



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
May 26, 2022**

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING: The Council of Park City, Utah, will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on May 26, 2022. Council members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

CLOSED SESSION - 2:00 p.m.

To Discuss Property, Personnel, Litigation, and Advice of Counsel

WORK SESSION

2:30 p.m. - Discuss Special Event Requests: Art Festival, Miners Day, Car Free Sunday, Bonanza Art Park, and Special Event Parking Rates

[Special Event Requests Staff Report](#)

[Exhibit A: Kimball Art Center Letter of Request and Background](#)

[Exhibit B: Park City Rotary Letter of Request](#)

[Exhibit C: HPCA Car Free Sunday Letter of Request](#)

3:45 p.m. - FY2023 City Manager's Recommended Budget: Operating Budget Presentation and Review

(A) Public Input

[FY23 Operating Budget Staff Report](#)

[Exhibit A: Detailed Recommendations by Department](#)

[Exhibit B: All FY23 Budget Requests](#)

[Exhibit C: Budget Summaries](#)

[Exhibit D: Flagstaff Fee Memo](#)

[Exhibit E: Revenue Analysis](#)

5:45 p.m. - Break

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. SWEARING IN CEREMONY

1. Swearing in Ceremony for Officers, Sergeant and Lieutenant

[Swearing-In Staff Report](#)

[Exhibit A: Oaths of Office](#)

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Park Silly Sunday Market Contract Outreach Plan
[PSSM Feedback Opportunities Staff Report](#)
2. Winter Season Transportation Update
[Winter Transportation Staff Report](#)

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

V. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from May 5, 2022
[May 5, 2022 Minutes](#)

VI. CONSENT AGENDA

1. Request to Authorize the City Manager to Enter into Agreements in a Form Approved by the City Attorney's Office with Kilgore Companies, for Rotomilling, Pavement Overlays, and Utility Adjustments in the Amount of \$759,176.60, Morgan Pavement Maintenance for Type II Slurry Seals and Crack Sealing in the Amount, \$250,388.90 and Wasatch Property Maintenance for Sealcoat of Trails, in the Amount of \$21,300.30 for a Total Amount Not to Exceed \$1,030,865.80
[2022 Pavement Management Program Staff Report](#)
[Exhibit A: 2022 Pavement Map](#)
[Exhibit B: 2022 Pavement Management RFP](#)
[Exhibit C: Bid Packet Submissions from Recommended Bidders](#)
[Exhibit D: Bid Results Matrix](#)
2. Consideration to Authorize the City Manager to Execute a Scope Modification and Additional Funding to the Professional Services Agreement, in a Form Approved by the City Attorney, with Fehr & Peers, for a Detailed Micro-Transit Analysis for Park City Municipal Corporation's Short Range Transit Plan in an Amount Not to Exceed \$29,500
(A) Public Input (B) Action
[Short Range Transit Plan Professional Services Agreement Staff Report](#)
[Exhibit A: SRTP Budget Modification](#)

VII. OLD BUSINESS

1. Consideration to Approve a Lease Amendment with Bangkok Thai, Located at 605 Main Street, to Increase the Length of the Dining Deck
(A) Public Input (B) Action
[Dining Deck Amendment Staff Report](#)
[Exhibit A: Operational Restrictions and Draft Lease](#)

VIII. NEW BUSINESS

1. Consideration to Adopt Resolution 10-2022, a Resolution Proclaiming June 2022, as Pride Month in Park City
(A) Public Input (B) Action
[Pride Month Staff Report](#)
[Exhibit A: Pride Month Proclamation](#)
2. Consideration to Approve a Permit Fee Waiver in the Amount of \$50,669.18 for the Park City Fire District

(A) Public Input (B) Action
PCFD Permit Fee Waiver Request Staff Report
Exhibit A: PCFD Fee Waiver Request Form
Exhibit B: Fee Breakdown Table

3.

Consideration to Approve Ordinance 2022-14, an Ordinance Approving the Mountain Center Subdivision, Located at 1431 Lowell Avenue, Park City, Utah

(A) Public Hearing (B) Action
NAC Subdivision Staff Report
Exhibit A: Ordinance No. 2022-14
Exhibit B: Applicant's Plat Intent
Exhibit C: Unsigned Access and Utilities Easement
Exhibit D: NAC Parking Submittal
Exhibit E: Public Input
Exhibit F: Signed CUP Final Action Letter

4.

Consideration to Approve Ordinance No. 2022-15, an Ordinance Amending the Municipal Code of Park City Title 4 *General Licensing* Section 4-2-15 *Vibrant Commercial Storefront in HCB and HRC Districts*; Title 12 *Sign Code* Section 12-3-1 *Permits Required*; and Title 15 *Land Management Code* Section 15-15-1 *Definitions*

(A) Public Hearing (B) Action
Vibrancy Land Management Code Amendments Staff Report
Exhibit A: Draft Ordinance 2022-15
Exhibit B: Ordinance No. 07-55
Exhibit C: Ordinance No. 2016-02
Exhibit D: Ordinance No. 2017-31
Exhibit E: Ordinance No. 2017-65
Exhibit F: Ordinance No. 2018-16
Exhibit G: Ordinance No. 2017-56
Exhibit H: Ordinance No. 2017-09

5.

Consideration to Approve Ordinance No. 2022-16, an Ordinance Amending the Land Management Code to Exempt Single-Family Dwellings and Duplexes from Certain Architectural Review Requirements in Chapter 15-5 to Comply with Changes to State Law; to Update Appeals in Sections 15-1-18, 15-10-3, and 15-10-7 to Comply with Changes to State Law; to Update the Definition of *Food Truck* in Section 15-15-1 to Comply with Changes to State Law; and To Make Non-Substantive Corrections For Consistent Citation To The Utah Code and Internal Citations, to Update References To The International Building Code, and Other Minor Modifications

(A) Public Hearing (B) Action
Architectural Review and Appeals LMC Amendment Staff Report
Exhibit A: Draft Ordinance No. 2022-16

IX. 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.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

2:30 p.m. - Discuss Special Event Requests: Art Festival, Miners Day, Car Free Sunday, Bonanza Art Park, and Special Event Parking Rates

Suggested Action:

Attachments:

[Special Event Requests Staff Report](#)

[Exhibit A: Kimball Art Center Letter of Request and Background](#)

[Exhibit B: Park City Rotary Letter of Request](#)

[Exhibit C: HPCA Car Free Sunday Letter of Request](#)

City Council Staff Report

Subject: Special Event Request: Art Festival, Miners Day, Car-Free Sunday, Bonanza Art Park, and Special Event Parking Rates
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: May 26, 2022
Type of Item: Work Session

Recommendation

When considering Special Event requests that require considerable operational and financial support from City departments (Special Events, Police, Parking, Transit, Streets, and Community Engagement) there is value in considering requests in totality and providing input individually.

This Summer (2022), we received four Special Event proposals. Dependent on Council's direction, some of the events may require Council's consideration and approval at a subsequent meeting:

- Kimball Art Festival (KAF): request to negotiate a new City Service Agreement (CSA);
- Miners' Day: request for City to take on the event, Rotary would remain in charge of the Parade and Running of the Balls;
- Car-Free Sunday (CFS): request for City to continue being the Applicant, and waive all associated City Service Fees; and
- Bonanza Art Park (BAP): Follow up on discussion for late summer programming.

We also desire to discuss Council's preferred policy approach to paid parking during the summer special event season. Paid parking during Special Events (the rate) is essential to reducing traffic and congestion and increasing the use of transit, carpooling, and walking and biking.

Executive Summary

The role of Special Events in Park City continues to evolve, especially for those events that draw large crowds, operate across multiple days, and require considerable use of municipal property and City resources. In 2018, [Council overhauled the Special Events Policy](#) to help reduce and contain special event impacts and create more predictability. Most recently, on April 7, 2022, (work session [report](#) p. 6, [minutes](#) p. 1), the Council provided direction to codify review criteria that prioritize community-oriented filters, remove economic incentives, identify additional Peak and Quiet Times, where no new events are approved, and to reduce fee waivers for non-community focused events. The Special Events team plans to bring a list of proposed code amendments to Council for approval in June.

In the meantime, several applicants have requested contractual approvals and renegotiation with the City that require direction.

Background

Traditionally, large events have held a City Service Agreement (CSA) to proactively determine contract terms, use of City property and services, financial assistance, and performance measures. There are four active CSA's, including [Sundance Film Festival](#) (expires 3/1/2026), [Kimball Art Festival](#) (expires 8/15/2022), [Park Silly Sunday Market](#) (expires 9/30/22), and [Triple Crown](#) (expired 11/30/2021).

Special Event Costs:

	Total Fees & Hard Costs	Fees Waived to Applicant	Fees Paid to City	Number of Events
Contracted Events	\$1,868,183	\$1,753,594	\$36,543	4
Uncontracted Events	\$491,881	\$413,538	\$79,397	53
Non Profit	\$106,880	\$57,814	\$49,066	45
For Profit	\$31,009	\$1,732	\$30,331	5
City Produced	\$353,992	\$353,992	\$0	7
Totals	\$2,360,064	\$2,167,132	\$115,940	57

Total City Services and hard costs for events average \$2,360,064 annually. The City received \$115,940 in revenue from special events where fees were not waived.

Outside of the CSAs, the City Council allocates \$200,000 in Special Event Fee Waivers (SEFR) annually. Event applicants apply for a SEFR bi-annually and must meet the standards within section [4A-2-9 of the municipal code](#). Events without a CSA are largely local non-profit organizations. The City allocated \$137,889 in SEFR's in FY22, well below the annual threshold.

Special Events that hold a CSAs account for most event costs at \$1,868,183. Barring any substantial change, typically events that hold a CSA are not required to apply for SEFR's, as the contractual costs are budgeted within existing departmental budgets.

City-produced events now total \$353,992 (FY22). These include Fourth of July, Car-Free Sundays, Bonanza Art Park, Scarecrow Festival, Skate, and Dirt Park Jams, and Olympic Video Board Display.

Analysis

Kimball Art Festival (KAC) (Exhibit A):

The KAC event request is attached (Exhibit A). The [KAF's CSA](#) expires on August 15, 2022, and they desire a new contract by August with the following terms:

- Venue: Continued exclusive use of Main Street
- Contract Length: 5 years (2023 to 2027)
- Fees & Hard Costs: Up to \$180,000 in City service fees waived, including a 10% annual inflationary increase each year.
- Dates: First full weekend in August (3 days – Friday, Saturday, and Sunday) for the contract term.

- Approval Authority: Annual, City Council approval of a supplemental plan and debrief.

Preliminary Analysis:

1. The aggressive timeline to secure a new CSA before the current contract expires will require considerable attention during an already busy event season.
2. Mandatory 10% inflation is unrealistic. The majority of City fees are the result of Transit and Police. Over the last three years, KAC's fees were decreased to \$145,000, never meeting the CSA threshold of \$180,000.
 - a. The Council could consider an appropriate subsidy and require an amount or percentage of fees to be paid by KAC to control costs. Currently, KAC pays \$10,000 towards City Services.
3. The KAF provides a Park City locals platform and the event is the primary fundraiser for youth programming in Park City/Summit County, and the Wasatch Back.
4. During the last negotiation, the City remained the *presenting sponsor* for the *Free Friday for Locals* promotion.
5. The KAC continues to offer 12 juried spaces for the Park City Professional Artists Association, however, this is not part of the current CSA. Council could consider artist/vendor requirements to achieve desired focus on local or diversity goals.
6. Consider the requirement that we ask KAC to conduct an annual Economic Impact study.

Summary for Council:

City Council should provide direction if additional information or feedback is required and provide feedback on KAC's initial terms for a new contract. This item will return to Council for further discussion at a subsequent meeting.

Miner's Day (Exhibit B):

Park City Rotary proposed that PCMC take over some of the Miner's Day festivities. Rotary proposes the City organize the Mucking and Drilling while Rotary maintains the parade and Running of the Balls (Exhibit B). Rotary does not have a CSA, as the event is permitted annually.

- Term: Indefinitely
- Event Applicant: City becomes the event applicant for Miner's Day.
 - a. The City would hire an event producer, similar to operating July 4th festivities, estimated at approximately \$15,000 per year.
- Programming: City organizes mucking and drilling, food and beer garden, kids games, music, etc.
 - a. The estimated programming budget is \$14,000, with a small revenue of \$5,000.
- Fees & Hard Costs: City waives all City Services and hard costs, estimated at \$27,000.
 - a. The City has historically waived 100% of Miner's Day fees estimated at \$27,000 annually which has been within the SEFR threshold.

- Cost Summary: Total fees for the event organizer, programming, and waived fees are estimated at \$56,000.
- Approval Authority: Currently, Miner's Day is an annual, administrative event approval because it has been a Level Four event with no substantial changes ([4A-2-3.I](#)).

Preliminary Analysis

1. Consider associated costs, become the Applicant for Miners' Day, and enter into a Memorandum of Understanding (MOU) or Letter of Intent (LOI) with Park City Rotary for their responsibility for the Parade and Running of the Balls.
2. Miners' Day is a local civic event that promotes community goodwill and connects us to our community's history.
3. This request is similar to how the City became the event applicant for the Fourth of July.
4. Timing is important, as Park City Rotary is looking to understand how to approach permitting for this year's event.

Summary for Council:

City Council should provide direction if additional information or feedback is required, or if they are supportive of the request for the City to take on the role of Applicant and associated costs. A formal agreement with Miners' Day would need to be approved at a subsequent meeting.

Car-Free Sunday (CFS) (Exhibit C):

The Historic Park City Alliance (HPCA) supports CFS in 2022 (Exhibit C). The previous Council requested the City relinquish the event application role and allow HPCA to take over event responsibility for funding, production, and costs. The HPCA applied for a Restaurant Tax Grant to hire an event producer and cover the costs of programming. However, HPCA requests the City remain the event applicant and consider waiving all City Services estimated at \$115,000. The timeline for Restaurant Tax funding is uncertain. If funding is not received, the HPCA will not move forward with CFS.

HPCA requests:

- Term: Annual Application
- Event Applicant: HPCA will secure programming and hire event organizers if grant funding is received but requests the Council continues as an event applicant.
 - If grant funding is received, it may come with an undesirable external marketing requirement.
- Fees & Hard costs: Due to the Tour of Utah cancellation, the City Manager's Proposed FY23 Budget proactively includes placeholders for CFSs.
 - City Services are estimated at \$115,000 and not counted towards the annual fee threshold (City-sponsored events are not charged against SEFR threshold).
- Approval Authority: Annual, City Council

Preliminary Analysis

1. For the last two years, the City was the event applicant during the pandemic (many Main Street businesses operated with only 50% capacity during the unpredictable period).
2. Timeline is imminent, and CFS is scheduled to begin on June 5. If Council does not support waiving \$115,000, the HPCA indicated they will withdraw their event request.
3. This event takes considerable time and effort to produce. Irrespective of the event applicant, considerable City services are required from Special Events, Police, Transit, Parking, Building, and more.
4. HPCA serving as the applicant would allow Special Events to remain in their traditional regulatory role and require HPCA to provide insurance standards.
5. Event goals change (pandemic relief to a locals-first community day), and the event producer can reflect those values when producing the event.
6. HPCA is a professional business association capable of producing events, approving merchants, and managing logistics and programming.
7. Closing Main Street allows public safety, transportation, and events to manage and mitigate traffic impacts.
8. Special Events can administratively approve the Special Event Permit for CFS as there are no substantial changes. This request does not need Council approval.
9. City Service Fees estimated at \$115,000 are within current budgets. Council could consider a scaled fee approach (100% in 2022, 50% in 2023, 0% in 2024).

Summary for Council:

The Special Events Manager has the authority to approve Car Free Sundays as a Level Four event with no material changes. City Council should provide direction regarding continuing to be the applicant, discuss the responsibility of associated costs, and if any additional outreach is required. While HPCA desires to begin CFS on June 5, the timing of these decisions may delay the event.

Bonanza Park Neighborhood Area Programming:

On April 28, 2022, ([report](#) p. 782, minutes not published) the Council provided direction for minor to moderate levels of temporary programming. If Council supports the proposal, it will be implemented under a Level 2 Event (administrative approval) and include a season-end debrief.

The Special Events Department requests direction on temporary programming and budget:

- Budget: \$80,000 from Transient Room Tax (TRT)

Item	Estimated Cost
Potty/ Washroom Rental	\$5,000
Trash/ Waste Management	\$1,000
Programming Non Amplified Music, Dance/Preformance, Non Profit Partners, Food Truck Minimum	\$26,000
Staffing (2) - Site Manager & Programming Activation Manager	\$48,000
Estimated Costs	\$80,000

- Programming: Create passive site activation in June and July, with eight days of programming in late August and September and a Halloween Festival on October 28, 29, and 30 (no programming on Halloween).
 - The temporary programming would remain focused on local community culture and artists.
 - The first right of refusal would be provided to local Summit County Food Trucks. If those cannot be secured, we will reach out to Food Trucks within Wasatch Front.

Preliminary Analysis

1. Minor/moderate levels of temporary programming are achievable and will be focused on local non-profits, artists, and small businesses.
 - a. The FY23 City Manager's Proposed Budget includes small portions of the TRT for temporary programming as a proactive placeholder.
2. Site improvements – Additional site improvements can be implemented to improve the visual and aesthetic appearance of the site if Council desires but this is out of the current budget scope for programming.
3. Event Promotion – Event promotion will stay local and grassroots. However, with a longer lead time to implement programming, we anticipate more locals will attend and utilize the programmed area.

Summary for Council:

The Special Events Manager has the authority to approve Bonanza Park Neighborhood Area programming administratively. City Council should provide direction if additional information or feedback is required, or if they are supportive of the level of programming as described.

Special Event Parking Rates:

Special Event Parking rates have not been increased since 2017/2018. Consistent data shows parking is full (above 85%) during PSSM, CFS, Savor the Summit, Fourth of July, KAF, Miners' Day, and Halloween.

Parking and Special Events recommend a slight rate increase during these peak times

to help push individuals into our public transit system and walking and biking to Main Street. Paid parking rates, when coupled with viable alternative transportation, create positive changes in behavior during events that would otherwise create considerable traffic and congestion.

Parking receipts are deposited into the Parking Enterprise Fund to support operations, capital equipment, and asset management (parking garage). When Council approved the 2010 PSSM CSA, City Council increased parking rates by \$.50/hour, resulting in an annual revenue increase of \$120,000. At the time, Council agreed to share that equally among PSSM, HPCA and Park City Municipal ([February 25, 2010](#) – report p. 1 / action p 4 & 17). Council specifically approved HPCA receiving \$40,000 for “programming” upper Main Street. Council discontinued paying PSSM for their portion of the agreement in 2018 during the last CSA negotiation.

On October 7, 2021 ([report](#) p. 249 / [minutes](#) p. 11), in alignment with the expiring PSSM CSA and Business Improvement District (BID) Service Provider Contract with the HPCA, Council chose to not further extend the annual \$40,000 payment to HPCA allowing for future conversations on service provisions and funding sources. The current Business Improvement District (BID) contract expires in November, which will require a policy discussion at a future meeting.

Special Events and Parking worked with the HPCA to review and consider parking rate modifications at their May 18, 2022, regular meeting. An update on their discussion was not ready before the packet was published and will be provided at the City Council meeting.

Summary for Council:

The City Manager has the authority to implement Special Event Parking rates ([7.7 of the Fee Schedule](#)). City Council should provide direction if additional information or feedback is required, or if they are supportive of the recommended changes.

The rate proposal is as follows:

Major Events	2022 Parking Rates	Free Parking Location Preference	Transit from Additional Parking Location
Park Silly Sunday Market	\$7 p/h max \$30; 10:00 a.m. to 4:00 p.m. Free from 4:00 to 6:00 p.m. normal rates after 6:00 p.m. No first hour free.	KEARNS CAMPUS	15 minute frequency from High School
Car Free Days on Main?	\$7 p/h max \$30; 10:00 a.m. to 4:00 p.m. Free from 4:00 to 6:00 p.m. normal rates after 6:00 p.m. No first hour free.	KEARNS CAMPUS	15 minute frequency from High School
Savor the Summit	\$7p/hr max \$30; 4:00 p.m. to midnight. Normal rates during the day.	KEARNS CAMPUS	15 minute frequency from High School
Fourth of July	\$30 flat free until 1 p.m.	DV, PCMR, KEARNS, CAMPUS COUNTY	15 minute frequency from High School
Arts Festival	Friday night - \$7/hr max \$30; 2:00 p.m. to midnight. Normal rates until 2 p.m. Saturday and Sunday, \$7/hour max \$30 from 10 to 4:00 p.m., normal rates after (\$3/hour). No first hour free.	DV, PCMR, KEARNS, CAMPUS COUNTY	15 minute frequency from High School
Miners Day	\$15 flat - 9:00 a.m.-5:00 p.m. - balance with PSSM day before	KEARNS CAMPUS	15 minute frequency from High School
Autumn Aloft	normal rates - parking is \$3/hr beginning at 6 p.m.	KEARNS CAMPUS	Normal Transit Routes
Shot Ski	normal rates - parking is free before 6 p.m.	KEARNS CAMPUS	Normal Transit Routes
Halloween	\$15 flat rate 2 p.m to 6 p.m. (normal rates after 6 p.m.)	KEARNS CAMPUS	15 minute frequency from High School

Exhibits

Exhibit A: Kimball Art Center Letter of Request & Background

Exhibit B: Miners Day Letter of Request

Exhibit C: Car-Free Sunday Letter of Request

April 20, 2022

Dear Mayor Worel and members of the City Council,

Thank you for your service to our community. Kimball Art Center seeks to begin discussions with the City Council and Park City Municipal staff members for the Park City Kimball Arts Festival's renewed event contract. As part of these negotiations, the Kimball Art Center would like to present the following major points:

- Venue is Historic Main Street in Park City, UT
- 5 year contract length (2023-2027)
- City services fee waiver of \$180,000 with 10% inflation annually. In exchange for the city service waiver, Park City Municipal will be named as a Presenting Sponsor of the Park City Kimball Arts Festival.
- Festival dates will be the first full weekend in August
 - July 31 - August 2, 2023
 - August 2 - 4, 2024
 - August 1 - 3, 2025
 - July 31 - August 2, 2026
 - August 6 - 8, 2027

The Park City Kimball Arts Festival is one of Park City's most signature events. The in-kind support given by Park City Municipal helps sustain this event and goes directly back into the Park City community through our programs (see below). Kimball Art Center looks forward to discussing these new terms with the City Council.

Sincerely,



Aldy Milliken
Executive Director

Park City Kimball Arts Festival

The Park City Kimball Arts Festival is one of the top ranked art festivals in the country and one of Kimball Art Center's most celebrated programs. Each year, the arts festival showcases the work of jury-selected artists and welcomes guests from around the country. Now in its 52nd year, this three-day, open-air celebration of the arts is considered one of Park City's signature events.

In the summer of 1969, a group of local Park City artists came together to launch an open-air arts festival on historic Main Street. Their aim was to imbue Park City – already a bustling ski resort during the winter – with cultural offerings in the summer months. Inspired by the artists' creative energy, local philanthropist Bill Kimball decided to expand upon their efforts by creating Kimball Art Center, a permanent home for the visual arts in Park City.

Under guidance and management of Kimball Art Center and a longstanding partnership with Park City Municipal Corporation, the Park City Kimball Arts Festival – true to the spirit of its founders – has established itself as one of Utah's leading cultural events, attracting thousands visitors annually, and garnering national attention for the artists whose works are displayed.

2021 Economic Impact: \$14,000,000+ overall

- \$2.0MM+ spent on lodging
- \$4.5MM+ spent on Restaurants and retail
- \$470,000+ direct state, county, and city tax revenue.

About the Kimball Art Center

The Kimball Art Center (KAC) is an educational institution that provides international quality art exhibitions and dynamic educational opportunities for the citizens of Park City, Summit County, Wasatch County, and the region's many visitors. KAC introduces visitors to the artistic process through its educational programs and gives insight into the many layers of creativity with its exhibition and event programs. Art is a catalyst for growth that allows an outlet for reflection, fosters new ways of thinking, and encourages compassion and connection.

We see our role as a vital component of civic life for residents in our area and serve as a stimulant for creativity and community dialogue aiming to energize Park City's vibrant arts community. Founded in 1976 by Bill Kimball, the Kimball Art Center is one of the region's oldest creative non-profit organizations.

Kimball Art Center Background

Council approved the [current service agreement with the Kimball Art Center \(KAC\) for the PCKAF on November 3, 2016](#). On July 15, 2021 ([report](#) p. 259/ [minutes](#) p. 15). While KAC did cancel the PCKAF during 2020, KAC requested a one-year contract extension due to pandemic recovery which Council approved through August of 2022, no other terms were changed. Terms of the CSA included:

- Up to 180,000 in City Service. KAC agrees to pay a \$10,000 flat fee annually towards City Services;
- No cash payment from the City for Free Friday Night for locals. KAC rebrand Friday Night for Locals as a partnership with the City as presenting sponsor;
- KAC will receive notice of any events that may potentially impact the event before official approvals, including that KAC can provide any recommendations to City Staff and Council in advance of any event approval;
- KAC has first right of refusal on any City-owned property during the dates of the Festival;
- Annual Council check-ins including supplemental plans and Festival debrief;
- KAC agrees to provide profit & loss statements to City upon request and to produce an economic impact study on the Festival; and
- Performance Measures include tracking attendance, creating an incentive program for alternative modes of transportation, lessening traffic impacts, supporting promotional opportunities with local businesses, year-round programming to support the community at large, and reducing the Festival's carbon footprint and environmental impacts; and
- Annually KAC is required to have City Council approve an annual Supplemental Plan and year-end-debrief.

KAF's [current CSA expires on August 15, 2022](#). On November 4, 2021 ([report](#) p. 33/ [minutes](#) p. 7), the previous Council provided direction that supported consideration of a future contract. KAC desires a CSA by July and provided the following initial terms for consideration.

- Venue: Main Street
- Contract Length: 5 years (2023 to 2027)
- Fees: \$180,000 with 10% annual inflation increase
- Dates: First full weekend in August (3 days – Friday, Saturday, and Sunday)

Staff seeks direction regarding the KAC proposal. KAC has been a good partner and desires to continue its relationship with the City, the community, and HPCA by continuing to host its event on Main Street. Over the years KAC has worked to manage/reduce impacts on residents and businesses and continues to align with community goals and priorities. PCKAF has served as the primary fundraiser for the Kimball Art Center for more than 50 years in our community. The event raises funds to support Kimball Art Center's community programs, exhibitions, classes, and youth activities.

Park City Kimball Art Festival Overview Chart	
Item	2021 Details
Contract Term	5 year + 1 year extension (2017 to 2022, no event in 2020 due to pandemic)
Number of Days	3
Attendance	
Total Attendance 2021	26,853 (daily ticket sales)
Top State Attendance	Utah
Top 4 States Attendance	California, Texas, Florida, Arizona
Age Demographic	56% of people are between the age of 46 to 70
Economic Impact Measures	
Overall Economic Impact	\$14,079,909
Estimated Park City Taxes	\$267,518

Average Spending Per Person	\$1,521
Number of Artists	
Total Artist Represented	191
Wasatch Back	17
In State	29
Out of State	145
Sustainability Measures	
Recycled/Composted	12,112 lbs
Transportation Measures	
Parking Occupancy	85% or higher / # average number of cars parked/ day
Transit Ridership	21,280
Fees and Costs	
Annually Fees Waived Up To	\$180,000
Actual City Fees in 2021	\$149,095
Fees Paid to City Annually	\$10,000



March 21, 2022

City Council
Park City, Utah
Re: Miners' Day

Council Members,

For decades, the Park City Rotary Club has been proud to host Park City's annual hometown community celebration, Miners' Day. This annual Labor Day event, which dates back to 1896, is a celebration *by* Park City residents, *for* Park City residents. It is crucial to the history and culture of our community, and it is our honor to sustain the tradition. Our club has also been able to serve the community through annual nonprofit grants, due to the success of our Miners' Day fundraiser, the Running of the Balls.

In recent years, the operation of this event has become a significant challenge for our all-volunteer organization. Managing all the elements of the Miners' Day event has stretched the resources of our club to the limit of our capabilities. Because the long-term viability of Miners' Day is so crucial, *we write this letter to request that City Council consider transferring the operations of two of these elements of Miners' Day to Park City Municipal.*

Park City Rotary currently operates four elements of Miners' Day (Note, the Pancake Breakfast is operated by St. Mary's Church, and the Park City 5K is operated by Park City Twilight Rotary, a separate Rotary club):

- Parade on Main Street
- Running of the Balls
- City Park Festivities (food and entertainment vendors, live music, kids' games)
- Mucking & Drilling exhibition/competition

The Park City Rotary Club would like to continue operating the Parade on Main Street and the Running of the Balls; however, *we would like to request that the operations of City Park festivities and the Mucking & Drilling event be transferred to management by Park City Municipal.*

Thank you very much for considering this request, and we look forward to the discussion around Miners' Day.

Sincerely,

Corrie Forsling
Miners' Day Event Chair

Board of Directors
The Park City Rotary Club



March 8, 2022

RE: Car Free Sunday's 2022

On behalf of the HPCA, we respectfully request the City explore the return of Car Free Sunday's for the upcoming summer season. We have surveyed the merchants and the results show that 64.8% would like to see this event return.

Thank you in advance for your time and consideration. We look forward to working with City staff on bringing this event back to Main Street this summer.

A handwritten signature in black ink that reads "Rhonda L. Sideris".

Rhonda Sideris
HPCA Board President

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Budget, Debt & Grants

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

3:45 p.m. - FY2023 City Manager's Recommended Budget: Operating Budget Presentation and Review
(A) Public Input

Suggested Action:

Attachments:

[FY23 Operating Budget Staff Report](#)

[Exhibit A: Detailed Recommendations by Department](#)

[Exhibit B: All FY23 Budget Requests](#)

[Exhibit C: Budget Summaries](#)

[Exhibit D: Flagstaff Fee Memo](#)

[Exhibit E: Revenue Analysis](#)



City Council Work Session Report

Subject: FY23 City Manager's Recommended Budget – 2nd Report

Author: Budget Team

Department: Budget, Debt, & Grants

Resources Date: May 26, 2022

Type of Item: Legislative

On May 12, the Budget Team presented a broad overview of the FY23 City Manager's Recommended Budget, committing to return to Council with specific details, deeper discussions, and a platform for a robust review with the Budget Team and department managers for FY23 Operating Budget requests. [The Budget webpage](#) is updated and is the hub for this year's budget information. It will all include all staff reports, future meeting details and timelines, additional informational reports, memos, and all other official budget documents. We invite the public to attend the work sessions, provide public input, and continue to monitor and review the Budget webpage to track and locate updated information.

The Budget Team will present the FY23 City Manager's Budget throughout May and June.

- May 26, 2022, will focus on operating requests in the General, Transportation, and Golf Funds;
- June 9, 2022, will focus on the proposed Capital Budget with a detailed review of large capital projects and funding sources, as well as the FY23 Water Fund budget and focused reviews of Fire Mitigation, allocation of Housing funds, and the Flagstaff Transfer Fee;
- June 16, 2022, will focus on proposed Fee Changes, Budget Policies, and Elected and Statutory Officer Compensation;
- On June 23, 2022, the City Council will take public input, hold a public hearing, and adopt a Final FY23 Budget, Budget Policy and Fee Changes, and Elected and Statutory Officer Compensation.

Executive Summary

The Budget and Executive Team focused our energy on the Annual City Council Retreat and subsequent work sessions to ascertain the new Mayor and City Council priorities, areas of focus. Four key themes emerged that helped guide the budget development process:

1. Resort Economy Mitigation
2. Neighborhood Reinvestments
3. Organizational Infrastructure
4. Workforce Support

These themes together with the Critical Community Priorities drove the recommended FY23 budget. Detailed department recommendations are outlined in Exhibit A.

Analysis

The operating budget is made up of personnel, materials, supplies, maintenance, equipment, and contract budgets. Capital, debt, and other Funds, such as Water, Golf and Transportation, make up the rest of the City's budget.

The operating budget is broken out first by fund, then by department. Funds are defined by their different revenue sources. The General Fund is mostly made up of property, sales tax, and other fees, whereas the Transportation Fund is financed through transit sales taxes and a significant amount of local, State, and Federal grants.

New FY23 budget recommendations represent the work and recommendations of the Results Team (internal budget committee) and the Executive Team. Overall, Park City's financials remain strong and well-positioned to continue investing in core and essential services as well as exciting new initiatives. The FY23 budget proposal reflects stability and growth; increasing tourism and visitation year-round, drive-traffic and overnight lodging; and increasing pressure on our facilities, infrastructure, neighborhoods, and employees. To the extent possible, the proposed budget City seeks to address critical needs, strategically advance opportunities, and recruit and retain a high-performing workforce.

FY23 Operating Budget Items – These items will be reviewed during the Council work session:

- Budgeting for Outcomes (BFO) – The Budget Team will provide a comprehensive overview of the internal scoring process and criteria used to prioritize programs, initiatives, and capital projects. Historical context of BOF's adoption and the conditions at the time will be provided, as will information about the program's continued evolution to meet organizational and community needs.
- FY23 Transit Fund Budget and Staffing – The Transit Team will summarize work underway to create a Winter 22/23 Transit Service Plan and to complete the City's Short Range Transit Plan. New requests for FY23 also include:
 - Three new FTEs to support efficiency technology and management positions;
 - A financial placeholder to help implement potential components (micro transit) of the Short Range Transit Plan; and
 - Minor increases for uniforms, supplies, and training.
- FY23 Information Technology Budget – The IT Team will recap new requests to meet the increasing demands of the digital world, new IT personnel, and new systems and software to modernize and protect the City IT infrastructure.
 - The Team will also summarize the City's approach to IT historically, what technology responsibilities are centralized vs decentralized, and how technology assessments are levied to each Enterprise Fund.

- **FY23 Traffic Mitigation Enhancement Plan** – The City Manager and various departments spent considerable time and energy this winter to improve ingress and egress at major locations during periods of extreme traffic and congestion. After careful consideration, the Team recommends spreading the responsibility for this Council priority across multiple divisions within the organization rather than creating a new division with a singular purpose. This structure will ensure the effort remains an organizational priority, not just the priority of a few individuals, and also ensures a more efficient allocation of taxpayer resources because it allows redeployment of resources during off-season.
 - The Council continues to seek additional clarity regarding the responsibility/role of those creating our most extreme traffic and congestion. We have included a revenue offset of \$280,000, which is the same amount that was billed to PCMR this past ski season for additional levels of service (Parking, Streets, Public Safety, Communications, Emergency Management, Transit, and Special Events).
 - The plan includes 5 new positions: Streets/Public Works (2 FTE), Parking (1 FTE), Emergency Management (traffic enforcement credentialing), Police (1 FTE), and a new Traffic Coordinator (1 FTE). The Traffic Coordinator will organize the various departments and create an implementation plan before the 22/23 ski season.
 - An additional \$150,000 has been added to cover other costs such as contractors, additional signage, barricades, or other traffic-related equipment.
- **Workforce Support and Compensation Methodology** – The Budget Team will reaffirm the City’s pay plan methodology (75th percentile) and review how annual wage increases are implemented (based upon performance, longevity, certifications, experience, education, etc.).
 - The Team will also preview the City’s performance review process and software platform that tracks and hosts the annual process. In addition, the Team will summarize some of the non-monetary rewards and benefits offered to PCMC employees.
- **Housing Team** – A new FTE was requested to serve as a placeholder to provide additional professional expertise and support this next year to the relatively small Housing Team. In FY23, the Housing Team likely faces several complex housing development projects, including Woodside Phase 2, former Peace House redevelopment, Homestake public-private partnership, potential Mine Bench seasonal housing project, and rehabbing PCMC-owned units on Cooke Drive due to wear and tear. This placeholder will provide flexibility to the team to work with the Council Housing Liaison, City Manager, and key stakeholders to secure expertise where needed throughout the year.
- **Neighborhood Traffic Management Plan Update** – With additional resources, a multi-department renovation is planned for the [Neighborhood Traffic Management Program](#). Overhauling existing policy, streamlining processes, adding staff support in

Engineering and elevating a Planning position to focus on General Plan update and Area Plans. In addition, purchasing new technology and equipment are necessary to meet the growing demand to better protect our neighborhoods from commercial impacts and refocus investment on neighborhood priorities and projects.

- **Recreation** - The Recreation Team is continually looking for creative ways to better serve our local residents and youth. A sliding fee schedule, based on Summit County AMI, was introduced last year to provide better access and affordability. Priority registration for summer camps is offered to residents within city limits. The discussion will highlight increased facility and program utilization, anticipated labor challenges, and a variety of program additions/changes planned for FY23.
- **Transit to Trails** – Trails are experiencing some of the highest utilization in history. But great success also comes with a host of impacts – parking in neighborhoods, overflow into residential areas, and increased maintenance costs. The Trails team will quickly overview grant funding awards and new ranger programs, and respond to a Council request to discuss options for year-round access to Bonanza Flat.
- **Parking** - The Parking Team supports many other departments throughout the City and is a major contributor to protecting our neighborhoods. This requires quality personnel who are knowledgeable about City operations, policies, and procedures. Funds were requested to reclass Parking Officers and Analysts and ensure retention of the existing team. As part of our request to add \$1M to help with traffic mitigation, an additional Parking Officer and vehicle were recommended for funding. Funds were also added to support updated software at payment stations throughout the City and provide better customer service.

Benefits, Personnel, Pay Plan

Health, Dental, & Life Insurance Costs

The City maintains competitive health and dental insurance plans through Regence Blue Cross Blue Shield Utah. Each year, Regence examines the City's plan "use" and total costs to Regence and then determines Park City's price for the following year. Our FY23 Health Insurance premiums have a minimal increase of 2.62%, which the City Manager recommends covering for employees rather than asking for an increase in employee contributions.

Personnel

Several departments submitted personnel requests within the FY23 Budget request, beyond the requests included above. Some of these include Police (Detective), Human Resources (Recruiter and .5 FTE for Analyst), and Trails (2 Trail Rangers). A complete list of personnel additions is detailed in Exhibit A.

FY23 New Personnel Requests

Fund	FY23 Request
011 GENERAL FUND	\$ 1,782,101
051 WATER FUND	\$ 120,000
057 TRANSPORTATION	\$ 384,518
058 PARKING FUND	\$ 44,695
Grand Total	\$ 2,331,314

Personnel Changes by Fund

Fund	Fund Name	FY 2022(Adj)	FY23	Change
11	General Fund	241.44	257.01	15.57
51	Water Fund	32.21	32.96	0.75
55	Golf Fund	16.65	16.65	
57	Transportation Fund	86.25	89.75	3.50
58	Parking Fund	11.70	12.70	1.00
62	Fleet Services Fund	9.97	9.97	
52	Storm Water Fund	5.90	5.90	
	TOTAL	404.12	424.94	20.82

Pay Plan

This year, in response to inflation (+10.6% Mountain West), historically low unemployment, and serious wage competition both in the public and private sector, the Compensation Committee and Blue-Ribbon Committee proposed a 10.33% increase to City Council in most departments to bring salary ranges to market 2022 levels. On April 07, 2022, the recommendation was made by the Compensation Committee and Blue-Ribbon Committee to target the 75th percentile for wages. After receiving City Council support, the recommendation was included in the FY23 budget request.

Cities and towns all over Utah are in a competitive battle to recruit and retain employees. Some jurisdictions, such as Salt Lake City and West Valley City implemented policies to stay within the top three highest paid agencies in the State. Summit County increased its payroll and benefits by 28% in the December budget. The chart below shows the recommended budget increase for the pay plan by fund:

FY23 Pay Plan	
Fund	FY23 Request
011 GENERAL FUND	\$ 2,513,970
051 WATER FUND	\$ 392,143
052 STORM WATER FUND	\$ 68,293
055 GOLF COURSE FUND	\$ 98,152
057 TRANSPORTATION	\$ 1,002,061
058 PARKING FUND	\$ 98,660
062 FLEET SERVICES FUND	\$ 57,440

The Budget Team will continue providing updated staff reports and analysis reflecting Council's requests for additional information and discussion.

In addition, the Budget team created a [one-stop-shop](#) for all budgetary reports as the review process moves from one Council work session to the next. The online repository of information will continue to reflect all budgetary materials and additional analyses to improve the public's access and opportunity to follow along and review pertinent budgetary information.

Department Review

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

Attachments:

- Exhibit A – Detailed Recommendations by Department
- Exhibit B – All FY23 Budget Requests
- Exhibit C – Budget Summaries
- Exhibit D – Flagstaff Memo
- Exhibit E – Revenue Analysis and Fund Impact

FY23 Operating Budget Requests by Department

The operating budget is made up of personnel, materials, supplies, maintenance, equipment, and contract budgets. Capital and debt make up the rest of the City's budget. The City's operating budget is broken out first by fund then by department. The largest funds (and the focus here) are the General and Transportation Funds. Funds are defined by their different revenue sources. The General Fund is mostly made up of property and sales tax as well as other fees. The Transportation Fund is financed through transit sales taxes and federal funding.

The budget recommendations as outlined below represent the work of the Results Team (staff-led budget committee) as well as Executive's recommendations. Overall, Park City's financials remain strong and well-positioned to continue investing in City core and essential services as well as several new initiatives. The proposed budget reflects stability and growth; increasing tourism and visitation year-round, drive-traffic and overnight lodging; and increasing pressure on our facilities, infrastructure, neighborhoods, and employees. To the extent possible, the City seeks to address critical needs, strategically advance opportunities, and recruit and retain a high-performing workforce to meet community demands.

General Fund

Information Technology/Infrastructure - \$789,100

IT has several new requests as we strive to meet the increasing demands of a digital world, the need for additional personnel, and a myriad of systems and software initiatives to continue to modernize and protect the City's infrastructure.

The FY23 budget request includes two network administrators to support core software and security systems throughout the City as well as the 3Kings Water Treatment Plant's cutting edge technology needs. Network security needs and concerns have grown and require investments to ensure the safeguarding of our systems, information, and productivity.

The unprecedented demand for automation, up-to-the-minute data collection, machine learning, and artificial intelligence require significant investments in our technology infrastructure. Major systems within the City are coming to the end of their useful life and must be replaced, including our financial system which will sunset in 2027 and requires a multi-year implementation plan. An investment in new data science tools will allow us to expand our ability to make data-driven decisions and support various policy and planning processes in the Community.

Police - \$561,000

As part of our \$1M multi-department traffic plan, a new Police Officer is being added to the Police Department to support traffic response services on peak ski and event days. A new Detective is also requested to support the rising investigative caseload, demand for deeper community policing, and help with the increase in violent crime. To remain a

competitive department, funds were also added to continue the Take Home Car Program benefit that is prevalent in most other Utah police departments. This allows officers to drive their patrol car home at night, with restrictions but also ensures prompt emergency response times and mobilization at no additional cost to the officer.

Emergency Management (Traffic Mitigation) - \$294,000

A new Traffic Coordinator position has been requested to lead a team comprised of police, streets, transit, events, parking, and communications to manage and coordinate traffic on peak days. In addition, we added significant resources to contract services to further support cross-departmental response to traffic and support additional boots on the ground personnel.

Trails and Open Space - \$107,000

Over the last few years, PCMC has added almost 1,700 acres of open space to manage and maintain, which represents a 28% increase. Additionally, over the last three years, PCMC constructed 3 new trailheads and 15 miles of trails. Trail visitation continues to grow, and additional resources are required to maintain trail conditions, enforce parking at trailheads, maintain open space, and minimize neighborhood trailhead impacts. Two new FTEs are recommended along with an increase in contract services to support increased seasonal maintenance on the Rail Trail.

Public Works

Streets - \$227,000

As part of our \$1M investment in traffic mitigation, two Streets III positions are recommended to support the traffic coordinator, Police, Transit, Parking, Emergency Management, Communications, and Events to manage peak day traffic impacts. In addition, \$8,000 was supported for repainting/stripping and \$15,000 for street sign replacements.

Building Maintenance – \$216,500

Two new positions and a vehicle are recommended to support the increased demand for Building Maintenance services. This includes an FTE to support the 3Kings Water Treatment Plant, with the majority of funding coming from the Water Department. Additional funds were added to supplies and contract services to cover inflationary increases as a result of contractual increases for cleaning and building maintenance services.

Parks - \$35,000

An increase is recommended for seasonal positions to support increased usage in City parks. Small increase in supplies to offset inflationary increases were also included in the request above.

Community Engagement - \$13,000

Community Engagement requested additional funds to expand support for community events, such as Catch up With Council and Mayor & Council in the Neighborhood.

Expenses for paper mailings, paper notices, community events, and printed quarterly newsletters have also increased.

Building - \$145,000 (requests offset by increased revenue)

The Building Department has been renting and borrowing vehicles necessary to make day-to-day inspections for several years. Due to the increased demand for inspections, responsive compliance and code enforcement, and community presence, dedicated vehicles deliver higher levels of service and result in overall savings vs. long-term rental expenses.

Planning - \$165,300

After receiving initial support from City Council to create a new General Plan and Area/Neighborhood Plans, funds were added accordingly. Rather than add additional FTEs, a small amount of contract services funding was added to help mitigate the high demand experienced in the Planning Department. Funds were also added to upgrade the software that produces our mandatory public notices.

Engineering - \$115,000

New investments include a new Analyst/Office Assistant position in Engineering to assist residents and businesses, the NTMP program overhaul, and a new software program to assist and support ad hoc engineering and right-of-way analysis.

Recreation (requests are offset by increased revenue):

MARC - \$183,078

Our recreation department is continually looking for ways to serve our local community. A sliding fee schedule was introduced last year to ensure access and affordability for all. Priority registration for summer camps is offered to residents within the 84060 zip code.

The FY23 budget includes funds to increase two part-time pickleball coaches to full-time to meet demand, as well as reclassing a front desk associate to full-time to reduce turnover and allow the MARC to provide a consistent, high-level of service to patrons.

Funds were also restored to training/conferences (reduced during COVID-19) to ensure credentialed staff attend trainings to maintain certifications. Computer equipment and software were also increased to meet demand and replace outdated tech equipment. Due to inflation and new service demand levels, funds were also added to support facility equipment replacement due to wear and tear, bank charges, and supplies, such as pool chemicals.

Tennis - \$25,000

Pro-shop sales continue to increase, causing the need for more inventory. Freight fees have increased substantially this year as well.

Recreation - \$1,300

Increase in equipment and funds for umpires

Ice - \$20,400

Ice introduced a new outdoor skating rink last year, which was very successful and utilized by residents and visitors alike. A part-time Outdoor Ice Technician is requested in FY23 to replace the volunteers filling this role in FY22. A part-time staff person ensures consistency and delivers a higher level of service for residents and visitors utilizing the rink. Replacement computers are also included in the budget, along with an increase in miscellaneous supplies due to inflation.

Human Resources - \$268,400

Human Resources is currently developing a long-term staffing plan which includes new HR staff, recruitment programs, and updating our benefits package to remain competitive and ensure current and future employees have effective, accessible benefits and opportunities for professional development.

Over the last year, the HR department has spent over 6,000 hours hiring 206 employees. Many more hours are devoted to onboarding employees and setting up benefits with the various providers within the PCMC system. The FY23 budget reflects a new full-time recruiter position and additional resources for a part-time position to transit to full-time to focus on day-to-day departmental needs and support benefits procurement and professional development programs.

Resources were added to increase our tuition reimbursement and employee wellness programs. To align with our compensation philosophy, a placeholder of \$20k has been added for compensation analysis software along with \$20k for payroll system training and optimization.

Library - \$14,500

The FY23 budget includes investments in the new Sustainability Resource center at the library, which provides unconventional and popular circulating items such as sewing machines, outdoor games, tools, and electronics. Funds were added to cover increased expenses due to inflation in other areas of the Library such as printing, supplies, materials, and marketing.

Finance - \$27,000

Audit expenses are increasing due to new procedures related to CARES funding. The Finance team needs two new laptops to replace outdated equipment, as well as a request to cover increased bank fees related to increased payments from residents via credit card.

Legal - \$25,000

The legal team has requested additional resources for environmental regulatory-related issues.

Economy - \$14,000

Small utility vehicle (side by side) needed to transport supplies and equipment during events, particularly around Old Town and Main Street.

Environmental Sustainability - \$25,000

Park City remains committed to providing ways for our residents to join in our environmental and carbon-neutral goals for the City, such as our City of Trees programs launched last year. This year, funds were added to launch our pilot Curbside Composting program in FY23. Grant funds are also being pursued to support and expand this program.

Environmental Regulatory – \$35,000

A Regulatory Manager was added to the City mid-year in FY22. The increase for FY23 adds resources to support the need for additional contract services, and soils testing and analysis.

Affordable Housing - \$165,000

A new FTE was requested to serve as a placeholder to provide additional professional expertise and support this next year to the relatively small Housing Team. In FY23, the Housing Team likely faces several complex housing development projects, including Woodside Phase 2, Peace House redevelopment, Homestake public-private partnership, potential Mine Bench seasonal housing project, and rehabbing PCMC-owned units on Cooke Drive due to wear and tear. This placeholder will provide the team to work with the Council Housing Liaison, City Manager, and key stakeholders, to secure expertise where needed throughout the year.

Other Funds**Water - \$1.2M**

The bulk of the increase is related to the new 3Kings Water Treatment Plant to acquire new amounts of chemicals, testing, equipment, vehicles, technology, and services.

Park City's water system maintains a wide variety of infrastructure including tanks, pump stations, pressure-reducing valves, technology, and water treatment facilities in addition to the standard infrastructure such as pipelines and fire hydrants. Unplanned work such as emergency water breaks, active leaks, and other system failures requires contractors to fill the workforce gap. In addition, the City does not own the heavy equipment that is often required to complete the excavation associated with simultaneous projects. Specialized skill sets are also needed for our electrical, telemetry, and SCADA systems.

Additional costs are attributable to both inflation and our increased focus on asset management to reduce water breaks and water loss. This includes materials and services to repair failing water infrastructure and water leak detection efforts. To help locate leaks additional metering and pressure monitoring infrastructure continue to be added. In addition, field surveys have been successful in identifying leaks that otherwise were not visible. This effort has increased the need for material purchases to support

metering, pressure monitoring, and a higher volume of repairs.

Operating Increases:

- Supplies - \$103,000
- Uniforms - \$5,000
- Software Licenses/Technology - \$50,000
- Contract Services -\$370,000
- Materials - \$30,000
- Equipment - \$45,000
- Chemicals - \$220,000
- Vehicles - \$233,000

Fortunately, FY23 increases were forecasted at the beginning of the 3Kings Water Treatment project with costs included in the Water Fund financial model. Staff will present a detailed overview of the Water Fund, both Operating and Capital requests for FY23 on June 9th, 2022.

Golf - \$55,500

The golf course continues to see a record-breaking number of visits. An increase in inventory for the pro shop is necessary to keep up with the demand for equipment. A \$4,000 increase was requested in Contract Services and an additional \$15,000 for supplies/materials lines to cover increases due to inflation.

Transportation Operations - \$875,000

Three FTEs were added to the Transportation Operations budget to support efficiency-technology and staff management. As we continue to face transportation challenges, \$500k was added to contract services to fund the Micro transit pilot program. Funds were also added for training, supplies, and uniform replacement. On May 26th, staff will present a detailed review of FY23 Operating requests and on June 9th, staff will review capital projects within the Transportation Fund.

Transportation Planning - \$85,000

Added funding to continue our Transit to Trails program and support a new Trail Ranger (split with the Trails department) to enforce parking regulations, provide customer service, set up informational signage and support ongoing projects.

Parking - \$230,000

The Parking Team supports many other departments throughout the City and is a major contributor to protecting our neighborhoods. This requires quality personnel that are knowledgeable about City operations, policies, and procedures. Funds were requested to reclass Parking Officers and Analysts and ensure retention of the existing team. As part of our request to add \$1M to help with traffic mitigation, an additional Parking Officer and vehicle were included in that request. Funds were also added to support updated software at payment stations throughout the City and provide better customer service.

