorney's Office because the Legal Department has litigated these situations. If compliance with the General Plan is the only reason the Planning Commission needs for denial, it would be difficult to defend in court. Luckily, the City was on the opposite side of that argument in the case of 1440 Empire Avenue, which went to the court of appeals on the subdivision, and the CUP was litigated in district court. That issue came up and the plaintiffs argued that it was not consistent with the General Plan because it was a transition zone. The courts found that General Plans by statute are advisory. The General Plan is meant to be big picture rather than have findings related to a specific approval. Ms. McLean stated that because the General Plan is such a vast document it is difficult to say whether or not an application complies. She clarified that the General Plan is an important document that helps lead policy, but it should not be part of an approval, and especially administrative approvals.

Commissioner Joyce questioned why it was even included in the LMC. Commissioner Suesser was comfortable including the language because it adds to the weight of the other criteria. Chair Strachan and Commissioner Band concurred. Commissioner Band noted that the State Ombudsman told them that the General Plan is a guiding document and questioned whether it should even be referenced in the LMC. Chair Strachan thought the State Ombudsman's comment was conflicting because they are required by State Statute to have a General Plan, but then they cannot rely on it.

Chair Strachan agreed that the language was vague, but the Code is not always cut and dry. Commissioner Suesser reiterated her preference to keep the language in the Code.

Commissioner Thimm referred to page 286, Item #3, historic structures are allowed to not comply with building height and footprint. He thought there was already language in

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the LMC about pre-existing conditions and non-conformance for historic buildings. Planner Whetstone explained that the current language exempts historic structures from setbacks and parking, but it does not address building footprint. The proposed change clarifies footprint and height for existing historic structures. Commissioner Thimm was satisfied with the included language.

Commissioner Joyce referred to page 289 of the Staff report, where it talks about requiring a historic structures report as part of the MPD. He thought it sounded big and involved, particularly when he saw it defined in the definitions section. Commissioner Joyce stated that the Planning Commission was already tagged with being bureaucratic at times, and he cited example of MPDs where a historic structures report would be irrelevant. He thought it sounded expensive, and it was unclear what would be included. Commissioner Joyce was concerned that they were adding a large piece to an MPD process that was already convoluted, without a condition to say it is relevant.

Planner Whetstone stated that if it was as piece of land that has one or two small structures, the extent of that report would be simple and inexpensive. However, if those structures are in need of preservation, it is important to show they intend to preserve them.

Commissioner Joyce did not dispute those scenarios. However, the definition of a historic structures report asks for things that are not relevant. Planner Whetstone replied that it is relevant because if someone wants to do an MPD and the property contains historic structures, part of the good cause of the MPD should be to preserve those historic structures. In order to do that they would need to know the existing conditions of what is there and how they intend to preserve it.

Commissioner Thimm thought there was value in doing this and creating a mechanism to protect historic structures. There are gives and gets that go with an MPD and it is important for people to understand if there is heritage on their property and having that mechanism is a good thing. Commissioner Campbell agreed. However, he asked if there was a mechanism to make the process easier. Director Erickson stated that at a minimum it was important to identify the fact that there are sites inside the property when someone come in for an MPD. Once that is done, the Planning Commission could have the discretion to waive the historic sites report for good cause. It would give the Planning Commission an "off-ramp" to waive the report. Chair Strachan thought the Planning Director or the HPB should have the mechanism to waive the historic sites report. Director Erickson stated that the Staff would craft criteria under which the Planning Director could do it. If the Planning Commission preferred that it go to the HPB, they could create criteria for that body.

Commissioner Campbell clarified that he liked the idea of the historic structures report and he was not suggesting that they change it. However, he would like the Staff to compile a list of names or places that the applicants could reference to get the report

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done.

Commissioner Joyce stated that he is reluctant to add rules that react to one or two, but affects everyone. However, since the majority of the Commissioners supported it he suggested that they leave the amendment as proposed; and if they hear complaints that it is extraneous, they could add the “off-ramp” criteria. The Commissioner concurred.

Commissioner Campbell understood that the government body that was listed to view the criteria did not license or insure the ones conducting the report. He thought it was something that could be open to abuse. Director Erickson clarified that the report needs to be done by a qualified professional. Commissioner Campbell asked if they were licensed and insured. Director Erickson answered no. Commissioner Campbell stated that they were asking the professional to do part of the enforcement for the City by certifying that there are or are not structures on the property. He thought some developers would pay decent money to get the report whitewashed to say there were no historic structures. Director Erickson agreed that it was a possibility. Chair Strachan thought it was a problem throughout the Code. People could pay off engineers or others to get the result they want. Commissioner Campbell stated that one way to avoid that problem would be for the City to have an approved list. Chair Strachan was hesitant to create a monopoly on who would get the business. Director Erickson clarified that the City was not asking for certification. They were only asking that the structures be identified. Commissioner Campbell was comfortable leaving it the way it was, but he wanted the Commissioners think about it for a later discussion.