Dept	Total Request	Approved	CM Recommendation	Notes
Legal - Contract Services	\$ 65,000	Partial	\$ 25,000	
Human Resources				
Recruiter	\$ 103,700	Yes	\$ 103,700	
Benefits Specialist	\$ 103,700	No	\$ -	
HR Assistant	\$ 103,700	Partial	\$ 40,000	.50 FTE added to assist with benefits, onboarding and daily operations
Reclass current Generalists	\$ 2,400	Yes	\$ 2,400	
Recruiting/Retention Programs	\$ 206,000	Partial	\$ 73,000	Request for increased education reimb., employee wellnes program, bilingual stipend
Consulting/Contract Services	\$ 97,000	Partial	\$ 40,000	Request for compensation analysis software, payroll system training, ongoing HR consultant. Partially funded system training and software, new Director hired eliminated need for ongoing consultant.
Total	\$ 616,500		\$ 259,100	
Finance	\$ 27,000	Yes	\$ 27,000	Increased audit and bank fees, new equipment (one-time)
IT				
Junior Network Administrator	\$ 138,000	Yes	\$ 138,000	
Junior Systems Administrator	\$ 138,000	Yes	\$ 138,000	
Reclass Office Assisant from PT to FT	\$ 38,000	No	\$ -	
Data Science Infrastructure	\$ 200,000	Partial	\$ 150,000	
ERP/Financial System (Eden replacement)	\$ 75,000	No	\$ -	
Contract Services for ERP implementation	\$ 250,000	Yes	\$ 250,000	
Streaming, Network Maint, Virtualization	\$ 34,600	Yes	\$ 34,600	
Gartner Research and Decisioning	\$ 30,000	No	\$ -	
Legal Case Management Software	\$ 45,000	Yes	\$ 45,000	
MARC Website refresh	\$ 13,500	Yes	\$ 13,500	
CyberSecurity	\$ 20,000	Yes	\$ 20,000	

Total	\$	982,100		\$	789,100	
Public Works (Bldg Maint, Streets, Parks)						
Building Maintenance IV	\$	126,000	Yes	\$	37,800	Support 3Kings WTP, position is shared with Water Dept.
Building Maintenance III	\$	108,000	Yes	\$	108,000	
Contract Services and Dept. Supplies	\$	45,000	Yes	\$	45,000	Inflationary increases
Vehicle	\$	36,000	Yes	\$	36,000	
Parks Seasonal Staff Increase	\$	86,000	Partial	\$	30,000	
Trails/Path Maintenance Materials	\$	15,000	Partial	\$	5,000	
Striping Project	\$	8,000	Yes	\$	8,000	
Street Signs	\$	15,000	Yes	\$	15,000	
Traffic Management Staff (2 FTE)	\$	-		\$	204,000	Traffic mitigation plan
Total	\$	439,000		\$	488,800	
MARC/Rec/Tennis (offset by revenue)						
Reclass Pickleball Instructors to FT	\$	41,000	Yes	\$	41,000	
Reclass Front Desk to FT	\$	64,000	Yes	\$	64,000	Partial offset from savings in PT position
Swim Coach	\$	2,400	No	\$	-	
Increase part-time wages	\$	52,000	No	\$	-	Addressed in Pay Plan
Bank Charges	\$	32,000	Yes	\$	32,000	
Conferences/Trainings	\$	10,000	Yes	\$	10,000	Restore pre-Covid budget
Equipment, Chemicals	\$	22,600	Partial	\$	17,000	Inflationary increases
Computers, Software, Uniforms	\$	26,300	Partial	\$	19,078	Increase in demand and inflationary
Umpires and Recreation Equipment	\$	1,300	Yes	\$	1,300	
Pro Shop Inventory Increase	\$	20,000	Yes	\$	20,000	
Freight and Tennis Supplies	\$	5,000	Yes	\$	5,000	
Total	\$	276,600		\$	209,378	
Ice						
Outdoor Ice Technician	\$	12,800	Yes	\$	12,800	
Supplies	\$	3,500	Partial	\$	2,000	
Computers	\$	5,600	Yes	\$	5,600	
Cleaning and Maintenance	\$	5,350	No	\$	-	
Total	\$	27,250		\$	20,400	

Community Engagement				\$	13,000	
Outreach	\$	13,000	Yes	\$	13,000	Enhanced community events, Catch up with Council, Mayor Nann in the Neighborhood, newsletters, noticing
Consulting/Contract Services	\$	50,000	No	\$	-	
Total	\$	63,000		\$	13,000	
Environmental Regulatory - Contract Services	\$	35,000	Yes	\$	35,000	
Environmental Sustainability - Curbside Composting	\$	35,000	Partial	\$	25,000	
Police						Request included traffic items that were funded in other depts
Traffic Officer (2)	\$	446,000	Partial	\$	223,000	Includes salary, benefits, equipment, vehicle. One Traffic Officer approved
Detective	\$	223,000	Yes	\$	223,000	Includes salary, benefits, equipment, vehicle
Traffic Mitigation Increase (contract/reserve officers)	\$	410,400	No	\$	-	Funded as part of multi-dept traffic mitigation plan
Sundance Traffic Plan (special event officers)	\$	72,000	No	\$	-	Funded as part of multi-dept traffic mitigation plan
Take Home Car Benefit (no cost to officers)	\$	40,000	Yes	\$	40,000	Previously, this was a cost share program with Officers paying a portion of the expense.
County Dispatch Services (mandatory)	\$	75,000	Yes	\$	75,000	Contract has increased over the years, need to align budget with actuals
Total	\$	1,266,400		\$	561,000	
Economy						Request included traffic items that were funded in other depts
Reclass Special Events Program Manager	\$	12,000	No	\$	-	Reclass to Deputy Economic Development and Operations Manager
Peak Day Traffic Ops Coordinator	\$	114,000	No	\$	-	Funded as part of multi-dept traffic mitigation plan
Operations Coordinator	\$	114,000	No	\$	-	
Kane Contract Increase for Peak Day Traffic	\$	100,000	No	\$	-	Funded as part of multi-dept traffic mitigation plan
Kane Contract Labor for Peak Day	\$	98,000	No	\$	-	Funded as part of multi-dept traffic mitigation plan

Kane Contract Labor for Events	\$	30,000	No	\$	-	
Contract Services	\$	35,000	No	\$	-	Community Events Contractor
Drone Show Fireworks	\$	60,000	No	\$	-	
Utility Vehicle	\$	14,000	Yes	\$	14,000	
Vehicle	\$	36,000	No	\$	-	
Bonanza Art Park Programming	\$	250,000	In A&C budget	\$	-	Funded in Bonanza Park budget, this is not an operating budget item
Total	\$	863,000		\$	14,000	
Emergency Management						
Traffic Coordination Manager	\$	-		\$	144,400	Added as part of traffic mitigation
Contract Services	\$	-		\$	150,000	Added as part of traffic mitigation, flexible funds for multi-dept use
Total	\$	-		\$	294,400	
Engineering						
Analyst/Office Assistant	\$	105,000	Yes	\$	105,000	
Training, Supplies, Printing	\$	7,450	No	\$	-	
Software	\$	7,145	Yes	\$	7,145	Traffic analysis
Contract Services	\$	45,000	No	\$	-	
Total	\$	164,595		\$	112,145	
Planning						
Senior Planner	\$	144,000	Partial	\$	49,000	Reclassing Planner I to Senior Planner
Principal Planner	\$	151,000	No	\$	-	
Public Noticing	\$	19,500	Yes	\$	19,500	
Training/Conferences	\$	10,800	Yes	\$	10,800	
Consulting/Contract Services	\$	100,000	Partial	\$	35,000	
General Plan Update	\$	150,000	Partial	\$	100,000	
Design Guidelines Update	\$	50,000	No	\$	-	
Total	\$	625,300		\$	214,300	
Building (offset by revenue)						
Vehicles (4)	\$	140,000	Yes	\$	140,000	Replace rented/borrowed vehicles
Updated Code Books	\$	4,350	Yes	\$	4,350	
Uniforms	\$	500	Yes	\$	500	
Total	\$	144,850		\$	144,850	

Library					
Community Programming Library Assistant	\$	85,000	No	\$	-
Postage, Printing, Memberships, Outreach	\$	6,200	Yes	\$	6,200
Books and Materials	\$	8,300	Yes	\$	8,300
Total	\$	99,500		\$	14,500
Trails					
Reclass Trail Rangers to Full-Time (2)	\$	75,000	Yes	\$	75,000 One FT Ranger split with Transportation Planning
New Part-Time Trail Rangers (.5 FTE)	\$	25,000	Yes	\$	25,000
Contract Services - Trail Maintenance	\$	7,000	Yes	\$	7,000
Utility Vehicle	\$	22,000	No	\$	-
Total	\$	129,000		\$	107,000
Housing					
New Senior Program Manager	\$	-		\$	148,435 Housing FTE placeholder added to support public-private partnerships, collaborative projects
Training, Memberships	\$	1,100	Yes	\$	1,100
Repairs & Maintenance on City-owned Units	\$	14,400	Yes	\$	14,400
Total	\$	15,500		\$	163,935
Parking (offset by revenue)					
Parking Officer and Vehicle	\$	-		\$	127,000 Added as part of traffic mitigation
Reclass Parking Officers (4)	\$	34,896	Yes	\$	34,896 Change in title and pay to reflect duties and increased technical skills required
Reclass Analysts (2)	\$	22,000	Yes	\$	22,000 Align duties with pay and internal equity
Software Subscriptions	\$	40,000	Yes	\$	40,000 Restore pre-Covid budget, subscriptions are increasing as Police interface tools are added
Supplies	\$	6,000	Yes	\$	6,000
Total	\$	102,896		\$	229,896
Transportation Operations					
Additional Supervisors (2)	\$	208,000	Yes	\$	208,000
Transit IT Coordinator	\$	106,000	Yes	\$	106,000
Reclass Safety and Admin Position	\$	25,000	Yes	\$	25,000

Training/Conferences	\$	10,000	Yes	\$	10,000	
Recruiting Programs	\$	10,000	Yes	\$	10,000	
Supplies	\$	4,000	Yes	\$	4,000	
Uniforms	\$	12,000	Yes	\$	12,000	
Contract Services	\$	500,000	Yes	\$	500,000	Additional funds added for micro-transit pilot
Total	\$	875,000		\$	875,000	
Transportation Planning						
Transportation Data Coordinator	\$	106,000	No	\$	-	
Trail Ranger	\$	40,000	Yes	\$	40,000	Split with Trails dept.
Transit to Trails	\$	45,000	Yes	\$	45,000	
Total	\$	191,000		\$	85,000	
Golf (offset by revenue)						
Uniforms	\$	1,500	Yes	\$	1,500	
Increase Pro-Shop Inventory	\$	31,500	Yes	\$	31,500	
Bank Charges	\$	6,000	Yes	\$	6,000	
Fertilizer, Plant Material, Sand	\$	16,500	Yes	\$	16,500	
Total	\$	55,500		\$	55,500	
Water (offset by revenue)						
Water Quality and Treatment	\$	540,000	Yes	\$	540,000	
Asset Management, Technology, Services, Equip	\$	360,000	Yes	\$	360,000	
Regional Water Deliveries	\$	300,000	Yes	\$	300,000	
Total	\$	1,200,000		\$	1,200,000	
Total	\$	8,136,991		\$	5,556,904	

All Funds Combined

Revenue	Actual FY 2019	Actual FY 2020	Actual FY 2021	YTD Actual FY 2022	Original FY 2022	Adjusted FY 2022	Var FY 2022	Original FY 2023	Var FY 2023
RESOURCES									
Property Taxes	\$21,368,077	\$25,486,395	\$28,380,276	\$27,135,334	\$27,430,335	\$27,430,335	\$0	\$27,976,782	\$546,447
Sales Tax	\$29,273,042	\$30,409,928	\$33,614,011	\$30,694,194	\$32,326,725	\$45,056,487	\$12,729,762	\$41,341,803	(\$3,714,684)
Franchise Tax	\$3,230,881	\$3,161,759	\$3,253,431	\$2,422,750	\$3,261,596	\$3,261,596	\$0	\$3,297,706	\$36,110
Licenses	\$1,395,163	\$1,315,865	\$1,213,639	\$1,225,530	\$1,437,989	\$1,437,989	\$0	\$1,481,984	\$43,995
Planning Building & Engineering Fees	\$5,820,662	\$7,513,747	\$5,005,364	\$4,677,638	\$5,157,166	\$5,157,166	\$0	\$5,553,671	\$396,505
Special Event Fees	\$178,413	\$178,672	\$8,081	\$224,144	\$115,681	\$115,681	\$0	\$101,319	(\$14,362)
Federal Revenue	\$3,969,044	\$5,698,041	\$11,071,350	\$5,755,565	\$20,638,912	\$7,638,912	(\$13,000,000)	\$22,261,621	\$14,622,709
State Revenue	\$518,845	\$818,625	\$527,368	\$575,219	\$440,577	\$440,577	\$0	\$443,115	\$2,538
County/SP District Revenue	\$705,240	\$3,888,378	\$1,171,385	\$1,915,080	\$474,143	\$1,607,941	\$1,133,798	\$484,943	(\$1,122,998)
Water Charges for Services	\$20,092,203	\$19,944,310	\$22,597,344	\$18,596,122	\$21,819,145	\$21,819,145	\$0	\$22,392,268	\$573,123
Transit Charges for Services	\$7,425,047	\$5,286,336	\$2,455,909	\$6,183	\$6,080,819	\$7,580,819	\$1,500,000	\$83,243	(\$7,497,576)
Cemetery Charges for Services	\$18,816	\$22,922	\$19,787	\$19,086	\$80,182	\$80,182	\$0	\$70,098	(\$10,084)
Recreation	\$3,348,293	\$3,294,003	\$4,241,522	\$3,239,564	\$3,267,017	\$3,267,017	\$0	\$3,730,265	\$463,248
Ice	\$828,397	\$691,828	\$634,725	\$638,723	\$907,421	\$907,421	\$0	\$955,233	\$47,812
Other Service Revenue	\$45,786	\$59,527	\$54,964	\$39,000	\$56,768	\$56,768	\$0	\$56,768	\$0
Library Fees	\$20,198	\$14,357	\$13,483	\$13,383			\$0	\$13,691	13691
Fines & Forfeitures	\$2,611,357	\$1,934,534	\$1,075,883	\$1,949,318	\$2,603,364	\$2,603,364	\$0	\$2,603,364	\$0
Misc. Revenues	\$4,078,297	\$8,426,163	\$3,620,970	\$691,402	\$15,946,624	\$48,778,068	\$32,831,444	\$1,950,086	(\$46,827,982)
Interfund Transactions (Admin)	\$6,821,583	\$6,898,975	\$6,495,085	\$5,658,855	\$6,882,441	\$6,882,441	\$0	\$6,992,984	\$110,543
Interfund Transactions (CIP/Debt)	\$73,024,818	\$17,718,703	\$13,194,041	\$11,334,895	\$12,365,348	\$15,815,649	\$3,450,301	\$12,365,348	(\$3,450,301)
Special Revenues & Resources	\$1,059,990	\$1,000,912	\$8,106,934	\$1,488,896	\$691,988	\$1,196,517	\$504,529	\$1,476,517	\$280,000
Bond Proceeds	\$85,387,786	\$10,768,465			\$40,190,000	\$108,276,554	\$68,086,554	\$40,589,496	(\$67,687,058)
Beginning Balance	\$83,191,254	\$117,332,085	\$130,306,234	\$152,780,088	\$58,704,025	\$152,780,088	\$94,076,063	\$105,701,537	(\$47,078,551)
TOTAL	\$354,413,190	\$271,864,529	\$277,061,784	\$271,080,969	\$260,878,266	\$462,190,717		\$301,923,842	

Expenditure Summary by Fund and Major Object (FY 2022 Adjusted Budget)

Description	Personnel FY 2022	Mat, Supplies, Services FY 2022	Capital FY 2022	Debt Service FY 2022	Contingen cy FY 2022	Sub - Total FY 2022	Interfund Transfer FY 2022	Ending Balance FY 2022	Total FY 2022
Park City Municipal Corporation									
011 GENERAL FUND	\$27,203,238	\$10,585,021	\$371,443	\$0	\$300,000	\$38,459,702	\$6,535,086	\$17,860,695	\$62,855,483
012 QUINNS RECREATION COMPLEX	\$975,372	\$379,800	\$1,000	\$0	\$0	\$1,356,172	\$0	\$-6,064,295	\$-4,708,123
021 POLICE SPECIAL REVENUE FUND	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$35,773	\$35,773
022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$23,168	\$23,168
031 CAPITAL IMPROVEMENT FUND	\$0	\$0	\$116,092,470	\$0	\$0	\$116,092,470	\$4,174,626	\$49,650,186	\$169,917,282
038 EQUIPMENT REPLACEMENT CIP	\$0	\$0	\$3,921,944	\$0	\$0	\$3,921,944	\$0	\$330,150	\$4,252,094
051 WATER FUND	\$3,760,132	\$4,109,243	\$90,848,651	\$5,577,420	\$0	\$104,295,447	\$1,807,429	\$2,977,357	\$109,080,233
052 STORM WATER FUND	\$ 668,062	\$ 291,444	\$ 1,725,688	\$ 0	\$ 0	\$ 2,685,194	\$ 135,448	\$ 1,074,701	\$ 3,895,343
055 GOLF COURSE FUND	\$915,363	\$729,075	\$383,000	\$0	\$0	\$2,027,438	\$142,377	\$750,780	\$2,920,595
057 TRANSPORTATION & PARKING FUND	\$7,387,382	\$1,915,272	\$28,818,105	\$0	\$0	\$38,120,758	\$3,306,502	\$3,028,120	\$44,455,380
058 PARKING FUND	\$ 926,073	\$ 706,500	\$ 105,000	\$ 0	\$ 0	\$ 1,737,573	\$ 16,500	\$ 863,191	\$ 2,617,264
062 FLEET SERVICES FUND	\$1,073,522	\$1,853,155	\$0	\$0	\$0	\$2,926,677	\$0	\$798,782	\$3,725,459
064 SELF INSURANCE FUND	\$0	\$1,555,328	\$0	\$0	\$0	\$1,555,328	\$0	\$1,275,137	\$2,830,465
070 SALES TAX REV BOND - DEBT SVS FUND	\$0	\$0	\$0	\$6,972,216	\$0	\$6,972,216	\$0	\$26,273,977	\$33,246,193
071 DEBT SERVICE FUND	\$0	\$0	\$0	\$9,509,688	\$0	\$9,509,688	\$0	\$1,674,814	\$11,184,502
Total Park City Municipal Corporation	\$42,909,144	\$22,124,838	\$242,267,301	\$22,059,324	\$300,000	\$329,660,607	\$16,117,968	\$100,552,536	\$446,331,111
Park City Redevelopment Agency									
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND	\$0	\$682,300	\$0	\$0	\$0	\$682,300	\$3,092,532	\$1,538,319	\$5,313,151
024 MAIN STREET RDA SPECIAL REVENUE FUND	\$0	\$455,000	\$0	\$0	\$0	\$455,000	\$700,000	\$1,251,470	\$2,406,470
033 REDEVELOPMENT AGENCY-LOWER PRK	\$0	\$0	\$2,565,212	\$0	\$0	\$2,565,212	\$2,787,590	\$744,537	\$6,097,339
034 REDEVELOPMENT AGENCY-MAIN ST	\$0	\$0	\$427,971	\$0	\$0	\$427,971	\$0	\$1,163,361	\$1,591,332
Total Park City Redevelopment Agency	\$0	\$1,137,300	\$2,993,183	\$0	\$0	\$4,130,483	\$6,580,122	\$4,697,687	\$15,408,292
Municipal Building Authority									
035 BUILDING AUTHORITY	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$451,314	\$451,314
Total Municipal Building Authority	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$451,314	\$451,314
Park City Housing Authority									
Total Park City Housing Authority									
TOTAL	\$42,909,144	\$23,262,138	\$245,260,484	\$22,059,324	\$300,000	\$333,791,090	\$22,698,090	\$105,701,537	\$462,190,717

Expenditure Summary by Fund and Major Object (FY 2023 Budget)

Description	Personnel FY 2023	Mat, Supplies, Services FY 2023	Capital FY 2023	Debt Service FY 2023	Contingency FY 2023	Sub - Total FY 2023	Interfund Transfer FY 2023	Ending Balance FY 2023	Total FY 2023
Park City Municipal Corporation									
011 GENERAL FUND	\$31,049,860	\$12,604,327	\$699,713	\$0	\$300,000	\$44,653,900	\$3,140,130	\$13,837,857	\$61,631,888
012 QUINNS RECREATION COMPLEX	\$1,140,200	\$400,679	\$1,000	\$0	\$0	\$1,541,879	\$0	\$-6,644,407	\$-5,102,528
021 POLICE SPECIAL REVENUE FUND	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$35,773	\$35,773
022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$23,168	\$23,168
031 CAPITAL IMPROVEMENT FUND	\$0	\$0	\$20,485,212	\$0	\$0	\$20,485,212	\$4,174,626	\$43,379,956	\$68,039,794
038 EQUIPMENT REPLACEMENT CIP	\$0	\$0	\$1,851,062	\$0	\$0	\$1,851,062	\$0	\$64,688	\$1,915,750
051 WATER FUND	\$4,471,634	\$5,079,362	\$31,600,962	\$5,577,420	\$0	\$46,729,378	\$1,834,448	\$14,293,804	\$62,857,631
052 STORM WATER FUND	\$ 714,043	\$ 310,376	\$ 371,500	\$ 0	\$ 0	\$ 1,395,919	\$ 134,997	\$ 1,543,785	\$ 3,074,701
055 GOLF COURSE FUND	\$1,013,515	\$652,909	\$114,565	\$0	\$0	\$1,780,989	\$142,492	\$256,447	\$2,179,928
057 TRANSPORTATION & PARKING FUND	\$8,988,991	\$2,548,074	\$14,322,449	\$0	\$0	\$25,859,514	\$3,335,016	\$9,285,126	\$38,479,657
058 PARKING FUND	\$ 1,144,087	\$ 752,500	\$ 146,000	\$ 0	\$ 0	\$ 2,042,587	\$ 16,500	\$ 1,407,468	\$ 3,466,555
062 FLEET SERVICES FUND	\$1,138,805	\$1,845,050	\$6,205	\$0	\$0	\$2,990,060	\$0	\$157,422	\$3,147,482
064 SELF INSURANCE FUND	\$0	\$1,555,128	\$0	\$0	\$0	\$1,555,128	\$0	\$1,689,002	\$3,244,130
070 SALES TAX REV BOND - DEBT SVS FUND	\$0	\$0	\$0	\$6,972,216	\$0	\$6,972,216	\$0	\$26,263,977	\$33,236,193
071 DEBT SERVICE FUND	\$0	\$0	\$0	\$9,509,688	\$0	\$9,509,688	\$0	\$1,714,180	\$11,223,868
Total Park City Municipal Corporation	\$49,661,135	\$25,748,405	\$69,598,668	\$22,059,324	\$300,000	\$167,367,532	\$12,778,209	\$107,308,246	\$287,453,990
Park City Redevelopment Agency									
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND	\$0	\$682,623	\$0	\$0	\$0	\$682,623	\$3,092,532	\$2,015,164	\$5,790,319
024 MAIN STREET RDA SPECIAL REVENUE FUND	\$0	\$455,000	\$0	\$0	\$0	\$455,000	\$700,000	\$1,372,789	\$2,527,789
033 REDEVELOPMENT AGENCY-LOWER PRK	\$0	\$0	\$255,000	\$0	\$0	\$255,000	\$2,787,590	\$794,479	\$3,837,069
034 REDEVELOPMENT AGENCY-MAIN ST	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,863,361	\$1,863,361
Total Park City Redevelopment Agency	\$0	\$1,137,623	\$255,000	\$0	\$0	\$1,392,623	\$6,580,122	\$6,045,793	\$14,018,538
Municipal Building Authority									
035 BUILDING AUTHORITY	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$451,314	\$451,314
Total Municipal Building Authority	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$451,314	\$451,314
Park City Housing Authority									
Total Park City Housing Authority									
TOTAL	\$49,661,135	\$26,886,028	\$69,853,668	\$22,059,324	\$300,000	\$168,760,155	\$19,358,331	\$113,805,353	\$301,923,842

Change in Fund Balance

Fund	Actuals FY 2021	Budget FY 2022	Adjusted FY 2022	\$ Var FY 2022	% Var FY 2022	Budget FY 2023	\$ Var FY 2023	% Var FY 2023
Park City Municipal Corporation								
011 GENERAL FUND	\$19,222,320	\$12,134,585	\$17,860,695	\$5,726,110	47%	\$13,837,857	(\$4,022,838)	-23%
012 QUINNS RECREATION COMPLEX	(\$5,621,751)	(\$6,139,275)	(\$6,064,295)	\$74,980	-1%	(\$6,644,407)	(\$580,112)	10%
021 POLICE SPECIAL REVENUE FUND	\$35,773	\$0	\$35,773	\$35,773	0%	\$35,773	\$0	\$0
022 CRIMINAL FORFEITURE RESTRICTED	\$23,168	\$0	\$23,168	\$23,168	0%	\$23,168	\$0	\$0
031 CAPITAL IMPROVEMENT FUND	\$66,506,424	\$27,326,315	\$49,650,186	\$22,323,871	82%	\$43,379,956	(\$6,270,230)	-13%
038 EQUIPMENT REPLACEMENT CIP	\$2,666,494	\$313,515	\$330,150	\$16,635	5%	\$64,688	(\$265,462)	-80%
051 WATER FUND	\$11,227,874	\$1,087,844	\$2,977,357	\$1,889,513	174%	\$14,293,804	\$11,316,447	380%
052 STORM WATER FUND	\$1,895,343	\$237,354	\$1,074,701	\$837,347	353%	\$1,543,785	\$469,084	44%
055 GOLF COURSE FUND	\$1,532,345	\$438,113	\$750,780	\$312,667	71%	\$256,447	(\$494,333)	-66%
057 TRANSPORTATION & PARKING FUND	\$18,471,244	\$6,622,049	\$3,028,120	(\$3,593,929)	-54%	\$9,285,126	\$6,257,006	207%
058 PARKING FUND	\$13,900	\$2,151,717	\$863,191	(\$1,288,526)	-60%	\$1,407,468	\$544,277	63%
062 FLEET SERVICES FUND	\$1,376,759	\$115,705	\$798,782	\$683,077	590%	\$157,422	(\$641,360)	-80%
064 SELF INSURANCE FUND	\$972,015	\$934,764	\$1,275,137	\$340,373	36%	\$1,689,002	\$413,865	32%
070 SALES TAX REV BOND - DEBT SVS FUND	\$26,283,977	\$26,113,690	\$26,273,977	\$160,287	1%	\$26,263,977	(\$10,000)	0%
071 DEBT SERVICE FUND	\$1,635,448	\$1,720,007	\$1,674,814	(\$45,193)	-3%	\$1,714,180	\$39,366	2%
Total Park City Municipal Corporation	\$146,241,333	\$73,056,383	\$100,552,536	\$27,496,153	38 %	\$107,308,246	\$6,755,710	369 %
Park City Redevelopment Agency								
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND	\$1,061,151	\$1,947,197	\$1,538,319	(\$408,878)	-21%	\$2,015,164	\$476,845	31%
024 MAIN STREET RDA SPECIAL REVENUE FUND	\$1,130,151	\$933,449	\$1,251,470	\$318,021	34%	\$1,372,789	\$121,319	10%
033 RDA-LOWER PRK	\$3,004,807	\$467,447	\$744,537	\$277,090	59%	\$794,479	\$49,942	7%
034 REDEVELOPMENT AGENCY-MAIN ST	\$891,332	\$1,160,567	\$1,163,361	\$2,794	0%	\$1,863,361	\$700,000	60%
Total Park City Redevelopment Agency	\$6,087,441	\$4,508,660	\$4,697,687	\$189,027	4 %	\$6,045,793	\$1,348,106	108 %
Municipal Building Authority								
035 BUILDING AUTHORITY	\$451,314	\$449,191	\$451,314	\$2,123	0%	\$451,314	\$0	
Total Municipal Building Authority	\$451,314	\$449,191	\$451,314	\$2,123	0 %	\$451,314	0	

Memo

Subject: Flagstaff Fee Financial Distribution
To: City Council
Authors: Budget, Transportation, Trails & Open Space
Date: May 11, 2022

BACKGROUND

The 1999 Flagstaff Development Agreement and subsequent 2007 Amended Development Agreement identified an Open Space & Transit Fund, in which the developer assessed a 1% Open Space/Transit Management Fee on the gross sales of all real property within the project area:

Section 3.2 states that the Developer shall pay on each transfer of developer's land, and shall separately covenant with all successors in interest in a manner which runs with the land, to assess a 1% open space/transit management fee on the gross sales price of all real property within the project. 50% of the Open Space/Transit Management Fee shall belong to the Flagstaff Mountain Master Resort Association to reduce Master Resort Association dues associated with obligations assumed herein or to enhance the Master Resort Associations service to its members. 50% of the Open Space/Transit Management fee shall be paid to the City to assist in funding the costs and expenses for enhanced transportation to the Project, recreation improvements and/or open space acquisition, maintenance or preservation.

FEE REVENUE BREAKDOWN

Fiscal Year	PCMC		FMMRA
	Open Space	Transit	
2003	\$ 62,750	\$ -	\$ 62,750
2004	\$ 55,275	\$ 110,775	\$ 166,050
2005	\$ 164,734	\$ 172,564	\$ 337,298
2006	\$ 465,407	\$ 465,404	\$ 930,810
2007	\$ 293,405	\$ 293,405	\$ 586,811
2008	\$ 610,119	\$ 610,119	\$ 1,220,238
2009	\$ 122,532	\$ 122,532	\$ 245,063
2010	\$ 408,070	\$ 408,070	\$ 816,139
2011	\$ 228,225	\$ 228,225	\$ 456,449
2012	\$ 172,581	\$ 172,581	\$ 345,163
2013	\$ 266,456	\$ 266,456	\$ 532,911
2014	\$ 391,814	\$ 391,814	\$ 783,628
2015	\$ 335,559	\$ 335,559	\$ 671,119
2016	\$ 254,409	\$ 254,409	\$ 508,818
2017	\$ 185,963	\$ 185,963	\$ 371,927
2018	\$ 590,116	\$ 590,116	\$ 1,180,232
2019	\$ 276,085	\$ 276,085	\$ 552,169
2020	\$ 131,904	\$ 131,904	\$ 263,808
2021	\$ 963,355	\$ 963,355	\$ 1,926,710
2022*	\$ 442,548	\$ 442,548	\$ 885,096
GRAND TOTAL	6,421,306	6,421,883	12,843,189

*FY22 shows fee revenues collected through March 2022

The fees are split evenly between the Flagstaff Mountain Master Resort Association and Park City Municipal (PCMC). A further equal split of the PCMC funds is delineated between open space and transit. The chart above indicates total amounts collected since 2003.

ANALYSIS – OPEN SPACE

The Fee was first collected in 2003 and a total \$6,421,306 has been collected to date. Expenditures total approximately \$5,791,771 to date, leaving an approximate \$629,535 balance.

FEE EXPENSES - OPEN SPACE	
Fiscal Year	Open Space
2004	\$ -
2005	\$ -
2006	\$ 12,937
2007	\$ 32,084
2008	\$ 27,484
2009	\$ 137,723
2010	\$ 1,279,511
2011	\$ 274,019
2012	\$ 238,552
2013	\$ 268,509
2014	\$ 324,648
2015	\$ 351,073
2016	\$ 375,372
2017	\$ 530,677
2018	\$ 574,659
2019	\$ 261,786
2020	\$ 536,140
2021	\$ 349,183
2022*	\$ 217,414
Total Expenses	\$ 5,791,771
Total Revenues	\$ 6,421,306
Remainder	\$ 629,535

*FY22 shows estimates through March 2022

Due to the fluctuating nature of the real estate transactions, an annual budget of \$300,000 has traditionally been allocated to open space and transportation programs and projects. Ensuring that the fund maintains a stable balance is important in order to balance the revenue fluctuations from one year to the next.

Currently, Open Space utilizes the Fee for the following programs and projects:

- Annual Wildfire Mitigation Projects
- Annual Noxious Weed Maintenance
- Open Space Preservation including acquisition and easements

- Annual Conservation Easement Monitoring costs with Summit Land Conservancy
- Recreational Improvements, including trails and trailheads improvements and maintenance
- Maintenance of Recreational Amenities, including restrooms, maintenance equipment such as tools and materials, trash and mutt-mitt stations and signage

Flagstaff Open Space Expenditures by Category								
Fiscal Year	Admin Expense	Easement - Open Space	Improvements - Landscaping	Improvements - Wayfinding & Trails	Stewardship	Weed Mitigation	Appraisals, Title, Professional Services	Total Expenditure by Category
2003								\$ -
2004								\$ -
2005								\$ -
2006					\$ 12,937			\$ 12,937
2007			\$ 207		\$ 6,250	\$ 20,447	\$ 5,180	\$ 32,084
2008					\$ 7,500	\$ 17,234	\$ 2,750	\$ 27,484
2009			\$ 79,154	\$ 384	\$ 7,500	\$ 50,685		\$ 137,723
2010	\$ 3,714	\$ 1,177,133	\$ 7,549	\$ 5,379	\$ 43,057	\$ 27,894	\$ 14,785	\$ 1,279,511
2011	\$ 16,922	\$ 102,213	\$ 27,472	\$ 9,162	\$ 55,208	\$ 62,542	\$ 500	\$ 274,019
2012	\$ 297		\$ 73,539	\$ 13,710	\$ 39,091	\$ 90,888	\$ 21,027	\$ 238,552
2013	\$ 819	\$ 16,454	\$ 79,631	\$ 10,509	\$ 51,466	\$ 70,433	\$ 39,197	\$ 268,509
2014	\$ 188	\$ 350	\$ 120,928	\$ 72,924	\$ 35,801	\$ 43,110	\$ 51,347	\$ 324,648
2015	\$ 18,251	\$ 3,450	\$ 63,408	\$ 48,442	\$ 98,690	\$ 66,763	\$ 52,069	\$ 351,073
2016	\$ 16,281		\$ 125,096	\$ 7,608	\$ 2,060	\$ 195,832	\$ 28,495	\$ 375,372
2017	\$ 12,601		\$ 155,306	\$ 153,376	\$ 53,973	\$ 82,368	\$ 73,053	\$ 530,677
2018	\$ 10,194		\$ 164,259	\$ 58,781	\$ 110,282	\$ 115,719	\$ 115,424	\$ 574,659
2019	\$ (11,597)		\$ 83,772	\$ 8,189	\$ 27,291	\$ 103,719	\$ 50,412	\$ 261,786
2020	\$ 3,249	\$ 147,616	\$ 114,843	\$ 44,124	\$ 62,598	\$ 111,736	\$ 51,974	\$ 536,140
2021	\$ 2,116	\$ 96,141	\$ 74,796	\$ 28,738	\$ 40,769	\$ 72,772	\$ 33,850	\$ 349,182
2022*	\$ 1,318	\$ 59,861	\$ 46,571	\$ 17,893	\$ 25,385	\$ 45,311	\$ 21,076	\$ 217,415

TRANSPORTATION

PCMC's free public transit service is augmented by the annual Fee to support access to the Project area via the 9 Purple Empire Pass route. Since 2019, a major portion of The Transit Management Fee has provided funding for the Purple route. Through 2021, the Fee covered the entire operational cost of the Purple route; however, due to the variability in Fee revenue, this may not always be the case.

In addition, a portion of the Fees is utilized for transportation capital projects that improve overall access to the Flagstaff Area by enhancing accessibility. Part of the Flagstaff agreement also includes maintaining use and access to the Richardson Flat Parking lot and Richardson Flat Road, and this commitment has also been maintained.

Recent capital expenditures from the Fee include traffic signal transit hardware, software at the Richardson Flat Road traffic signal, and a portion of the engineering design for the 'Kearns high school tunnel'.

In priority order, the Fee will continue to fund the 9 Purple Empire Pass route, capital infrastructure, and software and technology that benefit the Project the project area. PCMC anticipates future capital expenses to expand transit amenities (bus stop improvements), accessibility programs, and roadway safety improvements serving the Project area.

FEE EXPENSES - TRANSIT

Fiscal Year	Transit
2004	\$ -
2005	\$ -
2006	\$ -
2007	\$ -
2008	\$ 20,275
2009	\$ -
2010	\$ -
2011	\$ 22,816
2012	\$ -
2013	\$ -
2014	\$ -
2015	\$ 13,360
2016	\$ 337,698
2017	\$ 114,593
2018	\$ 896,961
2019	\$ 1,214,549
2020	\$ 476,206
2021	\$ 211,214
2022*	\$ 701,288

Total Expenses	\$	4,008,960
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Total Revenues	\$	6,421,883
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Remainder	\$	2,412,923
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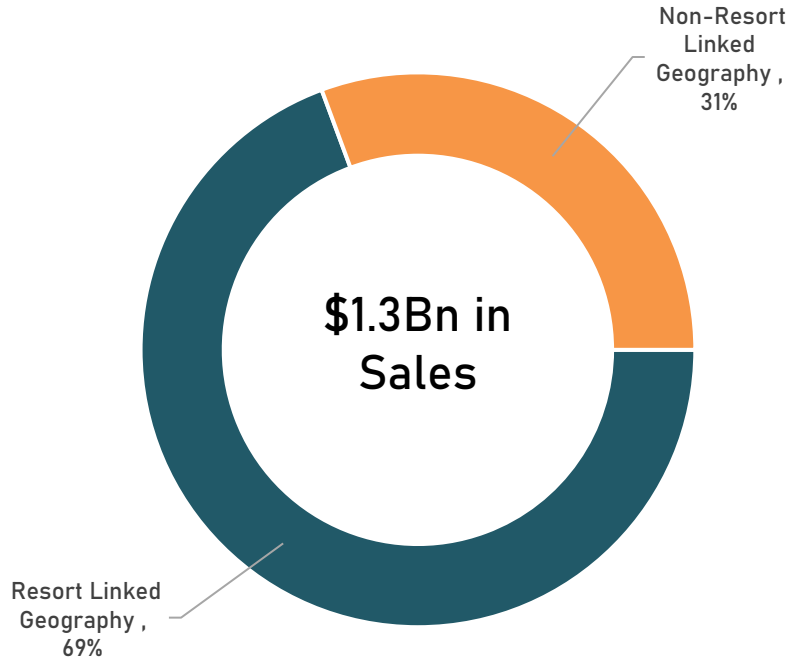
*FY22 shows estimates through March 2022

PCMC Key Revenue Analysis

Two Material Revenues

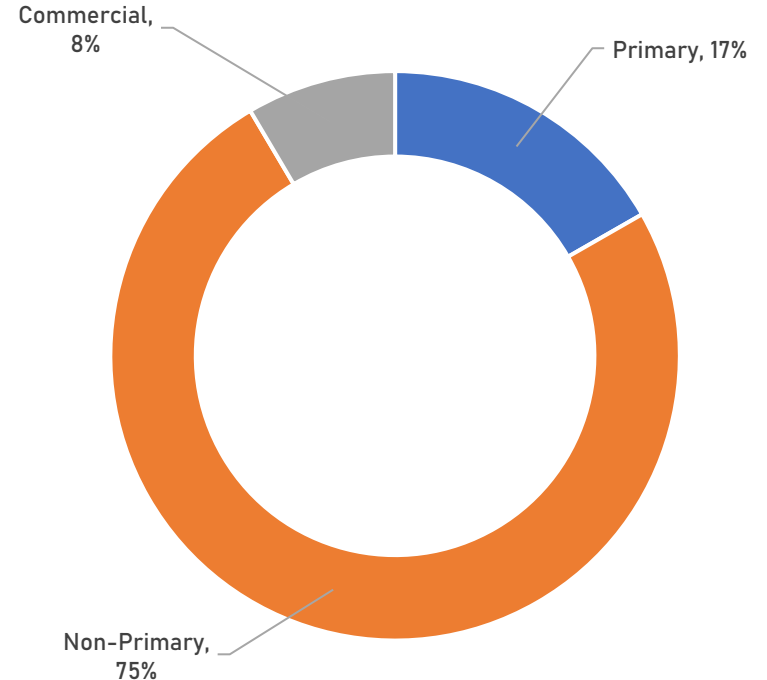
Sales Tax

FY21 Citywide Sales Decomposition, %



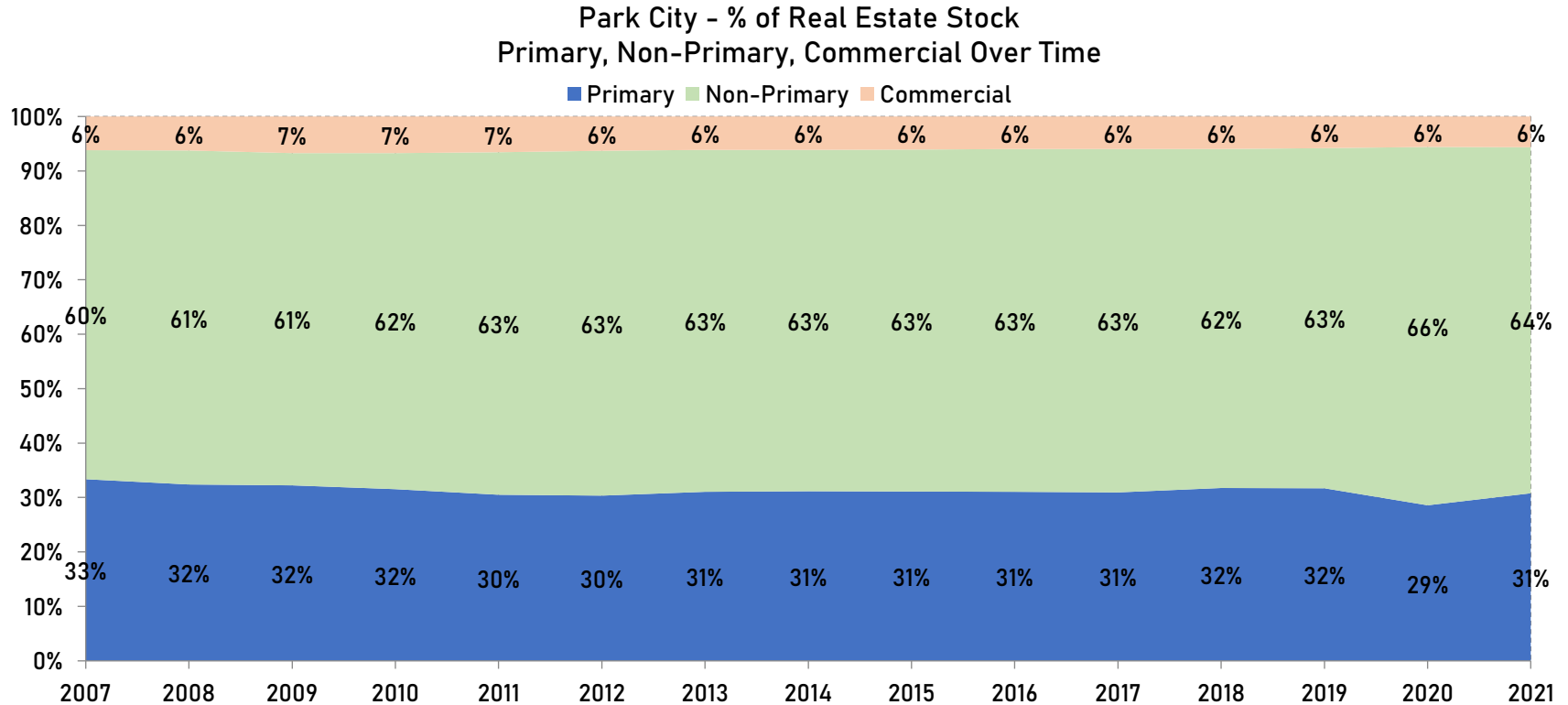
Property Tax

FY21 Share of PCMC Property Tax Revenue, %



Park City Property

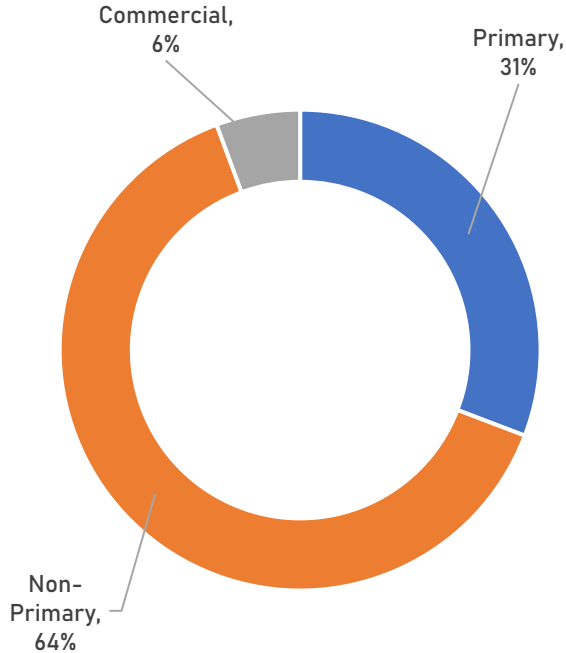
Park City's share of primary, non-primary and commercial properties has remained stable over time.



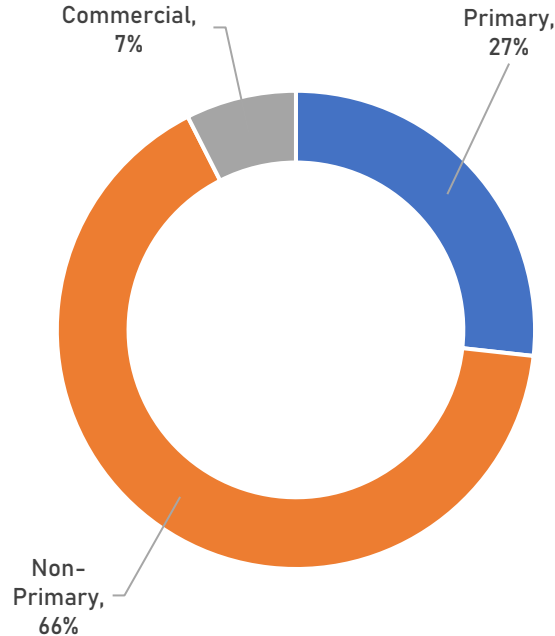
Property Through Three Lenses

% Volume of Real Estate ≠ % Assessed Value ≠ % Taxable Value

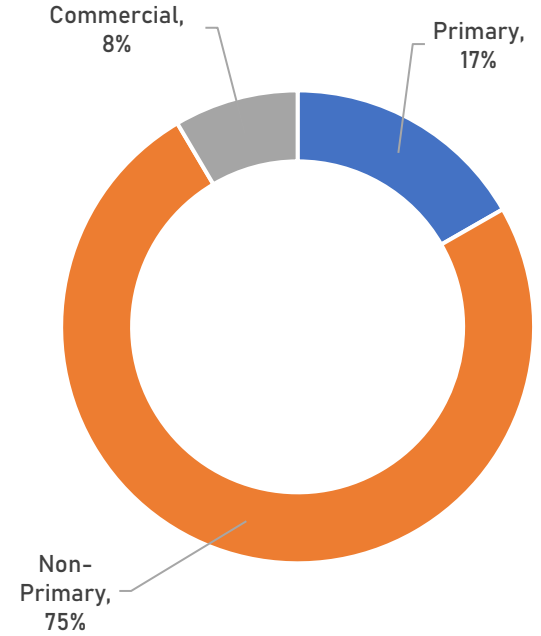
FY21 Share of PC Real Estate
Stock, %



FY21 Share of Assessed Value,
%



FY21 Share of PCMC Property
Tax Revenue, %



Key Assumptions & Methods

Sales Tax

- Empirical Analysis
- Assumes the majority of activity in certain geographies of the City is resort based
- Assumes the majority of activity in other parts of the City is non-resort based
- This mapping is specified below

Mapping

Resort/Non-Resort	Geography
Resort Linked Geography	Deer Valley
Resort Linked Geography	Entryway
Resort Linked Geography	Main Street
Non-Resort Linked Geography	Park Meadows
Non-Resort Linked Geography	Prospector
Non-Resort Linked Geography	Rest of City
Non-Resort Linked Geography	Thaynes
Resort Linked Geography	Treasure Mountain
Resort Linked Geography	Online Nightly Rental Platform
Non-Resort Linked Geography	Online Consumer Retail
Non-Resort Linked Geography	Online Food Delivery
Non-Resort Linked Geography	Online Financial Services
Non-Resort Linked Geography	Online Industrial Retail
Non-Resort Linked Geography	Online Technology Services
Non-Resort Linked Geography	Online Entertainment
Non-Resort Linked Geography	Other Indirect

Property Tax

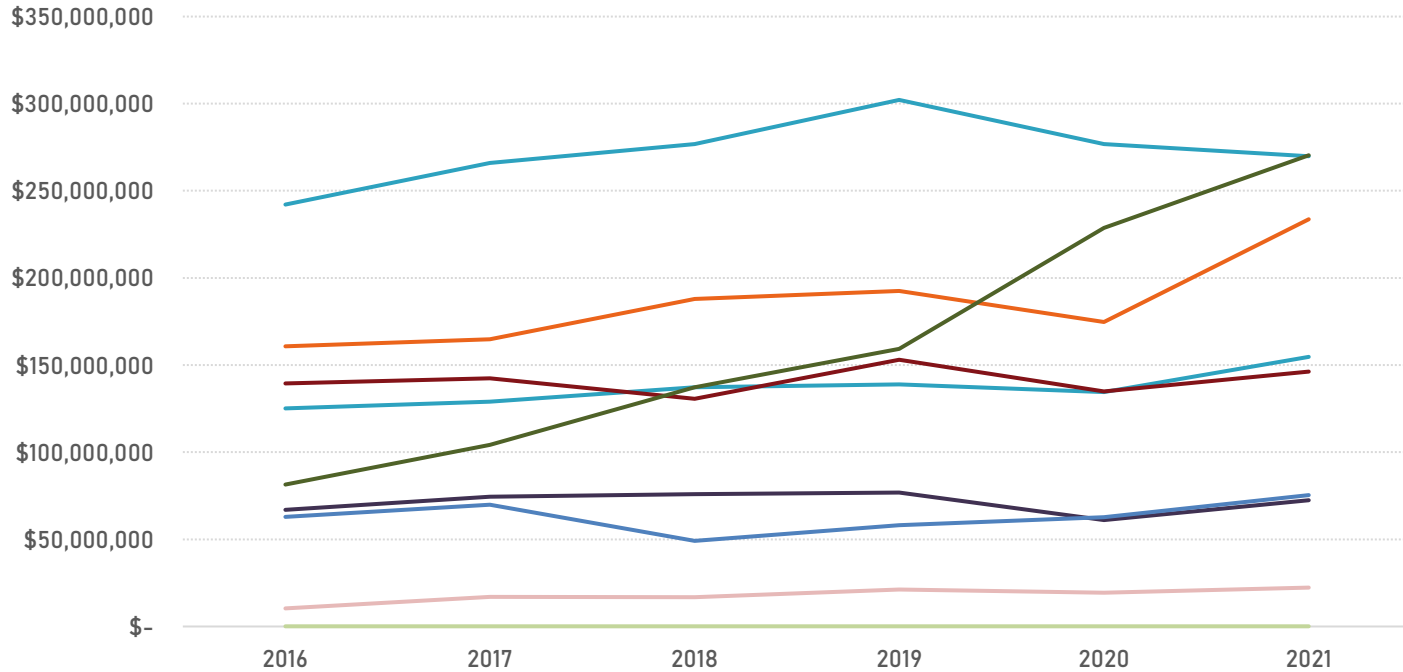
- Empirical Analysis
- Using County Assessor data for property volumes, assessed values and taxable values

Both Revenues

- Utilize tax revenues and/or levies from FY21, the most recently available full year of data

Sales Over Time

Sales Revenues by Geography



FY21

Online, \$270M

Deer Valley, \$269M

Main Street, \$233M

Entryway, \$154M

Treasure Mountain, \$146M

Rest of City, \$75M

Prospector, \$72M

Park Meadows, \$22M

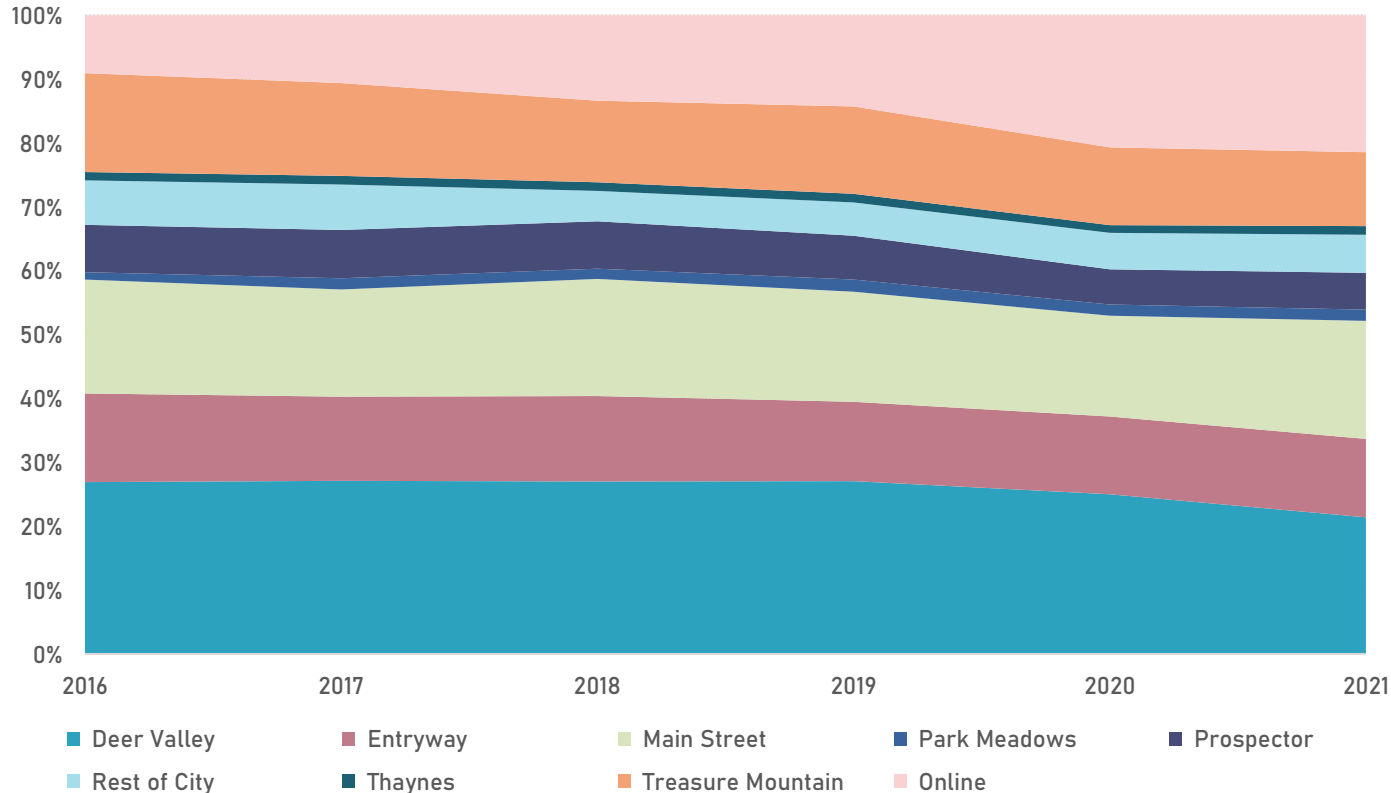
Thayne's, \$17M

Deer Valley Entryway Main Street Park Meadows Prospector
Rest of City Thayne's Treasure Mountain Online

Source: Park City Municipal Corporation as of May 2022.