Commissioner Joyce referred to page 294 of the Staff report regarding notification. He read, “The Planning Commission shall hold a public hearing on all amendments to the LMC”. Notice of the hearings...mailing notice to each affected entity.” He was unsure how they would decide who was affected by and LMC change, because he believed it affects everyone. Assistant City Attorney replied that “affected entity” is a defined term in the Code, and it was also in the definition section. The definition was taken directly from State Code. It tends to be school districts, sewer districts, and similar types of entities. Commissioner Joyce stated that the Planning Commission was considering Code changes that would potentially affect everyone who does something in Park City. He asked if everyone would be notified by mail. Ms. McLean answered no. She explained that they would mail notice to each affected entity as defined by the Code and the specific definition. However, another section in the State Code says that if for some reason notice is not published in the newspaper and not posted on the Utah Public Notice website, they have the ability to mail notice to owners directly.

Commissioner Joyce pointed out that they were making an LMC change on notifications and that affects everyone who does anything with the Planning Department. Ms. McLean referred to the definition and noted that “Affected Entity” was capitalized. It also talks about “owners” who are affected. She clarified that those are two are not the

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same. She suggested the idea of distinguishing the two to make it clearer. Ms. McLean stated that “affected Entity” capitalized is a very specific group.

Commissioner Joyce remarked that it was under the heading of “Land Management Code Amendments”. If they are making an LMC amendment on notification, he wanted to know who would be the affected entity of such a change. Chair Strachan replied that affected entity was defined in the Code. Commissioner Joyce held his position that a change to the LMC affects everyone.

Commissioner Campbell noted that the definition of Affected Entity says “A county, municipality or local district”. He pointed out that it is not an individual, which should address Commissioner Joyce’s objection. Assistant City Attorney McLean read the definition as it was taken from the State Code. “Affected Entity means, County, Municipality, Local District, Special Service District, School District, interlocal cooperation entity, specified public utility, property owner, property owners’ association, or the Utah Department of Transportation, if the entity, service or facilities are likely to require expansion or significant modification because of the intended use of land. The Entity has filed with the municipality a copy of the entities general or long range plan, or the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with the requirements imposed under this Chapter.” Ms. McLean stated that if the land owner filed something with the City, the City would send them a notice.

Chair Strachan believed the point was that the definition specifically says property owner. Assistant City Attorney McLean clarified that this change was not creating anything new. The intent of the change is to comply with State law and match the language.

Commissioner Joyce stated that when they add language to the LMC it is important to know what it means and to actually execute it. He wanted to make sure that the notification would properly occur and that it would not come back on the City if they do not send a mailed notification to everyone. Chair Strachan thought Commissioner Joyce made a good point. The second sentence of subparagraph 4, because it does not define “affected”, could mean everyone. Ms. McLean stated that she had recommended adding the language because she could see a circumstance where something was not noticed. However, the City does not have to follow the language in the State Code.

The Planning Commission and Ms. McLean discussed the language. The question was whether subparagraphs 1, 2, 3, 4 all applied. Commissioner Joyce thought the language as written meant they could skip 2 and 3 but they could not skip 4. Ms. McLean stated that the difference is that Affected Entity includes all the groups identified in the definition. It can include a property owner if A, B, or C applies in

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Subsection 1 of the Code. It does not mean a notice must be sent to everyone in the city. Subsections 2 and 3, talks about owners who are affected. Notices could be mailed to owners who are affected if it is not posted on the Public Notice website or published in the paper.

Assistant city Attorney McLean suggested removing that language to avoid confusion because the City always publishes on the Public Notice website. Chair Strachan agreed that it should be removed. He pointed out that if they do not do subsections 2 or 3 and they choose which owners are directly affected and should get a mailed notice, someone will come to a meeting and say they were directly affected and did not receive a notice. Commissioner Joyce thought it could be argued that everyone in town lives within 300 feet of an LMC change.