Sales Over Time

Market Share % by Geo and Fiscal Year



FY21

Online, \$270M

Deer Valley, \$269M

Main Street, \$233M

Entryway, \$154M

Treasure Mountain, \$146M

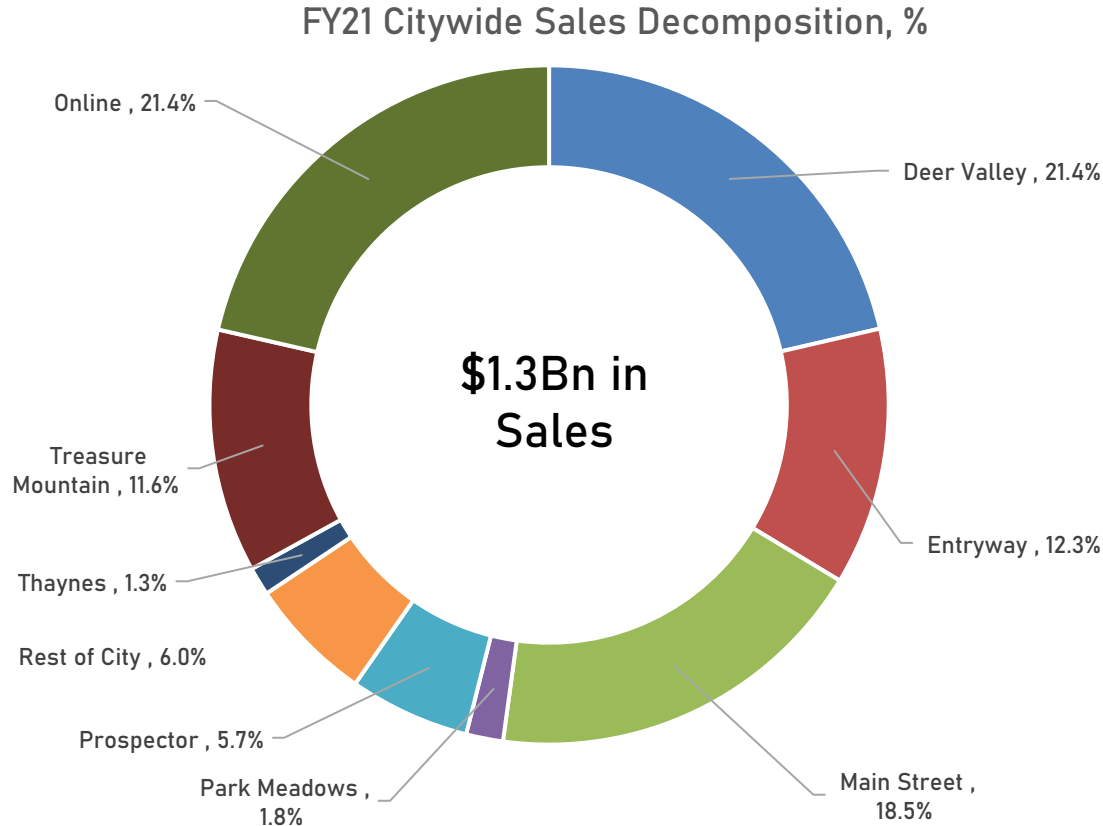
Rest of City, \$75M

Prospector, \$72M

Park Meadows, \$22M

Thaynes, \$17M

Sales FY21



FY21

Online, \$270M

Deer Valley, \$269M

Main Street, \$233M

Entryway, \$154M

Treasure Mountain, \$146M

Rest of City, \$75M

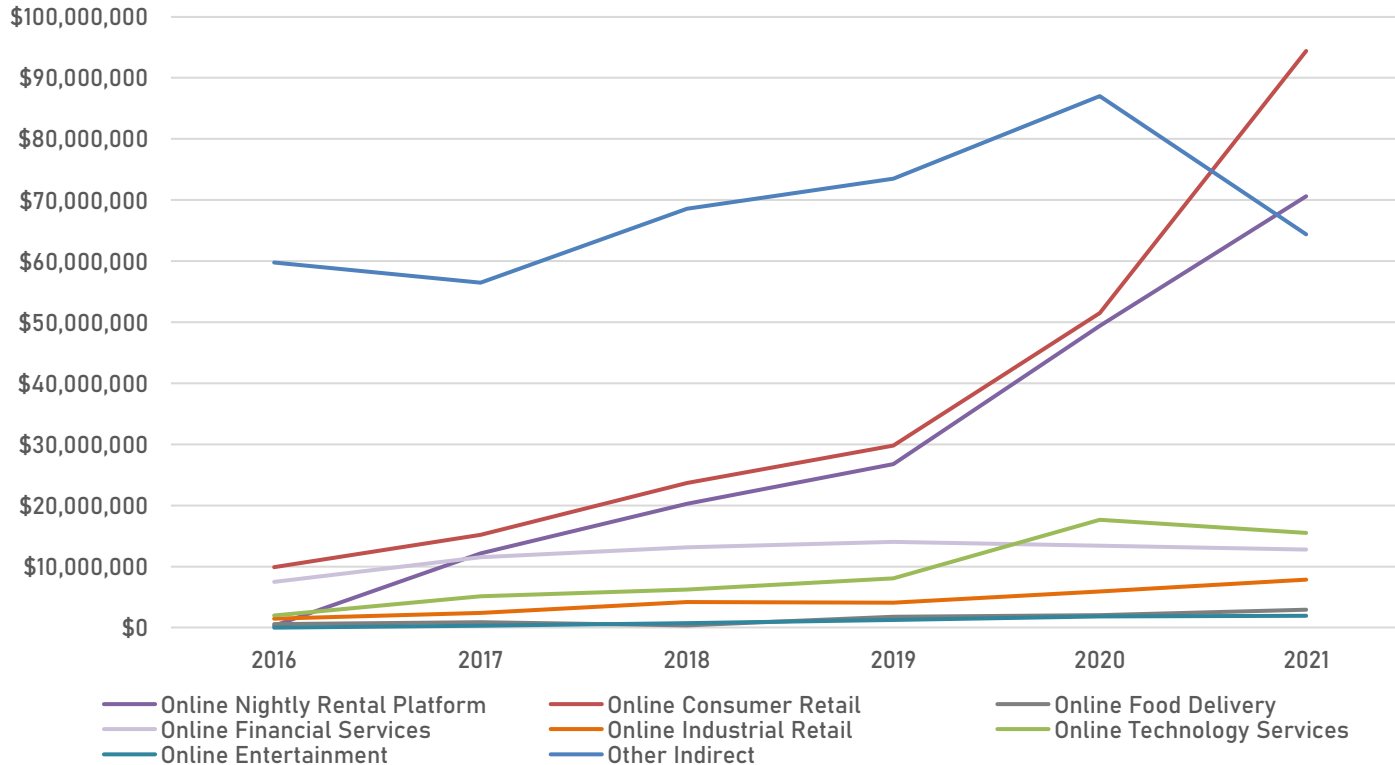
Prospector, \$72M

Park Meadows, \$22M

Thayne's, \$17M

Sales - Diving into Online

Online Decomposition Over Time



FY21

Online Consumer Retail,
\$94M

Online Nightly Rental,
\$71M

Other Indirect Retail,
\$64M

Online Technology,
\$15.5M

Online Financial Services,
\$12.8M

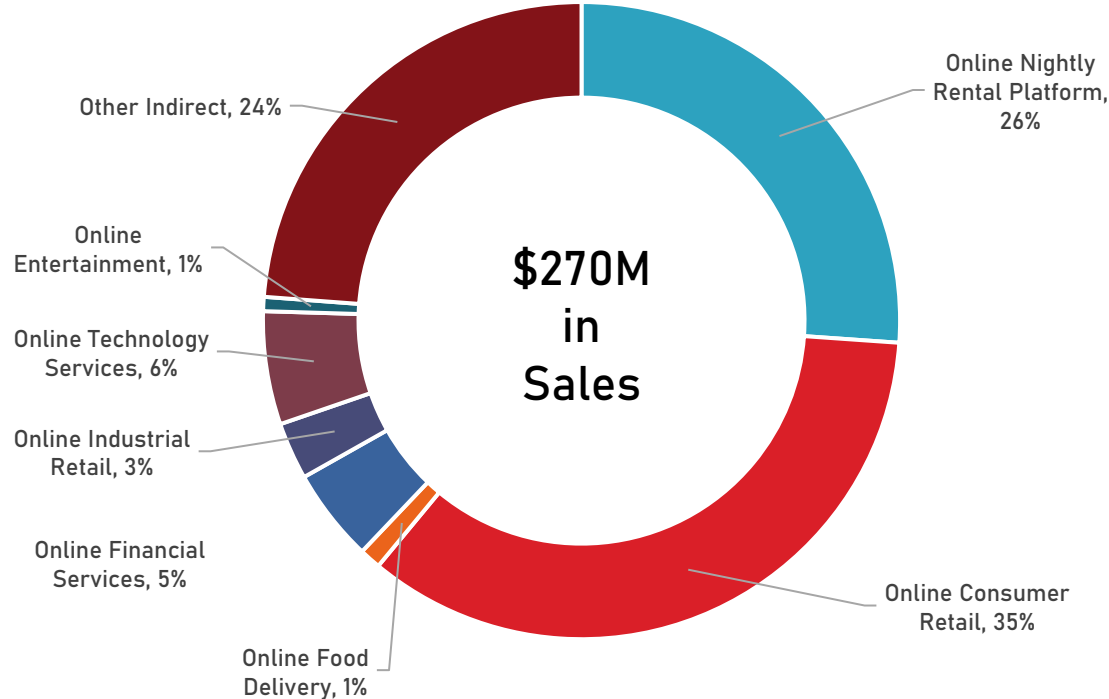
Online Industrial Retail,
\$7.8M

Online Food Delivery,
\$2.9M

Online Entertainment,
\$1.9M

Sales - Diving into Online

FY21 Online Sales Decomposition, %



FY21

Online Consumer Retail,
\$94M

Online Nightly Rental,
\$71M

Other Indirect Retail,
\$64M

Online Technology,
\$15.5M

Online Financial Services,
\$12.8M

Online Industrial Retail,
\$7.8M

Online Food Delivery,
\$2.9M

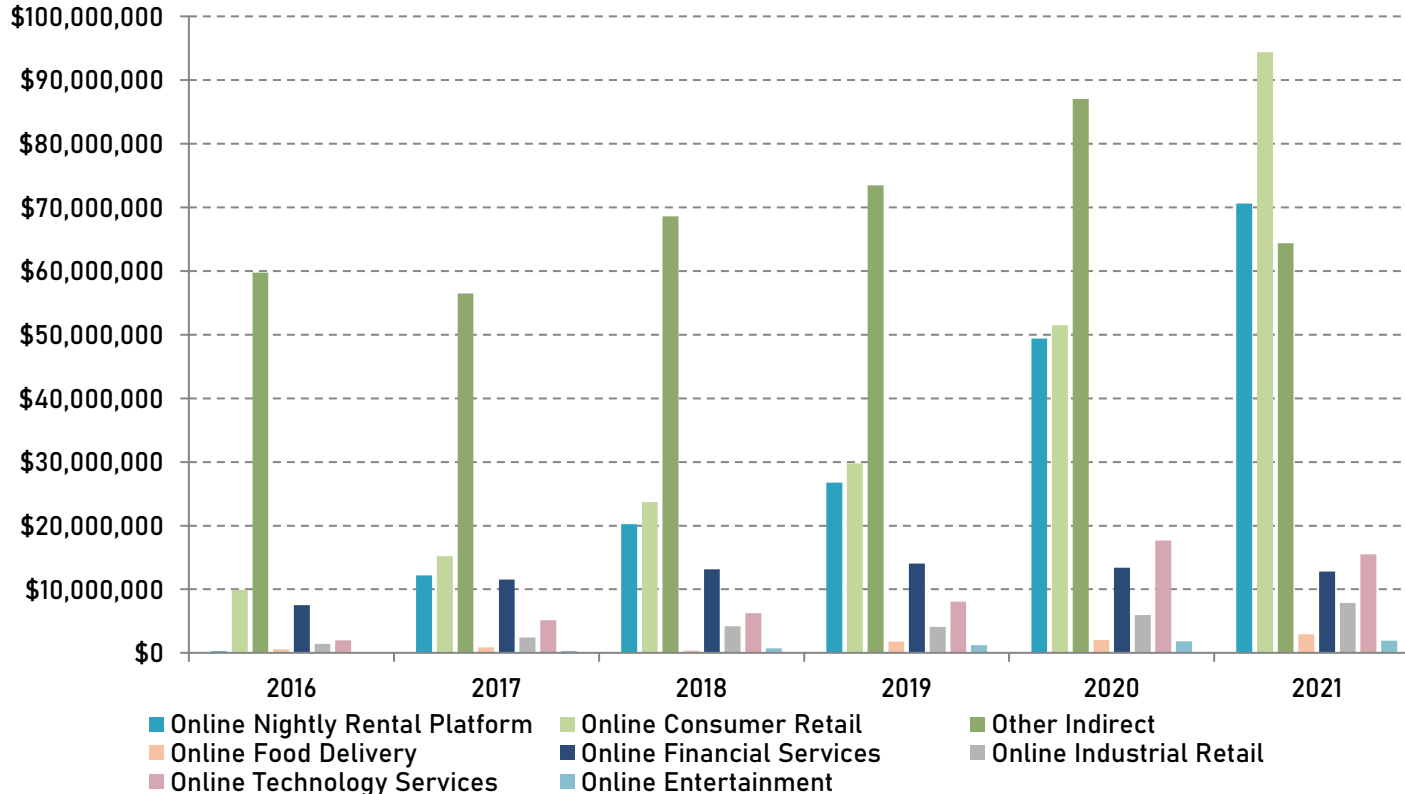
Online Entertainment,
\$1.9M

Source: Park City Municipal Corporation, As of May 2022.

Note: for the online decomposition analysis staff categorized individual payers that fell within the top 76% of contribution to revenue. However, there are over 30,000 unique line-item payers in this category, and if a payer fell below the top 75% of revenue contribution to this category staff labeled those payers as "Other Indirect" due to time constraints.

Sales - Diving into Online

Online \$ Decomposition by Year and Category



FY21

Online Consumer Retail,
\$94M

Online Nightly Rental,
\$71M

Other Indirect Retail,
\$64M

Online Technology,
\$15.5M

Online Financial Services,
\$12.8M

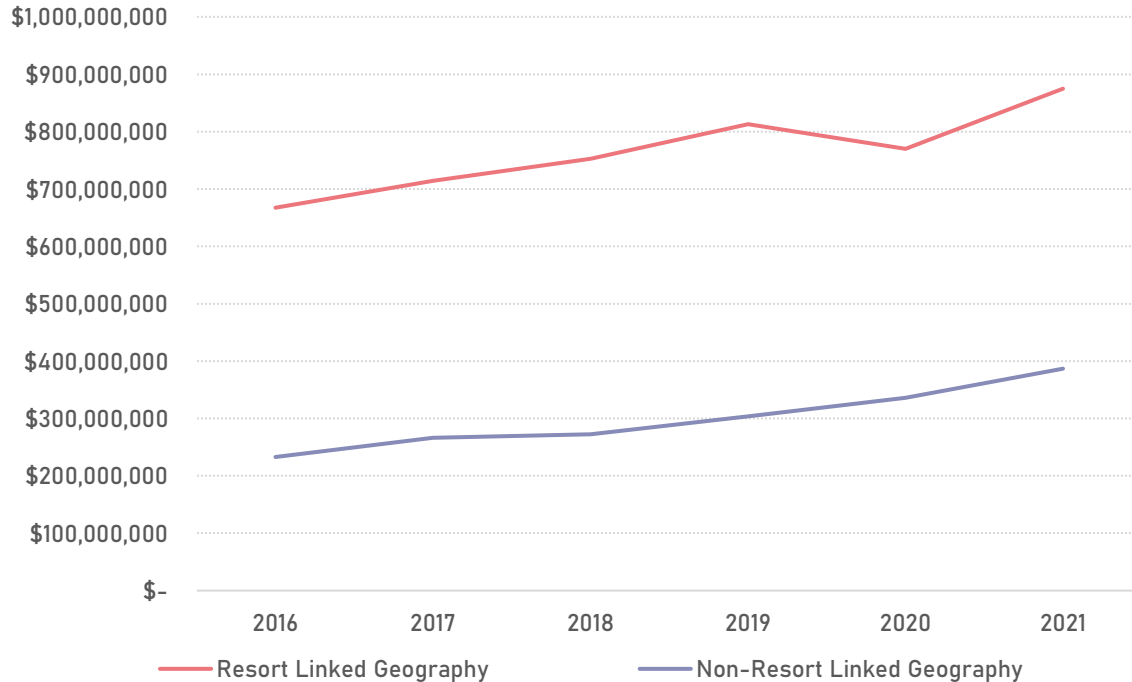
Online Industrial Retail,
\$7.8M

Online Food Delivery,
\$2.9M

Online Entertainment,
\$1.9M

Sales – Resort vs. Non-Resort

Resort-Linked vs. Non-Resort-Linked Sales Over Time, \$



Mapping

Resort/Non-Resort	Geography
Resort Linked Geography	Deer Valley
Resort Linked Geography	Entryway
Resort Linked Geography	Main Street
Non-Resort Linked Geography	Park Meadows
Non-Resort Linked Geography	Prospector
Non-Resort Linked Geography	Rest of City
Non-Resort Linked Geography	Thaynes
Resort Linked Geography	Treasure Mountain
Resort Linked Geography	Online Nightly Rental Platform
Non-Resort Linked Geography	Online Consumer Retail
Non-Resort Linked Geography	Online Food Delivery
Non-Resort Linked Geography	Online Financial Services
Non-Resort Linked Geography	Online Industrial Retail
Non-Resort Linked Geography	Online Technology Services
Non-Resort Linked Geography	Online Entertainment
Non-Resort Linked Geography	Other Indirect

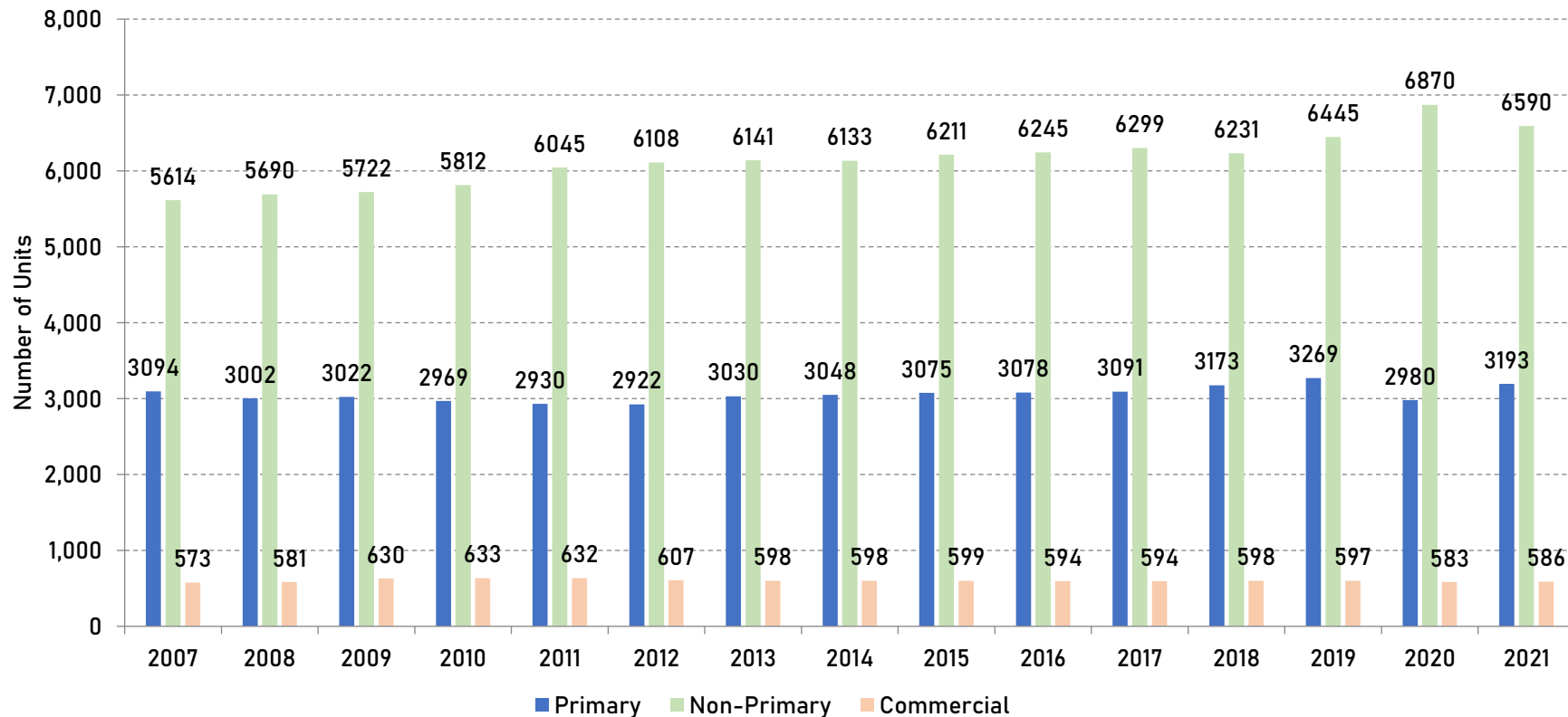
Resort, Non-Resort	2016	2017	2018	2019	2020	2021
Resort Linked Geography	\$ 667,590,004	\$ 714,032,847	\$ 752,926,311	\$ 813,270,916	\$ 770,208,907	\$ 875,127,435
Non-Resort Linked Geography	\$ 232,892,973	\$ 266,322,981	\$ 272,527,144	\$ 303,649,212	\$ 335,741,875	\$ 386,679,256
Total	\$ 900,482,977	\$ 980,355,828	\$ 1,025,453,455	\$ 1,116,920,128	\$ 1,105,950,782	\$ 1,261,806,691

Sales – Data

Physical/Online	Resort/Non-Resort	Geography	2016	2017	2018	2019	2020	2021
Physical	Resort Linked Geography	Deer Valley	\$ 242,101,307	\$ 265,928,785	\$ 276,886,555	\$ 302,082,170	\$ 276,770,432	\$ 269,883,374
Physical	Resort Linked Geography	Entryway	\$ 125,029,502	\$ 128,954,235	\$ 137,174,994	\$ 138,976,991	\$ 134,458,842	\$ 154,722,987
Physical	Resort Linked Geography	Main Street	\$ 160,724,652	\$ 164,692,415	\$ 187,940,464	\$ 192,422,190	\$ 174,747,758	\$ 233,669,872
Physical	Non-Resort Linked Geography	Park Meadows	\$ 10,366,144	\$ 16,950,668	\$ 16,702,589	\$ 21,187,827	\$ 19,400,454	\$ 22,195,068
Physical	Non-Resort Linked Geography	Prospector	\$ 66,815,311	\$ 74,400,490	\$ 75,865,950	\$ 76,795,951	\$ 61,013,932	\$ 72,459,606
Physical	Non-Resort Linked Geography	Rest of City	\$ 62,842,099	\$ 69,797,455	\$ 49,120,842	\$ 58,157,727	\$ 62,771,824	\$ 75,274,399
Physical	Non-Resort Linked Geography	Thaynes	\$ 11,690,997	\$ 13,227,372	\$ 13,938,951	\$ 15,002,598	\$ 13,222,924	\$ 16,938,875
Physical	Resort Linked Geography	Treasure Mountain	\$ 139,446,374	\$ 142,288,991	\$ 130,677,306	\$ 153,021,888	\$ 134,852,339	\$ 146,251,292
Online	Resort Linked Geography	Online Nightly Rental Platform	\$ 288,169	\$ 12,168,421	\$ 20,246,992	\$ 26,767,677	\$ 49,379,536	\$ 70,599,910
Online	Non-Resort Linked Geography	Online Consumer Retail	\$ 9,907,034	\$ 15,182,557	\$ 23,686,572	\$ 29,796,041	\$ 51,485,606	\$ 94,381,117
Online	Non-Resort Linked Geography	Online Food Delivery	\$ 596,293	\$ 862,896	\$ 363,508	\$ 1,787,552	\$ 2,021,403	\$ 2,941,397
Online	Non-Resort Linked Geography	Online Financial Services	\$ 7,506,157	\$ 11,539,190	\$ 13,138,719	\$ 14,037,170	\$ 13,399,719	\$ 12,792,311
Online	Non-Resort Linked Geography	Online Industrial Retail	\$ 1,437,567	\$ 2,410,838	\$ 4,177,988	\$ 4,091,598	\$ 5,929,838	\$ 7,848,530
Online	Non-Resort Linked Geography	Online Technology Services	\$ 1,976,264	\$ 5,143,377	\$ 6,243,602	\$ 8,084,071	\$ 17,658,432	\$ 15,524,773
Online	Non-Resort Linked Geography	Online Entertainment	\$ 499	\$ 322,475	\$ 725,801	\$ 1,235,934	\$ 1,809,548	\$ 1,945,571
Online	Non-Resort Linked Geography	Other Indirect	\$ 59,754,608	\$ 56,485,663	\$ 68,562,622	\$ 73,472,743	\$ 87,028,195	\$ 64,377,609
		Total	\$ 900,482,977	\$ 980,355,828	\$ 1,025,453,455	\$ 1,116,920,128	\$ 1,105,950,782	\$ 1,261,806,691
	Resort, Non-Resort		2016	2017	2018	2019	2020	2021
	Resort Linked Geography		\$ 667,590,004	\$ 714,032,847	\$ 752,926,311	\$ 813,270,916	\$ 770,208,907	\$ 875,127,435
	Non-Resort Linked Geography		\$ 232,892,973	\$ 266,322,981	\$ 272,527,144	\$ 303,649,212	\$ 335,741,875	\$ 386,679,256
	Total		\$ 900,482,977	\$ 980,355,828	\$ 1,025,453,455	\$ 1,116,920,128	\$ 1,105,950,782	\$ 1,261,806,691

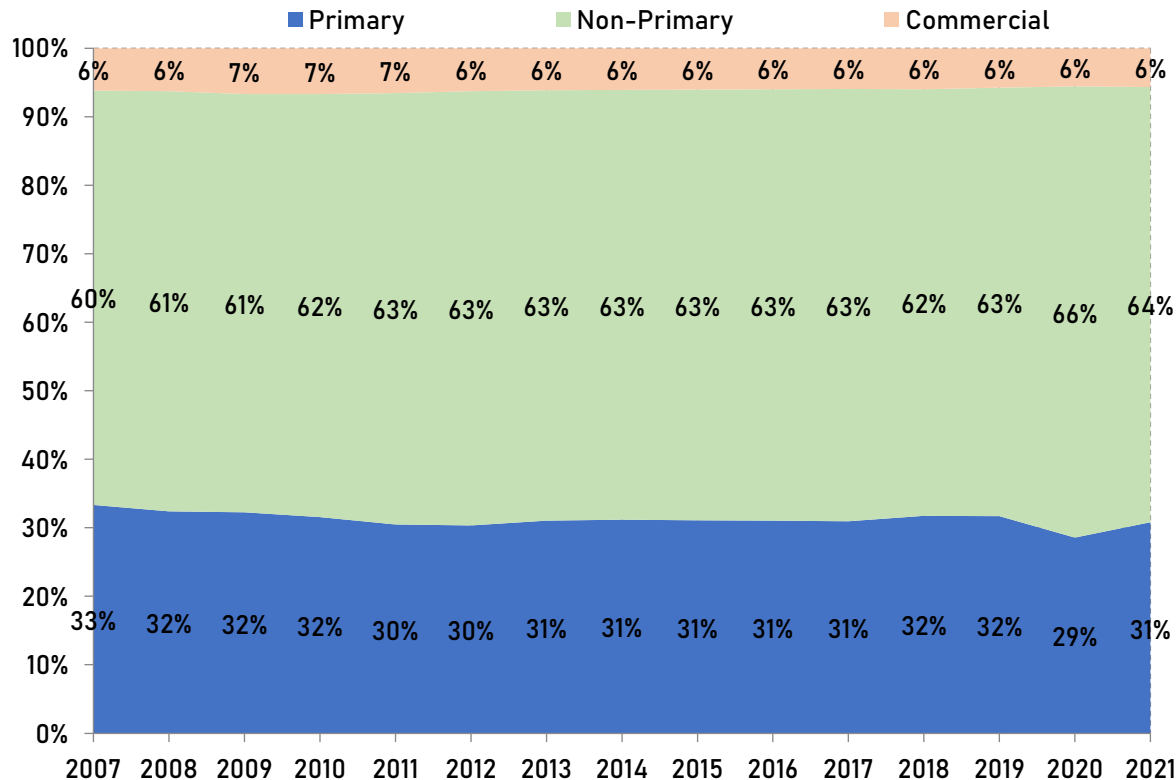
Property Trends

Park City - Primary, Non-Primary and Commercial Stock

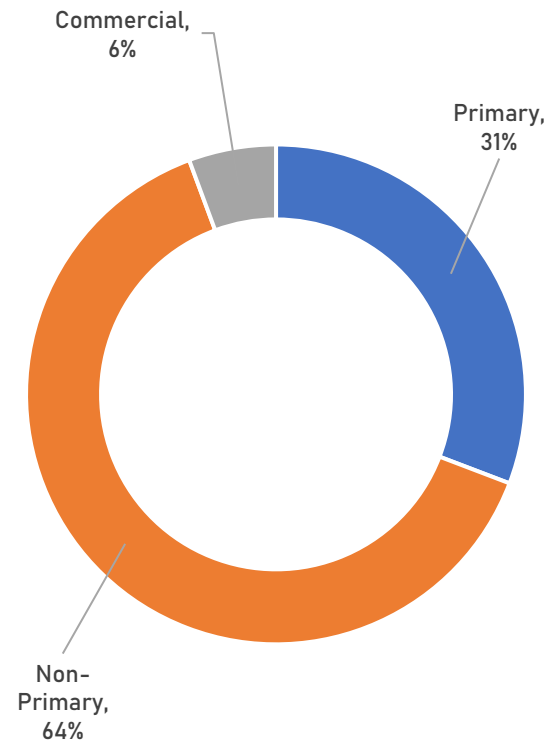


Property Trends

Park City - % of Real Estate Stock
Primary, Non-Primary, Commercial Over Time

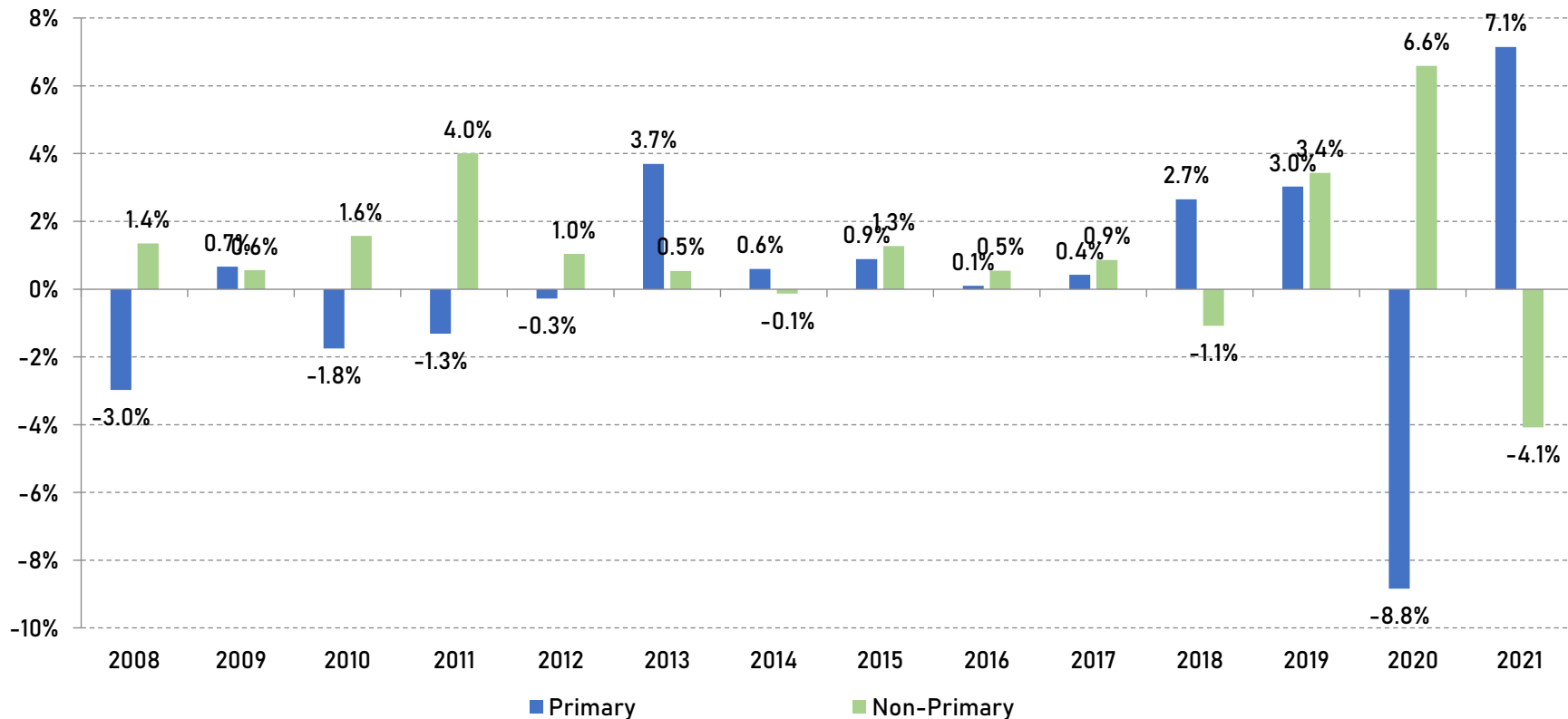


FY21 Share of PC Real Estate
Stock, %



Property Trends

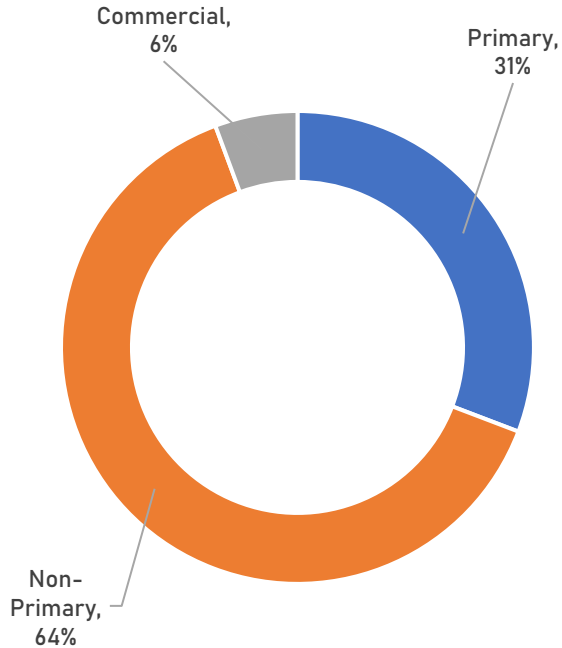
Park City - YoY % Change in Primary vs. Non-Primary Homes



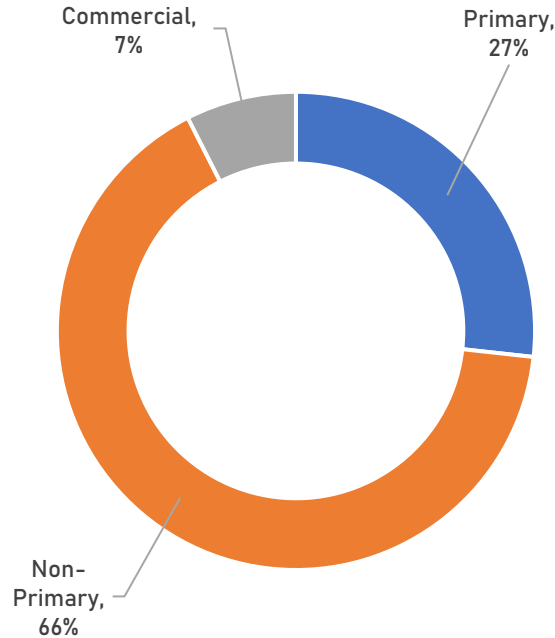
Property Through Three Lenses

% Volume of Real Estate $\neq$ % Assessed Value $\neq$ % Taxable Value

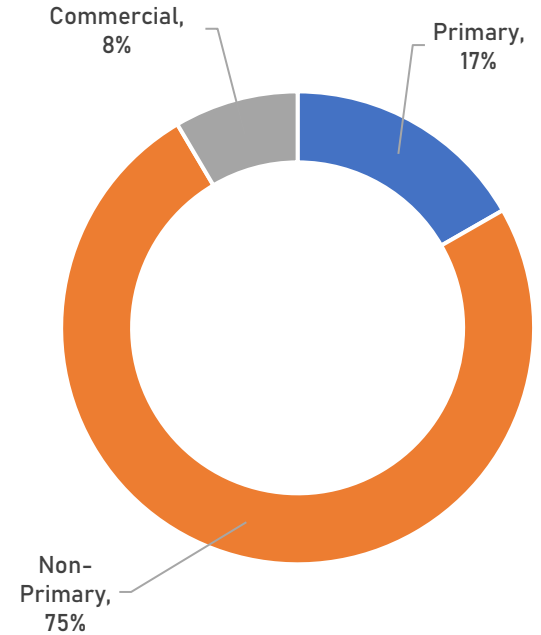
FY21 Share of PC Real Estate
Stock, %



FY21 Share of Assessed Value,
%



FY21 Share of PCMC Property
Tax Revenue, %



Property Tax Example

Park City Property Tax Scenario Analysis		Primary Resident	Non-Primary Resident
Median Property Market Value ¹	\$	2,600,000	\$ 2,600,000
Median Property Assessed Value ²	\$	1,065,752	\$ 1,065,752
Median Property Taxable Value ³	\$	586,164	\$ 1,065,752

Tax Scenario	Mil Levy	Annual \$ Property Tax	
PCMC General Operations Levy	0.001	\$ 586	\$ 1,066
PCMC GO Levy	0.000898	\$ 526	\$ 957
Park City School District	0.004144	\$ 2,429	\$ 4,416
Summit County General	0.000675	\$ 396	\$ 719
Park City Fire District	0.000595	\$ 349	\$ 634
County Assess. & Collecting	0.00014	\$ 82	\$ 149
Weber Basin Water	0.000132	\$ 77	\$ 141
Mosquito Abatement	0.000024	\$ 14	\$ 26
Multi-County Assess. & Collecting	0.000012	\$ 7	\$ 13
Total	0.00762	\$ 4,467	\$ 8,121

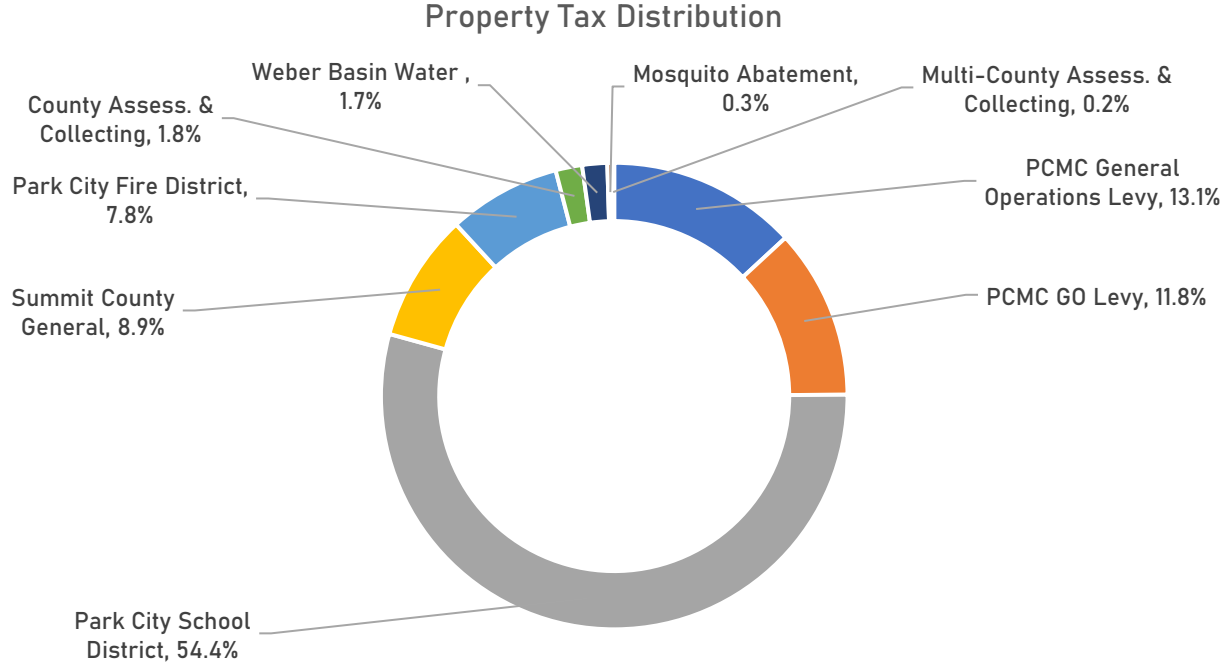
2021 % Ratio of Revenue

Primary Residents	Non-Primary Residents	Commercial
17%	75%	8%

Source: Park City Municipal Corporation. As of May 2022.

1. Median Property Market Value is defined as the median dollar value of assets currently selling in 84060 zip code as of July 2021.
2. Median Assessed Value is defined as the level of that Summit County assesses properties on average, which is estimated as 41% of current sale prices as of July 2021.
3. Median Property Taxable Value accounts for primary or secondary home ownership as primary residents are taxed at 55% of assessed value while secondary residents are taxed at 100% of assessed value.

Property Tax Across All Entities

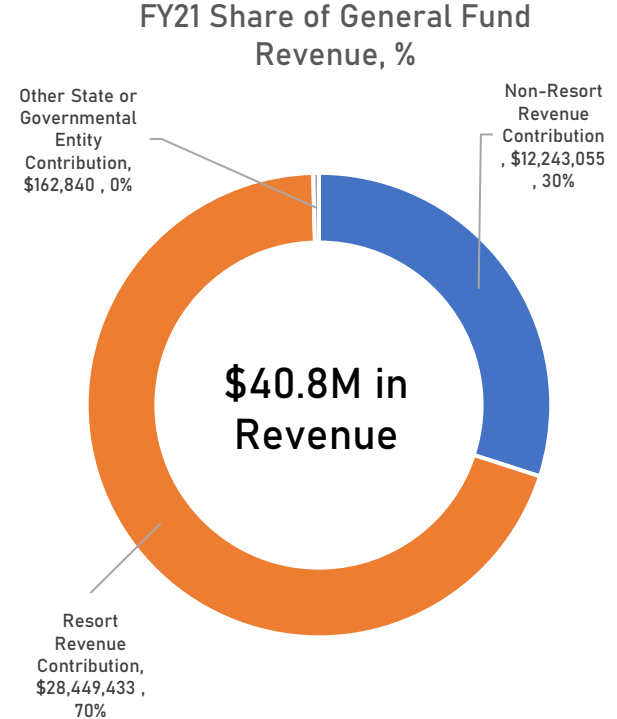


Source: Park City Municipal Corporation. As of May 2022.

1. Median Property Market Value is defined as the median dollar value of assets currently selling in 84060 zip code as of July 2021.
2. Median Assessed Value is defined as the level of that Summit County assesses properties on average, which is estimated as 41% of current sale prices as of July 2021.
3. Median Property Taxable Value accounts for primary or secondary home ownership as primary residents are taxed at 55% of assessed value while secondary residents are taxed at 100% of assessed value.

General Fund Revenue Decomposition

	Non-Resort Revenue Contribution	Resort Revenue Contribution	Other State or Governmental Entity Contribution
Property Taxes	\$2,460,348	\$10,252,544	
Sales Tax	\$3,982,855	\$8,865,063	
Franchise Tax	\$539,945	\$2,415,105	
Licenses	\$100,285	\$223,216	
Planning Building & Engineering Fees	\$804,352	\$1,978,768	
Special Event Fees		\$127,595	
Federal Revenue			\$56,953
State Revenue			\$80,182
County/SP District Revenue			\$25,705
Cemetery Charges for Services	\$95,465		
Recreation	\$1,415,701		
Ice	\$612,867		
Other Service Revenue	\$151,702		
Library Fees	\$18,645		
Fines & Forfeitures	\$0		
Misc. Revenues	\$222,327	\$494,858	
Interfund Transactions (Admin)	\$844,703	\$1,880,144	
Special Revenues & Resources	\$993,860	\$2,212,140	
\$,Total	\$12,243,055	\$28,449,433	\$162,840
%, of Total Revenue	30%	70%	0.4%



Source: Park City Municipal Corporation. As of May 2022.

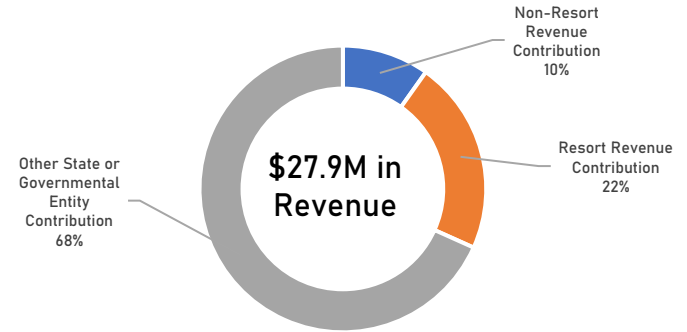
Notes on Assumptions:

- Property Taxes – Decomposed based on true taxable values
- Sales Taxes – Decomposed based on estimated share of sales revenues
- Franchise Tax – Assumed to be approximated by share of primary vs. secondary property tax
- Licenses – Assumed to be driven by business activity and therefore divided by sales revenue distribution
- Planning, Building and Engineering Fees - Assumed to be approximated by share of primary vs. secondary property tax
- Special Event Fees – Assumed to be 100% Resort-linked
- Federal, State & County Revenues – Categorized as other
- Cemetery Charges, Recreation, Other Service, Library – Assumed to be 100% Non-Resort linked
- Misc. Revenues, Interfund Transactions, Special Revenue & Resources – Assumed to be driven by business activity and therefore divided by sales revenue distribution

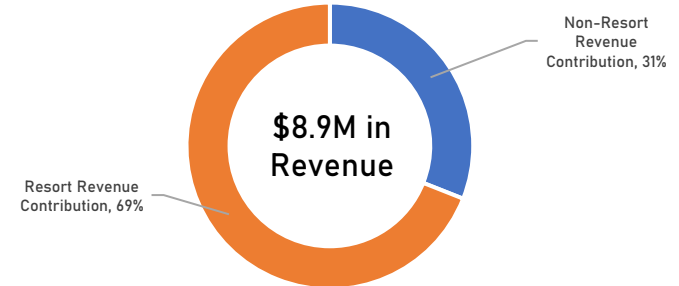
Transportation Fund Revenue Decomposition

	Non-Resort Revenue Contribution	Resort Revenue Contribution	Other State or Governmental Entity Contribution
Sales Tax	\$1,997,173	\$4,445,320	
Licenses	\$203,450	\$452,839	
Planning Building & Engineering Fees			
Special Event Fees			
Federal Revenue			\$19,070,280
State Revenue			
County/SP District Revenue			
Transit Charges for Services	\$330,460	\$735,540	
Fines & Forfeitures			
Misc. Revenues	\$89,407	\$199,003	
Special Revenues & Resources	\$124,621	\$277,382	
\$,Total	\$2,745,110	\$6,110,083	\$19,070,280
%, of Total Revenue	7%	15%	47%
%, of Total Excluding Federal Grants	31%	69%	

FY21 Share of Transportation Fund Revenue, %



FY21 Share of Transportation Fund Revenue, %
Ex Federal Grants



Source: Park City Municipal Corporation. As of May 2022.

Notes on Assumptions:

- Sales Taxes – Decomposed based on estimated share of sales revenues
- Licenses – Assumed to be driven by business activity and therefore divided by sales revenue distribution
- Federal Revenues – Categorized as Other Governmental
- Charges for Services – Assumed to be driven by business activity and therefore divided by sales revenue distribution
- Misc. Revenues, Special Revenue & Resources – Assumed to be driven by business activity and therefore divided by sales revenue distribution

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

5:45 p.m. - Break

Suggested Action:**Attachments:**

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Police

Item Type: Staff Report

Agenda Section: SWEARING IN CEREMONY

Subject:

Swearing in Ceremony for Officers, Sergeant and Lieutenant

Suggested Action:**Attachments:**

[Swearing-In Staff Report](#)

[Exhibit A: Oaths of Office](#)

City Council Staff Report



Subject: Police Promotional Swearing-In Ceremony
Author: Wade Carpenter, Chief of Police
Department: Police
Date: May 26, 2022
Type of Item: Informational

Recommendation

This is an informational report regarding recent new hires and promotions in the Park City Police Department.

Background

Park City Police Department has recently hired and promoted officers to fill the vacancies and promote qualified candidates. The department conducted an extensive testing process for all positions. The sergeant and lieutenant testing processes included policy and procedure testing, mock council presentation, panel interviews, demonstrated physical fitness, peer and supervisor reviews, and final interviews with Chief Carpenter and Manager Dias. There were many qualified and dedicated candidates who completed this testing process. Officer Bryan Salmon, Officer Jason Rose, Officer Jed Davis, Officer Jordan Seeley, Officer Zachary Williams, Officer Clayton Eves, Sergeant Stuart Rollins, and Lieutenant Jay Randall were the successful candidates and need to be sworn-in by Mayor Worel to their new positions.

Biographies

Officer Bryan Salmon

Officer Salmon is originally from Alabama. He came to Utah to attend college earning a bachelor's degree in 2017. He is supported by his wife Courtney and his two sons. Officer Salmon enjoys carpentry, country swing dancing, camping, and developing survival skills.

Officer Jason Rose

Officer Rose is originally from southern California and attended high school in Heber. He served in the United States Army for 10 years and has been in law enforcement since 2014. In his spare time, he enjoys skiing, mountain biking and being outdoors.