The Planning Commission agreed to keep the first phrase in subparagraph 4, "mailing notice to each affected entity", and strike everything after that. Ms. McLean offered to review the amendments and strike it from other areas where it appears, as well as from the notice matrix. The motion could be to remove the language wherever it appears and she and Planner Whetstone would make sure it is removed before this goes to the City Council.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments to Chapters 1, 2, 6, 7, 11, 15 as described in the Staff report and as amended this evening. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Campbell moved to CONTINUE LMC Amendments to Chapter 5 to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

EXHIBIT H

Land Management Code AmendmentsWork Program for 2016/2017- Planning Commission priorities based on April 27, 2016 Work SessionMinimum (requires minimal staff research and Commission discussion)

1. **Appeals process** approvals for consistency with Chapter 1 and throughout the Code. *Identify appeals process (15-1-19), including noticing, and appeal authority for appeals of HDDR and CUP approval applications. **(Forwarded to CC on August 10)***
2. **Clarify standard for review of Conditional Use Permit and MPDs** (Chapters 1 and 6). *General Plan review is more specific to legislative actions such as zoning, rezoning, MPDs, annexations, LMC Amendments. CUP applications are more administrative and the standard of review in 15-1-10 (D) needs to be reworded to reflect that. **(Forwarded to CC on August 10)***
3. **Clarify Steep Slope CUP and setback applicability** (regarding vertical plane). *Based on applicant interpretation Staff sees a need to clarify that Steep Slope CUP applications apply when development occurs on Steep slope as well as onto the entire horizontal and vertical planes that make up the property and similar case with setback regulations. Add language to Chapter 2 (HRL, HR-1, HR-2, and RC). **(Forwarded to CC on June 22)***
4. **Allow common wall development with Party Wall Agreement** for all Districts (HR-1, HR-2, HCB, and CT) as is currently allowed in the R-1, HRM, HRC, SF, RD, RDM, RM, RC, GC, and LI Districts (Chapter 2) as a way to allow units to be individually sold without a condominium plat (especially for duplexes where 2 unit condominiums are an impediment to affordable housing). *Research history of this issue and consider adding the existing language to the remaining Districts- "A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. **(Forwarded to CC on August 10)***
5. **Exception for ten foot horizontal step and total 35' height requirement for historic structures and clarify height exception for garages on downhill lots** in HRL, HR-1, HR-2 and RC District as legal non-complying structures (Chapter 2). *Adding to existing language in 15-2.2-4 Existing Historic Structure to include the Building Height as a standard that makes a valid Complying Structure if it doesn't comply with the current regulations for Building Height. "Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standard are valid Complying Structures...." **(Forwarded to CC on August 10)***
6. **Consistent language for screening of mechanical equipment in GC and LI District** (Chapter 2). *Section 15-2.19-9 Mechanical Services, Delivery, and Loading Areas, which has specific requirements for exterior mechanical equipment screening, etc. should be included in the GC District too. **(Forwarded to CC on Jun 22)***

7. **Landscape review standards for landscape materials and mulches-** prohibit petroleum based and synthetic mulches (Chapter 5). *Review materials and mulches for water conservation, e.g. bark, gravel, turf, native grasses, etc.* **(Discussed on June 22 and continued to date uncertain on August 10)**
8. **Allow barrel roofs** as a permitted roof form (Chapter 5) and codify how height is measured (Chapter 2). *Discuss and define barrel roofs and consider including in Chapter 2 as an allowed roof form* **(Forwarded to CC on June 22).** Determination of height exception for barrel roofs (Chapter 2).
9. Review Master Planned Development requirements specific to **Mine Sites** (Chapter 6). *Review Section 15-6-5 specifically for Mine Sites to be shown on MPD site plans and may require that an inventory of sites be prepared along with a protection and/or preservation plan.* **(Forwarded to CC on August 10)**
10. **Various administrative corrections** (cross references to incorrect sections, typos, terminology and changes, related definitions, and other minor administrative corrections). (Various Chapters). **(Forwarded to CC on August 10)**
11. **State mandated changes** (Various Chapters). **(Forwarded to CC on August 10)**

Moderate (requires moderate amount of time for Staff research and more in depth Commission discussion of policy issues)