Officer Jed Davis

Officer Davis grew up in Clearfield, Utah. He is supported by Krystal his wife of 26 years and his four boys. In his free time, he enjoys camping and hiking with his family.

Officer Jordan Seely

Officer Seely is from Mount Pleasant, Utah and has been in law enforcement for 12 years. He is supported by his wife Mosi and his three children.

Officer Zachary Williams

Officer Williams is originally from Huntington Beach, CA. He recently graduated the Police Academy in southern Utah in April 2022. In his free time, he enjoys hiking and camping. He has dreamed about being in law enforcement since he was a child and is thrilled to be a part of the Park City Police Department.

Officer Clayton Eves

Officer Eves has served in law enforcement for 16 years. He is supported by his wife Kylie and two children. He grew up in Sandy, Utah and now lives in the Heber area. In his spare time, he likes to spend time with his family on his boat.

Sergeant Stuart Rollins

Sergeant Rollins is from Clinton, Utah. He is supported by his wife Sommer and three children. He has been in law enforcement for 11 years. He was previously with Utah Highway Patrol for 7 years. In his spare time, Sergeant Rollins like to golf, travel, and spend time with his family.

Lieutenant Jay Randall

Lt. Randall is from Centerville, Utah. He began his career in law enforcement in 2004 with Ivins Public Safety in southern Utah and joined the Park City Police Department in 2013. He is supported by Tonya his wife of 36 years and his three children. In his free time, he enjoys riding bikes and exploring the mountains with his wife and spending time with his new granddaughter.

Analysis

As successful candidates from an extensive testing process, Officer Bryan Salmon, Officer Jason Rose, Officer Jed Davis, Officer Jordan Seeley, Officer Zachary Williams, Officer Clayton Eves, Sergeant Stuart Rollins, and Lieutenant Jay Randall request to be sworn-in by Mayor Worel.

Exhibit A – Oaths of Office



OATH OF OFFICE

I, BRYAN SALMON, DO SOLEMNLY SWEAR THAT I WILL SUPPORT, OBEY, AND
DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF UTAH, AND THAT I WILL DISCHARGE THE
DUTIES OF MY OFFICE WITH FIDELITY.

SIGNATURE

STATE OF UTAH
COUNTY OF SUMMIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF MAY 2022, BY
BRYAN SALMON

WITNESS MY HAND AND OFFICIAL SEAL

MICHELLE KELLOGG, CITY RECORDER



OATH OF OFFICE

I, JED DAVIS, DO SOLEMNLY SWEAR THAT I WILL SUPPORT, OBEY, AND
DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF UTAH, AND THAT I WILL DISCHARGE THE
DUTIES OF MY OFFICE WITH FIDELITY.

SIGNATURE

STATE OF UTAH
COUNTY OF SUMMIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF MAY 2022, BY JED
DAVIS

WITNESS MY HAND AND OFFICIAL SEAL

MICHELLE KELLOGG, CITY RECORDER



OATH OF OFFICE

I, JASON ROSE, DO SOLEMNLY SWEAR THAT I WILL SUPPORT, OBEY, AND
DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF UTAH, AND THAT I WILL DISCHARGE THE
DUTIES OF MY OFFICE WITH FIDELITY.

SIGNATURE

STATE OF UTAH
COUNTY OF SUMMIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF MAY 2022, BY
JASON ROSE

WITNESS MY HAND AND OFFICIAL SEAL

MICHELLE KELLOGG, CITY RECORDER



OATH OF OFFICE

I, CLAYTON EVES, DO SOLEMNLY SWEAR THAT I WILL SUPPORT, OBEY, AND
DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF UTAH, AND THAT I WILL DISCHARGE THE
DUTIES OF MY OFFICE WITH FIDELITY.

SIGNATURE

STATE OF UTAH
COUNTY OF SUMMIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF MAY 2022, BY
CLAYTON EVES

WITNESS MY HAND AND OFFICIAL SEAL

MICHELLE KELLOGG, CITY RECORDER



OATH OF OFFICE

I, JORDAN SEELY, DO SOLEMNLY SWEAR THAT I WILL SUPPORT, OBEY, AND
DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF UTAH, AND THAT I WILL DISCHARGE THE
DUTIES OF MY OFFICE WITH FIDELITY.

SIGNATURE

STATE OF UTAH
COUNTY OF SUMMIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF MAY 2022, BY
JORDAN SEELY

WITNESS MY HAND AND OFFICIAL SEAL

MICHELLE KELLOGG, CITY RECORDER



OATH OF OFFICE

I, ZACHARY WILLIAMS, DO SOLEMNLY SWEAR THAT I WILL SUPPORT, OBEY,
AND DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF UTAH, AND THAT I WILL DISCHARGE THE
DUTIES OF MY OFFICE WITH FIDELITY.

SIGNATURE

STATE OF UTAH
COUNTY OF SUMMIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF MAY 2022, BY
ZACHARY WILLIAMS

WITNESS MY HAND AND OFFICIAL SEAL

MICHELLE KELLOGG, CITY RECORDER



OATH OF OFFICE

I, STUART ROLLINS, DO SOLEMNLY SWEAR THAT I WILL SUPPORT, OBEY, AND
DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF UTAH, AND THAT I WILL DISCHARGE THE
DUTIES OF MY OFFICE WITH FIDELITY.

SIGNATURE

STATE OF UTAH
COUNTY OF SUMMIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF MAY 2022, BY
STUART ROLLINS

WITNESS MY HAND AND OFFICIAL SEAL

MICHELLE KELLOGG, CITY RECORDER



OATH OF OFFICE

I, JAY RANDALL, DO SOLEMNLY SWEAR THAT I WILL SUPPORT, OBEY, AND
DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE
CONSTITUTION OF THE STATE OF UTAH, AND THAT I WILL DISCHARGE THE
DUTIES OF MY OFFICE WITH FIDELITY.

SIGNATURE

STATE OF UTAH
COUNTY OF SUMMIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF MAY 2022, BY JAY
RANDALL

WITNESS MY HAND AND OFFICIAL SEAL

MICHELLE KELLOGG, CITY RECORDER

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

Park Silly Sunday Market Contract Outreach Plan

Suggested Action:

Attachments:

[PSSM Feedback Opportunities Staff Report](#)

City Council Staff Communications Report

Subject: Park Silly Sunday Market Contract Feedback Opportunities
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: May 26, 2022

At the April 28, 2022, City Council meeting ([report](#) p. 733, minutes not published), the Council recommended stakeholder feedback before providing preliminary parameters to consider a new Park Silly Sunday Market (PSSM) City Service Agreement beyond 2022. Council also indicated a preference for a three-to-five-year contract, rather than the seven-to-ten-year contract which was initially requested by PSSM.

Typically, Special Events and Community Engagement work together to develop individual outreach plans and use a myriad of engagement tools. We explored three alternatives for community and stakeholder feedback. After coordinating with Council Liaisons, Nann Worel and Ryan Dickey, we recommend the following:

1. Create a PSSM Informational Portal on City Website.
2. Open a Public Comment Period.
 - a. Notify the public of a deadline to submit feedback, but with a City survey and guidelines for discussions. The anticipated timing is mid-June to the end of July.
 - b. Work with KPCW and Park Record to develop a story on feedback opportunities.
 - c. Complete a mailing in Park City to ensure all residents and second homeowners are informed of the feedback opportunity.
3. Host an informational Public Open House for residents and businesses.
 - a. Provide information on the history and details of the PSSM to help residents, businesses, and stakeholders make informed decisions when taking the survey.
4. Collect a Public Opinion Survey in English and Spanish.
 - a. Push survey on social media, local news, and radio partners.
 - b. Push survey to and seek formal positions from trade associations (HPCA, Chamber, Lodging, Restaurant, Prospector, etc.).
 - c. PSSM push survey to their participants.

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Transit

Item Type: Staff Report

Agenda Section: COMMUNICATIONS AND DISCLOSURES FROM
COUNCIL AND STAFF

Subject:

Winter Season Transportation Update

Suggested Action:

Attachments:

[Winter Transportation Staff Report](#)

Subject: 2022/23 Winter Transportation Update
Author: Matt Neeley, Sarah Pearce
Department: Transportation
Date: May 26, 2022
Type of Item: Staff Communication

The following is a brief overview of the current planning underway for 2022/23 winter traffic management and transit services.

Given Council's recent discussion to delay a decision on construction of the proposed Quinn's Park & Ride, coupled with Park City Mountain's recent proposal to implement a paid parking reservation system for the 2022/23 ski season, robust planning is underway to potentially amend next winter's traffic and transit service plans.

Based on recent community and Council feedback on winter peak day traffic, our goal for next winter is to improve traffic management by increasing coordination and dedicated resources (labor and equipment), provide more transit coverage in some residential neighborhoods, enhance express services to major destinations, and explore the use of Richardson Flats as a viable park & ride option. A micro-transit pilot is still under consideration but is being folded into our overall comprehensive 2022/23 winter services plan.

Improvements to traffic management include:

- Increased staffing
 - o 1 dedicated Traffic Coordinator to orchestrate our overall traffic operation management and plan;
 - o 1 additional patrol officer in the Police department (plus a new Detective to free up resources elsewhere);
 - o 2 additional Streets/Public Works employees
 - o 1 additional Parking attendant; and
 - o Increased utilization of the Emergency Manager.
- Improved signage, wayfinding, and equipment in the right-of-way to channel and direct traffic and reduce conflict with express buses;
- Increased UDOT coordination; and
- Exploring residential permit parking options (Citywide) to better enhance neighborhood protections from tourism and visitation impacts.

Enhanced transit coverage ideas include:

- Express transit service from Richardson Flat Park & Ride to major trip destinations – DV and PCMR, Park Avenue bus stops, and the Old Town Transit Center.
 - o PC Heights and the PC High School can be incorporated.
- Adjusting existing winter transit routes to potentially provide expanded neighborhood coverage (as suggested in the Short Range Transit Plan (S RTP) alternatives and response to paid parking/reservation system).

- A potential micro-transit pilot program in areas such as Park Meadows/Thaynes, Deer Valley, PC Heights); and
- Working with both resorts to enhance transit options for our workforce, using the Richardson Flats park and ride more strategically to mitigate neighborhood construction projects, and creating a new PCMC employee park and ride incentive program during peak periods.

The Transportation Team plans to return to Council this summer with a comprehensive proposed plan including, options for winter service details, Richardson Flat, the potential to include micro-transit alternatives for neighborhood service expansion, and all of the associated costs, funding mechanisms and timelines necessary for proactive decision-making.

Our Team continues to work directly with both City Council Transportation Liaisons (Dickey and Rubell), High Valley Transit, and a myriad of internal departments that contribute to the City's overall traffic and transportation management programs.

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: CONSIDERATION OF MINUTES

Subject:

Consideration to Approve the City Council Meeting Minutes from May 5, 2022

Suggested Action:

Attachments:

[May 5, 2022 Minutes](#)



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

May 5 2022

The Council of Park City, Summit County, Utah, met in open meeting on May 5, 2022, at 4:30 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property at 4:32 p.m. Council Member Dickey seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

CLOSED SESSION

Council Member Toly moved to adjourn from Closed Meeting at 4:45 p.m. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

WORK SESSION

Discuss Quinn's Junction Park & Ride:

Matt Dias, City Manager, explained there had been many discussions between staff and other stakeholders on this item. John Robertson, City Engineer, Gabe Shields, Transportation Engineer, Julia Collins, Transportation Planning, Robert Stewart, UDOT District Two Director, Jerry Benson, Consultant, and Kordel Braley, AECOM, were present for this item. Robertson reviewed the history associated with this project. The fatal flaw analysis (FFA) was completed in 2019 and the traffic impact study (TIS) was completed in 2021. This project was divided into two phases: Phase One would include the site work and parking lot and Phase Two would include the amenities. Collins stated the amenities included a fuel source for buses, an end of line driver facility, bus shelters, public restrooms, a maintenance building, and more. She indicated the main purpose of the project was to have a parking lot, but the secondary impacts needed to be considered as well.

Robertson noted PCMC, the Utah Department of Transportation (UDOT), and Summit County were involved in this project from the beginning. They all participated in the

1 consultant selection to prepare the FFA and assisted in the preparation and review of the
2 FFA, TIS, and plan reviews. Summit County requested two additional analyses be
3 prepared during the TIS to further evaluate impacts to County intersections. UDOT
4 installed a shoulder bus lane into the City, executed a construction agreement for the site,
5 and relocated the "No Access" line to allow for the park and ride. The FFA looked at some
6 City-owned properties, including the frontage road, detention basin, and Richardson Flat.
7 They looked at safety, security, accessibility and visibility and the frontage road scored
8 the highest. Richardson Flat was not considered because it was the farthest away from
9 SR248 and was not convenient, especially during peak traffic times. Another challenge
10 was that it was not City-owned property and there were soil condition issues. The
11 detention basin was a lot smaller in size and could not accommodate as many vehicles.

12
13 Robertson stated some concerns for the frontage road was the close proximity of the road
14 to the traffic signals. Stewart addressed the concern regarding the construction
15 agreement with UDOT, which had a clause requiring Park City to remedy any safety
16 hazards in the park and ride lot. He noted that clause was in all UDOT park and ride
17 agreements, and he gave examples of when that clause would be in effect. He stated
18 UDOT was committed to park and ride lots and they liked this project. If the lot was
19 packed with cars, they would see that as a success. His team saw the project as part of
20 the traffic solution for this area.

21
22 Shields indicated he heard concerns that the TIS was performed during the pandemic and
23 was not reflective of post pandemic traffic. Braley indicated the study began in 2020, but
24 there were recently completed traffic studies from which they collected data and those
25 were used to adjust the rates to come up with a baseline. Then they looked at projected
26 future traffic and took future development into the equation to determine the outcome. He
27 explained these were winter ski month counts. Shields stated the sensitivity analysis also
28 looked at users for this lot and estimated the majority would come from the south in
29 Wasatch County. Braley noted users from Salt Lake City would also use it if other lots
30 were full and the analysis concluded that when drivers exited Highway 40 from the north,
31 the queue would back up and block the right turn pocket. That scenario assumed the
32 other lots were full and everyone was coming from Salt Lake City. Shields reviewed the
33 analysis from several scenarios and stated the SR248 and Highway 40 intersection was
34 at the point of failing and they would only get worse, with or without the Quinn's project.

35
36 Collins explained the budget for the project and noted the City had two Federal Transit
37 Authority (FTA) grants, a Summit County Transportation grant, and Transportation sales
38 tax revenue to construct it. Shields detailed all the costs associated with the project which
39 would total approximately \$7 million for both phases. There would also be an annual
40 maintenance cost of \$105,000 and a Transit cost of \$1,800,000 to \$2,500,000 per year.
41 He indicated there were many unknowns with regard to the Transit estimate. Sarah
42 Pearce, Deputy City Manager, indicated staff looked at a pilot park and ride project at

1 Richardson Flat. Transit could run express routes to the ski resorts, but staff had more
2 work to do to analyze this.

3
4 Council Member Dickey asked if the signal for the frontage road had to wait until the road
5 moved. Shields stated it could be signaled as-is, but it would not be ideal. He indicated
6 the congestion would happen with drivers coming from the north, but signage could send
7 them to the Silver Creek exit and then they would take a right hand turn into the park and
8 ride. Council Member Rubell asked where the counter was located that was used for the
9 Quinn's Park and Ride, to which Shields stated it was close to Highway 40. Council
10 Member Rubell asked if the project was ready to go, or would other approvals be needed.
11 Robertson indicated the contractor would need to get permits from UDOT and from the
12 County. Collins added the permitting process would be seamless. Council Member Rubell
13 asked if the numbers in the TIS were the seconds a car would wait to move. Cordell
14 affirmed they were the average wait in seconds.

15
16 Council Member Toly asked if staff spoke with businesses in the area that would be
17 impacted. Robertson stated he did not know of outreach to those groups. Council
18 Member Toly asked if conversations had taken place with the resorts about partnering.
19 Matt Dias indicated staff had conversations with both resorts and they would be
20 discussing this park and ride if it was approved. Council Member Toly asked if the Transit
21 service for the park and ride would go year-round or if it would taper off in the spring.
22 Collins noted the frequency would be 20 minutes in peak times and 30 minutes during
23 non-peak times. But if year-round employees were riding or other factors were observed,
24 this frequency could change. Braley confirmed the traffic count station was halfway
25 between Round Valley Drive and Landfill Road so it would have picked up the traffic
26 going west.

27
28 Council Member Doilney stated the intersection was failing with or without the park and
29 ride. He asked how accurate analysts were in planning for these park and rides and if the
30 location was more or less unique than others. Stewart thought this project was part of the
31 traffic solution because of the unique location of Park City and he predicted the park and
32 ride would fill up quickly. He discussed other potential solutions to help the failing
33 intersection. Benson added the formula to making a park and ride successful was to
34 make taking transit easier than driving a car. The dedicated shoulder for Transit would
35 help, as well as frequent bus service. He noted the City would continue working on
36 solutions after the park and ride was in place. Council Member Rubell stated the memo in
37 the packet noted 15 minutes in frequency, but the presentation stated 20 or 30-minute
38 intervals. Benson indicated 15 minutes or less would be optimal and hopefully there
39 would be the traffic to support that.

40
41 Council Member Gerber asserted there were several areas in Old Town where parking
42 had been reduced and she wanted to make sure there was access to Old Town for
43 employees.

SPECIAL MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Absent

Discuss Quinn's Junction Park & Ride – Continued:

Mayor Worel opened the item for public input.

John Greenfield stated the goal was to find a good Transit alternative. Paid parking was announced at Park City Mountain Resort (PCMR) two weeks ago. The frontage road ranked the best and Richardson Flat ranked last. He supported a bus rapid transit system. He indicated the SR248 and Highway 40 intersection would fail in the next four years. If Council favored Richardson Flat, he requested a traffic study for that location. He supported the frontage road option.

Doug Clyde, Summit County Council member, stated he spoke with Mayor Worel about the timeline for moving the frontage road closer to the Rail Trail. He was surprised the City Council thought the County would build the road, and noted they were not planning on it because it was not a priority for the County. He asserted the City could request it from the County at some point, but no request had been made. He didn't care if Park City moved the road or built the park and ride. He displayed a slide that showed a wetlands with an endangered species plant which might be in the area where the City wanted to move the frontage road.

Peter Tomai indicated nobody thought the park and ride would solve all the traffic problems, but he thought it would help with the traffic problems. Even if a small percentage of drivers were captured in the park and ride, it would be a win.

Mayor Worel closed the item for public input.

1 Council Member Doilney asked if the road would be moved into the wetlands area, to
2 which Robertson stated the wetlands would be avoided. Council Member Doilney thought
3 this park and ride would be used based on the growth in the area. Residents asked the
4 City to do something to help with traffic congestion and this was part of the solution. He
5 agreed with the experts and supported moving forward with the project.

6
7 Council Member Toly asked for a commitment from the resorts that they would help fund
8 the project. She didn't think having a 1.5 mile bus lane would get people to ride the bus.
9 She liked getting drivers off Highway 40 at the Silver Creek exit to use the park and ride.
10 Council Member Dickey thought the park and ride was an asset as part of a long-term
11 traffic solution, but the park and ride had to work on its own. The City needed to ask the
12 County about moving the frontage road. He wanted partnerships with Summit County,
13 High Valley Transit (HVT), and the resorts. He asked staff to continue working on this to
14 see if it could work.

15
16 Council Member Rubell thought the assumptions were flawed. He felt traffic would come
17 from the Wasatch Front, which would bring problems. He stated comparing Quinn's Park
18 and Ride to the Ecker Hill Park and Ride was not accurate and the usage for this lot
19 would be higher, which would make traffic worse. He asked if there could be dual left turn
20 lanes. Robertson stated that discussion hadn't happened yet, but it did not affect Old
21 Highway 40 and SR248. Council Member Rubell asked if the land next to the road was
22 privately owned, to which Robertson stated a section was owned by the County, and then
23 a privately owned parcel was above that. Council Member Rubell liked having the costs
24 explained and favored getting the resorts involved in the cost conversation. Regarding the
25 UDOT condition, he asked if the City could negotiate so it assumed a lower risk.
26 Robertson displayed the intersection and showed the potential diversion of the road, to
27 which Council Member Rubell indicated that was good and he favored updating the traffic
28 study if the City moved forward with that idea. He thought the study's 2026 number was
29 irrelevant and he wanted real counts. He wanted more regional collaboration and asked
30 to discuss this at the next joint City Council/County Council meeting. He wanted further
31 conversation with HVT, since this would be next to their bus building. He also thought
32 accessing the lot from Highway 40 would be difficult without mitigation and he wanted to
33 see some commitment on the mitigation.

34
35 Council Member Gerber indicated the park and ride would be the first of many to help
36 take cars off the road. This was a good opportunity to learn and the grants would go a
37 long way in helping the community. She noted the money came from sales tax which was
38 from the tourism economy. This was a quick solution. She knew there would be things to
39 work out with the County. She liked the other solutions given by Stewart and she was
40 glad to hear from UDOT. The community asked Council to do something. It would not be
41 perfect, but Transit requested this solution and she supported moving forward with the
42 project.

Mayor Worel summarized the Council stressed working collaboratively with regional partners. She commended staff for working with Summit County and UDOT. The disconnect occurred when the project was presented to the Joint Transportation Advisory Board (JTAB). That group was disbanded so it was critical the City and County Councils had quarterly joint meetings.

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Gerber noted the Roe v. Wade discussion at the Federal level and felt this was a big deal. She asked that when this ruling was overturned and was enacted at a State level, that the City activate its lobbyists to say this was not okay. Matt Dias stated the City had lobbyists at the State and Federal levels and they could be deployed on Council's request. Council agreed to bring this back for discussion at a future meeting.

Council Member Rubell thanked staff for getting the Council packets out earlier. He attended the Fire District meeting where they signed an interlocal agreement with the City, which shifted inspections and compliance reports to the Fire District. The Citizens Academy started last week, and he encouraged those interested to participate in the next session. Council Member Dickey indicated he also liked having the Council packet earlier.

Council Member Toly reminded residents of the Spring Projects event at the library on May 10th. On May 11th, there would be a "Catch Up with Council" at the Alpine Pie Bar at 5:30 p.m. She also noted the Park City Museum waived admission fees the third Saturday of each month. She stated this was Mental Health Awareness Month and she attended a Community Foundation event on Mental Health. She also attended a Communities that Care informational meeting on mandatory reporting for child abuse. She asked for Margaret Olsen and Chief Wade Carpenter to present this to Council.

Council Member Doilney stated it was hard to deal with the Federal Government stripping people of their rights. He asserted the City needed to make sure it protected people who sought care and that they had access to unbiased information. This was part of the City's social equity efforts. He wished everyone a happy Cinco de Mayo and urged people to embrace diversity.

Mayor Worel indicated she attended a site visit for the 9th Street Stairs project and staff listened to public input. There would be another opportunity for public input on this topic at the Spring Projects event. She noted her open office hours had been filled and people brought their concerns and possible solutions. She enjoyed these interactions.

Staff Communications Report:

1. Water Outlook 2022:

Council Member Dickey thought there should be clarity on how many times users should irrigate, whether it was twice a week or every other day. Jason Christensen, Water Resources Manager, stated staff was asking at this point to water twice a week or every other day, but Council could take it to the next level. He thought just the ask would help the City meet community demand. Council Member Dickey liked asking instead of demanding, but he wanted clear messaging.

Council Member Toly noted the City was in a good water situation but other communities in Utah were not in the same situation. She wanted to make sure the water was reserved for those who needed it.

Council Member Rubell asked when the water rate discussion would return, to which Christensen stated he would come back to Council on July 14th. Council Member Rubell thanked Christensen for having a water symposium. He asked if the City would create an ordinance that would be more restrictive with regard to landscaping. Christensen stated a draft ordinance was created and provided to the Planning Commission staff. Council Member Rubell looked forward to seeing what the initiatives were.

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

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Charlie Sturgis indicated he sent a letter last year to many government leaders regarding wildfires. He noted Las Vegas, New Mexico, had a fire that threatened to burn down a town. He stated fire season was beginning. He hoped resources would be given to forestry management to prevent a wildfire in Park City. He stated the City was in trouble if the Parley's Canyon fire last year was any indication of how a fire would be contained.

Carolyn Wawra, Recycle Utah, stated many things were happening for Earth Month. Locals were celebrating this beautiful home they lived in. She noted there were community clean ups, including one at City Park this Saturday.

Brendan Weinstein eComment: "Please do not renew Silly Sunday contract for a 14-weekend schedule. There are many events on Main Street beyond Silly Sunday. Once a month would be a more appropriate schedule. Can be stressful when you are going about your normal routine and forget that Main Street is yet again overcrowded for a massive event. Some events are great but we have gone overkill with Main Street events at this point."

Tom Horton eComment: "I've often wondered why some festival hasn't set up shop in Prospector Square. There's a beautiful, tree-lined, off-street walkway that winds 250

yards among businesses and over a dozen restaurants. Hundreds of parking spaces in the city/PSPOA lots. Lots of room for pop-up booths. Utilities available. Rail Trail nearby. Short stroll from the high school parking lot. Short bus route to Park and Ride. Two hotels with indoor event space. Two adjacent strip centers with potential outdoor event space. Seems like a natural, but has never happened. Given that there is community interest in continuing the Park Silly Market away from Main Street, the western Prospector neighborhood should be evaluated as a possible future site for the event. This area has evolved to have heavily commercial and hospitality use with few residential units remaining. Eastern Prospector is residential, and it would seem logistically doable to protect it from event impacts.”

Mayor Worel closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from April 7, 2022:

Council Member Gerber moved to approve the City Council meeting minutes from April 7, 2022. Council Member Dickey seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

V) CONSENT AGENDA

1. Request to Adopt Resolution 09-2022, a Resolution Proclaiming May 13, 2022 as Arbor Day and Celebrating Park City's 29th Anniversary as a Tree City USA Community:

Council Member Gerber moved to approve the Consent Agenda. Council Member Rubell seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VI) OLD BUSINESS

1. Consideration to Adopt Ordinance No. 2022-11, An Ordinance of Park City Municipal Corporation Amending Volume I: Executive Summary: Policies and Objectives, Part 1 - Public Service Contracts in the Adjusted Budget for FY 2022 for Park City Municipal Corporation and its Related Agencies:

Jason Glidden, Affordable Housing Manager, stated approving this item would allow funding for the Lite Deed Restriction program. He reviewed the deed restrictions

discussed at last week's meeting. He indicated his goal was to appoint the advisory committee this month and begin the program by mid-June. He proposed a change to the budget policy that funds provided would be \$200,000 or less.

Council Member Toly asked if Glidden spoke to stakeholder groups so they were aware they might be asked to be on the advisory committee, to which Glidden affirmed. Council Member Toly asked if the committee would meet with each application that came in or meet at certain intervals. Glidden hoped they could meet online to make it more convenient.

Council Member Rubell asked if the units needed to be rented consistently. Glidden stated the policy required no more than 30 days of vacancy for rentals and owned homes. Council Member Rubell asked that the policy should not reference Vision 2020 directly. He also requested that the committee start on the low end on negotiations and adjust as necessary.

Council Member Doilney stated a change was made to require tenants/owners to live and work in Park City limits, but if the program expanded to a permanent tool, he wanted this to come back and discuss the tenants/owners being allowed to work within the school district boundaries. Council Member Toly agreed with Council Member Doilney. Council Member Gerber suggested starting the pilot program with renters working within the school district boundaries. Council Member Rubell was not okay with the City paying \$100,000 to someone living in the City and working in the County. Council Member Doilney recommended leaving the pilot as-is and then evaluate the adjustments that needed to be made when the pilot was finished.

Mayor Worel opened the public hearing.

John Greenfield expressed concerned that the City Manager was allowed to spend up to \$200,000 and thought the Council should have a say over such a large amount of money. Council Member Gerber stated the goal was to be nimble.

Mayor Worel closed the public hearing.

Council Member Doilney moved to approve Ordinance No. 2022-11, an ordinance of Park City Municipal Corporation amending Volume I: Executive Summary: Policies and Objectives, Part 1 - Public Service Contracts in the Adjusted Budget for FY 2022 for Park City Municipal Corporation and its related agencies. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

Glidden noted he would update Council on the number of applications and the amounts spent.

2. Consideration to Authorize the City Manager to Execute a Construction Agreement with Wardell Brothers Construction to Construct the Quinn's Junction Park and Ride Project, in a Form Approved by the City Attorney, Not to Exceed \$3,452,472.30:

Mayor Worel asked if Council wanted to discuss the next two items. Council Member Dickey stated he would like staff to continue working with Summit County and document their involvement, as well as get a commitment from High Valley Transit. Then talk to resort partners to determine their level of commitment. He didn't think this would be a long timeline.

Council Member Gerber asked how long the FTA grants would be held in abeyance. Shields stated the Council of Governments (COG) money would stay with the City for Transportation Capital projects. The FTA grant should have started to be used in 2021 so the City was on borrowed time. Council Member Gerber felt action needed to be taken. She felt sure the County and resorts would work with the City, but the City should move sooner than later. She wanted to vote and move forward. John Robertson stated if the contract was not awarded tonight, it would go away and then the RFP would go to bid again. Council Member Dickey was concerned that staff worked on this since 2017 and there was no commitment from the County. Council Member Doilney stated County was neutral to no. High Valley Transit was also a neutral to no because there was too much on their plate right now. The resorts had shown a willingness to work with the City when the City set the parameters. He noted UDOT and the traffic studies supported the project.

Council Member Toly thought this was the opportunity to negotiate with the resorts and didn't think they would contribute if the City began negotiations after it was built. Council Member Rubell stated the traffic study showed the intersection would fail. The assumptions were questionable because of COVID but there was explosive growth since then. The congestion would affect the residents. He didn't want to bully Summit County to get the intersection fixed. He wanted County collaboration. He supported Council Member Dickey's thoughts. He hoped to discuss this again once discussions took place with the partners. Mayor Worel summarized none of the Council wanted to kill the project, but steps were needed before consensus was met. Dias stated meetings could be set up and if commitments were made, this could come back to Council. The City would also try to keep the FTA money while this process continued.

Council Member Rubell asked to target the first meeting in July to bring this back. He asked about the pilot for Richardson Flat. Dias stated staff would work on the pilot, but he didn't know what the scale and scope would be. Council Member Doilney summarized the item would be continued in order to get support from Summit County and HVT, and start a pilot for Richardson Flat, which was the option that scored the least amount of points in

1 the analysis. Council Member Rubell noted the study's accuracy was being questioned,
2 and if the assumptions were invalid then the scores were invalid. Also, the study was from
3 Highway 40 going west and did not take into consideration the traffic coming from the
4 east. If those drivers were included, Richardson Flat had good access. Transit could
5 serve the lot and Park City Heights Subdivision.

6
7 Council Member Dickey clarified the request was not to get signed commitments, but to
8 get information on what level of participation and collaboration each entity was interested
9 in.

10
11 Council Member Gerber indicated UDOT was willing to work with the City on traffic
12 solutions. The City should work with Summit County, but the County indicated they
13 wanted to expand their regionality and at some point they would work with the City. She
14 didn't have to know all the answers up front, but this decision would cost the City a lot of
15 money. Council Member Toly noted that both sides had unknowns.

16
17 Mayor Worel opened the item for public input.

18
19 John Greenfield thought drivers exiting at Silver Creek was a big deal. The County would
20 participate because they would have to. Also, fixing the road was Number Seven on the
21 County's priority list and it wouldn't be in the wetlands. The resorts could be expected to
22 help get employees and guests into town.

23
24 Bill Ciraco empathized with Council Member Doilney for wanting to get things done, but
25 he indicated Council Member Dickey was appointed because he had been on the
26 Snyderville Basin Planning Commission and had the ability to collaborate. The Council
27 was trying to dismiss working with the County. There was work to do in bringing Summit
28 County on board. He also noted there was a traffic problem in Silver Creek as well and he
29 hoped Council would think outside the box with regard to traffic solutions.

30
31 Eric Moxam was grateful to hear the concerns from the Council members. He thought the
32 discussion for collaboration with the County and resorts was accurate and he suggested
33 collaborating with Wasatch County as well. He was concerned there was no talk about
34 how the resorts would partner with this project. He suggested that Council look at all sites,
35 including the Gordo site.

36
37 Mayor Worel closed the item for public input.

38
39 Council Member Rubell stated Council wanted to hear more as soon as staff could get the
40 information. He also indicated he was talking about the movement from Highway 40 to the
41 Quinn's Park and Ride. One of the mitigations from the report was not to allow the left
42 turn, but that could not happen because there were businesses there, so that was his
43 concern that he would want remedied.

Council Member Gerber stated there were a list of opportunities presented from UDOT that said they were happy to work with the City, this was a good idea, and they would work to make it successful, and the Council voted to walk away. Council Member Rubell noted UDOT said it would break and they would help fix it.

Council Member Doilney moved to postpone indefinitely the authorization of the City Manager to execute a construction agreement with Wardell Brothers Construction to construct the Quinn's Junction Park and Ride Project, in a form approved by the City Attorney, not to exceed \$3,452,472.30. Council Member Gerber seconded the motion.

RESULT: POSTPONED INDEFINITELY

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

3. Consideration to Authorize the City Manager to Execute Two Professional Services Agreements, in Forms Approved by the City Attorney, with Wall Consultant Group. Inc. in an amount Not to Exceed \$175,771.19 for Quinn's Junction Park & Ride Site Improvements and \$100,720.63 for the Park Avenue Bus Stop Site Improvements:

Public input was taken for this item in the previous item.

Council Member Doilney moved to postpone indefinitely the authorization of the City Manager to execute two professional services agreements, in forms approved by the City Attorney, with Wall Consultant Group. Inc. in an amount Not to Exceed \$175,771.19 for Quinn's Junction Park & Ride site improvements and \$100,720.63 for the Park Avenue Bus Stop site improvements. Council Member Gerber seconded the motion.

RESULT: POSTPONED INDEFINITELY

AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VII) NEW BUSINESS

1. Discuss Revision and Replacement of PCMC Procurement Policy:

Tom Daley, Deputy City Attorney, defined the procurement procedures. For invitations to bids, the lowest bidder wins and this was used for Public Works and Building improvement projects. He noted the RSOQ could be used prior to the RFP and stated an RFP was based on more than just price. He indicated there was an approved vendor list that could be used to save time from going through the RFP process. In that case, bids would be received by approved vendors and an award given.

Council Member Toly asked if it was State law that required the City to take the lowest bid. Daley affirmed, but noted some exceptions existed to that law. Council Member Toly asked if a contractor could have a conflict if they did multiple projects for the City. Daley

1 stated that could be part of the selection process, but he didn't see that come up in
2 Engineering projects. Gabe Shields indicated it was better if the same company did
3 related contracts since they had the knowledge regarding the project.

4
5 Council Member Gerber asked if the bidder had to be responsive and then the lowest bid
6 was looked at. Daley stated if they met the requirements, they were part of the process,
7 and the lowest bid was accepted.

8
9 Council Member Rubell asked if the value of procurement was known for last year.
10 Margaret Plane stated Daley knew about the contracts that came through the attorney's
11 office, but there was not one person that dealt with all the contracts. Council Member
12 Rubell thought there should be a discussion on hiring a procurement officer. Plane noted
13 the Budget and Finance Departments were interested in updating procurement tracking.
14 Council Member Rubell hoped to add a dedicated procurement staff member. Plane
15 indicated staff recommended updating the procurement policy, teaching it to staff, and
16 then determining if more was needed.

17
18 Council Member Rubell asked if the \$185,000 limit on Public Works projects were allowed
19 by State statute, to which Daley affirmed and noted the amount increased yearly with the
20 Consumer Price Index. Council Member Rubell indicated he was not comfortable with the
21 proposed \$25,000 to \$100,000 increase. He asked if there was a forced rotation of
22 vendors, to which Daley stated no. Council Member Gerber noted the auditor was
23 changed after so many years. Daley stated there was no City policy on forced rotation.
24 Council Member Rubell asked to discuss that at a future meeting.

25
26 Council Member Rubell asked if there was a vendor scorecard that was used in awarding
27 contracts. Daley stated that was done department by department. Matt Twombly, Senior
28 Project Manager, stated scorecard requirements were outlined based on the project.
29 Council Member Rubell asked to discuss this further at a future meeting. He asked how
30 impactful the local business clause was since there was discretion in the procurement
31 awards. Daley stated the State statute had a local preference section and he thought it
32 was five percent. Twombly clarified the five percent rule was for anything under the State
33 amount, so the State did not have a local preference.

34
35 Council Member Rubell stated the policy referred to a best and final offer and he asked
36 how often it was used. Daley never remembered doing a best and final offer. Council
37 Member Rubell asked about the timeline of advertising for seven days. Daley stated more
38 notice could be given, but the policy could not be less than State statute.

39
40 Council Member Rubell referred to the section regarding the selection committee and
41 asked if the procurement officer ever reduced the size of the committee. Daley stated the
42 language was from the State code, but up until now it was not formalized by the City. He
43 noted committees were used to award the contracts. Council Member Rubell asked if it

1 would be beneficial to set a minimum number for the committee. Daley recommended to
2 leave it as-is since an expert could be called in to decide or other unforeseen
3 circumstances.

4
5 Council Member Rubell asked if there was a spend limit for the approved vendor list, to
6 which Daley stated there was no spend limit. Shields stated if the City wanted to use a
7 vendor from the State approved list, they would be deferred to the small purchase policy,
8 which was \$30,000 or less for a maximum annual limit of \$100,000 per vendor. Daley
9 didn't think the small purchase policy explanation was accurate.

10
11 Council Member Rubell asked if trial use contracts were in the State code, to which Daley
12 affirmed. Council Member Rubell asked if there were unlimited extensions for a contract.
13 Daley indicated the extensions were part of the exemption in the proposed policy. Staff
14 could come back to Council if the project exceeded 10%-20% of the budget Council
15 approved. This was narrower than what could be done in change orders. Council Member
16 Rubell asked if there was a limit on emergency procurements, to which Daley stated no.
17 Council Member Rubell asked if it required an emergency declaration. Daley did not
18 know. Plane stated they would want an emergency declaration before acting. Clint
19 McAfee, Public Utilities Manager, gave the example of fixing a broken waterline that
20 needed immediate attention. Council Member Rubell asked why the protest officer could
21 be the same as the procurement officer. Daley stated Council would appoint a
22 procurement official and they would also appoint a protest officer, so they could be
23 different.

24
25 Council Member Dickey asked for a change table when the policy came back so Council
26 could see the differences. He referred to the proposed change from \$25,000 to \$100,000
27 increase and asked how many contracts between \$25,000 and \$100,000 came to Council
28 and were rejected or edited.

29
30 Mayor Worel referred to the selection committees and asked if community members were
31 ever used. Daley stated the requirements were knowledge of the matter, so he thought
32 community members could be used. McAfee stated he had used Sewer District staff on
33 selection committees for consultants.

34
35 Mayor Worel opened the item for public input. No comments were given. Mayor Worel
36 closed the item for public input.

37 38 **VIII) ADJOURNMENT**

39
40 With no further business, the meeting was adjourned.

41
42
43

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Public Works Administration

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Request to Authorize the City Manager to Enter into Agreements in a Form Approved by the City Attorney's Office with Kilgore Companies, for Rotomilling, Pavement Overlays, and Utility Adjustments in the Amount of \$759,176.60, Morgan Pavement Maintenance for Type II Slurry Seals and Crack Sealing in the Amount, \$250,388.90 and Wasatch Property Maintenance for Sealcoat of Trails, in the Amount of \$21,300.30 for a Total Amount Not to Exceed \$1,030,865.80

Suggested Action:

Attachments:

[2022 Pavement Management Program Staff Report](#)

[Exhibit A: 2022 Pavement Map](#)

[Exhibit B: 2022 Pavement Management RFP](#)

[Exhibit C: Bid Packet Submissions from Recommended Bidders](#)

[Exhibit D: Bid Results Matrix](#)

City Council Staff Report



Subject: 2022 Pavement Management
Author: Troy Dayley
Casey Coleman
Department: Public Works
Date: May 26, 2022
Type of Item: Administrative

Summary Recommendation

Accept the 2022 Pavement Management bids and authorize the City Manager to enter into agreements in a form approved by the City Attorney's Office with:

1. Kilgore Companies, for Rotomilling, Pavement Overlays, and Utility Adjustments in the amount of \$759,176.60
2. Morgan Pavement Maintenance for Type II Slurry Seals and Crack Sealing in the amount, \$250,388.90.
3. Wasatch Property Maintenance for Sealcoat of Trails, in the amount of \$21,300.30

Executive Summary

Based on our road network, it has been determined that annual applications of approximately 5,000 tons of Hot Mix Asphalt (HMA), 70,000 square yards of Slurry Seal, and 33 tons of Crack Seal are used as our base line for annual pavement treatments.

Asphalt forecast:

Recent increases in crude oil and fuel prices are directly reflected in pavement management. This year asphalt pavement maintenance costs have increased by 26% from last year. With fluctuating oil costs directly influencing the price of pavement treatments it's very difficult to predict what future costs might look like.

Background

Pavement Management is a critical part of maintaining our transportation network including infrastructure integrity and quality of street surfaces. The purpose of the Pavement Management Program is to extend pavement life while reducing the overall life cycle cost. To increase cost-effectiveness, sealing and overlay maintenance is applied when the pavement is still in fair condition, minimizing the need for costly road reconstruction.

Pavement is rated using a Remaining Service Life (RSL) scale ranging from 20-0 years of remaining life. Newly paved roads receive an RSL of 20 years and degrade each year thereafter. Pavements typically deteriorate exponentially after year 10. A roadway may lose as much as 1.25%-1.50% depending on its classification annually. Our pavement management program calculates annual maintenance to maintain an average RSL of 10 years or higher.

Remaining Service Life (RSL) Scale

Years of RSL	Maintenance Category	Recommended Maintenance
5-18	Minimal	Crack sealing
12-15	Some	Minor patching, fog seals, slurry seals and crack sealing
8-11	Routine	Thin overlays or slurry seals and micro seals
4-7	Increasing	Thicker overlays or possible reconstruction
0-4	High	Surface or base reconstruction, possibly subgrade stabilization or total reconstruction

Annual pavement condition inspections identify the overall condition of Park City's pavement system. Additionally, every three years an independent street condition assessment is completed by iWorQ. This assessment inspects our street network and adjusts condition ratings of each street. Our last assessment was completed during the summer of 2020. Currently, average RSL of all Park City pavements is 10.38 years.

A current value of 10.38 indicates we have increased for two consecutive years following a previous decline. This increase is attributed to a reduction of extensive freeze thaw patterns over the past 5 years. As winters have not been as harsh, a lower RSL degradation rate has been reflected.

Analysis

The sealed bid notification/process was advertised in the Park Record, Salt Lake Tribune and on the City webpage, in accordance with State Class C Road Funding requirements.

Pavement Overlays, Rotomilling and Utility Adjustments

The pavement management program identified 5,259 tons of asphalt to be applied to our streets as part of the overall strategy. Adjustments must be made to lower manholes, water valves, gas valves, and monument markers prior to an overlay, due to the rotomilling process. Contractors then return utilities to the same grade as the new pavement surface after the process is complete. This year 113 water valves/survey monuments and 78 manholes have been identified as needing to be adjusted prior to and after pavement application.

Slurry Seal

Applied to existing asphalt, once the street is cleaned, slurry and aggregate material are mixed together and then applied from the back of a large truck using a screed to create a thin layer of material. Slurry is made from emulsified asphalt (a mixture made from oil and fine sand aggregate). This year we have identified 82,811 square yards of slurry seal as part of the overall pavement management strategy.

Crack Seal

Crack seal is an excellent way to prolong pavement life by sealing the surface cracks to prevent water penetration on pavements which are in relatively good condition. However, all pavements in various stages and condition will benefit from crack sealing. This program will apply 30 tons of crack seal to various city streets and 3 tons of crack seal to bike paths.

Sealcoat Trails

Bike Paths have been identified within the pavement management program to receive a total of 15,778 square yards of Tuffcoat P+ Seal as part of the overall pavement management strategy.

Bid Results

There were 4 bids received for street overlays, 3 bids for slurry seals, 6 bids for crack sealing, and 5 bids for sealcoating of trails.

Asphalt Overlays

Kilgore Companies	\$759,176.60 (Recommended)
Geneva Rock	\$764,550.05
Wasatch Property Maintenance	\$793,020.60
Staker & Parsons Companies	\$837,968.51

Slurry Seals

Morgan Pavement Maintenance	\$141,167.91 (Recommended)
Asphalt Preservation	\$144,091.14
M&M Asphalt Services	\$144,919.25

Crack Sealing

Morgan Pavement Maintenance	\$109,220.99 (Recommended)
M&M Asphalt Services	\$124,575.00
Asphalt Preservation	\$134,145.00
CKC Services	\$138,719.32
Kilgore Companies	\$140,584.95
Bonneville Preservation	\$164,901.00

Seal Coat Trails

Wasatch Property Maintenance	\$21,300.30 (Recommended)
Kilgore Companies	\$26,191.48
CKC Services	\$33,607.14
M&M Asphalt Services	\$35,658.28
Asphalt Preservation	\$46,545.10

Department Review

Pavement program was reviewed by the Public Works, Legal, and Engineering Departments.

Funding Source

\$410,000 - Utah Class C Road Fund
\$726,105 - General Fund
\$ 22,096 - Walkability Maintenance

Total Cost \$1,030,865.80

Exhibits

Exhibit A: [2022 Pavement Map](#)

Exhibit B: [2022 Pavement Management RFP](#)

- Includes:

- Detailed list of street treatments
- Professional Services Construction Agreement

Exhibit C: [Bid Packet Submissions from Recommended Bidders](#) in Combined PDF

Exhibit D: [Bid Results Matrix](#)

[illegible]

**ADDENDUMS WILL BE POSTED ON THE WEBSITE.
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REGULARLY CHECK THE
WEBSITE FOR ANY NEW ADDITIONS.**



2022 PAVEMENT MANAGEMENT

PARK CITY, UTAH

**SLURRY SEAL TYPE II,
SEALCOAT BIKE PATHS,
STREET OVERLAYS, ROTOMILLING, UTILITY
ADJUSTMENTS,
AND CRACK SEALS
2022**

OWNER

**PARK CITY MUNICIPAL CORPORATION
PUBLIC UTILITIES
1053 IRON HORSE DRIVE
PO BOX 1480
PARK CITY, UTAH 84060**

Table of Contents

BIDDING DOCUMENTS

BID SCHEDULE	A	SLURRY SEALS TYPE II
	B	SEALCOAT BIKE PATHS
	C	STREET OVERLAYS, ROTOMILLING, AND UTILITY ADJUSTMENTS
	D	CRACK SEALS

APPENDIX A

BID PROPOSAL

SUBCONTRACTORS LIST

INVITATION TO BID

INSTRUCTION TO BIDDER

BID BOND

CONTRACTUAL DOCUMENTS

PARK CITY CONSTRUCTION AGREEMENT

PERFORMANCE BOND

LABOR AND MATERIAL PAYMENT BOND

PROCEDURAL DOCUMENTS

NOTICE OF AWARD

NOTICE TO PROCEED

CERTIFICATE OF SUBSTANTIAL COMPLETION

PARK CITY MUNICIPAL CORPORATION REQUEST FOR PROPOSALS

SLURRY SEALS TYPE II, SEALCOAT BIKE PATHS, ROTOMILLING, STREET OVERLAYS, UTILITY ADJUSTMENTS, AND CRACK SEALS April 2022

PROPOSALS DUE AND
PROPOSALS OPENING: Bids must be submitted in person at the Public Works East Building by 1:00 p.m. MST, on Tuesday, April 19, 2022, Attention: Troy Dayley, Public Works Department, at 1053 Iron Horse Drive, Park City, UT 84060. No proposals will be accepted after 1:00 p.m. MST. Bids will then be publicly opened at 1:05 p.m.

PROJECT NAME: 2022 PAVEMENT MANAGEMENT
SLURRY SEAL, SEALCOAT BIKE PATHS, ROTOMILLING, STREET OVERLAYS, UTILITY
ADJUSTMENTS, AND CRACK SEALS

PLANS AVAILABLE By 12:00 p.m., Friday, April 1, 2022, at parkcity.org.

FOR CONTRACTORS:
PRE-BID MEETING: At 11:00 a.m., Thursday, April 14, 2022, at the Public Works East office, 1053 Iron Horse Drive, Park City, UT 84060. It is highly recommended for all Bidders to attend; however, it is **MANDATORY** for Contractors who have not provided services to Park City Municipal Corporation within the last three (3) years to attend.

PROJECT LOCATION: Park City, Utah

PROJECT DESCRIPTION: Project includes four (4) bid schedules. The bidder may bid on one (1) or more of these schedules. Each schedule is to be bid as a complete project within the specifications attached herein. Project completion deadline for each bid schedule will vary as listed in Section 7 of the Construction Agreement.

Advertised in the Salt Lake Tribune on April 3, 10 and 17, 2022

Advertised in the Park Record on April 2, 9 and 16, 2022

Available on the Park City website at: parkcity.org.

<u>Schedule</u>	<u>Description</u>	
A	Slurry Seals Type II approximately	82,811 sq. yd.
B	Sealcoat Bike Paths approximately	15,778 sq. yd.
C	Street Overlays approximately	5,259 tons
	Rotomilling	378,463 sq. ft.
	Utility Adjustments	
	Water valves/survey markers	113 ea.
	Manholes	78 ea.
D	Crack Seal	33 tons

OWNER'S OPINION OF PROBABLE CONSTRUCTION COST: 2022 - **\$1,041,095.52**

(Includes slurry seal, sealcoat bike paths, streets overlays, rotomilling, utility adjustments, crack seals)

OWNER: Park City Municipal Corporation
Project Manager/Contact:

Troy Dayley
Public Works Director
P.O. Box 1480
1053 Iron Horse Drive Park City, UT 84060
(435) 615-4909 fax
troy@parkcity.org

All questions must be submitted in writing via email by 10:00 a.m., Friday, April 15, 2022, to: Troy Dayley via email to: troy@parkcity.org.

A bid bond in the amount of five percent (5%) of the total bid is required at the time of bidding. Payment and Performance bonds in the amount of one hundred percent (100%) of the total bid will be required. Park City Municipal Corporation reserves the right to reject any and all proposals for any reason. Bids will remain valid for ninety (90) days after bid opening, but cannot be withdrawn for forty five (45) days. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA § 63G-2-309, as amended. Award of contract is subject to approval by City Council, which is anticipated to be prior to May 30, 2022. Proposals lacking required information will not be considered. Park City Municipal Corporation reserves the right to change any dates or deadlines related to the bid submittal process. Successful bidder will be required to enter into Park City's standard Construction Agreement in a form approved by the City Attorney, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein.

IMPORTANT DATES:

Plans Available for Contractors –
Pre-bid Meeting (In Person)–
All questions due (Via Email) –
Proposals Due (On Site) –
Bid Opening (On Site) –

April 1, 2022
11:00 AM, Thursday, April 14, 2022
By 10:00 AM, Friday, April 15, 2022
By 1:00 PM, Tuesday, April 19, 2022
By 1:05 PM, Tuesday, April 19, 2022

BID SCHEDULE A: SLURRY SEALS TYPE II 2022

In compliance with Park City Design Standards, Construction Specification and Standards Slurry Seal work shall consist of: Type II Slurry Seal coating, protecting crosswalks, meter lids, survey monuments etc. by covering prior to installation of slurry, and cleaning, drying, and sealing with material as outlined above.

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
1.	Slurry Sealing Streets Type II	<u>82,811 sq. yd.</u>	\$_____	\$_____

BID SCHEDULE – A

Note: See Appendix A for schedule of Slurry Seals.

1. All slurry seal areas with striping or crossings shall be marked for future striping to be completed by owner.
2. All water meter, survey, storm drain inlets, and manhole lids shall be protected from slurry prior to application. Protection covers shall be removed when slurry is dry.
3. All adjacent homeowners / businesses shall receive two (2) notices of work to be completed; a seven (7) day advanced notice followed by a twenty-four (24) hour notice. All notices must be approved by the City prior to distribution.
4. All traffic control is to be supplied by contractor such as signs and flaggers to be utilized in all locations work is being performed according to MUTCD standards.
5. All slurry seal coat will contain a minimum of three percent (3%) LMCQS-1H.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.

BID SCHEDULE B: SEALCOAT BIKE PATHS 2022

In compliance with Park City Design Standards, Construction Specification and Standards Seal Coating work shall consist of: Tuffcoat Sealcoat P+ Coating, protecting crosswalks, meter lids, survey monuments, manhole lids, etc. by covering prior to installation of slurry, and cleaning, drying and sealing with material.