1. **Residential/neighborhood lighting glare.** Regulations to prevent glare and definitions (Chapters 5 and 15).
2. **Align Special Events regulations** with recent Municipal Code changes for Special Events, Temporary Structures and Tents, Outdoor Events, etc. in all Districts. The Municipal Code was recently amended and the Land Management Code is not consistent and should be amended (Chapters 2 and 4).
3. **Definitions** (as they apply to these amendments and review of all for updates and clarification) (Chapter 15).
4. Clarification of Planning Director approval of “**diminimus adjustments.**” Review Section 15-14-1 Administration and Enforcement, and include a paragraph and explanation for Planning Director determination of substantial compliance with this Code, including allowance for approval of diminimus adjustments. (Chapters 14 and 15).
5. **Standards for expiration of inactive or stayed applications** *Determine timeframe for when inactive or stayed applications should expire after 90 days without action. Provide more specific requirements for keeping an application current. Definition of Inaction.* (Chapters 1 and 15).
6. **Standards for application revisions and requirements for submittal of new application** when changes are substantial. *Provide standards for when substantial revisions to an application require a new application. New fees? New application? What is substantial? New subsection of 15-1-14?* (Chapters 1 and 15).
7. **Screening of mechanical** discussion in general. What constitutes adequate screening of mechanical equipment? Landscaping, fencing, walls, roof top

structures, paint, etc. discussion. *Discussion in terms of general screening requirements and definitions* (Chapter 2, 5, and 15).

8. **Flat roof/green roof regulations.** Historic residential zones, related design guideline amendments, non-historic districts and architectural design. Pros and cons as they relate to architectural compatibility and energy conservation (Chapters 2, 5 and 15)

Significant (requires a significant amount of time for staff research and review of larger policy issues and greater in depth review and discussion by the Commission, likely will include greater public involvement as well)

1. **Review Master Planned Development requirements** (Ski Lockers, Soils Ordinance, Mine Sites (**reviewed June 22 and August 10**), Support Commercial and Meeting Space, Back of House Uses and Transportation related), and related definitions. *Review Section 15-6-8 specifically for accessory uses in Sections F and G* (Chapters 6 and 15).
2. **Review Unit Equivalent requirements in Master Planned Developments** and for various Public Uses. *LMC calculates for Residential and Commercial/office uses. How do you calculate UE for public and private recreation facilities, essential municipal public utilities and uses, accessory buildings, skating rinks, indoor sports fields, public and quasi-public schools and churches, child care centers, public assembly structures, etc. Review Section 15-6-8- Unit Equivalents specifically in Sections A-E* (Chapters 2, 6, and 15).
3. **Parking and driveway regulations** regarding maximum driveway grades; parking areas for vehicles, boats and trailers; maximum parking standards; parking in Historic District standards consistent with Parking Chapter, paving and gravel. *The current regulations for maximum driveway grades (up to 14%) encourage more grading of the site, use of heated driveway systems, and construction higher on the lot. Recommend maximum driveway grade of less than 10%. Applicant with unique lot characteristics still would be able to apply for a variance* (Chapters 3 and 15).
4. **Review Allowed and Conditional Uses in all Districts for consistency and for consideration of other uses.** *Recent discussion includes requests to provide or revise land use tables and definitions for the following: Agricultural Uses, Accessory Apartments, Portable Storage Units, Resort Accessory Uses, Resort Summer Uses, Essential Municipal Uses, Ski-related Accessory Buildings (also for other recreational activities), Temporary Improvements, Tents, Recreation Facilities, Support Commercial, Outdoor Events and Special Events) and others. Provide a land use table or matrix in the code* (Chapters 2 and 15).
5. **Expand Annexation Expansion Boundary** to include City Owned property to the North and East of current City Limits. *Review General Plan language, State Code requirements, and current LMC language to understand existing annexation expansion boundary (15-8-7) and consider amending to include other City owned properties within the Expansion boundary area. Will need to review the process for changing annexation expansion boundaries and include in the LMC as well to comply with State Code* (Chapter 8).

6. **Portable Storage Unit and Group Mail Box** regulations. *Discuss these uses, definitions, and locations where allowed, conditional or prohibited in all Districts, specifically an issue in the Historic Districts* (Chapters 2, 4, and 15).
7. **House size and footprint reductions** in the historic districts and potentially for existing non-historic neighborhoods and future developments (Chapters 2 and 15).

For more in depth review and research

This was the category used at the last meeting to “park” and note for items that will require more in depth research and analysis prior to Planning Commission discussion.

1. **Landscape review standards for energy efficiency.**
2. Review and upgrade **entire lighting standards for energy efficiency**, color, etc. in Chapter 3 for Parking Lots (Section 15-3-3 (C)) and Chapter 5 (15-5-5 (I)) for General Architectural Standards. *Review best practices and include more specific metrics for lighting for energy efficiency and good urban design.*
3. Codify requirements for **Net Zero Buildings** and other energy efficiencies (Chapters 5 and 6). *Requires a white paper and discussion of the topic of net zero building and what specific items need to be added into the LMC to provide regulatory teeth to achieve these goals.*
4. **TDR program** regulations and process.
5. **Wood burning fireplaces** restrictions.
6. **Transportation related amendments**