ITEM DESCRIPTION OF WORK NO.	QUANTITY	UNIT COST	PRICE
1. Sealcoat Bike Paths	<u>15.778 sq.yrd</u>	\$_____	\$_____
BID SCHEDULE – B		TOTAL	\$_____

Note: See Appendix A for schedule of Tuffcoat Sealcoat P+ Coating.

1. All seal coating areas with striping or crossings shall be marked for future striping to be completed by owner.
2. All water, meter, survey, storm drain inlets, and manhole lids shall be protected from slurry prior to application. Protection covers shall be removed when Seal Coating is dry.
3. Contractor is responsible that application area is cleaned and free from all debris and vegetation.
4. All adjacent homeowners / businesses/ trail users shall receive two (2) notices of work to be completed; a seven (7) day advanced notice followed by a twenty-four (24) hour notice. All notices must be approved by the Project Manager prior to distribution.
5. All pedestrian traffic and vehicular traffic control is to be supplied by contractor such as signs

and flaggers to be utilized in all locations work is being performed according to MUTCD standards.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.
7. Application Rate: Two (2) separate application coats are required. First application = Approximately 48-52 square feet per gallon Second application = Approximately 48-52 square feet per gallon

**BID SCHEDULE C:
STREET OVERLAYS, ROTOMILLING AND UTILITY ADJUSTMENTS 2022**

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
1.	Overlay streets to conform with 2007 APWA Specifications . Reference APWA 2007. 32-12-03 PG 58-28, 32-12-05 Maximum of 15% RAP by weight 32-12-05 DM-1/2, Medium Traffic Classification 32-12-16 (Rice Method)	5,259 Tons	\$ _____	\$ _____
2.	Rotomilling to conform with Specifications and depth required to deliver milling across roadway so that surface remaining has a consistent and continuous cross fall, longitudinally and transversely. Millings from pavement overlay work shall become property of the contractor at the time of milling.	378,463 Sq. Ft	\$ _____	\$ _____

Lower and /or readjust manholes, monument markers, and water valves in compliance with Park City Design Standards, Construction Specifications and Standard Drawings Section 551, placement and adjustment of new and existing utility structures to finish grade per Snyderville Basin Water Reclamation District Construction Specification for manholes.
(See SBWRD revised detail MH-09)

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
3.	<u>Lowering Utility</u>			
	Manhole	78	\$ _____	\$ _____
	Water valve/monument	113	\$ _____	\$ _____
4.	<u>Raising/adjusting</u>			
	Manhole	78	\$ _____	\$ _____
	Water valve/monument	113	\$ _____	\$ _____

Total Utility Adjustments Price \$ _____

BID SCHEDULE – C TOTAL \$

NOTE: See Appendix A for Street Overlays/Milling/Utility Adjustments

- 1 The quantities given are estimates for the purpose of comparing bids. Payment to the contractor will be made only for actual quantities of work performed.

- 2 Estimated ten (10) working days to complete milling and overlay work. Work is scheduled to begin on July 7, 2022. Consideration will be given for weather delays.
 - 3 The streets May be uneven and require more or less tonnage to achieve a quality, smooth, and compacted overlay.
 - 4 Bidder is responsible for traffic control devices, signs, barricades, and flagger to be utilized in all locations work is being performed according to MUTCD standards.
 - 5 **Edge Milling:** One to two-inches (1"-2") of existing asphalt feathered out to nothing seven feet (7') adjacent to each curb and across road intersections.
 - 6 **Profile Milling:** The standard roadway cross slope is two percent (2%) down from crown to gutter line or edge of pavement. Cross slopes May be adjusted when it is necessary to provide a smooth transition a minimum of two percent (2%) and a maximum of four percent (4%).
 - 7 Millings from pavement overlay work shall become the property of the contractor at the time of milling.
 - 8 Prior to milling, verify alignment of all valve boxes and manholes. Submit list of needed repairs and related costs to realign and repair all valve boxes as needed.
 - 9 Lowering of utilities in conjunction with Rotomilling. Readjustment is scheduled following completion of pavement overlay and must be completed by August 4, 2022.
 - 10 All approved realignments or repairs shall be completed prior to paving. Only height adjustments are allowed after paving.
 - 11 All grade rings and joints and housings are to be sealed.
 - 12 Concrete cement fills to be used on adjustment.
 - 13 All adjustments are to be set .50 inches below finish grade.
 - 14 Grade ring shall be CRETEX MANHOLE RINGS furnished by contractor.
 - 15 All manhole inverts, valves, and monuments shall be washed and vacuumed upon completion of each adjustment.
 - 16 Bidder is responsible for traffic control devices, signs, barricades, and steel plates where necessary according to MUTCD standards.
 - 17 Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.
 - 18 Bidder is responsible to make every attempt to minimize the tracking of tack oil and asphalt tar onto non-paved streets and crosswalks. Contractor will mitigate tracking problems promptly if they do occur.
- * Park City Municipal reserves the right to add or delete quantities to meet budgeted amounts.

By: _____ Date: _____

Print Name: _____ Title: _____

Company: _____

BID SCHEDULE D: CRACK SEAL 2022

In compliance with Park City Design Standards, Construction Specification and Standards Drawings Section 551 and general guidelines to bidders, sealant must be **Craftco** or **Maxwell** or an approved equal and must meet or exceed Federal Standard ASTM D 3405. Crack seal work shall consist of routing, cleaning, and drying cracks and sealing them with material outlined in specification above.

ITEM DESCRIPTION OF WORK NO.	TONS	UNIT COST	PRICE
1. Crack Sealing streets/Paths	33	\$_____	\$_____

BID SCHEDULE – D

TOTAL \$

Note: See Appendix A for schedule of Crack Seals.

1. All new cracks .125 inch or greater are to be routed a minimum of .50 inch wide and .75 inch deep prior to application of crack seal.
2. All traffic control is to be supplied by contractor, such as signs and flaggers, to be utilized in all locations work is being performed according to MUTCD standards.
3. Contractor is required to clean all debris generated from routing and crack seal installation upon completion of each street.
4. The smallest size application cup is required that will adequately fill the crack without overflowing material. Crack sealant material shall only be applied to cracks.
5. Cost of crack seal including routing, blowing, drying, sweeping, and cleaning bid per ton.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.

*Park City Municipal reserves the right to add or delete quantities to meet budgeted amounts.

By: _____

Date: _____

Print Name: _____

Title: _____

Company: _____

APPENDIX A

BID SCHEDULE

A	Slurry Seals Type II
B	Sealcoat Bike Paths
C	Street Overlays, Rotomilling, and Utility Adjustments
D	Crack Seals

APPENDIX A

BID SCHEDULE A:

Slurry Seals Type II 2022

Section/ Street Name	Length	Width	CDS Width	Street Radius	square feet ea.	Square Yards
Solamere Drive: Deer Valley Drive to Sun Ridge Drive						14,816
Street Area	4,242	31			131,502	
CDS Square Feet Area					0	
Street Radius		1,842			1,842	
Sun Ridge Court						2,029
Street Area	414	25			10,350	
CDS Diameter			86		5,809	
Street Radius	945	1,155			2,100	
Deer Valley East: DVD South to Solamere Drive						11,641
Street Area	3,224	33			104,772	
CDS Square Feet Area					0	
Street Radius						
Deer Valley North: Solamere Drive to Deer Valley Drive						7,718
Street Area	2,062	32			65,971	
CDS Square Feet Area					0	
Street Radius		3,489			3,489	
Transit Center						1,883
Street Area	404	38			15,242	
CDS Square Feet Area					0	
Street Radius	1,059	650			1,708	

Section/ Street Name	Length	Width	CDS Width	Street Radius	square feet ea.	Square Yards
Wyatt Earp Way: SR248 to Sidewinder Drive						2,218
Street Area	487	41			19,965	
CDS Square Feet Area					0	
Street Radius						
Cochise Court						1,320
Street Area	468	25			11,878	
CDS Square Feet Area					0	
Street Radius						
Webster Drive: Thaynes Canyon Dr to Three Kings Court						2,652
Street Area	955	25			23,864	
CDS Square Feet Area					0	
Street Radius						
Webster Court						982
Street Area	368	24			8,837	
CDS Square Feet Area					0	
Street Radius						
Walker Court						859
Street Area	309	25			7,730	
CDS Diameter					0	
Street Radius						
Three Kings Court: Thaynes Canyon Dr to end of CDS						2,703
Street Area	973	25			24,325	
CDS Square Feet Area					0	
Street Radius						
Marilyn's Way: Meadows Drive to end of CDS						2,301
Street Area	828	25			20,707	
CDS Diameter					0	
Street Radius	0					

Section/ Street Name	Length	Width	CDS Width	Street Radius	square feet ea.	Square Yards
Normans Court: Marilyn's Way to end of CDS						1,169
Street Area	421	25			10,519	
CDS Diameter					0	
Street Radius						
Lupine Lane: Meadows Drive to Larkspur Dr						2,090
Street Area	784	24			18,808	
CDS Diameter					0	
Street Radius						
Columbine Court: Lupine Drive to end of CDS						1,227
Street Area	460	24			11,040	
CDS Diameter					0	
Street Radius					0	
Larkspur Drive: Sunny Slopes to end of CDS						4,890
Street Area	1,760	25			44,011	
CDS Diameter					0	
Street Radius						
Golden Eagle Loop: Royal Street to Royal Street						3,333
Street Area	1,200	25			30,000	
CDS Diameter					0	
Street Radius						
Royal Court						1,650
Street Area	550	27			14,850	
CDS Diameter					0	
Street Radius						
Eagle Court						1,791
Street Area	620	26			16,120	
CDS Diameter					0	
Street Radius						

Section/ Street Name	Length	Width	CDS Width	Street Radius	square feet ea.	Square Yards
Estates Drive						13,459
Street Area	4,730	25			118,250	
CDS Diameter						
Street Radius	1,379	1,506			2,885	
Total						82,811

APPENDIX A
BID SCHEDULE B:
Sealcoat Bike Paths 2022

Tuffcoat Sealcoat P+	Length	Width	Square Yards
McPolin Farm Trail: Payday Dr to White Pine Canyon Rd	9,500	8	8,444
Holiday Ranch Loop Road Path: Jupiter View Dr to Little Kate	2,100	8	1,867
Spine Trail: Iron Horse Drive to 9th Street, including connecting spurs	4,100	12	5,467
Total			12,615

APPENDIX A

BID SCHEDULE C:

Street Overlays, Rotomilling and Utility Adjustments 2022

Section/ Street Name	Length	Width	Mill SF	Type of mill	Mill/pave depth	Water/Survey	Manholes	Tons
Norfolk Ave: 8th Street to 13th Street	2,158	16	34,528	Profile Mill	2	37	13	425
13th Street: Park Ave to Norfolk	386	20	7,720	Profile Mill	2	6	4	95
Richardson Flatts Road: SR248 to HWY 40 Bridge	2,915	25	72,874	Profile Mill	2	0	5	896
Bonanza Drive: SR248 to Deer Valley Drive	2,637	35	92,289	Profile Mill	2	11	12	1,135
Marsac North Parking Lot	463	47	7,138	Edge Mill	2	0	0	267
Meadows Drive: SR224 to Crestline	2,116	30	63,480	Profile Mill	2	0	6	781
Sun Ridge Drive	3,269	25	81,725	Profile Mill	2	32	19	1,005
Oak Wood Court	820	25	20,500	Profile Mill	2	5	4	252
Empire: Manor to Silver King Dr	1,347	24	32,737	Profile Mill	2	12	5	403
						10	10	
TOTALS			378,463			113	78	5,259

Edge Milling: One to two inches (1"-2") of existing asphalt tapered over seven feet (7') adjacent to each curb and across Intersections.

Profile Milling: Standard roadway cross slope is two percent (2%) down from crown to gutter line or edge of pavement. Cross slopes May be adjusted when it is necessary to provide smooth transition minimum of two percent (2%) and a maximum of four percent (4%).

APPENDIX A
BID SCHEDULE D:
Crack Seals 2022

Crack seal	Tons
Crack seal applied to various Streets	30
Crack seal applied to various Bike Paths	3
Total	33

BID PROPOSAL

To the Owner

The undersigned states and warrants that Contractor has carefully examined the plans, specifications, form of contract, form of bond, instructions and other contract papers relating to the construction for which this proposal is made, and that Contractor has examined the site of the work and has given attention to and carefully considered all of the matters which affect the nature and the cost of construction and its several parts.

If this proposal, as given on the attached Bid Schedule, is accepted, the undersigned will, within ten (10) days after notice thereof, in writing, by the owner, furnish a construction bond in accordance with the form of bond herewith attached, for the full amount of the total bid price, correctly computed from the unit prices bid, and executed in favor of the Owner by _____ surety, whose address is:

_____ and will sign and execute the accompanying form of construction contract.

Name of Bidder, Construction Contractor: _____

Contractor State & License No.: _____

Signature of Representative: _____

Position of Representative: _____

Bidder's Mailing Address: _____

Bidder's Street Address: _____

City, State, & Zip Code: _____

Phone/Fax: _____

_____ Signature Acknowledging Receipt of:

Amendment No. 1. _____

Amendment No. 2. _____

Amendment No. 3. _____

Date

A bid may be considered invalid if the Bidder fails to completely fill out and sign both the Bid Proposal and proper Bid Schedule.

SUBCONTRACTORS

Item

Firm

INVITATION TO BID

Park City assumes no responsibility for delayed or undelivered mail or express packages. Park City Municipal Corporation ("Owner") invites your bid to contract for performing work and furnishing materials for the construction of these projects.

RECEIPT OF PROPOSALS: Bids must be submitted in person at the Public Works East Building by 1:00 p.m. MST, on Tuesday, April 19, 2022, Attention: Troy Dayley, Public Works Department, at 1053 Iron Horse Drive, Park City, UT 84060. No proposals will be accepted after 1:00 p.m. MST.

Bids will then be publicly opened at 1:05 p.m.

Bids shall be submitted in a sealed envelope which is marked on the outside, "**Sealed Bid – SLURRY SEALS TYPE II, SEALCOAT FOR BIKE PATHS, ROTOMILLING, STREET OVERLAYS, UTILITY ADJUSTMENTS, CRACK SEALS 2022.**" The date of the opening shall also be shown on the envelope. Bids shall be submitted on the "Bid Proposal" form, accompanying the specifications and shall be properly executed as indicated thereon.

Proposals which are not delivered to Park City by the above specified time and date will not be considered.

OWNER'S RIGHTS RESERVED: Park City Municipal Corporation reserves the right to reject any and all proposals for any reason. Bids will remain valid for ninety (90) days after bid opening but cannot be withdrawn for forty five (45) days. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA § 63G-2-309, as amended. Award of contract is subject to approval by City Council. Proposals lacking required information will not be considered. Park City Municipal Corporation reserves the right to change any dates or deadlines related to the bid submittal process.

BIDDERS REQUIREMENTS: Bidders are required to carefully examine the contract, plans, and specifications, and fully inform themselves as to all conditions and matters which can in any way affect the work or cost thereof. Should a Bidder find discrepancies in or omission from any plans or documents or have any questions pertaining thereto, Bidder should contact the Project Manager in writing for clarification prior to submitting any bid. All Bidders must be licensed to perform the work required. If there is a conflict between the written and numerical amount, the written amount shall supersede.

INSTRUCTION TO BIDDERS

PROPOSAL FORM: Each Proposal shall be made on the form prepared by the City and included as one of the Contract Documents. A Proposal may be disregarded by the Owner if the Bidder fails to complete or fill in all blanks on the Proposal Form. Proposals shall be submitted in a sealed envelope bearing the title of the work and the name of the Bidder. Two (2) sets of the Proposal Forms are provided in addition to the set bound in the Contract Documents. One (1) set shall be used in submitting the bid, and the second set may be retained by the Bidder.

MODIFICATIONS: Proposals shall not contain any recapitulations of the work to be done. Alternate proposals will not be considered unless called for. Oral proposals or modifications will not be considered. Proposals submitted with qualifying statements are subject to being rejected by the Owner.

DELIVERY OF PROPOSALS: Proposals shall be delivered by the time and to the place stipulated in the Invitation to Bid. It is the sole responsibility of the Bidder to see that Bidder's Proposal is received in proper time. Any Proposal received after the scheduled closing time for receipt of Proposals is subject to being returned to the Bidder unopened.

WITHDRAWAL: Any Bidder may withdraw Bidder's Proposal, either personally or by written request, at any time prior to the scheduled closing time for receipt of Proposals.

AWARD OR REJECTION: The Owner reserves the right to reject any or all Proposals for any reason. No Bidder may withdraw Bidder's proposal for a period of forty five (45) days after the date of opening thereof. Subject to the above reservations, the Contract will be awarded to the lowest most qualified responsible Bidder complying with these instructions and with the Invitation to Bid and not necessarily the lowest Bidder. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA § 63G-2-309, as amended. Award of contract is subject to approval by City Council, which approval is anticipated prior to May 30, 2022. Proposals lacking required information will not be considered. Park City Municipal Corporation reserves the right to change any dates or deadlines related to the bid submittal process.

EXAMINATION OF CONTRACT DOCUMENTS AND SITE VISIT: Before submitting a Proposal, Bidders shall carefully examine the Drawings, read the Specifications and all other Contract Documents, shall visit the site of work, and shall fully inform themselves as to all existing conditions and limitations, and shall include in the proposal a sum to cover the cost of all items included in the Contract Documents.

PRE- BID MEETING: A pre-bid meeting will be held **Thursday, April 14, 2022, at 11:00 a.m.** It is highly recommended for all Bidders to attend; however, it is **MANDATORY for Contractors who have not provided services to Park City Municipal Corporation within the last three (3) years to attend.**

INTERPRETATION OF DOCUMENTS: If any person contemplating submitting a Proposal is in doubt as to the true meaning of any part of the Drawings, Specifications, or other Contract Documents, or finds discrepancies in or omissions from the Drawings or Specifications, he may submit to the Project Manager a written request for an interpretation or correction thereof.

The person submitting the request will be responsible for its prompt delivery. Any interpretation or correction of the documents will be made only by Amendment duly issued, and a copy of the Amendment will be emailed to each person receiving a set of the Contract Documents. Neither the Owner nor the Project Manager will be responsible for any other explanations or interpretations of the Contract Documents.

AMENDMENT: Any Amendment issued prior to bid opening shall be included in the Proposal, and shall be made a part of the Contract. Receipt of each amendment shall be acknowledged by the Bidder in the Proposal.

BID SCHEDULE: The Bidder may, at his/her discretion, bid on any combination of **Bid Schedules A, B, C, or D**.

BIDDERS INTERESTED IN MORE THAN ONE PROPOSAL: No person, firm or corporation shall be allowed to make, file, or to be interested in more than one Proposal for the same work, unless alternate Proposals are called for. A person, firm, or corporation who has submitted a sub proposal to a Bidder, or who has quoted prices on materials to a Bidder, is not hereby disqualified from submitting a sub proposal or quoting prices to other Bidders.

PERFORMANCE MATERIAL AND LABOR PAYMENT BONDS: Unless otherwise specifically designated by the Owner, the successful Bidder, simultaneously with execution of the Agreement, will be required to furnish one hundred percent (100%) Performance and Material and Labor Payment Bonds. These bonds shall be secured from a surety company approved by the Owner. The form of bonds required to be executed by the successful Bidder is included in the Contract Documents.

WORKWEEK AND CONSTRUCTION SCHEDULE: The selected Contractor shall submit in writing to the Owner at the pre-construction conference the following: (a) the hours and days they propose to carry out the work; the maximum workweek that will be approved is 12 hours a day, Monday through Saturday; the Contractor's proposed hours of work shall include daily starting and stopping times (No construction shall commence prior **to 7:00 a.m. nor extend after 7:00 p.m.**); and (b) a construction schedule showing the order in which it proposes to carry out the work indicating the periods during which it will perform work on each item listed in the Bid Schedule.

Failure to submit the proposed workweek and construction schedule within the time specified may be cause for rejection of the bid.

EQUIPMENT AND LABOR LIST, BILLING SCHEDULE: The Contractor shall submit in writing to the Owner with its bid the following: (a) a list of the number and type of equipment it will use in the completion of the contract, and the number and type of employees it will use to do the work; and (b) an approximate schedule of progress payments that the Owner might expect from the Contractor.

Failure to submit the equipment and labor list and the billing schedule within the time specified may be cause for rejection of the bid.

BID BOND

Date Bond Executed _____ Principal _____ Surety _____
_____ Sum of Bond _____ Date _____
of Bid _____

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the Owner herein known as the obligee, in the sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH, that whereas the principal has submitted the accompanying bid, dated as shown above, for:
NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the said principal shall execute a contract as specified and give construction bond to be approved by the obligee for the faithful performance thereof within ten (10) days after being notified in writing of such contract to the principal, then this obligation shall be null and void. However, if said principal shall fail to execute a contract as specified and give full construction bond, approved by the obligee, within ten (10) days of being notified of award of contract, then this bond shall be forfeited in full to obligee.

IN WITNESS WHEREOF, the above-bounded parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

INDIVIDUAL OR PARTNERSHIP Corporate Principal
PRINCIPAL

Business Address

By

Title

Note: If cash, certified or cashier's check is used in lieu of bid bond, a certificate from an approved surety company guaranteeing execution of a full performance bond must accompany bid.

Business Address

By

Title

Attorney-in-Fact

STATE OF UTAH

)

)

County of _____)

_____, being first duly sworn, on oath deposes and says that he is the Attorney-in-Fact of the above-named Surety Company, and that he is duly authorized to execute and deliver the foregoing obligations; that said company is duly authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings, and obligations.

Subscribed and sworn to before me this ____ day of _____, 2022.

Attorney-in-Fact

My Commission Expires _____

Notary Public _____

CONTRACTUAL DOCUMENTS

CONSTRUCTION AGREEMENT

PERFORMANCE BOND

LABOR AND MATERIAL PAYMENT BOND

EXHIBIT "A"

Template Updated 08-21

CONSTRUCTION AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____, 20__, by and between **PARK CITY MUNICIPAL CORPORATION**, a Utah municipal corporation, P.O. Box 1480, Park City, UT 84060, (hereinafter "City"), and _____, a _____ (Insert state of incorporation) _____ (insert either "corporation" or "limited liability company"), whose post office address is _____, (hereinafter "Contractor").

PURPOSE: For the project known as the (project name) (hereinafter "Project"), which consists of (brief description of work and address).

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

SECTION 1. SCOPE OF WORK. Contractor shall furnish all labor, materials and equipment to complete the Project, consisting of the work described in the Information for Bidders as the Basic Bid, and the following additive alternates: _____, as specifically set out in the contract specifications, which is made a part hereof by reference, herein called the "Project."

The Project will be bound by the specifications referenced herein, according to the Advertisement for Bid, the Information for Bidders, the General Project Requirements and Specifications provided by City, the Bid of the Contractor, Bid Bond, Drawings, Notice of Award and Notice to Proceed, (collectively referred to as the "Contract Documents"), all of which are incorporated herein by reference and on file in the _____ Department. To the extent that this Construction Agreement (hereinafter "Contract" or "Agreement") conflicts in any way with a proposed form agreement which may have been submitted as part of the bid specifications, this Agreement shall control.

If any of the work performed by Contractor in any phase of the Project does not meet City standards as outlined in the bid documents and specifications, then Contractor shall immediately repair or correct the work at no additional cost to City.

A. SUBCONTRACTORS. No part of this Contract shall be subcontracted by the Contractor without prior written approval by City through the Project Manager/Engineer. The Contractor shall be fully responsible to the City for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by them as it is for the acts and omissions of persons directly employed by it.

If written approval is granted to subcontract a part of this Contract, the Contractor shall require each subcontractor that physically performs services within Utah to submit an affidavit to the Contractor stating that the subcontractor has used E-Verify, or an equivalent program, to verify the employment status of each new employee.

The Contractor shall, within ten (10) days of submittal of request for final payment, include an affidavit showing satisfactory evidence that all claims of subcontractors, laborers and material men who supplied services or materials to the Project have been fully paid, discharged, or waived. The Contractor shall submit lien waivers for each pay release.

If the City reasonably believes that Contractor has failed to pay Subcontractors, materialmen, or laborers for work on the Project within a reasonable time of when payment is due, then City may, after having notified the Contractor, either pay unpaid bills or withhold from the release of Contractor's payment bond for this Project, a sum of money deemed reasonably sufficient to pay any and all such lawful claims until satisfactory evidence is furnished that all liabilities have been fully discharged and a ten percent (10%) fee for administering such claims.

B. STANDARDS OF WORKMANSHIP. Contractor shall demonstrate workmanship equal to or better than current industry standards for this Project. Where Park City specifications exist, (for example, asphalt, concrete, irrigation, sprinkling system and landscaping), they shall provide the benchmark for determination of acceptability.

C. INSPECTION AND TESTING. All materials and equipment used in the construction shall be subject to inspection by the Project Manager/Engineer. If laws, ordinances, rules or regulations of any public authority having jurisdiction require any work to specifically be inspected, tested, or approved by someone other than Project Manager/Engineer, the Contractor shall give the Project Manager/Engineer timely notice of readiness. Inspections, tests or approvals by the City or appropriate authorities will not relieve the Contractor from obligations to perform the work in accordance with the requirements of the Contract Documents and/or provisions. The Project Manager/Engineer and other designated persons will at all times have access to the work. All work shall ultimately be inspected for final acceptance by the Project Manager/Engineer within a reasonable time upon receipt of notice from the Contractor that work is complete and ready for final inspection.

During construction, the work will be inspected and observed by the Project Manager/Engineer or his designated representative. All work that is deficient or does not meet specifications shall be removed and replaced with proper material at Contractor's expense.

D. WARRANTY. Contractor warrants that all materials and supplies used in the construction of the Project shall be new, except as otherwise agreed to in writing by the City's Representative. All materials, equipment, parts and labor and any necessary corrections to the Project shall be guaranteed for a period of at least one (1) year following the date of substantial completion of the Project under the terms of the performance bond or as provided in the project specifications and construction documents, whichever is longer.

E. ADOPTED CODES. All work shall be completed at a minimum in accordance with all building, electric and energy codes adopted by Park City.

SECTION 2. PERFORMANCE AND PAYMENT BONDS. Contractor shall furnish to the City payment and performance bonds satisfactory to the City guaranteeing Contractor's payment and performance, in the amount, for each separately, of one hundred percent (100%) of the Contract amount.

SECTION 3. INSURANCE. Unless otherwise specified in the bid documents, the Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees, or subcontractors.

The Contractor shall provide Park City Municipal Corporation a Certificate of Insurance evidencing:

A. General Liability insurance written on an occurrence basis with limits no less than Two Million Dollars (\$2,000,000) combined single limit per occurrence and Three Million Dollars (\$3,000,000) aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; explosion, collapse and underground (XCU) if specifically requested; and employer's practices.

The Contractor shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63G-7-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

B. Automobile Liability insurance with a combined single limit of not less than Two Million Dollars (\$2,000,000) each accident for bodily injury, death of any person, and property damage arising out of the ownership, maintenance, and use of owned, hired, and non-owned motor vehicles. This policy must not contain any exclusion or limitation with respect to loading or unloading of a covered vehicle.

C. Workers Compensation and Employers Liability coverage with Workers Compensation limits complying with statutory requirements, and Employer's Liability Insurance limits of at least One Million Dollars (\$1,000,000) each accident, One Million Dollars (\$1,000,000) for bodily injury by accident, and One Million Dollars (\$1,000,000) each employee for injury by disease.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of Park City Municipal Corporation for all work performed by the Contractor, its employees, agents and subcontractors.

D. Builder's Risk Insurance (Course of Construction) (at City's discretion)

Before starting the Work, Contractor shall obtain and maintain in force, at its own expense, Builder's Risk (Course of Construction) insurance utilizing an "All Risk" (Special Perils) coverage

form, with limits equal to the completed value of the project and no coinsurance penalty provisions. Such coverage shall name Park City Municipal Corporation as an additional insured.

E. The general liability and auto liability insurance policies are to contain, or be endorsed to contain, the following provisions:

Park City Municipal Corporation, its officers, officials, employees, and volunteers are to be covered as additional insureds on the commercial general liability policy with respect to liability arising out of work or operations and completed operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Contractor.

F. Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. The City reserves the right to request certified copies of any required policies.

G. The Contractor's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

H. For any claims related to this Construction Agreement, the Contractor's insurance coverage shall be primary insurance coverage with respect to Park City Municipal Corporation, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by Park City Municipal Corporation, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

SECTION 4. CONTRACT AMOUNT, ACCEPTANCE OF WHOLE, ADDITIONS. City shall pay Contractor a total sum not to exceed (**insert amount, in words**) (**\$ numerically**) ("Contract Amount") for all work and materials expended to complete this Project, which shall include the cost of all bonds, insurance, and all charges, fees, permits (including water and sewer fees, unless waived), expenses or assessments of whatever kind or character that are or may be necessary to complete this Project, including any additive alternates listed within the scope of work described in Section 1.

SECTION 5. PERMITS AND FEES. As set out in Section 4 above, the Contract Amount includes the price of all normally applicable fees and permits. The City may, at its discretion, arrange for the waiver of certain fees, permits and expenses.

SECTION 6. TERMS OF PAYMENT. The City shall pay for services provided hereunder according to and in an aggregate amount not to exceed the Contract Amount or as detailed in an attached payment schedule (if attached, will be **Attachment A**) and only upon Contractor's request on forms approved by and submitted to the Project Manager. The City shall make payment within thirty (30) days thereafter. Requests for a more rapid payment may be considered if a discount is offered for early payment. At no time shall the aggregate amount of money paid to the Contractor in proportion to the Contract Amount be greater than the proportion of the work performed at that point to the total Project work. No payment shall be made for any service rendered by the

Contractor except for services set forth and identified in this Agreement. The City reserves the right to withhold payment in whole or part from the Contractor for non-compliance with the provisions of the Contract Documents.

A. RETAINAGE. The City may, in its sole discretion (1) retain five percent (5%) of the value of all work done and materials or equipment supplied as part security for the fulfillment of the Agreement by the Contractor; or (2) retain the final payment of up to five percent (5%) of the total Project amount. As work nears completion and solely at the City's discretion, the City may reduce the retainage to an amount more in line with the work remaining. The City reserves the right to retain all amounts previously withheld or due, including any liquidated damages, until all services specified herein are complete. Any money withheld pursuant to this section shall be placed in an interest bearing account and the interest shall also be payable to the Contractor upon final payment.

Before final payment is made, the Contractor must submit evidence satisfactory to the City that all payrolls, material bills, subcontracts and all outstanding indebtedness in connection with the Project have been paid for.

The City may withhold a reasonable amount of the payment bond sufficient to cover any outstanding indebtedness or monies owed or claimed by any person who supplied work or materials to the Project plus ten percent (10%) of such indebtedness as the City's cost of administering such claims until Contractor supplies a release satisfactory to the City, signed by all persons who have supplied labor or materials to the Project or, at the City's option if no claim is made, until one hundred five (105) days after the date on which any person performed the last of the labor or supplied the last of the material for the Project and upon written request from the Contractor.

The Contractor shall supply to the Project Manager/Engineer within a reasonable time after his/her request a signed statement verifying all the suppliers, subcontractors, and other persons who have supplied labor or materials to the Project.

B. FINAL PAYMENT. Acceptance by the Contractor of the final payment from the City shall release the City of all claims, demands and liability of the Contractor, its officers, agents, employees and subcontractors, whether communicated or not by the Contractor, except with respect to those matters referred to in writing delivered to the Contractor and approved in a signed writing by the Project Manager.

SECTION 7. COMPLETION TIME. The work on this Project shall commence within ten (10) days of receipt of the Notice to Proceed and shall be completed by **August 31, 2022**. Work stoppage due to inclement weather conditions and other factors must be approved in writing by the Project Manager. Inclement weather shall not otherwise constitute cause for delay. Unless otherwise agreed by the City by change order, no damages shall become due to Contractor for City caused delay. A change order for delay will generally be accepted for delay so excessive and unreasonable that it is beyond the scope of the Contract or delay attributed to direct, active or

willful interference by the City. The change order must be based upon actual damages sustained by the Contractor which are directly attributed to the delay.

In the event that Contractor fails to complete all of the work required herein within the time limit set out above, then for each partial or complete day during which the work remains uncompleted thereafter, the Contractor agrees to pay the City **One Hundred Dollars (\$100.00)**, _____ (**Contractor Initials**) which the parties believe, due to the difficulty of actually assessing the damages the City will suffer in the event of such a delay, is a fair estimate of the loss the City will suffer. The parties agree that the daily liquidated damages provided for herein is reasonable and fair, and is not a penalty. **TIME IS OF THE ESSENCE IN THIS AGREEMENT.**

SECTION 8. ADDITIONAL WORK/CHANGE ORDERS. The City may enlarge or reduce the work to be performed by Contractor hereunder by written notification to Contractor, including changes to the plans and specifications. The City shall pay Contractor for any additional work so requested, and shall reduce the payment to the Contractor for any reduction in labor, materials, overhead and profit margin resulting from the reduction in the work. Except as the City shall so notify the Contractor in writing, it is understood and agreed by the parties hereto that no money will be paid to the Contractor for any new or additional labor or materials furnished unless a written modification is agreed to in a document signed by both parties.

The value of any work covered by a change order or of any claim for increase or decrease in the Contract price shall be determined by one (1) or more of the following methods in order of precedence listed below:

- A. An agreed lump sum; or in the event the parties cannot agree; then
- B. The unit rate for the work bid by the Contractor, if applicable, or in the event there was no such rate bid; then
- C. The actual cost for: (1) labor; (2) materials; (3) supplies; (4) equipment; (5) direct overhead (not to exceed 5% of the sum total of items 1-4, unless approved by the City); and (6) other services necessary and approved by the City to complete the work. In the event of a net increase in the Contract Amount for a change order as a whole, the City shall allow a payment to the Contractor of an additional ten percent (10%) of the actual cost of the work, not including direct overhead or bond costs, to cover the cost of general overhead and profit. The Contractor may also charge the City for actual cost of the net increase in bond costs as a result of the overall change to the Contract Amount. The City specifically reserves the right to request documentation, including, but not limited to, payroll stubs, bond bills, and invoices, to validate the Contractor's calculations.

SECTION 9. DISPUTES. Except as otherwise provided in this Agreement, any disputes concerning a question of fact arising under this Agreement which are not disposed of by agreement shall be decided by the City. The decision of the City shall be final and conclusive unless, within thirty (30) days from the date of receipt of such decision, the Contractor shall mail or otherwise furnish the City a written signed appeal addressed to the Project Manager/Engineer. In connection

with any appeal proceeding under this clause, the Contractor will be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor will proceed diligently with the performance of the Contract and in accordance with the City's decision. The decision of the City shall be final and conclusive, but shall not be arbitrary or unreasonable. Although this Contract has been drafted by the City, the Contractor expressly agrees that any ambiguity herein shall be resolved in favor of the City.

SECTION 10. DEFAULT, REMEDY AND TERMINATION. The City may terminate this Agreement upon the occurrence of one or more of the following events:

- A. If Contractor or any subcontractor should substantially violate any of the provisions of this Agreement;
- B. If Contractor substantially fails to perform any part of this Agreement;
- C. If Contractor repeatedly fails or becomes unable to perform the services under this Agreement as required herein, or substantially fails to provide services under this Agreement for a period of seventy two (72) hours;
- D. If Contractor (1) shall become insolvent in a bankruptcy case; (2) shall be generally not paying its debts as they become due, or within a reasonable time thereafter; (3) shall suffer, voluntarily or involuntarily, the entry of an order by any court or governmental authority authorizing the appointment of or appointing of a custodian (as that term is defined in 11 U.S.C. §101(11)), receiver, trustee, or other officer with similar powers with respect to it or any portion of its property which remains undismissed for a period of ninety (90) days; (4) shall suffer, voluntarily or involuntarily, with or without judicial or governmental authorization, any such custodian, receiver, trustee, or other officer with similar powers to take possession of any part of its property which third party remains in possession for an excess of ninety (90) days; (5) shall suffer, voluntarily or involuntarily, the filing of a petition respecting an assignment for the benefit of creditors which is not dismissed for a period of ninety (90) days; (6) shall be dissolved; (7) shall become the subject of any proceeding, suit, or action at law or in equity under or relating to any bankruptcy, reorganization or arrangement of debt, insolvency, readjustment of debt, receivership, liquidation, or dissolution law or statute or amendments thereto to be commenced by or against it or against any of its property which remains undismissed for a period of ninety (90) days; (8) shall voluntarily suspend substantially all of its business operations; (9) shall be merged with, acquired by, or otherwise absorbed by any individual, corporation, or other business entity or organization of any kind except for any individual corporation or other business entity or organization which is controlled by, controlling, or under common control with the Contractor; or (10) shall take action for the purpose of any of the foregoing.

After serving ten (10) days written notice on the Contractor and its surety of its intention to terminate the services of Contractor, and if within ten (10) days after serving such notice, the violation is not corrected to City's reasonable satisfaction, the City then may take over the work and prosecute it to completion by contract or by any other method it may deem advisable at the

expense of the Contractor. The Contractor and the bonding company shall be liable to the City for any reasonable cost occasioned by the City in excess of the amount agreed to for the service herein.

The Contractor shall be entitled to a hearing before a City hearing officer upon the issue of termination if it submits a written request therefore within seven (7) days of the service of the notice of the City's intent to terminate. The Contractor shall be entitled to be heard at such hearing on the issue of termination. The Contractor shall not bring an action against the City, its officers, agents or employees arising out of or relating to the termination of this Agreement before the decision is issued by the City's hearing officer(s).

Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of any provision of this Agreement shall not be construed to be modification of the terms of this Agreement, unless stated to be such in writing, signed by the City's authorized representative.

The Contractor shall continue the performance of this Agreement to the extent not terminated under the provisions of this section.

The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

SECTION 11. HOLD HARMLESS INDEMNIFICATION. The Contractor clearly and unequivocally agrees to indemnify and to hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Contractor's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Contractor or others; and provided further, that nothing herein shall require the Contractor to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Contractor expressly agrees that the indemnification provided herein constitutes the contractor's waiver of immunity under Utah Code Section 34A-2-105 for the purposes of this Agreement. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

SECTION 12. CONTROLLING LAW AND ATTORNEY FEES AND COSTS. These general conditions shall be construed in accordance with and enforced under the laws of the State of Utah. Any action of law, suit in equity, or judicial proceeding for the enforcement of the Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah. If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in connection with that action or proceeding.

SECTION 13. ASSIGNMENT. The Contractor shall not assign nor transfer any interest in this Agreement without the prior written consent of the City, provided however, that claims for compensation due or to become due the Contractor from the City under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment shall be promptly furnished to City.

SECTION 14. SAFETY AND TRAFFIC CONTROL. Contractor shall take all reasonable precautions to protect the safety of pedestrians, school children, motorists, and others who may use or come near to the Project site, including, but not limited to, compliance with the Manual of Uniform Traffic Control Devices.

SECTION 15. SAFETY AND PROTECTION OF THE WORK. Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Project work. Contractor shall provide reasonable protection to prevent damage, injury or loss to employees on the Project work and all other persons who may be affected thereby, materials and equipment, whether on or off the site, and other property at the work site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction. In addition, the Contractor shall give all notices and comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage, injury or loss.

The Contractor shall erect and maintain, as required by the existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, setting safety regulations, and notifying owners and user of adjacent utilities.

The Contractor shall promptly remedy all damage or loss to any property referred to in this section caused in whole or in part by the Contractor, any subcontractor, or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable and for which the Contractor is responsible, except for acts or omissions by the City or anyone directly or indirectly employed by it, or by anyone for whose acts it may be liable, and not attributable to the fault or negligence of the Contractor. Contractor shall remove from the site all cuttings, debris, equipment and unused material.

SECTION 16. UNENFORCEABLE CONTRACT, WAIVERS. In the event that any provision of this Agreement shall be ruled invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term, or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same provision by the other party.

SECTION 17. ENTIRE AGREEMENT. This Agreement represents the entire integrated agreement between City and Contractor and supersedes all prior negotiations, representations or

agreements, either written or oral. This Agreement may be amended only by written modification signed by both parties.

SECTION 18. COMMENCEMENT OF WORK. Contractor will commence work as required by the specifications within ten (10) calendar days after receiving the Notice To Proceed.

SECTION 19. UTILITIES. The right is reserved to the owners of public utilities and franchises to enter upon the street or work site for the purpose of making repairs or changes of their property that may become necessary by the work. The City shall also have the privilege of entering upon the street or work site for the purpose of repairing culverts, storm drains, water system repairs or adjustments, and any and all other necessary City work.

The Contractor takes the whole risk, responsibility and expense with respect to the location of utilities, and in working with utility owners about locating, moving, repairing, and modifying utilities. All utility locations shown on the plans and specifications are approximate and are marked on the plans, if at all, only for convenience. The City makes no representation about the location of any such utilities, and Contractor is encouraged to contact utility companies and owners about the location of all utilities that may be impacted by or impact the Project work.

SECTION 20. HOURS AND DAYS OF WORK. All work performed by the Contractor, its subcontractors, materialmen, agents and employees shall be performed during work hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday unless otherwise specified in a Conditional Use Permit or Construction Mitigation Plan. In individual Construction Mitigation Plans, the Building Official may further reduce the hours or days of work for special events or as other circumstances may reasonably warrant. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:

- A. Interior work on individual single-family home construction or addition projects not involving materials or supply deliveries.
- B. Construction of decks, patios, landscape walls less than four feet (4') in height, and fences on individual single-family lots.
- C. Non-mechanized exterior painting on individual single-family residences.
- D. Non-mechanized landscaping on individual single-family residences.
- E. Survey work not involving grading or use of power equipment to cut vegetation.

Extended Hours Special Permit. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation, or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a special permit identifying the extended hours. Contractor shall display the special permit on site.

Special Event Regulations. The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the City. Special events shall include, but not be limited to, the Art Festival, Film Festival, ski events, and holiday events.

SECTION 21. CONSTRUCTION PLANS. Contractor shall submit a Construction Mitigation Plan to be approved by the City Engineer or his/her designee, for all building permits. The Community Development Department may waive this requirement for minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address, to the satisfaction of the City Engineer or his/her designee:

A. Hours and Days of Operation. The Construction Mitigation Plan shall specify the daily construction start and finish times. Construction activity occurring outside of the times specified in Section 11-14-6 of the Park City Municipal Code may only be allowed by special permit issued by the Building Official or the City Engineer.

B. Parking. The Construction Mitigation Plan shall include a parking plan. Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction parking in paid or permit only parking areas require the Public Works Department to review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g., delivery vehicles, and large equipment parking.

C. Deliveries. The Construction Mitigation Plan shall identify proposed delivery locations and routes. Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a common materials storage and staging site may be required.

D. Construction Phasing. Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the City Engineer or his/her designee, the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

E. Trash Management and Recycling. Construction sites shall provide adequate storage and a program for trash removal.

F. Control of Dust and Mud on Streets. A program for the control of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

G. Noise. Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of the Park City Municipal Code.

H. Grading and Excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

I. Construction Sign Requirements. A sign indicating the name of the party responsible for the Project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed twelve (12) square feet in size, six (6') feet in height and shall not exceed a letter type of four inches (4"). Information on the sign shall include, at a minimum:

1. Name, address and phone number of Contractor;
2. Name, address, and phone number of person responsible for the project; and
3. Phone number of party to call in case of emergency.

No additional fee is required for this sign.

SECTION 22. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.

A. The Contractor shall obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. Contractor shall not permit accumulated debris, litter, or trash on the construction site to blow or scatter onto adjoining properties, including the public street, or to accumulate on the site outside of the container, or in transit to the landfill or dump. The owner or Contractor shall service the container as frequently as needed to prevent trash from over-flowing.

B. The Project site shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees= two toilets and so on).

SECTION 23. OBEY LAWS.

- A. The Contractor shall obey all laws, ordinances and regulations of the United States, the State of Utah, and Park City in performing this Agreement.
- B. The Contractor shall register and participate in E-Verify, or an equivalent program. The Contractor agrees to verify employment eligibility through E-Verify, or an equivalent program, for each new employee that is employed within Utah, unless exempted by Utah Code § 63G-12-302.

SECTION 24. NONDISCRIMINATION.

Any Contractor that enters into an agreement for goods or services with Park City Municipal Corporation or any of its boards, agencies, or departments shall:

- A. Implement an employment nondiscrimination policy prohibiting discrimination in hiring, discharging, promoting or demoting, matters of compensation, or any other employment-related decision or benefit against a person otherwise qualified, because of actual or perceived race; color; sex; pregnancy, childbirth, or pregnancy-related conditions; age, if the individual is 40 years of age or older; religion; national origin; disability; sexual orientation; gender identity; genetic information; or military status.
- B. In the performance of this Agreement, Contractor shall not discriminate on account of actual or perceived race; color; sex; pregnancy, childbirth, or pregnancy-related conditions; age, if the individual is 40 years of age or older; religion; national origin; disability; sexual orientation; gender identity; genetic information; or military status.
- C. Incorporate the foregoing provisions in all subcontracts or assignments hereunder and take such actions as may be required to ensure full compliance with the provisions of this policy.

SECTION 25. THIRD PARTY RIGHTS. Nothing herein is intended to confer rights of any kind in any third party. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

SECTION 26. PROJECT MANAGER/ENGINEER. The Project Manager/Engineer for this Project is _____, or such other person designated by the City Engineer or Public Works Director to the Contractor orally or in writing.

SECTION 27. PARTIES' REPRESENTATIVES. For purposes of notice required or desired by the parties or communication involving the services under this Agreement, such notice or communication shall be deemed to have been given when personally delivered or mailed certified mail, postage pre-paid, or sent by facsimile transmission, to the parties at the following addresses:

Contractor: _____, or such other person designated in writing by the Contractor's chief administrative officer, at the Contractor's address set out first above. Park City: Project Manager/Engineer, at the address set out first above for the City, or when given to such other person as either of the above representatives shall designate in writing. The designation of any address may be changed by notice given in the same manner as provided in this section.

SECTION 28. SEVERABILITY. Should any part of this Agreement for any reason be declared invalid, such decision shall not affect the validity of any remaining provisions, which remaining provisions shall remain in force and effect as if this Agreement had been executed with the invalid portion thereof eliminated, and it is hereby declared the intention of the parties that they would have executed the remaining portion of this Agreement without including any such part, parts, or portions which may, for any reason, be hereafter declared invalid. If any provision of this Agreement is held invalid or unenforceable with respect to particular circumstances, such provision shall nevertheless remain in full force and effect in all other circumstances.

SECTION 29. COUNTERPARTS. This Agreement may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument.

SECTION 30. ELECTRONIC SIGNATURES. Each party agrees that the signatures of the parties included in this Agreement, whether affixed on an original document manually and later electronically transmitted or whether affixed by an electronic signature through an electronic signature system such as DocuSign, are intended to authenticate this writing and to create a legal and enforceable agreement between the parties hereto.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the day and year set out at the top of this Agreement.

PARK CITY MUNICIPAL CORPORATION, a
Utah municipal corporation

Matt Dias, City Manager

ATTEST:

City Recorder's Office

APPROVED AS TO FORM:

City Attorney's Office

INSERT CONTRACTOR NAME

Address:

Address:

City, State, Zip:

Utah Contractor License No.

Tax ID#: _____

Signature

Printed name

Title

**THE CITY REQUIRES THE CONTRACTOR TO COMPLETE EITHER THE NOTARY
BLOCK OR THE UNSWORN DECLARATION, WHICH ARE BELOW.**

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 20__, personally appeared before me _____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he/she is the _____ (*title or office*) of _____, a _____ corporation (or limited liability company), by authority of its Bylaws/Resolution of the Board of Directors (if as to a corporation) or Operating Agreement/Member Resolution (if as to a limited liability company), and acknowledged that he/she signed it voluntarily for its stated purpose as _____ (title) for _____, a _____ corporation (or limited liability company).

Notary Public

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.
Signed on the ____ day of _____, 20____, at
_____ (insert State and County here).

Printed name _____

Signature: _____

PROCEDURAL DOCUMENTS

NOTICE OF AWARD NOTICE TO PROCEED

CERTIFICATE OF SUBSTANTIAL COMPLETION

NOTICE OF AWARD

Contractors Name

Date

Address

City, State & Zip Code

Project Description:

Contractor:

Park City Municipal Corporation has reviewed and considered all proposals submitted at the bid opening held Tuesday, April 19, 2022, at 1:05 PM for the construction of the above captioned project. It appears that your Proposal for performing the work outlined is fair, equitable and to the Owner's best interest, and your Proposal is hereby accepted at the unit bid price submitted in your bid.

In accordance with the terms of the Contract Documents, you are required to execute the formal Contract Agreement and furnish the required Performance and Labor and Material Payment Bonds within ten (10) calendar days from and including the date of this notice. Two (2) complete copies of the Contract Documents are transmitted herewith for your use, together with two (2) copies each of the Agreement and Bond forms. Please execute and return all copies to us. Upon execution by the Owner, a full set of executed Contract Documents will be returned for your file.

In addition, you are requested to return with the above documents two (2) copies of certificates of insurance as specified in the Contract Documents. Your certificates must be accompanied by a letter from your insurance company stating that the insurance certified meets the requirements of the entire Contract Documents.

Yours truly,

Park City Municipal Corporation Owner

By _____

Title _____

ACCEPTANCE OF NOTICE OF AWARD

Receipt of the above NOTICE OF AWARD is hereby acknowledged

By _____ this the _____ day of _____, 2022.

Title _____

NOTICE TO PROCEED

Contractors Name

Date _____

Address

City, State & Zip Code

Project Description:

Contractor:

You are hereby authorized to proceed on this date, or within ten (10) calendar days hereafter with the construction of the above-captioned project. The date of _____, 2022 (10 days from the date of this notice), is herewith designated as the date on which the Contract Time commences.

Yours truly,

Park City Municipal Corporation Owner

By

Title

ACCEPTANCE OF NOTICE TO PROCEED

Receipt of the above NOTICE OF AWARD is hereby acknowledged

By _____ this the _____ day of _____, 2022.

Title _____

CERTIFICATE OF SUBSTANTIAL COMPLETION

Contractors Name

Date

Address

City, State & Zip Code

Project Description:

Contractor:

The construction performed under this Contract has been inspected by authorized representatives of the Owner, the Engineer and your firm, and the Project is hereby declared to be substantially completed on the above date.

A tentative list of items to be completed or corrected is appended hereto. This list May not be exhaustive, and the failure to include an item on it does not alter the responsibility of the Contractor to complete all the work in accordance with the Contract Documents.

The date of substantial completion is the date upon which all guarantees, and warranties begin (unless otherwise specifically defined below).

Yours truly,

Project Manager

By

Title

Kilgore Companies Bid Packet

BID PROPOSAL

To the Owner

The undersigned states and warrants that Contractor has carefully examined the plans, specifications, form of contract, form of bond, instructions and other contract papers relating to the construction for which this proposal is made, and that Contractor has examined the site of the work and has given attention to and carefully considered all of the matters which affect the nature and the cost of construction and its several parts.

If this proposal, as given on the attached Bid Schedule, is accepted, the undersigned will, within ten (10) days after notice thereof, in writing, by the owner, furnish a construction bond in accordance with the form of bond herewith attached, for the full amount of the total bid price, correctly computed from the unit prices bid, and executed in favor of the Owner by Marsh surety, whose address is:

15 West South Temple St. 700 SLC, UT 84101

and will sign and execute the accompanying form of construction contract.

Name of Bidder, Construction Contractor: Kilgore Contracting

Contractor State & License No.: Utah 7741798-5501

Signature of Representative: _____

Position of Representative: _____

Bidder's Mailing Address: _____

Bidder's Street Address: _____

City, State, & Zip Code: _____

Phone/Fax: _____

M. Ball

Signature Acknowledging Receipt of:

Amendment No. 1. NONE

Amendment No. 2. _____

Amendment No. 3. _____

Date

4/19/22

A bid may be considered invalid if the Bidder fails to completely fill out and sign both the Bid Proposal and proper Bid Schedule.

BID SCHEDULE A: SLURRY SEALS TYPE II 2022

In compliance with Park City Design Standards, Construction Specification and Standards Slurry Seal work shall consist of: Type II Slurry Seal coating, protecting crosswalks, meter lids, survey monuments etc. by covering prior to installation of slurry, and cleaning, drying, and sealing with material as outlined above.

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
1.	Slurry Sealing Streets Type II	<u>82,811 sq. yd.</u>	\$ _____	\$ _____

BID SCHEDULE – A

Note: See Appendix A for schedule of Slurry Seals.

1. All slurry seal areas with striping or crossings shall be marked for future striping to be completed by owner.
2. All water meter, survey, storm drain inlets, and manhole lids shall be protected from slurry prior to application. Protection covers shall be removed when slurry is dry.
3. All adjacent homeowners / businesses shall receive two (2) notices of work to be completed; a seven (7) day advanced notice followed by a twenty-four (24) hour notice. All notices must be approved by the City prior to distribution.
4. All traffic control is to be supplied by contractor such as signs and flaggers to be utilized in all locations work is being performed according to MUTCD standards.
5. All slurry seal coat will contain a minimum of three percent (3%) LMCQS-1H.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.

BID SCHEDULE B: SEALCOAT BIKE PATHS 2022

In compliance with Park City Design Standards, Construction Specification and Standards Seal Coating work shall consist of: Tuffcoat Sealcoat P+ Coating, protecting crosswalks, meter lids, survey monuments, manhole lids, etc. by covering prior to installation of slurry, and cleaning, drying and sealing with material.

ITEM DESCRIPTION OF WORK NO.	QUANTITY	UNIT COST	PRICE
1. Sealcoat Bike Paths	<u>15,778 sq.yrd</u>	\$ <u>1.66</u>	\$ <u>26,191.48</u>
BID SCHEDULE – B		TOTAL	\$ <u>26,191.48</u>

Note: See Appendix A for schedule of Tuffcoat Sealcoat P+ Coating.

1. All seal coating areas with striping or crossings shall be marked for future striping to be completed by owner.
2. All water, meter, survey, storm drain inlets, and manhole lids shall be protected from slurry prior to application. Protection covers shall be removed when Seal Coating is dry.
3. Contractor is responsible that application area is cleaned and free from all debris and vegetation.
4. All adjacent homeowners / businesses/ trail users shall receive two (2) notices of work to be completed; a seven (7) day advanced notice followed by a twenty-four (24) hour notice. All notices must be approved by the Project Manager prior to distribution.
5. All pedestrian traffic and vehicular traffic control is to be supplied by contractor such as signs

and flaggers to be utilized in all locations work is being performed according to MUTCD standards.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.
7. Application Rate: Two (2) separate application coats are required. First application = Approximately 48-52 square feet per gallon Second application = Approximately 48-52 square feet per gallon

**BID SCHEDULE C:
STREET OVERLAYS, ROTOMILLING AND UTILITY ADJUSTMENTS 2022**

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
1.	Overlay streets to conform with 2007 APWA Specifications. Reference APWA 2007. 32-12-03 PG 58-28, 32-12-05 Maximum of 15% RAP by weight 32-12-05 DM-1/2, Medium Traffic Classification 32-12-16 (Rice Method)	<u>5,259 Tons</u>	<u>\$ 96.00</u>	<u>\$ 504,864.00</u>
2.	Rotomilling to conform with Specifications and depth required to deliver milling across roadway so that surface remaining has a consistent and continuous cross fall, longitudinally and transversely. Millings from pavement overlay work shall become property of the contractor at the time of milling.	<u>378,463 Sq. Ft</u>	<u>\$ 0.20</u>	<u>\$ 75,692.60</u>

Lower and /or readjust manholes, monument markers, and water valves in compliance with Park City Design Standards, Construction Specifications and Standard Drawings Section 551, placement and adjustment of new and existing utility structures to finish grade per Snyderville Basin Water Reclamation District Construction Specification for manholes.
(See SBWRD revised detail MH-09)

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
3.	<u>Lowering Utility</u>			
	Manhole	<u>78</u>	<u>\$ 455.00</u>	<u>\$ 35,490.00</u>
	Water valve/monument	<u>113</u>	<u>\$ 280.00</u>	<u>\$ 31,640.00</u>
4.	<u>Raising/adjusting</u>			
	Manhole	<u>78</u>	<u>\$ 705.00</u>	<u>\$ 54,990.00</u>
	Water valve/monument	<u>113</u>	<u>\$ 500.00</u>	<u>\$ 56,500.00</u>

Total Utility Adjustments Price \$ 178,620.00

BID SCHEDULE - C TOTAL \$ 759,176.60

NOTE: See Appendix A for Street Overlays/Milling/Utility Adjustments

- 1 The quantities given are estimates for the purpose of comparing bids. Payment to the contractor will be made only for actual quantities of work performed.

- 2 Estimated ten (10) working days to complete milling and overlay work. Work is scheduled to begin on July 7, 2022. Consideration will be given for weather delays.
 - 3 The streets May be uneven and require more or less tonnage to achieve a quality, smooth, and compacted overlay.
 - 4 Bidder is responsible for traffic control devices, signs, barricades, and flagger to be utilized in all locations work is being performed according to MUTCD standards.
 - 5 **Edge Milling:** One to two-inches (1"-2") of existing asphalt feathered out to nothing seven feet (7') adjacent to each curb and across road intersections.
 - 6 **Profile Milling:** The standard roadway cross slope is two percent (2%) down from crown to gutter line or edge of pavement. Cross slopes May be adjusted when it is necessary to provide a smooth transition a minimum of two percent (2%) and a maximum of four percent (4%).
 - 7 Millings from pavement overlay work shall become the property of the contractor at the time of milling.
 - 8 Prior to milling, verify alignment of all valve boxes and manholes. Submit list of needed repairs and related costs to realign and repair all valve boxes as needed.
 - 9 Lowering of utilities in conjunction with Rotomilling. Readjustment is scheduled following completion of pavement overlay and must be completed by August 4, 2022.
 - 10 All approved realignments or repairs shall be completed prior to paving. Only height adjustments are allowed after paving.
 - 11 All grade rings and joints and housings are to be sealed.
 - 12 Concrete cement fills to be used on adjustment.
 - 13 All adjustments are to be set .50 inches below finish grade.
 - 14 Grade ring shall be CRETEX MANHOLE RINGS furnished by contractor.
 - 15 All manhole inverts, valves, and monuments shall be washed and vacuumed upon completion of each adjustment.
 - 16 Bidder is responsible for traffic control devices, signs, barricades, and steel plates where necessary according to MUTCD standards.
 - 17 Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.
 - 18 Bidder is responsible to make every attempt to minimize the tracking of tack oil and asphalt tar onto non-paved streets and crosswalks. Contractor will mitigate tracking problems promptly if they do occur.
- * Park City Municipal reserves the right to add or delete quantities to meet budgeted amounts.

By: Samuel H. Donaldson

Date: 4-19-22

Print Name: Samuel H. Donaldson

Title: Estimating Manager

Company: Kilgore Contracting

BID SCHEDULE D: CRACK SEAL 2022

In compliance with Park City Design Standards, Construction Specification and Standards Drawings Section 551 and general guidelines to bidders, sealant must be **Craftco** or **Maxwell** or an approved equal and must meet or exceed Federal Standard ASTM D 3405. Crack seal work shall consist of routing, cleaning, and drying cracks and sealing them with material outlined in specification above.

ITEM DESCRIPTION OF WORK NO.	TONS	UNIT COST	PRICE
1. Crack Sealing streets/Paths	<u>33</u>	\$ <u>4,260.15</u>	\$ <u>140,584.95</u>

BID SCHEDULE – D

TOTAL \$ 140,584.95

Note: See Appendix A for schedule of Crack Seals.

1. All new cracks .125 inch or greater are to be routed a minimum of .50 inch wide and .75 inch deep prior to application of crack seal.
2. All traffic control is to be supplied by contractor, such as signs and flaggers, to be utilized in all locations work is being performed according to MUTCD standards.
3. Contractor is required to clean all debris generated from routing and crack seal installation upon completion of each street.
4. The smallest size application cup is required that will adequately fill the crack without overflowing material. Crack sealant material shall only be applied to cracks.
5. Cost of crack seal including routing, blowing, drying, sweeping, and cleaning bid per ton.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.

*Park City Municipal reserves the right to add or delete quantities to meet budgeted amounts.

By: Samuel H. Donaldson Date: 4-19-22
Print Name: Samuel H. Donaldson Title: Estimating Manager
Company: Kilgore Contracting

SUBCONTRACTORS

Item

Firm

Utility Adjustments Craghead Building Co.

Rotomilling Maverick Milling

BID BOND

Date Bond Executed April 15, 2022 Principal Kilgore Companies, LLC Surety Liberty Mutual Insurance Company
of Bid April 19, 2022 Sum of Bond Five Percent (5%) of Date amount bid

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the Owner herein known as the obligee, in the sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH, that whereas the principal has submitted the accompanying bid, dated as shown above, for: NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the said principal shall execute a contract as specified and give construction bond to be approved by the obligee for the faithful performance thereof within ten (10) days after being notified in writing of such contract to the principal, then this obligation shall be null and void. However, if said principal shall fail to execute a contract as specified and give full construction bond, approved by the obligee, within ten (10) days of being notified of award of contract, then this bond shall be forfeited in full to obligee.

IN WITNESS WHEREOF, the above-bounded parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Kilgore Companies, LLC dba Kilgore Contracting

INDIVIDUAL OR PARTNERSHIP Corporate Principal
PRINCIPAL

7057 West 2100 South, Salt Lake City, UT 84119

Business Address

By

Samuel H. Donaldson
Title Estimating Manager

Note: If cash, certified or cashier's check is used in lieu of bid bond, a certificate from an approved surety company guaranteeing execution of a full performance bond must accompany bid.

Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116

Business Address

Megan J. Schlueter

Attorney-in-Fact

By

Title

Megan J. Schlueter

Attorney-in-Fact

STATE OF ~~UTAH~~ New York)

County of Monroe)

Megan J. Schlueter

, being first duly sworn, on oath deposes and says that he is the Attorney-in-Fact of the above-named Surety Company, and that he is duly authorized to execute and deliver the foregoing obligations; that said company is duly authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings, and obligations.

Subscribed and sworn to before me this 15th day of April, 2022.

Attorney-in-Fact Megan J. Schlueter

My Commission Expires 11-1-2022

Notary Public

Janine A. Kappen
Janine A. Kappen

JANINE A KAPPEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01KA6230308
Qualified in Monroe County
My Commission Expires Nov. 01, 2022



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8204866

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Megan J. Schlueter

all of the city of Raleigh, state of NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 15th day of February, 2021.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company



By: David M. Carey

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 15th day of February, 2021, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 15th day of April, 2022.



By: Renee C. Llewellyn

Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

Morgan Pavement Maintenance Bid Packet

BID PROPOSAL

To the Owner

The undersigned states and warrants that Contractor has carefully examined the plans, specifications, form of contract, form of bond, instructions and other contract papers relating to the construction for which this proposal is made, and that Contractor has examined the site of the work and has given attention to and carefully considered all of the matters which affect the nature and the cost of construction and its several parts.

If this proposal, as given on the attached Bid Schedule, is accepted, the undersigned will, within ten (10) days after notice thereof, in writing, by the owner, furnish a construction bond in accordance with the form of bond herewith attached, for the full amount of the total bid price, correctly computed from the unit prices bid, and executed in favor of the Owner by Atlantic Specialty Insurance surety, whose address is:

_____ and will sign and execute the accompanying form of construction contract.

Name of Bidder, Construction Contractor: Morgan Pavement Maintenance

Contractor State & License No.: Utah - 9798330-5501

Signature of Representative: _____

Position of Representative: Estimator / Project Manager

Bidder's Mailing Address: 625 S Main, Clearfield, UT 84015

Bidder's Street Address: 625 S Main

City, State, & Zip Code: Clearfield, UT, 84015

Phone/Fax: 801-544-5947

_____ Signature Acknowledging Receipt of:

Amendment No. 1. _____

Amendment No. 2. _____

Amendment No. 3. _____

Date

04/19/2022

A bid may be considered invalid if the Bidder fails to completely fill out and sign both the Bid Proposal and proper Bid Schedule.

BID SCHEDULE A: SLURRY SEALS TYPE II 2022

In compliance with Park City Design Standards, Construction Specification and Standards Slurry Seal work shall consist of: Type II Slurry Seal coating, protecting crosswalks, meter lids, survey monuments etc. by covering prior to installation of slurry, and cleaning, drying, and sealing with material as outlined above.

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
1.	Slurry Sealing Streets Type II	<u>82,811 sq. yd.</u>	<u>\$ 1.704</u>	<u>\$ 141,167.91</u>

BID SCHEDULE – A

Note: See Appendix A for schedule of Slurry Seals.

1. All slurry seal areas with striping or crossings shall be marked for future striping to be completed by owner.
2. All water meter, survey, storm drain inlets, and manhole lids shall be protected from slurry prior to application. Protection covers shall be removed when slurry is dry.
3. All adjacent homeowners / businesses shall receive two (2) notices of work to be completed; a seven (7) day advanced notice followed by a twenty-four (24) hour notice. All notices must be approved by the City prior to distribution.
4. All traffic control is to be supplied by contractor such as signs and flaggers to be utilized in all locations work is being performed according to MUTCD standards.
5. All slurry seal coat will contain a minimum of three percent (3%) LMCQS-1H.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.

BID SCHEDULE D: CRACK SEAL 2022

In compliance with Park City Design Standards, Construction Specification and Standards Drawings Section 551 and general guidelines to bidders, sealant must be **Craftco** or **Maxwell** or an approved equal and must meet or exceed Federal Standard ASTM D 3405. Crack seal work shall consist of routing, cleaning, and drying cracks and sealing them with material outlined in specification above.

ITEM DESCRIPTION OF WORK NO.	TONS	UNIT COST	PRICE
1. Crack Sealing streets/Paths	<u>33</u>	\$ <u>3,309.727</u>	\$ <u>109,220.99</u>
BID SCHEDULE – D		<u>TOTAL \$ 109,220.99</u>	

Note: See Appendix A for schedule of Crack Seals.

1. All new cracks .125 inch or greater are to be routed a minimum of .50 inch wide and .75 inch deep prior to application of crack seal.
2. All traffic control is to be supplied by contractor, such as signs and flaggers, to be utilized in all locations work is being performed according to MUTCD standards.
3. Contractor is required to clean all debris generated from routing and crack seal installation upon completion of each street.
4. The smallest size application cup is required that will adequately fill the crack without overflowing material. Crack sealant material shall only be applied to cracks.
5. Cost of crack seal including routing, blowing, drying, sweeping, and cleaning bid per ton.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.

*Park City Municipal reserves the right to add or delete quantities to meet budgeted amounts.

By: _____

Date: 04/19/2022

Print Name: Josh Callister

Title: Estimator / Project Manager

Company: Morgan Pavement Maintenance

SUBCONTRACTORS

Item

Firm

NA / Morgan Pavement will perform all work

BID BOND

Date Bond Executed April 19, 2022 Principal Morgan Pavement Maintenance Surety Atlantic Specialty Insurance Company
Sum of Bond Five Percent of Bid Date
of Bid April 19, 2022

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the Owner herein known as the obligee, in the sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH, that whereas the principal has submitted the accompanying bid, dated as shown above, for:
NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the said principal shall execute a contract as specified and give construction bond to be approved by the obligee for the faithful performance thereof within ten (10) days after being notified in writing of such contract to the principal, then this obligation shall be null and void. However, if said principal shall fail to execute a contract as specified and give full construction bond, approved by the obligee, within ten (10) days of being notified of award of contract, then this bond shall be forfeited in full to obligee.

IN WITNESS WHEREOF, the above-bounded parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

INDIVIDUAL OR PARTNERSHIP Morgan Pavement Maintenance
PRINCIPAL Corporate Principal

625 South Main Street, Clearfield, UT 84015
Business Address


By

VP/CFO
Title

Note: If cash, certified or cashier's check is used in lieu of bid bond, a certificate from an approved surety company guaranteeing execution of a full performance bond must accompany bid.

605 North Highway 169, Suite 800, Plymouth, MN 55441
Business Address



Keller Jensen Attorney in Fact
By Title

Atlantic Specialty Insurance Company

Keller Jensen
Attorney-in-Fact

STATE OF UTAH)
County of Davis)

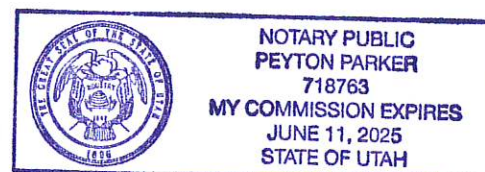
Keller Jensen, being first duly sworn, on oath deposes and says that he is the Attorney-in-Fact of the above-named Surety Company, and that he is duly authorized to execute and deliver the foregoing obligations; that said company is duly authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings, and obligations.

Subscribed and sworn to before me this 18 day of April, 2022.

Keller Jensen
Attorney-in-Fact

My Commission Expires June 11, 2025

Notary Public Peyton Parker



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Todd Chapman, Keller Jensen**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this twenty-seventh day of April, 2020.

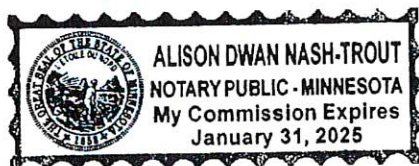
STATE OF MINNESOTA
HENNEPIN COUNTY



By

Paul J. Brehm, Senior Vice President

On this twenty-seventh day of April, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 19 day of April, 2022.

This Power of Attorney expires
January 31, 2025



Kara Barrow, Secretary

Wasatch Paving Bid Packet

BID PROPOSAL

To the Owner

The undersigned states and warrants that Contractor has carefully examined the plans, specifications, form of contract, form of bond, instructions and other contract papers relating to the construction for which this proposal is made, and that Contractor has examined the site of the work and has given attention to and carefully considered all of the matters which affect the nature and the cost of construction and its several parts.

If this proposal, as given on the attached Bid Schedule, is accepted, the undersigned will, within ten (10) days after notice thereof, in writing, by the owner, furnish a construction bond in accordance with the form of bond herewith attached, for the full amount of the total bid price, correctly computed from the unit prices bid, and executed in favor of the Owner by WPM surety, whose address is:

and will sign and execute the accompanying form of construction contract.

Name of Bidder, Construction Contractor: Wasatch Paving

Contractor State & License No.: 1303544-5501-2019.1210

Signature of Representative: [Signature]

Position of Representative: VP

Bidder's Mailing Address: 1471 E Little Sweden RD

Bidder's Street Address: Heber

City, State, & Zip Code: Heber, UT 84032

Phone/Fax: [Signature]

Signature Acknowledging Receipt of:

Amendment No. 1. _____

Amendment No. 2. _____

Amendment No. 3. _____

Date 4-19-22

A bid may be considered invalid if the Bidder fails to completely fill out and sign both the Bid Proposal and proper Bid Schedule.

BID SCHEDULE B: SEALCOAT BIKE PATHS 2022

In compliance with Park City Design Standards, Construction Specification and Standards Seal Coating work shall consist of: Tuffcoat Sealcoat P+ Coating, protecting crosswalks, meter lids, survey monuments, manhole lids, etc. by covering prior to installation of slurry, and cleaning, drying and sealing with material.

ITEM DESCRIPTION OF WORK NO.	QUANTITY	UNIT COST	PRICE
1. Sealcoat Bike Paths	<u>15.778 sq.yrd</u>	<u>\$1,35</u>	<u>\$ 21,300.30</u>
BID SCHEDULE – B		TOTAL	<u>\$ 21,300.30</u>

Note: See Appendix A for schedule of Tuffcoat Sealcoat P+ Coating.

1. All seal coating areas with striping or crossings shall be marked for future striping to be completed by owner.
2. All water, meter, survey, storm drain inlets, and manhole lids shall be protected from slurry prior to application. Protection covers shall be removed when Seal Coating is dry.
3. Contractor is responsible that application area is cleaned and free from all debris and vegetation.
4. All adjacent homeowners / businesses/ trail users shall receive two (2) notices of work to be completed; a seven (7) day advanced notice followed by a twenty-four (24) hour notice. All notices must be approved by the Project Manager prior to distribution.
5. All pedestrian traffic and vehicular traffic control is to be supplied by contractor such as signs

and flaggers to be utilized in all locations work is being performed according to MUTCD standards.
6. Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.
7. Application Rate: Two (2) separate application coats are required. First application = Approximately 48-52 square feet per gallon Second application = Approximately 48-52 square feet per gallon

**BID SCHEDULE C:
STREET OVERLAYS, ROTOMILLING AND UTILITY ADJUSTMENTS 2022**

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
1.	Overlay streets to conform with 2007 APWA Specifications. Reference APWA 2007. 32-12-03 PG 58-28, 32-12-05 Maximum of 15% RAP by weight 32-12-05 DM-1/2, Medium Traffic Classification 32-12-16 (Rice Method)	<u>5,259 Tons</u>	\$ <u>92</u>	\$ <u>483,828.00</u>
2.	Rotomilling to conform with Specifications and depth required to deliver milling across roadway so that surface remaining has a consistent and continuous cross fall, longitudinally and transversely. Millings from pavement overlay work shall become property of the contractor at the time of milling.	<u>378,463 Sq. Ft</u>	\$ <u>.204</u>	\$ <u>75,692.60</u>

Lower and /or readjust manholes, monument markers, and water valves in compliance with Park City Design Standards, Construction Specifications and Standard Drawings Section 551, placement and adjustment of new and existing utility structures to finish grade per Snyderville Basin Water Reclamation District Construction Specification for manholes.

(See SBWRD revised detail MH-09)

ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT COST	PRICE
3.	<u>Lowering Utility</u>			
	Manhole	<u>78</u>	\$ <u>650</u>	\$ <u>50,700</u>
	Water valve/monument	<u>113</u>	\$ <u>500</u>	\$ <u>56,500</u>
4.	<u>Raising/adjusting</u>			
	Manhole	<u>78</u>	\$ <u>750</u>	\$ <u>58,500</u>
	Water valve/monument	<u>113</u>	\$ <u>600</u>	\$ <u>67,800</u>

Total Utility Adjustments Price \$ 233,500.00
793,020

BID SCHEDULE - C TOTAL \$

NOTE: See Appendix A for Street Overlays/Milling/Utility Adjustments

- 1 The quantities given are estimates for the purpose of comparing bids. Payment to the contractor will be made only for actual quantities of work performed.

- 2 Estimated ten (10) working days to complete milling and overlay work. Work is scheduled to begin on July 7, 2022. Consideration will be given for weather delays.
 - 3 The streets May be uneven and require more or less tonnage to achieve a quality, smooth, and compacted overlay.
 - 4 Bidder is responsible for traffic control devices, signs, barricades, and flagger to be utilized in all locations work is being performed according to MUTCD standards.
 - 5 **Edge Milling:** One to two-inches (1"-2") of existing asphalt feathered out to nothing seven feet (7') adjacent to each curb and across road intersections.
 - 6 **Profile Milling:** The standard roadway cross slope is two percent (2%) down from crown to gutter line or edge of pavement. Cross slopes May be adjusted when it is necessary to provide a smooth transition a minimum of two percent (2%) and a maximum of four percent (4%).
 - 7 Millings from pavement overlay work shall become the property of the contractor at the time of milling.
 - 8 Prior to milling, verify alignment of all valve boxes and manholes. Submit list of needed repairs and related costs to realign and repair all valve boxes as needed.
 - 9 Lowering of utilities in conjunction with Rotomilling. Readjustment is scheduled following completion of pavement overlay and must be completed by August 4, 2022.
 - 10 All approved realignments or repairs shall be completed prior to paving. Only height adjustments are allowed after paving.
 - 11 All grade rings and joints and housings are to be sealed.
 - 12 Concrete cement fills to be used on adjustment.
 - 13 All adjustments are to be set .50 inches below finish grade.
 - 14 Grade ring shall be CRETEX MANHOLE RINGS furnished by contractor.
 - 15 All manhole inverts, valves, and monuments shall be washed and vacuumed upon completion of each adjustment.
 - 16 Bidder is responsible for traffic control devices, signs, barricades, and steel plates where necessary according to MUTCD standards.
 - 17 Bidder is responsible to obtain Right of Way permits. Permit fees will be waived by Park City.
 - 18 Bidder is responsible to make every attempt to minimize the tracking of tack oil and asphalt tar onto non-paved streets and crosswalks. Contractor will mitigate tracking problems promptly if they do occur.
- * Park City Municipal reserves the right to add or delete quantities to meet budgeted amounts.

By: Wasatch paving

Date: 4-19-22

Print Name: Jeremy S Kade

Title: Up

Company: Wasatch paving

SUBCONTRACTORS

Item

Firm

Utility Adjustments Wpi

~~Base~~ Traffic Control Baracade Services

787/1066796

04/19/2022

Void after 7 years

WASATCH PROPERTY MAINTENANCE INC/W SCOTT KEELE PRES/DANA H K

**Pay To The
Order Of:** PARK CITY MUNICIPAL

Pay: ONE THOUSAND SIXTY SIX DOLLARS AND 00 CENTS

**** \$1,066.00 ****

Drawer: JPMORGAN CHASE BANK, N.A.

Do not write outside this box

Memo: -----
Note: For information only. Comment has no effect on bank's payment.

Rebecca Griffin, Chief Administrative Officer
JPMorgan Chase Bank, N.A.

Phoenix, AZ

012799852 :1420007227: 012822056256

BID OPENING – Tuesday, 4/19/2022, 1:05 PM FOR 2022 PAVEMENT MANAGEMENT												
Company Name	Bid bond	Bid Proposal	Schedule A Slurry Seals type II	Schedule B Sealcoat Trails	Schedule C Street Overlays						Schedule C Total	Schedule D Crack Seals Per ton
					Street overlays Per ton	Milling Per square Yard	Lower Man Hole	Lower Water valve and monument	Raise Man Hole	Raise Water Valve and monument		
Wasatch Paving	x	x	Unit	Unit 1.35	Unit 92.00	Unit .20	Unit 650.00	Unit 500.00	Unit 750.00	Unit 600.00	793,020.60	Unit
			Bid	Bid 21,300.30	Bid 483,828.00	Bid 75,692.60	Bid 50,700	Bid 56,500	Bid 58,500	Bid 67,800		Bid
Morgan Pavement Maintenance	x	x	Unit 1.70469	Unit	Unit	Unit	Unit	Unit	Unit	Unit		Unit 3,309.727
			Bid 141,167.91	Bid	Bid	Bid	Bid	Bid	Bid	Bid		Bid 109,220.99
Kilgore Companies	x	x	Unit	Unit 1.66	Unit 96.00	Unit 0.20	Unit 455.00	Unit 280.00	Unit 705.00	Unit 500.00	759,176.60	Unit 4,260.15
			Bid	Bid 26,191.48	Bid 504,864.00	Bid 75,692.60	Bid 35,490.00	Bid 31,640.00	Bid 54,990.00	Bid 56,500.00		Bid 140,584.95
Geneva Rock Products	x	x	Unit	Unit	Unit 77.00	Unit 0.35	Unit 760.00	Unit 365.00	Unit 870.00	Unit 520.00	764,550.05	Unit
			Bid	Bid	Bid 404,943.00	Bid 132,462.05	Bid 59,280.00	Bid 41,245.00	Bid 67,860.00	Bid 58,760.00		Bid
M&M Asphalt Services	x	x	Unit 1.75	Unit 2.26	Unit	Unit	Unit	Unit	Unit	Unit		Unit 3,775.00
			Bid 144,919.25	Bid 35,658.28	Bid	Bid	Bid	Bid	Bid	Bid		Bid 124,575.00
Bonneville Asphalt and Repair	x	x	Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit		Unit 4,997.00
			Bid	Bid	Bid	Bid	Bid	Bid	Bid	Bid		Bid 164,901.00
Asphalt Preservation	x	x	Unit 1.74	Unit 2.95	Unit	Unit	Unit	Unit	Unit	Unit		Unit 4,065.00
			Bid 144,091.14	Bid 46,545.10	Bid	Bid	Bid	Bid	Bid	Bid		Bid 134,145.00

BID OPENING – Tuesday, 4/19/2022, 1:05 PM FOR 2022PAVEMENT MANAGEMENT												
Company Name	Bid bond	Bid Proposal	Schedule A Slurry Seals type II	Schedule B Sealcoat Trails	Schedule C Street Overlays						Schedule D Crack Seals Per ton	
					Street overlays Per ton	Milling Per square Yard	Lower Man Hole	Lower Water valve and monument	Raise Man Hole	Raise Water Valve and monument	Schedule C Total	
CKC Operations	X	X	Unit	Unit 2.13	Unit	Unit	Unit	Unit	Unit	Unit	No Bid	Unit 0.34
			Bid	Bid 33,607.14	Bid	Bid	Bid	Bid	Bid	Bid		Bid 138,719.32
Staker and Parson Companies	x	x	Unit	Unit	Unit 106.50	Unit 0.27	Unit 415.00	Unit 260.00	Unit 780.00	Unit 470.00	837,968.51	Unit
			Bid	Bid	Bid 560,083.50	Bid 102,185.01	Bid 32,370.00	Bid 29,380.00	Bid 60,840.00	Bid 53,110.00		Bid
			Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit		Unit
			Bid	Bid	Bid	Bid	Bid	Bid	Bid	Bid		Bid
			Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit		Unit
			Bid	Bid	Bid	Bid	Bid	Bid	Bid	Bid		Bid
			Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit		Unit
			Bid	Bid	Bid	Bid	Bid	Bid	Bid	Bid		Bid
			Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit		Unit
			Bid	Bid	Bid	Bid	Bid	Bid	Bid	Bid		Bid

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Transportation Planning

Item Type: Staff Report

Agenda Section: CONSENT AGENDA

Subject:

Consideration to Authorize the City Manager to Execute a Scope Modification and Additional Funding to the Professional Services Agreement, in a Form Approved by the City Attorney, with Fehr & Peers, for a Detailed Micro-Transit Analysis for Park City Municipal Corporation's Short Range Transit Plan in an Amount Not to Exceed \$29,500

(A) Public Input (B) Action

Suggested Action:

Attachments:

[Short Range Transit Plan Professional Services Agreement Staff Report](#)

[Exhibit A: SRTP Budget Modification](#)

Subject: Short Range Transit Plan Professional Services Agreement
Author: Alex Roy, Senior Transportation Planner
Department: Transportation Planning
Date: May 26, 2022
Type of Item: Consent Agenda

Recommendation

Staff recommends City Council authorize the City Manager to execute a scope modification and additional funding to the Professional Services Agreement (PSA), in a form approved by the City Attorney, with Fehr & Peers, to provide a detailed micro-transit analysis for Park City Municipal Corporation's (City) Short Range Transit Plan (S RTP) in an amount not to exceed \$29,500.

The scope modification would review additional service delivery considerations, assess micro-transit electric vehicle needs, enhance the preferred S RTP alternative, conduct analysis on the potential micro-transit pilot program, and conduct additional stakeholder meetings.

Background

The last S RTP was completed for the City and Summit County in 2016 ([available here](#)). Most of the projects and services outlined in the 2016 plan have been implemented. The S RTP functions as a business plan for the next five years of transit and keeping this plan current helps the City compete for federal and state grants. In 2021, Staff developed a scope of work for the S RTP, and through the City's RFP process, Fehr & Peers was chosen as the lead consulting firm for the S RTP. Information regarding the S RTP and process has been presented at the [October 1, 2020](#), [February 25, 2021](#), and [March 17, 2022](#) Council meetings.

The developing S RTP will cover the 2023 – 2026 time horizon. The City is especially interested in ensuring that the new S RTP works to advance an integrated multi-modal transportation system and responds to changes in Park City's environment (visitation, resort operations, paid parking, etc.). This project provides an in-depth study of the City's existing transit routes and ridership to incorporate high-value transit service options. The study is also considering emerging transit innovations such as on-demand micro-transit, smartphone apps, aerial systems, and integration with walking and biking. Through the analysis and public/stakeholder engagement, micro-transit has emerged as a viable option for some town areas and neighborhoods that warrant additional consideration and study.

Fortunately, funding for this modification was awarded to Park City, led by the sustainability office, through a grant partnership with Rocky Mountain Power in the amount of \$43,000. The full \$43,000 will be spent according to the grant requirements for the study and implementation review of a electric micro-transit service focused on the reduction of vehicle emissions. \$29,500 will go toward this scope modification, and the remainder will go to compliance with environmental standards and considerations for a potential pilot project.

The micro-transit scope modification can be found in Exhibit A.

Funding

In 2020, through the Utah Department of Transportation (UDOT), FTA allocated 5305 Federal Grant to Park City in the amount of \$144,000 to update the SRTP and keep operations and transit service current and in line with industry standards. The amount allocated from the City transportation fund is \$36,000 with UDOT/Federal Transit Administration (FTA) funding in the amount of \$144,000 for an initial total project budget of \$180,000.

Rocky Mountain Power has awarded PCMC \$43,000 to study micro-transit, assess for micro-transit electric vehicle needs, conduct analysis on the potential micro-transit pilot program, and ensure that we continue to meet our ambitious carbon reduction goals.

This work is being folded into the planning work underway to create a winter 22/23 service plan that responds to recent changes in Park City (visitation, paid parking, additional traffic coordination, etc.).

Department Review

The following departments have reviewed this report: Executive, Legal, Sustainability, Transit, and Transportation Planning.

Attachments

Exhibit A: Park City SRTP Micro-transit Scope of Work Modification

EXHIBIT A

The original Task 6 scope of work and budget was built around moving directly from presentation of draft system alternatives to development of a final SRTP. In carrying public outreach of the draft alternatives and through discussions with Park City staff, it would be in the project's best interest to expand Task 6 to allow for more detailed analysis and consideration of microtransit and microtransit electrification.

- SUBTASK 6.1 – Microtransit analysis for potential pilot program.
 - Analysis of microtransit pilot program for Park City including additional outreach (up to 5 stakeholder interviews and one focus group) and analysis of trip patterns (using existing Streetlight data). Trip destinations could include fixed route transfer areas and destinations within the microtransit service boundaries. Results would be included in memo for Subtask 6.2.
 - Subtask 6.1 total: \$7,500
- SUBTASK 6.2 – Microtransit service delivery considerations
 - Presentation of service model potentials including: turnkey with external vendor, partnership with Summit County, or PCT agency operated. Subtask includes conversations with 2-3 potential vendors, up to 2 meetings with the County, and 2-3 in-depth conversations with PCT staff. This subtask would also include a review of electric vehicle fleet opportunities and software applications, including defining suitability for microtransit, associated charging requirements, vehicle range, vehicle options, passenger capacities, and ADA requirements. Results and recommendations presented in a memo to PCMC.
 - Subtask 6.2 total: \$8,000
- SUBTASK 6.3 – Development of preferred SRTP alternative
 - Based on public outreach and input received on three draft alternatives, develop a preferred SRTP alternative with defined service characteristics including time of day service levels, seasonality, cost implications, performance estimates, and infrastructure implications. This subtask would include presentation of the preferred alternative to PCT staff, PCMC leadership, AC members, and other key stakeholders (format would be PowerPoint with maps, tables, and graphics). This would be an interim step between the three alternatives presented in March 2020 and drafting of the final plan.
 - Subtask 6.3 total: \$14,000
- **TOTAL ADDITIONAL TASK 6 FEE: \$29,500**

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section: OLD BUSINESS

Subject:

Consideration to Approve a Lease Amendment with Bangkok Thai, Located at 605 Main Street, to Increase the Length of the Dining Deck

(A) Public Input (B) Action

Suggested Action:

Attachments:

[Dining Deck Amendment Staff Report](#)

[Exhibit A: Operational Restrictions and Draft Lease](#)

City Council Staff Report

Subject: Dining Deck Amendment
Author: Jenny Diersen
Department: Economic Development
Date: May 26, 2022
Type of Item: Legislative

Recommendation

Consider a request to approve a proposed lease amendment to increase the length of the dining deck at 605 Main Street (Bangkok Thai) from 36 feet to 40 feet.

Executive Summary

Bangkok Thai requests to expand the footprint of their dining deck from 36 feet to 40 feet. The footprint expansion request is consistent with the Operational Restrictions (Exhibit A) established when the program was created and reflects balanced stakeholder input on the use of public parking spaces for private use. The deck expansion request was not included in the applicant's initial proposal, requiring additional Council action.

Background

The Main Street Dining Deck Program was first implemented in 2010. The program allows up to twelve restaurants per year and a commitment to serve two meals per day, seven days per week, in exchange for the occupation of portions of the public right of way. On April 7, 2022 ([report](#) p. 821, [minutes](#) p. 20), Council recently approved nine leases for City Property/Rights of Way.

Analysis

Bangkok Thai's dining deck was first approved in 2011 and required renovation and maintenance during the offseason. With a new owner recently acquiring the restaurant, they built a new dining deck, and the new dimensions include four additional feet than past approvals. According to the Operational Restrictions, a dining deck's maximum length is 40 feet. However, all other decks are 27 feet or under, except for the Main Street Pizza Noodle deck, which is 31.2 feet.

2022 Restaurants / 20' Parking Space	Recommendation \$2,160/space 30% of maximum revenue
Eating Establishment / 1.35 spaces	\$2,916
Crystal Park Cantina / 1.2 space	\$2,592
Flanagan's on Main / 1.24 spaces	\$2,678.40
Shabu / 1.18 spaces	\$2,548.80
501 on Main / 1.0 spaces	\$2,160
The Brick / 1.25 spaces	\$2,700
Main St. Pizza & Noodle / 1.56 spaces	\$3,369.60

Bangkok Thai / 2 spaces	\$4,320
Fletchers / 1.35 spaces (based on sq ft of space – this does not take parking spaces)	\$2,916
Totals: 12.13 parking spaces	\$26,200.80

Building, Planning, Parking, and Economic Development reviewed the request and find it complies with the Operational Restrictions. Additionally, per the Operational Restrictions, Bangkok Thai is required to contact adjacent storefronts and inform them of the potential footprint expansion. The HPCA is also aware of this change but has taken no formal position on the expansion.

Funding

The City Council approved a lease fee of \$2,160 per 20-foot parking space, which is thirty percent of possible parking revenue. Therefore, applying the same parking rate, the lease fee, if approved, would increase from \$3,888 to \$4,320. Lease fees for dining decks are collected in the General Fund.

Exhibits

Exhibit A: Draft Lease and Operational Restrictions

Street Dining Operational Restrictions

Street dining may be allowed by the Planning Department upon issuance of an Outdoor Dining Administrative Conditional Use Permit. Street dining is permitted beginning in May and shall terminate on October 30th of each year. A total of twelve (12) street dining decks may be accommodated on Main Street based on the layout of the proposed decks. The Applicant must submit an application, pay an application fee, and provide all required materials and plans. Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit or the Lease may be revoked for failure to comply with these restrictions.

Required Submittals:

- Dining Site Plan – This plan shall be to scale and indicate: the Applicant's building as it relates to the exact proximity of the street dining deck. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, and any other existing public improvements (light fixtures, fire department connections, parking meters, etc.).
- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining is application. This will include all tables, chairs, umbrellas, etc.

Design Standards:

1. Size. Street dining area shall be limited to the linear frontage a building has on Main Street and shall not exceed nine feet (9') in width. The encroachment of the proposed decks into street will not exceed seven feet, nine inches (7'-9") in width from the curb, as the encroachment of the proposed decks into the sidewalk will not exceed one foot three inches (1'-3"), unless approved by City Council. With the written permission of the adjacent property owner submitted to the City, they may extend into the neighbor's street frontage. Forty-four inches (44") of clear sidewalk width shall be available at all times where the street dining deck is being constructed. Each outdoor dining deck shall not exceed forty (40') feet in length.
2. Location/Proximity/Spacing. The City reserves the right to reject an application for an outdoor dining deck:
 - If the proposed deck is too close to a previously existing deck and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue.
 - If the proposed deck is for a restaurant that does not have direct access at street level.
 - If the proposed deck is for a business with existing outdoor dining space and the expansion of such is deemed excessive.

- If the proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area.
 - The Building, Planning, and Engineering Departments will review the location, proximity, and spacing of each street dining deck as well as impacts of traffic and public safety concerns. A recommendation will be given to the City Council for final review and approval.
3. Material. Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The railing shall be painted solid to also complement the building. While outdoor dining deck is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.
 4. Height. The maximum height of the deck shall not exceed thirty-six inches (36") measured from existing grade to the base/floor of the deck at any given point. The layout of the deck may include a step to meet the maximum height allowed.
 5. Advertising. Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited.
 6. Furniture. All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. All furniture must be approved by the Planning Department per the historic district design review.
 7. Umbrellas. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas shall be affixed permanently to the deck as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.
 8. Lighting. No additional electric lighting is permitted, including exterior building lighting.
 9. Planters. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter. All plant material must be maintained in a manner that ensures their viability throughout the summer outdoor dining season.
 10. Use. The use of the Premises shall not conflict with any previously existing Master Festival License ("MFL") recipients on Main Street, specifically the Arts Fest ("Kimball Art Center"). The Kimball Art Center has been leased exclusive use of Main Street August 5-7, 2022. The Premises must be vacated (i.e., removal of decks) no later than 10:00 a.m. MT on Thursday, August 4th, 2022 for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Art Center consents in writing to allow Tenant's use of the Premises. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant's cost. The dates of the 2022 Kimball Arts

Festival are subject to change, and as such the vacating of the Premises shall occur at 10:00 a.m. the Thursday prior to the Arts Fest.

11. Licensing. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.
12. Duration. Street dining is permitted beginning in May and shall terminate on October 30th, each year.
13. Health & Safety. The Use shall not violate the Summit County Health Code, Summit County Health Orders, State of Utah Health Orders, the Fire Code, or International Building Code.
14. Music. The use of outdoor speakers and music is prohibited.
15. Maintenance. The dining area shall be clean and maintained in a neat and orderly fashion.
16. Storage. All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the outdoor dining decks may be stored outdoors on-site during the off-season.
17. Removal. Decks must be completely removed from the Right-of-Way prior to the end of business day October 30. If the outdoor dining structure is not removed as required, the City will remove the structure at cost to compensate for the employees and equipment needed to complete the task.
18. Drainage. Design of the deck and its skirting shall not interfere with the existing street drainage. Deck plans shall be reviewed by the City for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.
19. Utilities. Access to utilities shall not be hindered by the structures. No outdoor dining decks will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed outdoor dining.
20. Insurance Requirement. The tenant shall carry a policy of liability insurance in an amount of at least \$2 million per combined single limit per occurrence and \$3 million per aggregate for personal injury, bodily injury and property damage.

Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.

21. Main Street Improvements. Due to the possible conflicts with scheduled Main Street improvements the City may postpone approving leases until the construction schedule is finalized to be able to determine appropriate dates.

If at any time the street dining deck needs to be removed the City will give each affected street dining business owner a minimum of 72 hours to have their decks removed. The City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue.

22. Aesthetics. Due to the Park City environment and storage of the decks over the years, the decks shall be maintained in a safe and high-quality manner. Prior to final installation and occupancy of each deck, the applicant shall make sure that the structural members can adequately meet their original design and each deck shall look aesthetically pleasing.

23. Violations. The decks shall be in compliance with all County and State Health Orders in addition to Municipal Code § 11-19-3(H) regarding Prohibition Against Issuance of Municipal Permits. From the time that any Notice of Violation is given, the City may withhold permits for any alteration, repair or construction, which pertains to any existing or new structures or signs on the property or any permits pertaining to the use and development of the real property or the structure where a violation is located. The City may withhold permits until a Notice of Compliance has been issued by the enforcement official. The City may not withhold permits that are necessary to obtain a Notice of Compliance or that are necessary to correct serious health and safety violations.

STREET DINING ON MAIN OUTDOOR DINING LEASE 2022

This Street Dining on Main Outdoor Dining Lease 2022 (the “Lease” or “Agreement”) is made and executed this ____ day of _____, 2022, by and between **PARK CITY MUNICIPAL CORPORATION**, a Utah municipal corporation, (the “City”, “Park City”, or “Landlord”) and **MAIN STREET THAI INC.**, a Utah corporation, **dba BANGKOK THAI ON MAIN** (the “Tenant”) located at 605 Main Street, Park City, Utah.

RECITALS

WHEREAS, the City wishes to enable opportunities for restaurants on Main Street to be able to provide additional outdoor dining opportunities; and

WHEREAS, the City’s goals include the establishment of new and creative opportunities to facilitate the Main Street experience for residents and visitors alike during the shoulder and summer seasons; and

WHEREAS, the City’s goals include the preservation and enhancement of Park City’s character regarding Old Town and the desire to strengthen the pedestrian experience along Main Street; and

WHEREAS, the City recognizes the desire of many visitors and residents to dine outdoors along historic Main Street; and

WHEREAS, the City’s General Plan recommends utilizing street design techniques to encourage slower traffic speeds and a more intimate pedestrian-oriented scale; and

WHEREAS, the City’s goals include maintaining and furthering the resort community’s economic opportunities, as well as enhancing the economic viability of Park City’s Main Street Business District.

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

TERMS & CONDITIONS OF LEASE

Based upon good and valuable mutual consideration, the Parties agree as follows:

1. **PROPERTY.** The property affected by this Lease is generally described as the street area and sidewalk directly fronting Tenant’s building located at 605 Main Street, which has a length of 40feet (2 parking spaces), and more specifically described in site plan **Exhibit A**, attached hereto and incorporated herein by this

reference, (the “Premises”). The length of the outdoor dining deck per restaurant may not exceed forty feet (40’).

2. RENT. Annual rent for the use of the street for the deck is TWO THOUSAND ONE HUNDRED SIXTY DOLLARS (\$2,160.00) per parking space of a linear length of 20 feet. The rent total is FOUR THOUSAND THREE HUNDRED TWENTY DOLLARS (\$4,320.00). This rent is for 2022 only. Tenant shall be solely responsible for payment of any and all costs associated with Tenant’s performance under this Lease, including but not limited to additional business licensing fees, insurance, sales taxes and other expenses.
3. TERM. This Agreement shall commence on the 27th day of May and shall terminate on October 30, 2022 (“Term”) unless terminated earlier as provided herein. The Premises may only be utilized for a six (6) month period commencing on MAY 27 2022, and terminating on October 30, 2022, except the Premises may not be used during the 2022 Kimball Arts Festival (August 5, 2022 through August 7, 2022) unless Kimball Art Center consents in writing to allow Tenant to use the Premises. Additional term restrictions are attached hereto and incorporated herein by this reference in **Exhibit B** (Street Dining Operational Restrictions). This Agreement may be terminated by Park City upon a finding of non-compliance of this Agreement or the attached operational restrictions.

The use of the Premises shall not conflict with any previously existing Master Festival License (“MFL”) recipients on Main Street, specifically the Arts Fest (“Kimball Art Center”). The Kimball Art Center has been leased exclusive use of Main Street in August. The Premises must be vacated (i.e., removal of decks) no later than 10:00 a.m. MT on Thursday, August 4, 2022, for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Art Center consents in writing to allow Tenant’s use of the Premises. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant’s cost. **The dates of the 2022 Kimball Arts Festival are subject to change, and as such the vacating of the Premises shall occur at 10:00 a.m. the Thursday prior to the Arts Fest.**

4. MAIN STREET IMPROVEMENTS. If at any time the street dining deck needs to be removed due to construction related to Main Street improvements, the City will give each affected street dining business owner a minimum of seventy two (72) hours to have their decks removed. The City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue.
5. USE OF PREMISES. Tenant may use the Premises only for outdoor dining services in a manner consistent with applicable Summit County health orders, Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. Additional operational restrictions which must be complied with as part of the conditions of this Lease are attached hereto and incorporated

herein in **Exhibit B**. Park City makes no representations regarding the Premises and Tenant accepts the Premises "AS IS."

6. **IMPROVEMENTS TO THE PREMISES.** Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement. No permanent alterations to the City's property are permitted.
7. **SIGNS.** No signs shall be permitted on the Premises except as specifically approved by the Park City Municipal Corporation Planning Department pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.
8. **INSURANCE.** Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least Two Million Dollars (\$2,000,000) per combined single limit per occurrence and Three Million Dollars (\$3,000,000) per aggregate for personal injury, bodily injury and property damage. Park City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Park City's and Park City's insurance shall be non-contributory. A certificate of insurance naming Park City as an additional insured shall be provided to Park City on or before the Lease commencement. Insurance shall be maintained continuously during the term of the Lease and should any of the above described policies be cancelled before the expiration date thereof, Tenant shall deliver notice to Park City within thirty (30) days of cancellation. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act on behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.
9. **HOLD HARMLESS.** Tenant covenants and agrees to defend, indemnify, and hold Park City harmless from all claims, loss, damage, injury or liability (hereafter "Liability") resulting from Tenant's use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq.), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act. In case of an emergency including but not limited to a flood, storm drain, or utility, the structure may be removed or damaged by response teams at the cost of the Tenant.

Tenant shall indemnify, protect and hold the Landlord harmless from and defend (by counsel reasonably acceptable to Landlord) the Landlord against any and all claims, causes of action, liability, damage, loss or expense (including reasonable attorneys' fees and costs and court costs), statutory or otherwise arising out of or incurred in connection with (i) the use, operation, occupancy or existence of the Premises or the presence of visitors, or any other person, at the Premises during the Term, (ii) any activity, work or thing done or permitted or suffered by Tenant in or about the Premises, (iii) any acts, omissions or negligence of Tenant, any person claiming through Tenant, or the contractors, agents, employees, members of the public, invitees, or visitors of Tenant or any other such person ("Tenant Party" or "Tenant Parties"), (iv) any breach, violation or nonperformance by any Tenant Party of any provision of this Lease or of any law of any kind, or (v) except to the extent resulting from any negligence or intentional torts of Landlord.

10. **ASSIGNABILITY.** Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.
11. **PROFESSIONAL PERFORMANCE.** Tenant agrees to perform services under this Agreement at the highest professional standards, and to the satisfaction of Park City.
12. **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument.
13. **ELECTRONIC SIGNATURES.** Each party agrees that the signatures of the parties included in this Agreement, whether affixed on an original document manually and later electronically transmitted or whether affixed by an electronic signature through an electronic signature system such as DocuSign, are intended to authenticate this writing and to create a legal and enforceable agreement between the parties hereto.
14. **APPLICABLE LAW.** This Agreement shall be governed by the laws of the state of Utah.
15. **ENTIRE AGREEMENT.** This Agreement constitutes the entire and only agreement between the parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Tenant:

MAIN STREET THAI INC., a Utah corporation
dba BANGKOK THAI ON MAIN

By: _____

Name Printed: _____

Title: _____

THE CITY REQUIRES THE TENANT TO COMPLETE EITHER THE NOTARY BLOCK
OR THE UNSWORN DECLARATION, WHICH ARE BELOW.

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2022, personally appeared before me _____, who being duly sworn, did say that he/she is the _____ of **MAIN STREET THAI INC.**, a Utah limited liability company, **dba BANGKOK THAI ON MAIN**, and acknowledged to me that the preceding Agreement was signed on behalf of the company, and he/she acknowledged that the company did execute the same for its stated purpose.

Notary Public

I declare under criminal penalty under the law of Utah that the foregoing is true and correct. Signed on the ____ day of _____, 2022, at _____
(insert State and County here).

Printed name _____

Signature: _____

DRAFT

PARK CITY MUNICIPAL CORPORATION,
a Utah municipal corporation

By: _____
Nann Worel, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

City Attorney's Office

DRAFT

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Community & Public Affairs

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Adopt Resolution 10-2022, a Resolution Proclaiming June 2022, as Pride Month in Park City

(A) Public Input (B) Action

Suggested Action:

Attachments:

[Pride Month Staff Report](#)

[Exhibit A: Pride Month Proclamation](#)

City Council Staff Report



Subject: LGBTQ+ Taskforce Update and Pride Month Resolution
Author: Lynn Ware Peek, Leah Langan, Andy Stevenson
Department: Executive, Community Engagement, Transit
Date: May 26, 2022
Type of Item: Administrative

Summary Recommendation

Approve the proposed resolution proclaiming June 2022 as Pride Month in Park City and discuss and consider support for several 2022 Pride Month activations.

Analysis

Since 1999, June has been recognized as Pride month across the United States in memory of the 1969 Stonewall Riots in New York City. Pride month creates visibility for the unique experience of being lesbian, gay, bisexual, transgender, and queer. It celebrates our diversity and serves as a tribute to the community's progress towards full equality. By participating in Pride month, Park City would signal its commitment to including LGBTQ+ individuals, families, and youth in governance and the importance of affirming our cultural diversity. A Pride month resolution directly aligns with the City's Critical Community Priority of Social Equity and is fully supported by Park City Municipal's LGBTQ+ Taskforce.

Park City Municipal and members of the community continue to convene and work collaboratively on advancing several social equity initiatives. The LGBTQ+ Taskforce was initiated in 2020 to help examine and improve practices towards equity and inclusion. The purpose statement of the LGBTQ+ Taskforce is:

We exist to create, maintain, and enliven inclusivity for the LGBTQ+ community in order to help the Wasatch Back become a place where all people feel they belong.

In addition to a formal City Council resolution, the LGBTQ+ Taskforce asks the City Council to exhibit support for the LGBTQ+ Taskforce's following activities:

Pride Month Visibility:

- Recurring Activities from 2021
 - Fly Pride flags ([code](#)) on five city flag poles for the month of June
 - The design is based on the "Progress Pride Flag" designed by Daniel Quasar, and includes colors representing the LGBTQ+ community, people of color, and the transgender community's colors of blue, pink, and white.
 - Install Pride graphics on the exterior of the Trolley for the month of June
 - Design will be consistent with last year's theme; "Ride with Pride"
 - Discussing possible collaboration with High Valley Transit similar to last year.
 - Display posters at the MARC, Library, and City Hall for the month of June
 - Hang Pride banners ([code](#)) on Main Street for the month of June
 - Design is new for 2022 and based on the "Progress Pride Flag"

Community Building:

- Recurring Activities from 2021
 - Host a public flag raising ceremony with the LGBTQ+ Taskforce and City Officials on June 1st
 - The LGBTQ+ Taskforce will host a Pride picnic at Library Field as a safe and celebratory space, in collaboration with Lucky Ones, the Park City Library, and Mountain Town Music on June 25th
 - March in the 4th of July Parade
- New Activities for Pride Month and Summer 2022
 - Establish collaborative partnerships with other organizations, including high school Gay Straight Alliances, Encircle Homes, Equality Utah, Communities that Care, Park City Community Foundation, Sundance Institute, Vail Resorts, Intermountain Hospital, and the Human Library

Awareness

- Recurring Activity from 2021
 - Host a Community Conversation moderated by Mountain Mediation to explore local LGBTQ+ experiences, tentatively on June 14th
- New Activities for Pride Month and Summer 2022
 - Activate the former Maverik gas station or Arts and Culture District with an interactive mural about LGBTQ+ experiences (possibly in partnership with the Kimball Arts Center); during mid – late summer. The mural would be paired with:
 - Education opportunities about the stories & history behind the art
 - An event that showcases the rich heritage of nightlife which fueled queer arts movements
 - Conduct a two-day diversity, equity, and inclusion training by Equality Utah, at the Jim Santy Auditorium, tentatively in mid-July.
 - Return to City Council to discuss, along with additional community organizations, the possible illumination of municipal facilities such as the McPolin Barn.

Conclusion

Expanding the LGBTQ+ Taskforce's activities throughout the summer to include partnerships with stakeholders, showcase queer arts and culture, and expand DEI trainings will further increase awareness, visibility, and participation—all vital outcomes for our LGBTQ+ community and allies.

Department Review

Legal, Executive, Community Engagement, Transit, and Parks Departments

Exhibits

A: Pride Month Resolution



Resolution 10-2022

RESOLUTION PROCLAIMING JUNE 2022, AS PRIDE MONTH IN PARK CITY

WHEREAS, LGBTQ+ Pride month is the positive stance against discrimination and violence toward lesbian, gay, bisexual, transgender, queer, plus (LGBTQ+) people; promotes their self-affirmation, dignity, and equality rights; increases their visibility as a social group; builds community; and celebrates sexual diversity and gender variance.

WHEREAS, Utah Pride began with a small, informal gathering of Salt Lake City's LGBTQ+ community in 1974; and

WHEREAS, Park City welcomes residents and visitors from the LGBTQ+ community, their friends and family members, and straight allies who show their support; and

WHEREAS, Park City honors those in our community who have dedicated their lives to the cause of justice for all people; and

WHEREAS, Park City has committed to learning how to advance inclusion for LGBTQ+ residents by creating and supporting policies and programs that stand against discrimination and promoting equality and opportunity for all members of the LGBTQ+ community; and

WHEREAS, Pride Month is a reminder of how much we have to celebrate, and should prompt us to never let up in our efforts to ensure full equality, inclusion, and empowerment for every member of our LGBTQ+ community.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby proclaim June, 2022 as Pride Month.

PASSED AND ADOPTED this day 26th of May, 2022.

PARK CITY MUNICIPAL CORPORATION

Mayor Nann Worel

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

City Attorney's Office

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Building

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve a Permit Fee Waiver in the Amount of \$50,669.18 for the Park City Fire District
(A) Public Input (B) Action

Suggested Action:

Attachments:

[PCFD Permit Fee Waiver Request Staff Report](#)

[Exhibit A: PCFD Fee Waiver Request Form](#)

[Exhibit B: Fee Breakdown Table](#)



City Council Staff Report

Subject: Park City Fire District Station 34 Permit Fee Waiver Request
Author: Dave Thacker, Chief Building Official
Department: Community Development, Building Department
Date: May 26, 2022
Type of Item: Administrative

Summary Recommendation

Consider a request to approve a permit fee waiver in the amount of \$50,669.18 for the Park City Fire District (PCFD), in accordance with [Municipal Code section 11-12-15](#).

Executive Summary

PCFD has applied for a fee waiver of all Building, Planning, and Engineering Department fees associated with the permit to rebuild station 34 located at 7805 Royal St. Total Building, Planning, and Engineering Department fees are \$50,669.18. [Municipal Code section 11-12-15](#) requires City Council to approve fee waivers above \$25,000 per project.

Consistent with the Administrative Policy for the Adjustment or Waiver of Construction and Development and Impact Fees (Policy), any total waiver of fees more than \$200,000 per fiscal year will require any additional requests to obtain City Council approval. This request will impact fiscal year 2022.

Background

- The current fire station was built in the early 1980's and is deemed to small for the service area, particularly with the increase in high rise structures in the Flagstaff development area. The high-rise structures require larger fire apparatus to fight any fires that may occur.
- The fees for Building, Planning and Engineering Department are calculated according to the cost of providing the services related to the development. Therefore, any waiver of fees would have to be absorbed by the already allocated General Fund.
- This is a rebuild of an existing structure and the size of the proposed structure does not increase the impact fees already paid. As such, there are no additional impact fees required for this renovation.
- On April 13, 2017, the Council adopted the Administrative Policy for the Adjustment or Waiver of Construction and Development and Impact Fees (Policy) and the creation of the Fee Adjustment Committee ([packet, pg 118](#))
- Park City receives Fee Adjustment Applications on an ongoing basis and closely monitors and tracks requests. Significant projects anticipated within the near future include Woodside Park Phase 2 (City project), National Ability Center building at Park City Mountain Resort, and the Intermountain Health Care expansion.

- The fee waiver request of \$50,669.18 would exhaust approximately 25% of the annual Policy for fiscal year 22(\$200,000).
- Current fee waivers awarded to date in fiscal year 22 is \$25,382.64.

Analysis

- The total valuation for the development is \$2,500,000.00. Fees were calculated in accordance with the adopted fee schedule. This is a significant construction project that will require a corresponding amount of staff time from primarily the Building Department, as well as time from the Planning and Engineering Departments.
- A \$50,669.18 decrease in revenue for the Building Department (in a fee waiver) would result in a shortfall absorbed by the general fund or result in a strain on the department budget, whose largest expenditure, like most other departments, is personnel.
- PCFD has provided the attached application describing their contributions to City Council's goals and further justify a fee adjustment.
- This individual request is anticipated to impact fiscal year 2022 (determined by the date the request was received) and would not exceed the fiscal year threshold of \$200,000.

Alternatives for City Council to Consider

- A. Approve:** Approve a fee waiver of \$50,669.18.
- B. Deny:** Deny the request for any waiver and the Park City Fire District will be responsible to pay all calculated fees.
- C. Amend:** Amend the current recommendation.
- D. Continue:** Council may continue the item.

Department Review

The Engineering, Planning, Budget, Legal and Executive Department have reviewed this staff report.

Attachments

- EXHIBIT A Park City Fire District– Fee Adjustment Application
- EXHIBIT B Breakdown of Calculated Fees



Construction and Development Fee Reduction Application Park City Municipal Corporation

Please provide two **(2)** hard copies and an electronic copy of this application and all other requested information to the Building Office.

(1) Applicant Contact Information

Name Park City Fire District Chief Bob Zanetti

Address 736 West Bitner Road
Park City UT 84098

Phone (435) 940-2500 Fax

E-mail bzanetti@pcfd.org

Permit(s) PLAN22-042

(2) Indicate the applicable Criteria for Eligibility:

- ☐ Affordable Housing Project ☐ Non-Profit
- ☐ Project Receiving a Historic District Grant ☐ Youth Group **Public Safety**

(3) Indicate the applicable items for which a waiver is being requested (all that apply):

- ☒ Building Plan Review ☐ Annexation Application Fee
- ☒ Engineering Plan Review ☐ Condo Plat Application Fee
- ☒ Planning Plan Review ☐ Plat Amendment Application Fee
- ☐ CUP Application Fee ☐ Historic District Design Review
- ☐ MPD Application Fee ☐ Water Fees (interior)
- ☒ Building Permit Fee ☐ Water Fees (exterior)
- ☐ Parks, Trails, Open Space, Police, Roadway Facilities
- ☐ Other: Please explain

(4) Projected total of all fees: \$48,485.96

(5) Total construction cost of subject project: \$3,800,000

(6) **Project Description:** Please provide no more than two pages of narrative addressing the following topics.

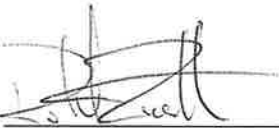
- a) Contributing to a City Council Goals
Traffic Mitigation, Affordable Housing; Green Construction; Decreased
Carbon Emissions; Involved Citizenry; Economic Diversity; Thriving

Mountain Community; Arts & Culture; Preserving and Enhancing the Natural Environment

- b) Description of the Public Benefit
- c) Demonstrated need for a Waiver

(7) Please attached the following documents:

- a) Description of the organization, institution or business entity, how long in business, accomplishments to date, key personnel in organizational leadership. (Information may include partner entities that support or share in the mission of the applicant organization.)
- b) Organizational governing documents such as business license, by-laws, and/or incorporation documents.
- c) Financial information for your organization including current budget, 2 years of financial statements such as Balance Sheet, Income Statement, Statement of Financial Position, Activity Statement, etc. or include Independent Auditors' Reports.

Signed: 

Date: 3/15/22

Park City Fire District Station 34 Rebuild

6. The Park City Fire District is in the process of demoing and rebuilding fire station 34 located at 7805 Royal Street. As the community has grown in that area, it has become evident that the current station is too small to contain the vehicles and equipment necessary to provide the required fire and EMS services to the Upper Deer Valley communities.

PCFD is requesting that the fees associated with this construction project and charged by Park City Municipal be waived because this is a public safety building that directly affects the safety of the surrounding community.

The new station will be staffed by four firefighters and will be able to house a fire engine, a ladder truck, and an ambulance. Due to the increase in buildings higher than 30 feet in the Upper Deer Valley area, a ladder truck is needed to provide fire protection. The current station is too small to house a typical ladder truck.

The new station will also feature reduced energy requirements. LED lighting will be used throughout the building. HVAC systems were chosen and designed based on their ability to use less energy. Insulation, building materials, and windows were chosen to allow for better heat retention in the winter and better cooling in the summer.

PCFD appreciates the consideration given to this project. Thank you.

EXHIBIT B

7805 Royal St. Station 34 (Permit 22-042)

Building Fees	
\$25,000.00	Building Permit
\$16,250.00	Plan Check
\$316.83	State Fee
\$3,188.95	Electrical Valuation Fee
\$1,643.35	Mechanical Valuation Fee
\$1,850.55	Plumbing Valuation Fee
\$2,419.50	L.O.D. Trust and Agency
\$50,669.18	Total

City Council Staff Report



Subject: National Ability Center's Mountain Center Subdivision
Author: Alexandra Ananth, Sr. Planner
Date: May 26, 2022
Type of Item: Administrative – Subdivision

Recommendation

(1) Review the National Ability Center's Mountain Center Subdivision; (2) hold a public hearing; and (3) consider approving Ordinance 2022-14, an Ordinance approving the Mountain Center Subdivision, Park City, Utah, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: National Ability Center (NAC)
Location: 1431 Lowell Avenue, Park City Mountain Resort
Zoning District: Recreation and Open Space
Adjacent Land Uses: Resort, Open Space, Commercial, Residential
Reason for Review: Subdivisions require Planning Commission recommendation and City Council action¹

Abbreviations

CUP	Conditional Use Permit
LMC	Land Management Code
NAC	National Ability Center
PCMR	Park City Mountain Resort
ROS	Recreation and Open Space

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The Applicant proposes to create one Lot of Record for the National Ability Center's Mountain Center operations building, at the base of Park City Mountain Resort (PCMR). The Lot is located in the [Recreation and Open Space](#) (ROS) District and will continue to be owned by VR CPC Holdings Inc., but will be leased to the NAC for the construction and use of their new Mountain Center operations building.

The Planning Commission held a public hearing on April 27, 2022, and unanimously voted to recommend the Subdivision to the City Council ([Staff Report](#); [Audio](#)) for approval. In addition to the Subdivision, the building requires a Conditional Use Permit (CUP) as a Ski Base Facility building, greater than 600 sq. ft. The Planning Commission

¹ LMC [§ 15-7.1-2\(B\)](#).

held a public hearing on the CUP also on April 27, 2022, and unanimously voted to approve the CUP with Conditions (Exhibit F).

Background

The National Ability Center is seeking to construct a new operations building to replace the existing office trailer located at PCMR. The Applicant is seeking to create a Lot of Record for the new building, requiring a Subdivision.

The existing NAC trailer located on PCMR property is approximately 1,800 square feet and has reached the end of its useful life. The new building is 9,410 square feet and will include a check-in area and waiting lounge, ADA accessible restrooms, a fit room for program participants, equipment storage, and facilities for training and education.

The Planning Commission held a Work Session for this project on March 23, 2022, ([Staff Report](#); [Minutes](#) p. 3-10). At the Work Session the Planning Commission discussed that although the site is in the Sensitive Lands Overlay (SLO), since the site has previously been disturbed, and is not a Steep Slope, Ridgeline, wetland or stream corridor, or wildlife habitat area, a SLO submittal would not be required for this application.

The proposed Lot is not a development parcel subject to the 1998 Park City Mountain Development Agreement (DA), and this Subdivision does not amend the DA, or have any bearing on other applications under the DA (Finding of Fact 4).

Analysis

The Planning Commission holds a public hearing and makes a recommendation to City Council; the City Council reviews and acts on Subdivision Plats.²

(I) The proposed Subdivision complies with the [Recreation and Open Space](#) (ROS) Zoning District requirements.

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

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

The NAC is seeking a one lot Subdivision to create a lot for the location of their proposed Mountain Center operations building. There is no Minimum Lot Size in the

² LMC [§ 15-7.1-2](#).

Building Setbacks are 25-feet from all property lines and public Right-of-Way. The CUP Application complies with all Setback and Building Height requirements.

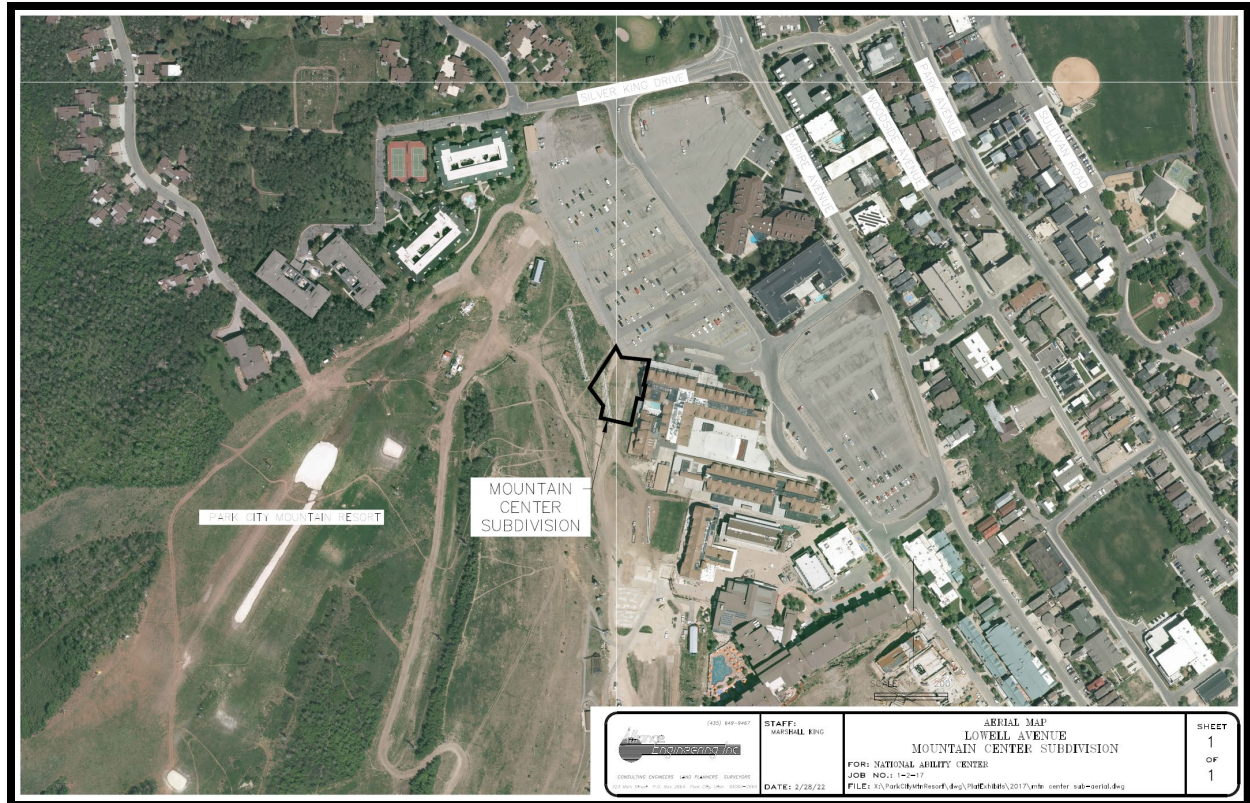


Figure 1: Applicant's Aerial Map showing the location of the Mountain Center Subdivision.

Vehicular access to the site is via the Resort's existing surface parking lot (at the top of the First-Time lot) immediately west of the entrance driveway to the garage underneath the Resort Center Condominiums, and includes a new 70-foot cul-de-sac turnaround with four short-term parking stalls for NAC drop-off and loading including one ADA Van accessible stall.

The Applicant has submitted a draft (unsigned) Easement Agreement between VR CPC Holdings Inc., the Resort Center Condominium Owners Association, and the NAC, collectively referred to as the "Parties," allowing for access and utilities in the easement area. The applicant is continuing to negotiate the final easement with the Resort Center Condominiums and VR CPC Holdings, Inc., but access to the NAC lot is not expected to change. Staff Recommends Condition of Approval 4, requiring that the final access and utilities be reviewed and approved by the Park City Fire District, City Engineer, and City Attorney, as a condition precedent to plat recordation.

Under the existing conditions of the PCMR surface parking lots, the project requires the extension of the existing access lane (noted as "Fire Access Lane" in Figure 4 below) to the NAC site. This includes the removal and replacement of five Resort parking stalls at the top of the First-Time parking lot (see Figure 4).

If the PCMR base mountain development project (PEG) is approved as currently proposed, no parking would be removed as all parking would be in garage structures, and access to the site would not change for vehicles or pedestrians except that PEG's plan includes a 12-foot wide Multi-Use Path on the north side of Shadow Ridge Extension (not currently shown in Figure 5 below but shown in Figure 6), which would formalize and improve access to the proposed Lot.

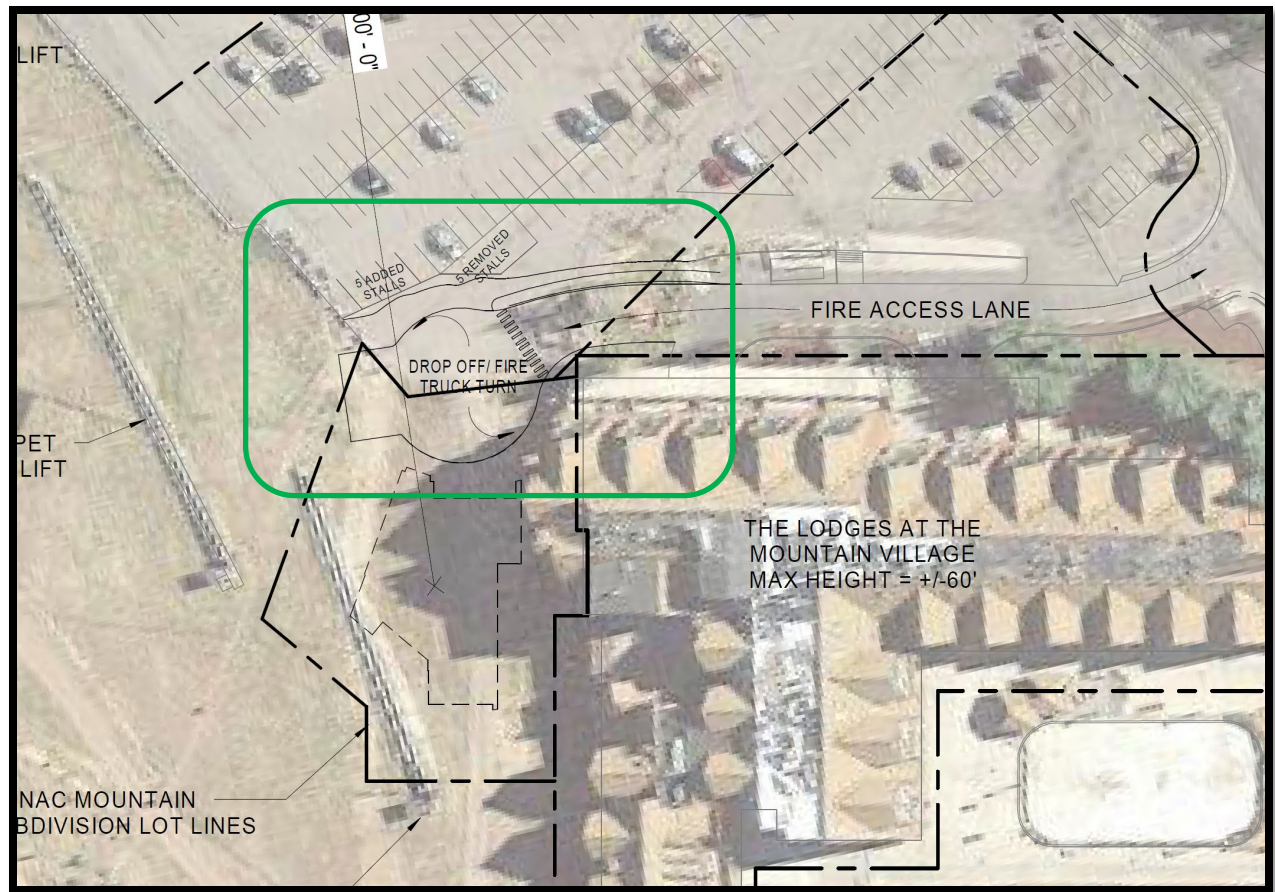


Figure 4: Applicant's proposed access under existing conditions. The area outlined in green shows the extension of the existing fire access lane to the NAC drop-off area and Firetruck turnaround.



Figure 5: Applicant's proposed access under PEG's proposed plans (although the turnaround area has since been reconfigured from a hammerhead to a cul-de-sac shape and a 12-foot wide Multi-Use Path has been added along Shadow Ridge Extension from Lowell Avenue to the NAC).

Under existing conditions, parking for the use would be accommodated in the Resort's handicap and regular parking stalls, as is the current operation. If the PEG project is approved, parking would occur in the Resort's garages, both in the handicap and general-purpose parking stalls. The garage under proposed Building B would be the most proximate to the NAC, with elevator access to Lowell Avenue. NAC guests would then cross Lowell Avenue and Shadow Ridge to the proposed Multi-Use Trail/sidewalk shown in green in Figure 6 below, to access the NAC Lot.

Under existing conditions at the base area, there are few sidewalks, and the bus stop lacks handicap access into the base area village. If the PEG project is approved the bus stop would be improved to include handicap access into the base area village and the sidewalk infrastructure will be improved.

Staff notes that as the Applicant is minimally extending an existing drive lane for access to the Lot, and the NAC project should not significantly limit a redesign of the PEG project.



Figure 6: PEG's proposed pedestrian access plan showing a Multi-Use Trail connecting the garage to the NAC Lot (indicated with a red star).

Per LMC [§ 15-3-6\(B\)](#) and [§ 15-4-18](#), Ski Base Facility Uses do not have a specific parking calculation per the table in [§ 15-3-6\(B\)](#), but are required to present a parking, traffic, and transportation plan for review and approval by the Planning Commission.

The NAC has indicated that on average they have approximately 20 participants in the morning and 20 participants in the afternoon. They typically have 30 total staff and volunteers on site. 75% of staff park in the parking lots at PCMR (approximately 20 stalls) and 25% of staff walk or take the bus to the resort. On a typical day, the NAC also uses up to 20 handicap parking stalls at the Resort.

At the Work Session on March 23, 2022, the NAC stated that the new building, although significantly larger in size than the existing trailer, is needed to operate the NAC's programs and store specialized equipment and is not necessarily about increasing the number of participants served.

The NAC submitted a Parking Plan (Exhibit D) indicating that NAC employees and participants have used the free Resort parking for the past 37 years. Upon completion of the new operations building, in addition to Resort parking, they plan to operate shuttles from their Quinn's Junction location to the Resort, for staff and program participants, which could significantly reduce their parking demand at the Resort.

(II) Staff recommends Conditions of Approval to comply with LMC § 15-7.3-2, [General Subdivision Requirements](#).

The Planning Commission and City Council have the authority to regulate the Subdivision of land and to attach reasonable conditions to the Subdivision.³ The Planning Commission also must take into consideration requirements of the Land Management Code, the General Plan, and Sensitive Lands Overlay, including the topography and natural features of the Property.

Land Management Code [§ 15-7.3-2](#) requires the following for Subdivisions:

Requirement	Proposal
The Subdivision name must not duplicate the name of any other Subdivision in Summit County	Complies Staff confirmed with Summit County that <i>Mountain Center Subdivision</i> does not duplicate any existing Subdivision names.
Limits of Disturbance	N/A The entire Lot has been previously disturbed, and the Planning Department is not recommending Limits of Disturbance.
Roads and Utility Lines	Condition of Approval The extension of the roadway access and all new utility lines shall be designed to

³ LMC [§ 15-7-6](#).

	work with the grade and meet City Engineering Department requirements.
Open Space	N/A There are no Open Space requirements in the ROS Zoning District.
Drainage Ways	Condition of Approval Drainage shall be designed and maintained to meet the requirements of the City's Engineering Department.
Soil conditions and groundwater existence shall be considered	Condition of Approval The property is not within the Soils Ordinance. If the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
Architectural Standards	Complies The proposed structure meets the City's Architectural Design Guidelines.
Fire Sprinkling	Condition of Approval Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.

(III) Staff recommends Conditions of Approval to comply with LMC Section 15-7.3-3, [General Lot Design Requirements](#).

Land Management Code [§ 15-7.3-3](#) requires the following for Subdivisions:

Requirement	Proposal
The Lot arrangement shall be such that there will be no foreseeable difficulties in providing reasonable driveway Access	Complies The proposed Subdivision allows for reasonable driveway Access.
The building envelope shall minimize disturbance of existing vegetation	N/A There is no Significant Vegetation on the proposed Lot.
Square Footage, Building Height, and Lot Size	Complies There is no square footage or Lot Size restrictions in the ROS Zoning District. The building will comply with the maximum allowed Building Height for the ROS Zoning District.
Lot drainage shall be laid out to provide positive drainage away from all Buildings in accordance with the International Building Code	Condition of Approval Drainage shall be designed and maintained to meet the requirements of the City's Engineering Department.

Limits of Disturbance and Vegetation Protection	Condition of Approval The entire Lot has been previously disturbed, and the Planning Department is not recommending Limits of Disturbance.
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(IV) There is Good Cause for the Mountain Center Subdivision because the subdivision creates a Lot of Record and allows the NAC to exercise a long-term lease with the Resort for the construction of their Mountain Center operations building which serves a need in the Park City community.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.⁴ Land Management Code [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include things such as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and Park City and furthering the health, safety, and welfare of the Park City community.”

Staff finds Good Cause for this Subdivision as the creation of the Lot will allow for the NAC to finance and construct their new Mountain Center operations building, replacing the existing trailer which has exceeded its useful life, and allowing for needed space in which to operate their programs. The Lot will be owned by VR CPC Holdings, Inc., and leased to the NAC. The Lot meets all LMC ROS, and Subdivision requirements and staff is recommending Conditions of Approval in the proposed draft Ordinance to mitigate any real or perceived issues. (Exhibit A).

Department Review

The Development Review Committee, including Planning, Engineering, and Legal Departments reviewed this application on March 15, 2022, and did not identify any significant issues of concern.

Public Input

Public input received to date is attached as Exhibit E. The applicant is working with VR CPC Holdings, Inc., and the Resort Center Condominiums to address the Resort Center Condominiums’ concerns.

Exhibits

- Exhibit A: Ordinance 2022-14
- Exhibit B: Applicant’s Project Intent
- Exhibit C: Unsigned Access and Utilities Easement
- Exhibit D: Applicant’s Parking Plan

⁴ LMC [§ 15-7.1-6\(C\)](#)

Exhibit E: Public Input
Exhibit F: CUP Final Action Letter

Ordinance No. 2022-14

**AN ORDINANCE APPROVING THE MOUNTAIN CENTER SUBDIVISION, LOCATED
AT
1431 LOWELL AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 1431 Lowell Avenue petitioned the City Council for approval of the Mountain Center Subdivision to create a 0.47-acre Lot for the National Ability Center's Mountain Center operations building; and

WHEREAS, on April 13, 2022, the *Park Record* published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on April 13, 2022, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on April 27, 2022, the Planning Commission reviewed the proposed Mountain Center Subdivision and held a public hearing; and

WHEREAS, on April 27, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on May 26, 2022; and

WHEREAS, on May 26, 2022, the City Council reviewed the Mountain Center Subdivision and held a public hearing; and

WHEREAS, the Mountain Center Subdivision is consistent with the Park City Land Management Code, including Chapters 15-2.7, and Sections 15-7.3-2 and 15-7.3-3.

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

SECTION 1. APPROVAL. The Mountain Center Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. Applicant proposes to create one Lot of Record for the National Ability Center's Mountain Center operations building at the base of Park City Mountain Resort.
2. The Lot is located in the [Recreation and Open Space](#) (ROS) Zone and the Sensitive Land Overlay.
3. The Lot will continue to be owned by VR CPC Holdings, and will be leased to the Nation Ability Center.

4. The Lot is not a development parcel subject to the 1998 Park City Mountain Development Agreement (DA) and this Subdivision does not amend the DA or have any bearing on other applications under the DA.
5. The existing NAC trailer located on PCMR property is approximately 1,800 square feet and has reached the end of its useful life.
6. The new building is 9,410 square feet and will include ADA accessible restrooms, a fit room for program participants, storage for specialized equipment, and facilities for administration, training, and education.
7. The proposed Subdivision complies with the purposes of the Recreation and Open Space Zoning District, and Sensitive Land Overlay.
8. There is no Minimum Lot Size in the ROS Zoning District. The proposed lot is 20,457 square feet (.47 acres).
9. The proposed Subdivision complies with Land Management Code Section 15-7.3-2, as outlined in the staff report, and conditioned below.
10. The proposed Subdivision complies with Land Management Code Section 15-7.3-3, as outlined in the staff report, and conditioned below.

Conclusions of Law

1. There is Good Cause for this Subdivision because it will allow for the construction of the NAC's Mountain Center operations building, which serves a need in the community.
2. The Subdivision complies with Land Management Code Chapters 15-2.7, and 15-2.21, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the Subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval will be void, unless the Applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The City Engineer shall review and approve all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards as a condition precedent to building permit issuance.
4. Final utility and access shall be reviewed and approved by the Park City Fire District, City Engineer and City Attorney as a condition precedent to plat recordation.

5. The property is not located within the Soils Ordinance and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
6. The proposed structure must meet the City's Architectural Design Guidelines.
7. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.

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

PASSED AND ADOPTED this 26th Day of May, 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

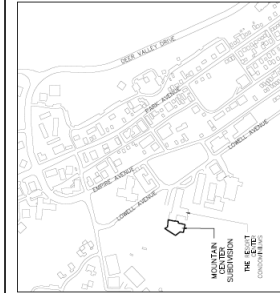
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Attachment A: Mountain Center Subdivision



VICINITY MAP



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SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land described in the foregoing plat, and that the same has been correctly surveyed and computed in accordance with the laws of the State of Utah.

BOUNDARY DESCRIPTION

A portion of the land located in the northeast corner of the northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, containing 0.10 acre, more or less, being a portion of the land described in the plat shown to me by the owner of the land described in the foregoing plat, and that the same has been correctly surveyed and computed in accordance with the laws of the State of Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land described in the foregoing plat, and that the same has been correctly surveyed and computed in accordance with the laws of the State of Utah.

By _____, a duly qualified surveyor

ACKNOWLEDGMENT

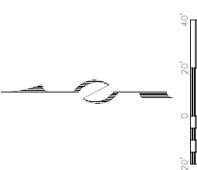
STATE OF _____
COUNTY OF _____

On this _____ day of _____, 2022,
I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land described in the foregoing plat, and that the same has been correctly surveyed and computed in accordance with the laws of the State of Utah.

By _____, a duly qualified surveyor
Typed Name _____
Resides in _____
My certificate expires _____
Commission No. _____

NOTES

- This subdivision plat is subject to the conditions of approval in Ordinance 2022-____.
- This subdivision plat is subject to the conditions of approval in Ordinance 2022-____.



MOUNTAIN CENTER SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

STREETS	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	ENGINEER'S CERTIFICATE	RECORDED
RECEIVED FOR COMPLIANCE TO SUTTERVILLE PLANNING DISTRICT RELOCATION DEEDS STAKES ON THE 1st OF _____, 2022	RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS 1st OF _____, 2022	FILED BY MY OFFICE THIS 1st OF _____, 2022	APPROVED AS TO FORM THIS 1st OF _____, 2022	APPROVED AS TO ACCEPTANCE BY THE PARK CITY COUNCIL THIS 1st OF _____, 2022	APPROVED BY THE PARK CITY COUNCIL THIS 1st OF _____, 2022	FILED BY MY OFFICE THIS 1st OF _____, 2022	RECORDED AT THE CLERK'S OFFICE OF THE COUNTY OF SUMMIT, UTAH THIS _____ DAY OF _____, 2022

MOUNTAIN CENTER SUBDIVISION

March 1, 2022

This subdivision plat application proposes to create one lot of record for the new National Ability Center Mountain Center building. The new building will replace the existing trailer in which The National Ability Center currently operates. The new building will be located north of the current location adjacent to the base parking lots and The Resort Center Condominiums Phase 1B and will provide better access for the participants of the National Ability Center winter programs.

After Recording Return to:

Brownstein Hyatt Farber Schreck, LLP
410 17th Street, Suite 2200
Denver, CO 80202
Attn: Ashley B. Wingfield

ACCESS AND UTILITIES EASEMENT AGREEMENT

ACCESS AND UTILITIES EASEMENT AGREEMENT (this “**Agreement**”) is made as of _____, 2022 (the “**Effective Date**”), by and between VR CPC HOLDINGS, INC., a Delaware corporation (“**Vail**”), NATIONAL ABILITY CENTER, a Utah non-profit corporation (“**NAC**”), and THE RESORT CENTER CONDOMINIUM OWNERS ASSOCIATION, a Utah non-profit corporation (“**RCC**”). Vail, NAC and RCC are each individually referred to herein as a “**Party**” and collectively as the “**Parties**.”

RECITALS

A. Vail is the owner of certain real property situated in Park City, Summit County, Utah as more particularly described on **Exhibit A** (the “**Vail Parcel**”).

B. Vail is also the owner of certain adjacent real property situated in Park City, Summit County, Utah, as more particularly described on Exhibit B (the “**NAC Parcel**”), of which NAC is the ground lessee.

C. RCC is the owners association representing the owners of the condominium units, and the entity that owns or is responsible for the management, maintenance and repair of certain common elements, including without limitation the parking garage, located upon the real property situated in Park City, Summit County, Utah, as more particularly described on **Exhibit C** (the “**RCC Parcel**” and together with the Vail Parcel and the NAC Parcel, the “**Parcels**” or each individually a “**Parcel**”).

D. Vail is the operator of Park City Mountain Resort, which property abuts the Parcels (the “**Ski Slope**”).

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Grant of Easements.** Subject to the terms of this Agreement, each Party hereby grants all other Parties and their respective Permittees the following perpetual, non-exclusive easements to the extent the easement area (the “**Easement Area**”) depicted on **Exhibit D** (the “**Site Plan**”) is now or hereafter located on its Parcel: pedestrian access across all sidewalks now or hereafter existing in the Easement Area and vehicular access across (but not parking on) all roadways now or hereafter existing in the Easement Area, for the purpose of ingress and egress, and emergency

life safety and fire access, between the grantee Party's Parcel (and the Ski Slope, in the case of Vail and its successors and assigns) and sidewalks and roadways adjacent to the Easement Area, and for the placement and use of utility lines beneath the same, as the same may exist on the date hereof or otherwise in such locations as are reasonably approved by Vail in advance. Vail's use of the Easement Area may include any items necessary for the use, operation and maintenance of the Ski Slope, including without limitation large-scale construction vehicles, vehicles transporting large-scale equipment, mountain operations vehicles, life safety vehicles and equipment and snowcats. The foregoing easement shall be deemed to include the volume of existing pedestrian and vehicular traffic, as well as any increases in the same that may arise in the future, including without limitation as the result of any modification or redevelopment of any Parcel or the Ski Slope. As used herein, the term "**Permittees**" means the current and future owners, tenants, subtenants, and occupants of any Parcel, their respective employees, agents, customers, guests, invitees, licensees, concessionaires, and contractors, and any guests, employees, agents customers, invitees, licensees, concessionaires and contractors of Park City Mountain Resort. NAC shall install and pay for the improvements depicted on the Site Plan which are not already constructed on the Parcels pursuant to separate construction easements or other agreements. NAC shall install such improvements in accordance with plans and specifications reasonably approved by Vail and all applicable governmental authorities. The improvements in the Easement Area may be further modified by Vail or its successors and assigns. Except for modifications contemplated by the foregoing, no Party or Permittee shall be permitted to maintain or construct any building or barrier that would limit or otherwise unreasonably interfere with pedestrian or vehicular access in the Easement Area, except as may be approved by Vail, including temporary obstructions or closures in connection with the construction, maintenance, repair or replacement of sidewalks, roadways, curbs, gutters or other improvements in the Easement Area.

2. **Maintenance and Repair.** Unless otherwise agreed to in writing by Vail and another Party, Vail (or its designee, or its successors or assigns as more particularly set forth below) shall maintain, repair and replace the sidewalks, curbs, gutters, and roadway within the Easement Area, including without limitation refuse, snow and ice removal, all according to such standards as Vail determines is appropriate under the circumstances in its sole and absolute discretion. Each Party shall be responsible for one-third of the cost therefor, and RCC and NAC shall each reimburse Vail for their respective share within 30 days following receipt of written request; provided, however: (a) each Party shall be solely responsible to maintain, repair and replace utility lines serving its Parcel, including the repair of any sidewalk, curb, gutter or roadway improvements damaged in connection with the performance of the same; (b) NAC shall be solely responsible to repair or replace any such improvements constructed by NAC for a period of two years thereafter (or such longer warranty period as may be applicable pursuant to the plans and entitlements therefore); and (c) each Party shall be solely responsible to promptly repair any damage to improvements in Easement Area caused by the intentional or negligent acts of a Party or its Permittees. Each Party hereby grants the other Party an easement over its Parcel for the purpose of performing such maintenance, repair and replacement. In the event any Party fails to timely pay any bill, the unpaid amount shall bear interest at the rate of 10% per annum (or such lesser amount as is the maximum rate permitted by applicable law) from the due date until the date such amount is paid in full. Notwithstanding anything in this Agreement to the contrary, in any event where maintenance, repair or replacement of any improvements in the Easement Area is the responsibility of a Party other than Vail, such Party shall provide reasonable prior notice to Vail, and Vail may elect to perform any or all of such maintenance, repair or replacement at such Party's

expense. Each Party agrees to carry and provide proof of such liability and property insurance as reasonable required by Vail and waives on behalf of its respective insurers any right of subrogation which might otherwise exist. In the event of a casualty on any Parcel, then at Vail's option in its sole and absolute discretion either Vail may elect to repair and restore the improvements on such Parcel, in which event all insurance proceeds related to the damage to such improvements shall be assigned to Vail for such purpose; provided, however at Vail's election the Party that originally installed such improvements shall be responsible for such repair and replacement at such Party's expense.

3. **No Parking.** This Agreement does not grant any Party or its Permittees the right to stop, loiter, drop-off, or park in the Easement Area. Notwithstanding the foregoing, NAC and its Permittees may utilize the parking spaces on the NAC Parcel noted on the Site Plan as the "Ski-Slope Adjacent Parking Spaces" (the "**NAC Spaces**"); provided, however, such NAC Spaces may not be utilized beginning each year on the day following closing day of Park City Mountain Resort until the day Park City Mountain Resort opens for the winter ski season, except as expressly approved in writing by Vail and pursuant to a parking management system acceptable to Vail, to ensure Vail has continuous, uninterrupted vehicular access to and from the Ski Slope. Also notwithstanding anything in this Agreement to the contrary, NAC shall be solely responsible for payment of the cost to maintain, repair and replace the NAC Spaces (as allocated by Vail in its reasonable discretion) and Vail shall have the right from time to time in its sole and absolute discretion, upon prior notice to NAC, to elect to have NAC maintain, repair and replace the NAC Spaces for so long as Vail elects.

4. **Event of Default; Remedies.**

(a) **Event of Default.** If a default occurs, beyond any applicable notice and cure period, each non-defaulting Party shall have the right (but no obligation) to seek all remedies available under this Agreement or at law or in equity. If a specific notice and cure period is not otherwise provided for in this Agreement, the defaulting party shall have 10 days after receipt of notice to cure any monetary default, failure to maintain insurance or failure to provide an estoppel and shall have 30 days after receipt of notice to cure all other defaults. Without limiting the foregoing, the Parties agree that irreparable harm would occur in the event that any of the agreements and provisions of this Agreement are not performed fully by the Parties in accordance with their specific terms or conditions or are otherwise breached, and that money damages are an inadequate remedy for breach of this Agreement because of the difficulty of ascertaining and quantifying the amount of damage that will be suffered by the parties hereto in the event that this Agreement is not performed in accordance with its terms or conditions or is otherwise breached. It is accordingly hereby agreed that the Parties shall be entitled to an injunction or injunctions to restrain, enjoin, and prevent breaches of this Agreement by the other parties and to enforce specifically such terms and provisions of this Agreement, such remedy being in addition to and not in lieu of, any other rights and remedies to which the other parties are entitled to at law or in equity. The Parties hereby waive the right to recover special, consequential and punitive damages from the other Parties (except in connection with third-party claims therefor for which a Party seeks indemnification hereunder).

(b) **No Waiver.** The failure by a Party to enforce a breach of this Agreement shall not be construed as a waiver of the right to enforce such breach at a later time or to enforce any other

breach, and any waiver must be expressly evidenced in writing by the part against which the waiver is claimed.

(c) No Termination for Default. No default hereunder shall entitle any Party to cancel, rescind, or otherwise terminate this Agreement. No breach hereunder shall defeat or render invalid the lien of any mortgage upon any Parcel made in good faith for value, but the provisions hereof shall be binding upon and effective against any successor-in-interest of a Party as to its applicable Parcel, including without limitation a successor whose interest in a Parcel is acquired by foreclosure, trustee's sale, or otherwise.

(d) Limitation on Liability. Notwithstanding anything to the contrary in this Agreement, it is understood and agreed that the recourse of any Party, or their successors or assigns, against any other Party with respect to an alleged breach under this Agreement shall extend only to such Party's interest in its respective Parcel and the rents, revenues, casualty and insurance proceeds derived therefrom, and not to any other real property, personal property, or other assets of any kind or nature of such Party, or its current or former members, or any of the current or former directors, officers, employees, agents, members, or partners thereof, and, except to the extent of such Party's interest in its Parcel and the rent, revenues, casualty and insurance proceeds derived therefrom, no personal liability of any sort with respect to any of its obligations under this Agreement or any alleged breach hereof is assumed by, or shall be asserted or enforceable against, such Party or any current or former members thereof, or any of the respective current or former directors, officers, employees, agents, members, or partners thereof.

5. Mountain Activities. The Parties are hereby advised of and Vail hereby discloses the following matters affecting the Parcels:

(a) Mountain Activities. The Parcels located adjacent to or in the vicinity of areas used for skiing and snowboarding, biking, hiking, all-season recreational purposes and other Mountain Activities (as defined below) (the "Mountain Recreational Areas"). The Mountain Recreational Areas are expected to generate an unpredictable amount of visible, audible and odorous impacts and disturbances from activities relating to the construction, operation, use and maintenance of the Mountain Recreational Areas (the "Mountain Activities"). The Mountain Activities may include, without limitation: (a) movement and operation of passenger vehicles (including, without limitation, buses, vans and other vehicles transporting passengers over adjacent streets and over, around and through the Mountain Recreational Areas), commercial vehicles, and construction vehicles and equipment; (b) activities relating to the construction, operation and maintenance of roads, trails, ski trails, skiways and other facilities relating to the Mountain Recreational Areas (including, without limitation, tree cutting and clearing, grading and earth moving and other construction activities, construction, operation and maintenance of access roads, snow-making equipment, chairlifts, gondolas, busses or other transportation systems, operation of vehicles and equipment relating to trash removal, snow removal, snow grooming, and over-the-snow or over-the-terrain transportation purposes, and operation of safety and supervision vehicles); (c) activities relating to the use of the Mountain Recreational Areas (including, without limitation, skiing, snowboarding, ski-patrol activities, and other over-the-snow activities, hiking, horseback riding, alpine slide, zipline, bicycling and other recreational activities); (d) ski racing and organized events and competitions relating to the activities described in clause (c) above; (e) concerts, festivals, art and other shows and displays, fireworks displays, outdoor markets and other performances and special

events; (f) restaurants, clubs, restrooms and other public use facilities; (g) intentionally omitted; (h) public parking facilities, parking garages, and the traffic related thereto; (i) exterior lighting as necessary for the above activities, both temporary and permanent; and (j) other activities permitted by law. The Mountain Activities may occur during daytime and nighttime and may be temporarily or permanently interrupted, discontinued or modified by Vail, in whole or in part, from time to time.

(b) Construction Activities. The Parcels are located in an area that is subject to or near ongoing construction activities (collectively, the “**Construction Activities**”). The Construction Activities are expected to generate an unpredictable amount of visible, audible and odorous impacts and disturbances. The Construction Activities may include, without limitation: (a) construction traffic (including, without limitation, construction vehicles, equipment and vehicles used or owned by Vail, its affiliates, adjacent landowners, and the employees, agents and contractors of any of them); and (b) construction activities (including, without limitation, grading, excavation, clearing, site work, relocation of roadways and public utilities and construction of improvements and parking facilities, including parking garages) relating to nearby properties or the Mountain Recreational Areas.

(c) Commercial Activities. A variety of commercial activities (the “**Commercial Activities**”) are and may be conducted nearby and adjacent to the Parcels (the “**Commercial Activity Areas**”) after the Effective Date for an indefinite period of time. The Commercial Activities are expected to generate an unpredictable amount of visible, audible and odorous impacts and disturbances. The Commercial Activities may include, without limitation: (i) operation of full-service hotel(s) and/or timeshare, vacation club or similar facilities, any of which may include health spa(s) with associated swimming pool(s) and other indoor or outdoor recreational facilities; (ii) meetings, conferences, banquets and other group events; (iii) sales and rentals of clothing, skis, ski-related equipment, other over-the-snow equipment, bicycles, and other recreational equipment; (iv) sales of tickets for chairlifts, gondolas, other transportation systems, and other activities and events conducted on the Mountain Recreational Areas; (v) indoor and outdoor restaurant and bar operations (including, without limitation, the sale of food and alcoholic and non-alcoholic beverages for on-site and off-site consumption and preparation of hot and cold food (through the use of barbecue grills, fire pits and other smoke and/or odor producing means) and beverages at indoor and outdoor facilities on and immediately adjacent to the Parcels; (vi) sales of services relating to skiing, other over-the-snow activities, and other recreational activities (including, without limitation, tuning, waxing, repairing, mounting of bindings on, renting, storing and transporting skis, snowboards and similar equipment, ski schools and other forms of individual and group lessons, tours and excursions); (vii) public use of the Parcels for access to the Mountain Recreational Areas, vehicle passenger drop-off and pick-up, locker room, changing room, rest room and lounge purposes in designated areas, and short-term clothing and equipment storage; (viii) parking activities (including, without limitation, activities relating to valet parking or parking relating to adjacent properties); (ix) the installation, operation and maintenance of illuminated and non-illuminated signage; (x) concerts and other outdoor and indoor entertainment, performances and special events, including the playing of live or recorded music through speakers or amplifiers; and (xi) any other uses or activities permitted by law.

(d) Amenities Activities. A variety of activities (the “**Amenities Activities**”) are to be conducted nearby and adjacent to the Parcels for indefinite period of time (the “**Amenities Activity**”).

Areas”). The Amenities Activities are expected to generate an unpredictable amount of visible, audible and odorous impacts and disturbances. The Amenities Activities may include, without limitation, swimming pools, saunas, steam rooms, hot tubs, cold tubs, recreation facilities, fitness facilities, locker and changing rooms, bowling lanes, and other indoor and outdoor activities and services.

(e) **Waiver and Release.** The Parties acknowledge that the Mountain Activities, the Construction Activities, the Commercial Activities and the Amenities Activities, and the impacts and disturbances generated by the Mountain Activities, the Construction Activities, the Commercial Activities and the Amenities Activities, may occur in and around the Parcels, and may occur during daytime and nighttime and may be temporarily or permanently interrupted, discontinued or modified, in whole or in part, from time to time. The Parties agree that they shall not have the right to rescind this Agreement or to claim any breach of this Agreement on account of the existence, occurrence, or the temporary or permanent interruption, discontinuance or modification of the Mountain Activities, the Construction Activities or the Commercial Activities and such impacts and disturbances, or the reconfiguration of the Mountain Recreational Areas, the Commercial Activities Areas or the Amenities Activities Areas. The Parties shall not be allowed to object to the volume of traffic and use of any of the Easements due to any future construction.

6. **Release and Indemnity.** Subject to the construction obligations expressly stated in this Agreement, each Party accepts the Easements to which it is a benefited Party in their respective “AS IS” CONDITION, WITH ALL FAULTS, WITHOUT WARRANTY OF ANY KIND, INCLUDING, BUT NOT LIMITED TO ANY WARRANTY OF HABITABILITY, QUALITY, IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY GENERAL OR PARTICULAR PURPOSE. Each Party shall indemnify, defend (at the indemnitee’s election, with counsel acceptable to the indemnitee) and hold free and harmless (“**Indemnify**”) Vail from and against all losses, liabilities, damages, claims, actions, causes of action, debts, costs and expenses (including reasonable attorneys’ fees and court costs at the trial and appellate levels) (“**Claims**”) incurred or suffered by Vail arising out of, relating to, or in any way connected with any bodily injury, death or tangible property damage suffered by such Party or its Permittees, arising solely as a result Vail’s ownership of the Easement Area or the performance of its obligations hereunder, and each Party shall also Indemnify the other Parties from and against all Claims related to mechanics liens or threats thereof arising from or related to (a) work, materials, equipment or labor contracted for by, through or under the indemnifying Party (except to the extent the indemnitee Party has not paid for amounts due pursuant to this Agreement), and (b) hazardous materials brought on, over, under, or across the Easement Area by the indemnifying Party or its Permittees; EXCEPT TO THE EXTENT SUCH LOSSES, LIABILITIES, DAMAGES, CLAIMS, ACTIONS, CAUSES OF ACTION, DEBTS, COSTS AND EXPENSES RESULT FROM THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF SUCH OTHER PARTY.

7. **Notices.** Any notices shall be in writing and shall be given to a Party at the Party’s addresses set forth on the signature page of this Agreement, which each such Party may change by giving written notice as herein provided to any other Parties. Notice shall be deemed given one day after the notice is sent to the party to be notified by overnight express courier such as “Federal Express,” or such other similar carrier guaranteeing next day delivery. Refusal of an Party to accept a notice shall not affect the giving of the notice.

8. **Runs with the Land.** This Agreement, as amended from time to time, shall run with land and title to the Parcels, shall benefit and burden the Vail Parcel, the RCC Parcel and the NAC Parcel, shall bind all successors in title to the respective Parcels, and shall also personally benefit Vail and any successors or assigns as operator of the Ski Slope. NAC or its permitted assignee shall be the “Party” hereto with respect to the NAC Parcel for so long as it is the ground lessee of the NAC Parcel, and such Party shall have sole responsibility for all obligations under this Agreement with respect to the NAC Parcel. Upon the expiration or earlier termination of the NAC’s lease of the NAC Parcel, the then-fee owner of the NAC Parcel shall automatically become the “Party” hereto; provided, however, such Party shall have the right to designate a future ground lessor as the “Party” with respect to the NAC Parcel by delivering written notice thereof to the other Parties. Vail’s interest as a “Party” hereunder may be transferred or assigned in whole or in part, in Vail’s sole and absolute discretion, and any successor operator of Park City Mountain Resort shall automatically be deemed a beneficiary of all easements set forth herein. In the event of such transfer or automatic assignment, Vail shall not thereafter obligated under this Agreement to the extent of such transfer or assignment. This Agreement replaces and terminates any other access or easements utility easements or other rights, whether express or prescriptive, over, across, under or through the Vail Parcel, the Ski Slope or the NAC Parcel benefitting the RCC Parcel or any portion thereof. No Permittee or any other person granted rights by or through any Party shall constitute a third party beneficiary of this Agreement; the only persons with privity of contract under this Agreement shall be Vail, RCC or NAC and their respective successors and assigns. The rights granted and established herein do not and shall not be construed to create any rights or privileges in and for the benefit of the general public or any third party.

9. **Amendments.** This Agreement shall be recorded in the real estate records of Summit County, Utah. No subsequent modification or amendment of any of the terms of this Agreement shall be valid, binding upon the Parties, or enforceable unless made in writing and signed by all Parties and recorded in the real estate records of Summit County, Utah. In the event there are (a) changes to the Site Plan; (b) changes to improvements to the general area depicted on the Site Plan including possible sidewalk, roadway, intersection and curb and gutter changes (other than the changes contemplated by the Site Plan); or (c) any portion of the Vail Parcel or the Ski Slope is transferred and Vail desires to modify this Agreement to allocate the rights and responsibilities of Vail under this Agreement as between Vail and such transferee, then promptly following Vail’s request, the Parties execute an amendment to this Agreement to adequately reflect such change.

10. **Severability.** Invalidity or unenforceability of any provision of this Agreement in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision hereof. In the event the validity or enforceability of any provision of this Agreement is held to be dependent upon the existence of a specific legal description, the parties shall promptly cause such legal description to be prepared. Ownership of some or all of the Parcels by the same person or entity shall not terminate this Agreement by merger or otherwise, nor in any manner affect or impair the validity or enforceability of this Agreement.

11. **Enforcement.** This Agreement shall be governed in all respects, whether as to validity, construction, capacity, performance, enforcement, or otherwise, by the laws of the State of Utah. Venue for enforcement of this Agreement shall lie exclusively in Summit County, Utah, and the Parties waive the right to sue or be sued in any other place. In the event of litigation or arbitration arising out of or in connection with this Agreement, the party prevailing in such action shall

recover, in addition to all other remedies or damages, reasonable attorneys' fees and court costs incurred by such prevailing party in such suit at the trial and appellate levels.

12. **Force Majeure.** Any prevention, delay or stoppage due to strikes, lockouts, labor disputes, acts of God, inability to obtain labor or materials or reasonable substitutes therefor, governmental actions, civil commotions, fire or other casualty, and other non-financial causes beyond the reasonable control of the party obligated to perform (collectively, "**Force Majeure**"), shall excuse the performance of such party for a period equal to any such prevention, delay or stoppage, except, unless the obligations imposed with regard to the payment of any amounts owed by any party pursuant to this Agreement. The parties specifically acknowledge and agree that, notwithstanding anything herein to the contrary, Force Majeure shall under no circumstances excuse, limit or reduce the amount of fees due pursuant to this Agreement or any Party's obligation to make any payments required by this Agreement to any other party, their contractors, or any other person or entity, regardless of whether a Force Majeure event was the direct or indirect cause of such Party's failure to pay or the direct or indirect cause of any financial reasons for such Party's failure to pay, and in the event of any conflict between the terms of this sentence and the terms of the foregoing sentence, the terms of this sentence shall control. For example, without limiting the foregoing, if all banks were closed due to Force Majeure, the provisions of this Section might (subject to other provisions in the first sentence of this Section) excuse such Party's failure to make a payment to its contractor on the exact date such payment was due, but Force Majeure would not waive, excuse, or modify such Party's obligation to pay its contractors in full once banks reopened. Each party agrees to give prompt notice to the other party of any delay resulting from Force Majeure.

13. **Estoppels.** Each Party agrees within 15 days after written notice from the other Party to deliver a written statement which may be relied upon by the requesting Party or any current or potential transferee or mortgagee of the requesting Party's interest herein, setting forth whether or not to its knowledge the requesting Party has fully complied with the provisions hereof, and if not, setting forth in reasonable detail the nature of the violations, any outstanding balances for maintenance obligations, and setting forth such other reasonable matters with regard to this Agreement as may be requested.

14. **Construction.** A failure or delay by a Party to enforce against the other Party any term or provision of this Agreement shall not be deemed to be a waiver of such Party's right to enforce against the other Party the same or any other such term or provision in the future. All recitals set forth in this Agreement and all exhibits attached hereto are hereby incorporated in and made a part of this Agreement. The titles or headings of the various paragraphs hereof are intended solely for convenience of reference and are not intended and shall not be deemed to modify, explain or place any construction upon any of the provisions of this Agreement. The Parties expressly waive any and all applicable common law and statutory rules of construction that any term or condition of this Agreement should be construed against the drafter. The words "include" and "including" shall be construed as if followed by the phrase "without being limited to." The words "herein," "hereof," "hereby," "hereunder," and words of similar import shall be construed to refer to this Agreement as a whole and not to any particular Section or subdivision of this Agreement unless expressly so stated.

15. **Authority.** Each Party represents and warrants to the other Parties hereto that: (a) the person executing this Agreement on behalf of it has the actual authority and power to sign, and to

bind it to this Agreement; (b) all action necessary for the making of this Agreement has been duly taken by it; and (c) it is duly authorized to execute this Agreement and perform its obligations hereunder.

16. **Counterparts.** This Agreement may be executed in one or more counterparts, all of which together shall constitute but one and the same instrument.

[SIGNATURES FOLLOW ON NEXT PAGES]

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement as of the Effective Date.

VAIL:

VR CPC HOLDINGS, INC.,
a Delaware corporation

By: _____
Name: _____
Its: _____

Address: VR CPC Holdings, Inc.
390 Interlocken Crescent, Suite 1000
Broomfield, CO 80021
Attention: Vice President, Real Estate

With a copy to: Vail Resorts
390 Interlocken Crescent, Suite 1000
Broomfield, CO 80021
Attention: Legal Department

And a copy by email to: LegalNotices@vailresorts.com

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____, as _____ of VR CPC Holdings, Inc., a Delaware corporation.

Witness my hand and official seal.

My commission expires: _____

Notary

NAC:

NATIONAL ABILITY CENTER,
a Utah non-profit corporation

By: _____
Name: _____
Its: _____

Address: National Ability Center
P.O. Box 682799
Park City, Utah 84068
Attention: Chief Executive Officer

With a copy to: National Ability Center
1000 Ability Way
Park City, Utah 84060
Attention: Chief Operating Officer

State of Utah)
 §
County of _____)

On this _____ day of _____, in the year 2022, before me, _____
a notary public, personally appeared _____, provided on the basis of
satisfactory evidence to be the person whose name is subscribed to this instrument, and
acknowledged that he/she executed the same

Witness my official hand and seal.

(notary signature)

(seal)

RCC:

THE RESORT CENTER CONDOMINIUM OWNERS ASSOCIATION,
a Utah non-profit corporation

By: _____

Name: _____

Its: _____

Address: 1415 Lowell Avenue
Park City, Utah, 84060

State of Utah)

§

County of _____)

On this _____ day of _____, in the year 2022, before me, _____

a notary public, personally appeared _____, provided on the basis of

satisfactory evidence to be the person whose name is subscribed to this instrument, and

acknowledged that he/she executed the same

Witness my official hand and seal.

(notary signature)

EXHIBIT A

Legal Description of the Vail Parcel

[See Attached]

EXHIBIT B

Legal Description of the NAC Parcel

[See attached]

EXHIBIT C

Legal Description of the RCC Parcel

[See Attached]

EXHIBIT D

Site Plan

[See Attached]

NATIONAL ABILITY CENTER MOUNTAIN CENTER PARKING PLAN

The staff and participants of the National Ability Center have used the free public parking at the Park City Mountain for the past 37 years. Currently staff park in the employee parking lot at the Park City Mountain. There are a few employees that take the bus. There are approximately 25 staff and 5 volunteers that come to work at the NAC on a daily basis.

Disabled participants almost exclusively park at the Park City Mountain utilizing the outside disabled parking. Groups that stay at the NAC Lodge are transported to and from the Mountain utilizing a NAC bus. Approximately 20 participants come in the morning who leave at noon with an additional 20 coming for the afternoon lessons.

It is anticipated that starting in the 2023/24 ski season that we will see a 2-5% growth in participants each year until we reach a maximum of 60 lesson a day (30 participants in the morning and 30 participants in the afternoon).

Beginning in the 2023-24 ski season the NAC is planning a shuttle bus system for participants and staff utilizing our ADA buses from our campus at Quinn's junction. Two shuttles will occur from the 8:00-9:00 am time frame, one at the noon time frame and an additional two buses at the 4:00 hour. We believe that this will decrease our parking needs by 40-50%. We are considering offering a free lunch at noon each day for participants that use the shuttle as an incentive to come to the NAC for transportation.

In addition, the NAC will post a staff person at the entrance to the NAC road/driveway limiting access beyond the Lodge at the Resorts check-in area to prevent unauthorized users from accessing our turn-around area.

From: [J Moira Howard](#)
To: [John Phillips](#); [Laura Suesser](#); [John Kenworthy](#); [Sarah Hall](#); [Christin VanDine](#); [Bill Johnson](#); [Douglas Thimm](#); [Alexandra Ananth](#); [Gretchen Milliken](#); [Mark Harrington](#)
Cc: [Trent Davis](#); [Scott Bass](#); [Bob Rieve](#)
Subject: [External] EASEMENT AND PLANS re NAC
Date: Monday, May 2, 2022 1:25:59 AM

[CAUTION] This is an external email.

Commissioners, Planning, Legal

We were listening to the April 27 meeting re proposed NAC facility. I think we can all agree it is a much needed facility and understand why they want it as soon as possible.

HOWEVER:

As Owners at the Lodge for the past thirty-three years, we feel this is being rushed into with no regard for property and business owners at the Mountain Village. Trent Davis (Compass Management) was only contacted about this a couple of weeks ago and has minimal information on the project.

** The proposed Easement Agreement states:

"This Agreement does not grant any Party or its Permittees the right to stop, loiter, drop-off, or park in the Easement Area."

As proposed, this Easement Agreement will have substantial negative impacts on Lodge and business owners.

Necessary access would not be possible.

RCC receives deliveries on a daily basis and trucks must stop in this area to off-load. As it is, trucks have either to reverse in or out of the road as there is insufficient space to turn around,

Shuttles bringing/picking up Lodge guests also unload/load here as the ceiling height does not permit high vehicles to enter the building to access our Arrival/Departure lounge.

** The proposed Easement Agreement is VERY heavily weighted in Vail's favour. Expecting RCC and NAC to pay two thirds of the Maintenance and Repair expenses of this easement is egregiously unfair.

Think of the destruction, wear and tear this road will suffer when/once the parking lots are developed. If PEG's proposed plan goes ahead, this road

will become Vail's sole access to get equipment, etc. on to the mountain. It was pointed out *and* indicated in Easement, that this is the reason NAC cannot use the turnaround parking spots outwith ski season.

"Vail's use of the Easement Area may include any items necessary for the use, operation and maintenance of the Ski Slope, including without limitation large-scale construction vehicles, vehicles transporting large-scale equipment, mountain operations vehicles, life safety vehicles and equipment and snowcats. The foregoing easement shall be deemed to include the volume of existing pedestrian and vehicular traffic, as well as any increases in the same that may arise in the future, including without limitation as the result of any modification or redevelopment of any Parcel or the Ski Slope."

** Plans indicate "NAC Members Only" signs to be installed *before* the entrance to Lodge Arrival/Departure area. (Implying we can't access our own building!)

** Plans indicate a Loading Zone and a Landing Ramp at the edge of the entrance to our Arrival/Departure area. This could be dangerous/cause congestion.

** Plans indicate a snow storage area very close to Lodge wall and landscape sprinklers! next to Lodge. May not be good for the health of our building.

** Walkway to be installed between NAC and Lodge. Have they considered snow shed from roofs?

** Water, gas, sewer, fibre optic lines, etc, will all have to be dug up and replaced or connected to - which means we will not have these NECESSARY services to our buildings for who knows how long.

The Resort Center has been here for thirty-five plus years during which time we have used this road, generated and paid taxes.
We deserve some consideration!!

In order to reach viable solutions with Vail and NAC, we need time to research the lengthy, onerous Easement, Plans and impacts.

With little notice and as the Lodge is currently undergoing significant renovation and other projects, we ask you facilitate this by delaying proceedings until Spring 2023. Research time has not been budgeted to study the Easement and Utilities Agreement and Plans; nor has the expense of hiring a lawyer.

Thank you.

Sincerely

Moirra and Derek Howard

From: [planning](#)
To: [Alexandra Ananth](#); [Gretchen Milliken](#)
Subject: FW: [External] NAC Application
Date: Thursday, April 28, 2022 8:06:37 AM

From: deb <der0813@aol.com>

Sent: Wednesday, April 27, 2022 4:14 PM

To: planning <planning@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; John Phillips <john.phillips@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>

Subject: [External] NAC Application

[CAUTION] This is an external email.

Dear Commissioners,

Please know that I am 100% in favor of the NAC being able to develop a beautiful mountain facility but feel it necessary to share some first-hand information that is concerning. When RRAD was just forming back in the summer/fall of 2020, I was contacted by someone very close to the NAC. They told me Vail had put the arrangement with the NAC on hold until the PEG project could be approved. I was also told Vail/PEG had stated they wouldn't work with the NAC on utilities, roads or whatever until they had their approval. Obviously, the PEG project has dragged on and if there is any truth to what I was told, it would be very disheartening as it would mean Vail/PEG has not been a good community partner to the NAC.

PEG has been asked multiple times about the integration and inclusion of the NAC and its operations in their plans and has yet to provide anything. PEG has also been begging for a vote since last fall and then went MIA with the Vail traffic and parking fiasco this ski season. PEG is purportedly working on new transportation data to support their desire for minimal parking and maximum development. Now, while PEG is on hiatus from the Planning Commission, Vail steps up to suddenly be willing to work with the NAC. I have to wonder if this is just a further manipulation by Vail & PEG in an effort to relieve PEG of any responsibility to the NAC for improved parking, circulation or otherwise. I want the NAC to have fantastic facilities; I also want PEG's development to be an asset in terms of arrival, drop off and departure for those visiting, using, volunteering or working at the NAC as well as their guests. Wide sidewalks with minimal street crossings, ample nearby handicap parking (not a long trudge from Parcel E or B), employee/volunteer parking (not at a rate of \$25/day), dedicated drop-off not available to the general public and not an NAC volunteer having to tell people, "No, you can't use this as a drop-off" and so on are all necessary components. The trek from Parcel B or Parcel E was outlined in my email included in the packet; it's quite an undertaking. Simply put, I believe there are some additional improvements which Vail/PEG should be required to tag on to the NAC's application.

All said, it appears the NAC is generally complying with the LMC other than inadequate parking - only four short-term/temporary spaces and one shuttle space. Hopefully any delay in approval won't result in Vail pulling the carpet out from under the NAC.

Respectfully,
Deb Rentfrow

April 26, 2022

Park City Planning Commission,

We are writing on behalf of the Homeowner's Association for the Lodge at the Mountain Village in regards to the proposed National Ability Center building at the base of Park City Mountain Resort. The Lodge HOA is very supportive of the NAC and appreciates the great contribution they make to Park City and more importantly to the lives of adaptive athletes. We are excited that they plan to build a new and modern Mountain Center that will be much better suited to their mission and will be a much needed upgrade from their current headquarters.

The NAC originally presented their plans to our HOA at our December 2018 annual meeting but since that time there has been no activity to move forward with the project. Although we have checked with them regularly for an update, it appeared the project was delayed due to negotiations with Vail and the COVID pandemic for the past four years. Two weeks ago, much to our surprise, executives at NAC informed our property manager, Compass Management (represented by Trent Davis), that they were moving forward with the project immediately and hoped to fast-track approval with the City. Trent immediately brought up a number of questions and concerns that the NAC executives had not thought through and were unable to address. Since our building is directly adjacent to the new NAC building site, there are many issues that will directly impact our property owners that we need to negotiate and resolve with Vail and the NAC. We were also presented with an easement agreement last week that we need to have our attorneys thoroughly review. Both of these processes will take some time.

Our ask is that the City postpones approval of this project until The Lodge, Vail and NAC are able to work through and negotiate all of the issues that directly impact our property, including the easement agreement. Fortunately our property manager, Trent Davis from Compass Property Management, is already in discussions with both Vail and NAC and they have meetings scheduled for the coming days and weeks. Our hope is that we can work through these issues quickly but we do not want to sacrifice the quality of our negotiations for the sake of expediency. Decisions made in haste today can have very negative long-term consequences for all parties involved and we very much want to prevent that. Our ultimate goal is to support this project once our negotiations are complete.

The Lodge at the Mountain Village is long-standing member of the Park City community and an important part of Park City Mountain Resort base village so we very much appreciate your consideration of our concerns.

Best regards,
The Lodge at the Mountain Village Board
Scott Bass, President
Bob Rieve
Carolyn Rogers
Patti Kivel
Scott Pomfret

cc: Trent Davis, Compass Management

From: [Trent Davis](#)
To: [Dan Glasser](#); meechew@discovernac.org; [Mike Goar](#)
Cc: [Alexandra Ananth](#); [Sarah Hall](#); [John Kenworthy](#); [John Phillips](#); [Bill Johnson](#); [Laura Suesser](#); [Douglas Thimm](#); [Christin VanDine](#)
Subject: [External] Proposed NAC Building
Date: Saturday, April 23, 2022 10:44:36 AM

[CAUTION] This is an external email.

Hello Dan, Meeche, Mike, and Planning,

Despite a comment that was passed on to me second-hand on Friday, that was not appreciated, The Lodge wants to be as helpful as possible in this NAC approval process. Thus below is an expedited list of information The Lodge will need to move forward with conversations, negotiations, and possible approvals. We are hopeful this helps.

- Before The Lodge spends any valuable time and money on reviewing this proposal the NAC needs to assure The Lodge that it has full funding to proceed and build to completion. The Lodge did not budget for legal and oversight of this project in 2022.
- A commitment in writing that the ski hill frontage along the West side of The Lodge will not be built on in the future. The Lodge has concerns that this project may set precedence.
- How The Lodge electrical and other utilities will not be disturbed for more than a reasonable amount of time when replaced. Where is the electrical box to be moved? Do you have plans from the utility companies?
- The main water shut-off valve in the easement or Lowell needs to be replaced. Will it be?
- What happens to The Lodge loading dock. Does The Lodge still have use?
- A commitment in writing that the area between the Lodge and the new NAC will have continued snowmaking and grooming. The Lodge has a ski locker room that accesses this area. We want to retain our ski-in ski-out capabilities.
- All corners of the building need to be staked for review by The Lodge
- A most current set of exterior building plans for review and comment
- Renderings showing all roof heights and exterior façades. Description of facade

materials. Description of roofing materials.

- View corridor renderings including the view from the North parking lots
- Landscaping/irrigation plan for review
- Hours of operation by the NAC
- An exterior upkeep plan confirming daily upkeep during the summer
- Lighting plan
- The location of trash dumpsters and how they will be enclosed and not visible to The Lodge
- A signage plan with way-finding signage, including on the easement road and Lowell
- A written report stating the amount of the increased auto, vendors, and supplier traffic on the easement road going to and from the NAC. How this will affect the traffic entering the resort between 8:30 and 10:30 am and leaving the resort at 4 pm. Has any thought been put into how NAC staff and guests can use public transportation?
- NAC staff and guest parking locations. We anticipate NAC staff and guests trying to park in Lodge parking.
- A written document on traffic control measures. Who is going to perform and what hours of operation?
- A commitment in writing, that The Lodge owners, guests, any vendors, suppliers, and contractors can access the turn-around cul-de-sac 24-7, 365. And easily be able to make a U-turn without having to back up.
- How the issue vans, trucks, and suppliers to The Lodge can obtain 15-minute loading and unloading zones without blocking the easement road as they currently do. Without this, a fire truck will not make it to the cul-de-sac.
- Where is the parking for Vail snowmobiles being relocated
- Will this have any impact on the Lodge dumpster within the parking structure that is dumped daily? Where can the summer construction dumpster for The Lodge be located on the easement road?

The above is intended to open up negotiations and be provided needed information so the Lodge can make reasonable decisions on behalf of its ownership, not to say “no” to the development. Once this initial information is obtained and negotiated, we can proceed with the review of the Vail easement agreement by The Lodge legal. Be aware that The Lodge has over 1.1 million dollars in projects happening this summer that are taking the full concentration of Compass and The Lodge Board. With that being said, The Lodge will try to move forward on meetings and negotiations within reason.

Thank you,

Trent Davis



President

O- 435-649-1842

Admin@compass-management.com

Compass-Management.Com

IMPORTANT WARNING: This email (and any attachments) is only intended for the viewing and use of the person or entity to which it is addressed, and may contain information that is privileged and confidential. You, the recipient, are obligated to maintain it in a safe, secure, and confidential manner. No unauthorized distribution, transmission, or re-disclosure is permitted. Failure to maintain confidentiality may subject you to federal and state penalties. If you are not the intended recipient, please immediately notify us by return email and delete this message from your computer.

From: Trent Davis <tdavis@compass-management.com>
Sent: Thursday, April 21, 2022 1:28 PM
To: Alexandra Ananth
Cc: Sarah Hall; John Kenworthy; John Phillips; Bill Johnson; Laura Suesser; Douglas Thimm; Christin VanDine
Subject: [External] NAC- Lodge at The Mountain Village
Importance: High

[CAUTION] This is an external email.

Hello Alexandra,

The Lodge is an integral part of the approval process for the proposed NAC building and the easement. Unfortunately, the NAC just had its first meeting with me a week ago. The Lodge has been sent an easement agreement by the NAC, that was produced by Vails legal team, which probably will not be approved in its current written form.

The Lodge has many hurdles to be addressed by the NAC and Vail before this project can proceed. In addition, the easement agreement will need to be reviewed in full by Lodge attorneys which is unexpected and has not been budgeted for. The Lodge is not going to rush any negotiations. We suggest that the NAC planning process be put on hold until The Lodge can sort through all the issues associated with the building and the easement agreement with the NAC and Vail. As you know this could take some time.

Thank you,

Trent Davis

President
O- 435-649-1842
Admin@compass-management.com
Compass-Management.Com

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From: [planning](#)
To: [Alexandra Ananth](#)
Subject: FW: [External] NAC Planning at PCMR
Date: Tuesday, April 5, 2022 1:57:51 PM
Attachments: [image001.png](#)

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: deb <der0813@aol.com>
Sent: Tuesday, April 5, 2022 1:43 PM
To: Laura Suesser <laura.suesser@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>
Cc: planning <planning@parkcity.org>
Subject: [External] NAC Planning at PCMR

[CAUTION] This is an external email.

Commissioners,

After listening to the audio for the March 23rd meeting, I 100% agree with concerns voiced by some of the commission and that the NAC is an important part of our community.

Access under the current PEG proposal as outlined by Planner Ananth if arriving by car and not dropped off includes the following to access the NAC from Parcel B parking garage:

- An elevator ride to ground level
- Crossing from east side of Lowell to west side of Lowell
- Crossing from south side of Shadow Ridge Extension to north side of Shadow Ridge Extension
- Traveling west along a 5' shared pathway to cul de sac (most recent complete packet provided by PEG dated November 2021 still shows sidewalks only 5' wide)
- Crossing a cul de sac/drop-off location at end of Shadow Ridge Extension to the sidewalk / entry of new NAC building

Access under the current PEG proposal if arriving by car and not dropped off includes the following to access the NAC from Parcel E parking garage:

- An elevator ride to the plaza level
- Traversing the plaza in an easterly direction to reach the multi-use pathway on west side of Lowell
- Traveling south on the multi-use pathway intersecting with the following: vehicle drop off, loading dock access, hotel vehicle access
- Traveling west along a 5' shared pathway west (most recent complete packet dated November 2021 still shows sidewalks only 5' wide)
- Crossing a cul de sac/drop-off location at end of Shadow Ridge Extension to sidewalk / entry of new NAC building

PEG is not putting any solid surface walkway / connectivity on the west side of Parcels C & E for access to the south from the plaza or Parcel E.

The Shadow Ridge Extension and drop-off will be overburdened with non-NAC users accessing parking under Lodges, attempting to use the NAC's drop-off / cul de sac and cause serious back-up and delays for NAC shuttles / buses.

Once again, Parcel C was intended to be Skier Services and what better place for the NAC to be located on than that parcel? Parking could be located directly below with direct access to the mountain.

In reviewing the NAC's proposal, it is Vail who has 'granted' this to the NAC, not PEG. When PEG finally reappears on the agenda, let's keep this in mind should they claim success in working something out with the NAC so the NAC could proceed. It is my opinion PEG needs to step up to the plate and deliver a better option for the NAC in its own plans. The NAC needs improved facilities and no one in our town, NAC or otherwise, needs another hotel.

As always, thank you for your critical review of details and subsequent questions in efforts to attain a better development for our entire community.

Sincerely,
Deb Rentfrow



Planning Department

April 27, 2022

Meeche White
National Ability Center
100 Ability Way
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Re: National Ability Center's Mountain Center Operations Building

Address:	1431 Lowell Avenue, Park City, UT 84060
Zoning District:	Recreation and Open Space (ROS)
Application:	Conditional Use Permit for a Ski-Related Accessory Building
Project Number:	PL-22-05178
Action:	APPROVED WITH CONDITIONS (See Below)

Date of Final Action: April 27, 2022

Action Taken

On April 27, 2022, the Planning Commission conducted a public hearing and approved the NAC Mountain Center operation building according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Applicant is seeking to construct a Ski Base Facility, greater than 600 square feet in the ROS Zoning District, which requires a Conditional Use Permit (CUP).
2. The existing NAC trailer located on PCMR property is approximately 1,800 square feet and has reached the end of its useful life.
3. The new building is 9,410 square feet and will include a check-in area and waiting lounge, accessible restrooms, changing rooms, a fit room for program participants, equipment storage, and facilities for training and education.
4. The site is located within the Sensitive Lands Overlay (SLO) which was applied to the Resort's Open Space upon annexation of the upper terrain into Park City in 2007 (Ordinance [2007-10](#)).
5. Due to the already disturbed nature of the site and the site not being a Steep Slope, Ridgeline, wetland, Stream Corridor, or wildlife habitat Area, the Planning Commission determined at a Work Session on March 23, 2022, that a Sensitive Lands Analysis submittal would not be required for this application.
6. There are no Open Space requirements in the ROS Zoning District.



Planning Department

7. No Significant Vegetation is being removed for this project and no fencing, screening or landscaping is proposed.
8. The proposed building meets all ROS Zoning District requirements including Setbacks (25-feet) and Building Height (28 feet).
9. Access to the site is via the extension of the driveway/fire lane leading to the garage below the Resort Condominiums.
10. Per LMC § 15-3-6(B) and § 15-4-18, Ski Base Facility Uses do not have a specific parking calculation per the table in § 15-3-6(B), but are required to present a parking, traffic, and transportation plan for review and approval by the Planning Commission.
11. The applicant is proposing four parking stalls including one ADA van accessible stall for loading and drop-off.
12. At the Work Session on March 23, 2022, the NAC stated that the new building, although significantly larger in size than the existing trailer, is needed to operate their programs and store equipment, and is not necessarily about increasing the number of participants served.
13. The NAC submitted a Parking Plan indicating that NAC employees and participants have used the free Resort parking for the past 37 years. Upon completion of the new operations building, in addition to Resort parking, they plan to operate shuttles from their Quinn's Junction location to the Resort, for staff and program participants, which could significantly reduce their parking demand at the Resort.
14. No noise, vibrations, odors, or steam are expected that may affect people and property off-site.

Conclusions of Law

1. The proposal complies with the with the [Recreation and Open Space](#) (ROS) Zoning District requirements.
2. The proposal complies with criteria outlined in LMC [§ 15-1-10\(E\), Conditional Use Review Process](#).

Condition(s) of Approval

1. Approval of this CUP is conditioned upon approval and recordation of the Mountain Center Subdivision.
2. This CUP is for the National Ability Center's Use only, and is non-transferable, and does not run with the land. Any changes to the parking plan shall be



Planning Department

reviewed and approved by the Planning Commission, and any new Use proposed for the site must submit a parking, traffic, and transportation plan for review and approval by the Planning Commission.

3. The building must comply with the City's Architectural Design Guidelines, LMC § [15-5-5](#).
4. Utilities and Drainage shall be designed and maintained to meet the standards and requirements of the City's Engineering Department.
5. Signage, lighting, and refuse receptacles shall be reviewed at building permit and must comply with all codes in place at the time of permit.
6. Signage shall be posted after the driveway underneath the Resort Condominiums indicating NAC vehicles only beyond this point.
7. Signage shall be posted in the NAC Fire Department turn around indicating No parking, Fire Lane.
8. Signage shall be posted in the NAC parking area indicating NAC parking only.
9. The NAC submitted a Parking Plan indicating that NAC employees and participants have used the free Resort parking for the past 37 years. Upon completion of the new operations building, in addition to Resort parking, the NAC plans to operate shuttles from their Quinn's Junction location to the Resort, for staff and program participants, which could significantly reduce their parking demand at the Resort.

If you have questions or concerns regarding this Final Action Letter, please call project planner Alexandra Ananth, 435-615-5066, or email planning@parkcity.org.

Sincerely,



John Phillips
Planning Commission Chair

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Planning

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve Ordinance No. 2022-15, an Ordinance Amending the Municipal Code of Park City Title 4 *General Licensing* Section 4-2-15 *Vibrant Commercial Storefront in HCB and HRC Districts*; Title 12 *Sign Code* Section 12-3-1 *Permits Required*; and Title 15 *Land Management Code* Section 15-15-1 *Definitions*

(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Vibrancy Land Management Code Amendments Staff Report](#)

[Exhibit A: Draft Ordinance 2022-15](#)

[Exhibit B: Ordinance No. 07-55](#)

[Exhibit C: Ordinance No. 2016-02](#)

[Exhibit D: Ordinance No. 2017-31](#)

[Exhibit E: Ordinance No. 2017-65](#)

[Exhibit F: Ordinance No. 2018-16](#)

[Exhibit G: Ordinance No. 2017-56](#)

[Exhibit H: Ordinance No. 2017-09](#)

City Council Staff Report



Subject: Storefront Property Clarification
Vibrancy and Temporary Sign Permits
Active Business Licenses & Signs

Application: PL-21-05063

Authors: Planning, Finance, & Economic Development Departments

Date: May 26, 2022

Type of Item: Legislative – Code Amendments

Recommendation

(I) Review the proposed Municipal Code of Park City amendments to:

- (a) clarify the *Storefront Property* definition,
- (b) further incentivize Storefront Property Vibrancy through temporary sign permit requirements, and
- (c) require an active business license to maintain a sign installation

(II) conduct a public hearing, and (III) consider approving Ordinance No. 2022-15 (Exhibit A).

Description

Applicant: Planning, Finance, and Economic Development Departments

Zoning Districts: Historic Commercial Business
Historic Recreation Commercial

Municipal Code of Park City Sections Amended: **Title 4, General Licensing**
Section 4-2-15, *Vibrant Commercial Storefront In HCB and HRC Districts*

Title 12, Sign Code
Section 12-3-1, *Permits Required*

Title 15, Land Management Code
Section 15-15-1, *Definitions*

Reason for Review: Land Management Code amendments require Planning Commission review, a public hearing, and a recommendation to City Council for review, a public hearing, and Final Action

Abbreviations

HCB	Historic Commercial Business
HRC	Historic Recreation Commercial
LMC	Land Management Code
MCPC	Municipal Code of Park City

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

Preserving the Vitality and Vibrancy of Park City’s Historic Commercial Areas

The Land Management Code (LMC) definition of *Storefront Property* is key to applying land use regulations designed to preserve the historic character and vibrancy of the City’s iconic Main Street, which was listed on the National Register of Historic Places in 1979. *Storefront Property* encompasses portions of buildings that have a pedestrian-level presence with an entrance and window display along Main Street, Swede Alley, Heber Avenue.

Land use regulations including **Vertical Zoning** to direct active uses like retail, restaurants, and bars to the street level, **Vibrant Commercial Storefront Incentives** to keep street-level businesses open and vibrant year-round, **Conventional Chain Business Regulations** to support unique local businesses, and **Storefront Enhancement Zoning** to ensure future development is compatible with the historic rhythm and pedestrian scale of Main Street, are all based on the definition of *Storefront Property*.

PRIOR CODE AMENDMENTS: Land use regulations based on the *Storefront Property* definition were enacted throughout 2016 – 2018 as follows:

(1) Vertical Zoning (Ordinance No. 07-55, Exhibit B; Ordinance No. 2016-02, Exhibit C)

- Issue
 - Diminished retail and restaurants and increased residential and office spaces along the HRC and HCB streetscape could threaten the vitality and vibrancy of Main Street.
- Goal
 - Limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian. Discourage office, real estate showrooms, and parking uses ([General Plan Goal 16, Objective 16B](#), p. 9).

- Amendments
 - Defined *Storefront Property* in the LMC as a building with a storefront window or storefront entrance that is within 50 feet from the edge of pavement along a public street.¹
 - Prohibited residential, bed and breakfast, boarding house, office, parking, group care facility, private club, and private event facility uses in Storefront Property within the HRC and HCB Zoning Districts.²
- Outcome
 - When Vertical Zoning was first adopted in 2007, there were existing vested uses that are allowed to continue, including real estate offices. However, new uses must comply with the Vertical Zoning ordinance. If vested non-conforming uses terminate, the new use will be required to comply with Vertical Zoning.

(2) Vibrant Commercial Storefront Incentives (Ordinance No. 2017-31, Exhibit D; Ordinance No. 2017-65, Exhibit E; Ordinance No. 2018-16, Exhibit F)

- Issue
 - Some prominent buildings along Main Street were only activated during the Sundance Film Festival or other Special Events and remained vacant or unoccupied for the rest of the year.
- Goal
 - Maintain the Historic Main Street District as the heart of the City for residents and visitors ([General Plan Goal 16](#), p. 8).
- Amendments
 - Required properties in the HRC and HCB Zoning Districts to have an active business license and to be engaging in business for at least 60 days per quarter to qualify for a Single Event Alcoholic Beverage License.³
- Outcome
 - Finance staff conduct vibrancy walks each quarter. The Vibrant Commercial Storefront Incentives work. In 2022, only two businesses were determined to be non-vibrant. In these instances, staff reaches out to property owners to provide notice that the business has been designated non-vibrant. In one instance, the property was under construction and used a one-time exception while interior renovations were completed.

¹ LMC [§ 15-15-1](#).

² HRC Zoning District – LMC [§ 15-2.5-2](#), footnote 5; HCB Zoning District – LMC [§ 15-2.6-2](#), footnote 1.

³ Municipal Code of Park City [§ 4-2-15](#).

(3) Conventional Chain Business Regulation (Ordinance No. 2017-56, Exhibit G)

- Issue
 - Increased Conventional Chain Businesses within the HRC and HCB Zoning Districts could threaten Park City's unique Main Street Historic District streetscape.
- Goal
 - Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City and minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience ([General Plan Goal 12, Objective 12D](#), p. 25).
- Amendments
 - Defined *Conventional Chain Business* as a business with ten or more other locations that operate with standardized menus, products, apparel, architectural design, and/or signage and logo.⁴
 - Capped Conventional Chain Businesses to no more than seven in Storefront Property within the HRC Zoning District.⁵
 - Capped Conventional Chain Businesses to no more than 17 in Storefront Property within the HCB Zoning District.⁶
- Outcome
 - The current list of Conventional Chain Businesses can be viewed on [the City's Business Licensing webpage](#).

(4) Storefront Enhancement Zoning (Ordinance No. 2017-09, Exhibit H)

- Issue
 - New development in the HRC and HCB Zoning Districts that combined lots for larger presence along Main Street could disrupt the traditional rhythm and pedestrian scale of the historic streetscape.
- Goal
 - Encourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant buildings ([General Plan Goal 16, Objective 16E](#), p. 9).
- Amendments
 - Created Storefront Enhancement Zoning for the HRC and HCB Zoning Districts, restricting the maximum width of a Storefront Property Façade along Main Street or Heber Avenue to 50 feet.⁷

⁴ LMC [§ 15-15-1](#).

⁵ LMC [§ 15-2.5-2](#), footnote 10.

⁶ LMC [§ 15-2.6-2](#), footnote 11.

⁷ HRC Zoning District - LMC [§ 15-2.5-3\(K\)](#); HCB Zoning District – LMC [§ 15-2.6-3\(I\)](#).

- Outcome
 - New development must complement the Historic Districts in rhythm and scale.

The land use regulations above require the Planning, Finance, and Economic Development Departments to interpret and apply the definition of *Storefront Property*. However, as the LMC was amended over the years, conflicting provisions were created within the *Storefront Property* definition.

On November 11, 2021, the City Council directed the Planning, Finance, and Economic Development Departments to evaluate code amendments to clarify the definition of *Storefront Property*. The Council also directed staff to pursue code amendments to require a Storefront Property to be vibrant to be eligible for a temporary sign permit, and to require an active business license to be eligible to maintain a sign installation ([Staff Report](#); [Minutes](#), p. 2).

On April 27, 2022, the Planning Commission reviewed the proposed amendments and unanimously forwarded a positive recommendation to the City Council ([Staff Report](#); [Audio](#)). The Planning Commission requested that staff return for a work session to re-evaluate the vibrancy ordinances to identify potential future amendments to further protect and incentivize the vibrancy of the Historic Commercial Business and Historic Recreation Commercial Zoning Districts. Staff is preparing for a Planning Commission work session tentatively scheduled for August 10, 2022.

Analysis

The LMC implements the goals and policies of the General Plan in part to protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the historic character, and unique mountain town community, and to protect and preserve the aesthetics of the City.⁸

The Vibrancy Ordinances outlined above were enacted to achieve the goals of the General Plan to maintain the Historic Main Street District as the heart of the City for residents and visitors and to minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience.

As the Vibrancy Ordinances were implemented and amended over the years, some provisions included conflicting information. The proposed amendments do not make substantive changes to the Vibrancy Ordinances, but rather clarify the definition underlying the Vibrancy Ordinances, the definition of *Storefront Property*.

Additionally, new opportunities were identified to further incentivize Vibrant Commercial Storefront Property through regulation of temporary sign permits. Lastly, some concerns regarding prominent signage along Historic Main Street for vacant or unoccupied

⁸ LMC [§ 15-1-2](#).

businesses that did not maintain an active business license resulted in Council direction to require an active business license for sign installations.

NEW PROPOSED CODE AMENDMENTS: Staff recommends the following:

(1) Clarify the Definition of *Storefront Property*

The definition of *Storefront Property* outlined in LMC [§ 15-15-1](#) was amended several times over the years. Staff recommends clarifying the definition as outlined below.

Additionally, there is nothing in the LMC that links Vertical Zoning, Vibrant Commercial Storefront Incentives, Conventional Chain Business Regulations, and Storefront Enhancement Zoning. Staff recommends amending the definition of *Storefront Property* to cite the relevant sections of code to clarify the interconnected regulations.

The proposed amended definition is as follows:

Property, Storefront. A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or storefront entrance that fronts on a Public Street. ~~[Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street.]~~ Storefront Property includes a storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space, Floor Area, tenant space or unit with:

1. For Vertical Zoning regulations outlined in Sections 15-2.5-3(J) and 15-2.6-3(H), Conventional Chain Business regulations outlined in Sections 15-2.5-2 footnote 10 and 15-2.6-2 footnote 11, and Vibrant Commercial Storefront regulations outlined in Section 4-2-15, a storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') ~~[or]~~ from the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance. ~~[; or]~~
2. For Storefront Enhancement Zoning regulations outlined in Sections 15-2.5-3(K) and 15-2.6-3(I), a storefront window and/or storefront entrance at the adjacent Public Street, or within thirty lateral/horizontal feet (30') ~~[or]~~ from the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance. ~~[; and]~~
3. ~~[A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street~~

~~and where such entrance is not a service or emergency entrance to the Building.]~~

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as a “Storefront Property.” The Planning Director or designee shall have the final determination of applicability.

(2) Require a Storefront Property to be Vibrant to be Eligible for a Temporary Sign Permit

As mentioned above, in 2017, the City Council enacted Ordinance No. 2017-31 to create Vibrant Commercial Storefront Incentives. Storefront Properties must maintain an active business license and engage in business throughout the year to qualify for a Single Event Alcoholic Beverage License.

The City Council directed staff to broaden the incentives to include temporary sign permits. The proposed code amendments require Storefront Properties to maintain an active business license and to engage in business throughout the year to qualify for a temporary sign permit. This will further incentivize Vibrant Commercial Storefront businesses that would like to use the facilities for temporary events during the Sundance Film Festival or other Special Events.

4-2-15 Vibrant Commercial Storefront In HCB And HRC Districts

- A. A vibrant commercial storefront is a Storefront Property, as defined in Section 15-15-1 of the Land Management Code in the HRC or HCB zoning Districts, which meets the following conditions:
 - 1. Is found to be Engaging in Business for at least sixty (60) days during each quarter; and
 - 2. Has an active Business License.
- B. If a property does not meet the standards of 4-2-15(A) the property may be considered vibrant for a maximum of one year if it meets one (1) of the following exceptions:
 - 1. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction within one year from the date the initial permit was issued; or
 - 2. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent from the date of vacancy/finding of closure by the City, or closure of previous Business License, whichever is first. Satisfactory evidence shall include, but is not limited to, evidence that the owner has

hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on multiple listing services or any other comparable real estate listing services.

- C. Businesses within a Storefront Property that fail ~~[Failure]~~ to maintain a vibrant commercial storefront in the HCB or HRC zone ~~[shall result in the Business at the Storefront Property will]~~ are not ~~[be]~~ eligible to apply for a Single Event Alcoholic Beverage Licenses or temporary sign permit; and,
- D. The City reserves the right to utilize the area in front of the storefront property to display Art or other educational materials in the pedestrian area in front of the property as approved by the City Council while under an exception shown in 4-2-15(B) or until such a space is occupied by a vibrant commercial storefront.
- E. The burden is on the Business to show that it is Engaging in Business for the requisite period of time and if one of the exceptions applies.
- F. Any designation under this Section may be appealed to the Finance Manager or designee; any license denial appeal shall be conducted as set forth in 4-3-15 of this Title.

(3) Amend the Sign Code to Require an Active Business License to be Eligible to Maintain a Sign Installation.

Lastly, staff recommends amending Municipal Code of Park City Title 12, *Sign Code*, [Section 12-3-1](#) as follows:

12-3-1 Permits and Licenses Required

No person shall erect, install, alter, or relocate any permanent or temporary sign within Park City without first submitting a sign application and receiving approval of the sign permit from the City, unless the sign is exempt pursuant to Section 12-8-1. An active Business License is required to retain the installation of an approved Commercial Sign. A Business shall remove an installed sign within 30 days of Business License expiration, vacancy, or closure. Any person who erects, installs, alters, or relocates a sign that requires a permit under this Code and who fails to obtain an approved permit before installing the sign, shall be guilty of a Class C misdemeanor.

Department Review

The Planning, Finance, Economic Development, and Legal Departments reviewed this staff report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on April 11, 2022. Staff mailed courtesy notice to property owners in the HCB and HRC Zoning Districts on April 13, 2022. The *Park Record* published notice on April 13, 2022. LMC [§ 15-1-21](#)

Public Outreach

Staff reached out to the Historic Park City Alliance, the Park City Chamber of Commerce, and the Park City Ad-Hoc Business Taskforce.

Public Input

No public input was received when this staff report was published.

Alternatives

- The City Council may adopt Ordinance No. 2022-15;
- The City Council may deny Ordinance No. 2022-15 and direct staff to make findings for denial; or
- The City Council may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2022-15 and Code Amendment Redlines

Exhibit B: Ordinance No. 07-55

Exhibit C: Ordinance No. 2016-02

Exhibit D: Ordinance No. 2017-31

Exhibit E: Ordinance No. 2017-65

Exhibit F: Ordinance No. 2018-16

Exhibit G: Ordinance No. 2017-56

Exhibit H: Ordinance No. 2017-09

Ordinance No. 2022-15

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY TITLE 4
GENERAL LICENSING SECTION 4-2-15 VIBRANT COMMERCIAL STOREFRONT IN
HCB AND HRC DISTRICTS; TITLE 12 SIGN CODE SECTION 12-3-1 PERMITS
REQUIRED; AND TITLE 15 LAND MANAGEMENT CODE SECTION 15-15-1
DEFINITIONS**

WHEREAS, the Land Management Code protects and enhances the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community;

WHEREAS, the Land Management Code implements the goals and policies of the Park City General Plan;

WHEREAS, General Plan Goal 12, Objective 12D is to foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City and minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience;

WHEREAS, General Plan Goal 16 is to maintain the Historic Main Street District as the heart of the City for residents and visitors;

WHEREAS, General Plan Goal 16, Objective 16B is to limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian and to discourage office, real estate showrooms, and parking uses;

WHEREAS, General Plan Goal 16, Objective 16E is to encourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant buildings;

WHEREAS, land use regulations including Vertical Zoning to direct active uses like retail, restaurants, and bars to the street level, Vibrant Commercial Storefront Incentives to keep street-level businesses open and vibrant year-round, Conventional Chain Business regulations to support unique local businesses, and Storefront Enhancement Zoning to ensure future development is compatible with the historic rhythm and pedestrian scale of Main Street, are all based on the definition of *Storefront Property*;

WHEREAS, the Land Management Code definition of *Storefront Property* is key to applying land use regulations designed to preserve the historic character and vibrancy of the City's iconic Main Street, which was listed on the National Register of Historic Places in 1979. *Storefront Property* encompasses portions of buildings that

have a pedestrian-level presence with an entrance and window display along Main Street;

WHEREAS, the City Council hereby determines it necessary to clarify the *Storefront Property* definition as it was amended in different code sections over the years;

WHEREAS, on November 11, 2021, the City Council directed the Planning, Finance, and Economic Development Departments to evaluate code amendments to clarify the definition of *Storefront Property*, to require a Storefront Property to be vibrant to be eligible for a temporary sign permit, and to require an active business license to be eligible to maintain a sign installation;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on April 27, 2022, and unanimously forwarded a positive recommendation for City Council's consideration;

WHEREAS, the City Council conducted a duly noticed public hearing on May 26, 2022.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY TITLE 4. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 4, *General Licensing*, Section 4-2-15, *Vibrant Commercial Storefront In HCB and HRC Districts*, is hereby amended as outlined in Attachment 1.

SECTION 2. AMEND MUNICIPAL CODE OF PARK CITY TITLE 12. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 12, *Sign Code*, Section 12-3-1, *Permits Required*, is hereby amended as outlined in Attachment 1.

SECTION 3. AMEND MUNICIPAL CODE OF PARK CITY TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15, *Land Management Code*, Section 15-15-1, *Definitions*, is hereby amended as outlined in Attachment 1.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 26th day of May 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

4-2-15 Vibrant Commercial Storefront In HCB And HRC Districts

A. A vibrant commercial storefront is a Storefront Property, as defined in Section 15-15-1 of the Land Management Code in the HRC or HCB zoning Districts, which meets the following conditions:

1. Is found to be Engaging in Business for at least sixty (60) days during each quarter; and
2. Has an active Business License.

B. If a property does not meet the standards of 4-2-15(A) the property may be considered vibrant for a maximum of one year if it meets one (1) of the following exceptions:

1. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction within one year from the date the initial permit was issued; or
2. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent from the date of vacancy/finding of closure by the City, or closure of previous Business License, whichever is first. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on

multiple listing services or any other comparable real estate listing services.

C. Businesses within a Storefront Property that fail ~~[Failure]~~ to maintain a vibrant commercial storefront in the HCB or HRC zone ~~[shall result in the Business at the Storefront Property will]~~ are not ~~[be]~~ eligible to apply for a Single Event Alcoholic Beverage Licenses or temporary sign permit; and,

D. The City reserves the right to utilize the area in front of the storefront property to display Art or other educational materials in the pedestrian area in front of the property as approved by the City Council while under an exception shown in 4-2-15(B) or until such a space is occupied by a vibrant commercial storefront.

E. The burden is on the Business to show that it is Engaging in Business for the requisite period of time and if one of the exceptions applies.

F. Any designation under this Section may be appealed to the Finance Manager or designee; any license denial appeal shall be conducted as set forth in 4-3-15 of this Title.

....

12-3-1 Permits and Licenses Required

No person shall erect, install, alter, or relocate any permanent or temporary sign within Park City without first submitting a sign application and receiving approval of the sign permit from the City, unless the sign is exempt pursuant to Section 12-8-1. An active Business License is

required to retain the installation of an approved Commercial Sign. A
Business shall remove an installed sign within 30 days of Business
License expiration, vacancy, or closure. Any person who erects, installs,
alters, or relocates a sign that requires a permit under this Code and
who fails to obtain an approved permit before installing the sign, shall be
guilty of a Class C misdemeanor.

....

15-15-1 Definitions

....

Property, Storefront. A separately enclosed space, Floor Area, tenant
space or unit that has a storefront window or storefront entrance that
fronts on a Public Street. ~~[Storefront Property includes the entire Floor
Area associated with the storefront window or storefront entrance that
fronts on the Public Street.]~~ Storefront Property includes a storefront
window and/or storefront entrance that is not more than eight feet (8')
above or below the grade of the adjacent Public Street and where such
entrance is not a service or emergency entrance to the Building.

For purposes of this provision, the term “fronts on a Public Street” shall
mean a separately enclosed space, Floor Area, tenant space or unit with:

1. For Vertical Zoning regulations outlined in Sections 15-2.5-3(J)
and 15-2.6-3(H), Conventional Chain Business regulations outlined in
Sections 15-2.5-2 footnote 10 and 15-2.6-2 footnote 11, and Vibrant

Commercial Storefront regulations outlined in Section 4-2-15, a storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') ~~[of]~~ from the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance. ~~[; or]~~

2. For Storefront Enhancement Zoning regulations outlined in Sections 15-2.5-3(K) and 15-2.6-3(I), a storefront window and/or storefront entrance at the adjacent Public Street, or within thirty lateral/horizontal feet (30') ~~[of]~~ from the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance. ~~[; and]~~

3. ~~[A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.]~~

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as a "Storefront Property." The Planning Director or designee shall have the final determination of applicability.

. . . .

Ordinance No. 07-55

**AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND
MANAGEMENT CODE TO CHAPTERS 15-2.6: HISTORIC COMMERCIAL
BUSINESS (HCB) DISTRICT AND 15-2.5 HISTORIC RECREATION
COMMERCIAL (HRC) DISTRICT, RELATING TO PROHIBITING OFFICE,
RESIDENTIAL, NON-SALES TAX GENERATING USES AND OTHER SIMILAR OR
ASSOCIATED USES IN THE HCB DISTRICT AND HRC DISTRICT STOREFRONTS;
ALSO RELATED AMENDMENT TO LAND MANAGEMENT CODE
CHAPTER 15-15-1: DEFINITIONS.**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Districts and finds it is essential to the City's long term economic and financial well-being; and

WHEREAS, The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions"; and goes on to say Park City should "Maintain and improve the resort ambiance, which includes adequate opportunities for recreation, shopping, dining and culture"; and

WHEREAS, the 2003 Hyett Palma Park City Downtown Economic Study recommends pursuing a broad variety of uses and attractions to draw locals and visitors; and

WHEREAS, The City's Budget Department and The Main Street Business Alliance have submitted Affidavits that support these amendments; and

WHEREAS, Park City's Economic Development Plan identifies the following as Top Priorities: Facilitation and establishment of more "attractions/areas of interest" for both visitors and residents; Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies; and Protect, preserve, and promote the historic Main Street downtown area as the heart of the region; and

WHEREAS, Park City's Economic Development Strategic Plan identifies the following as High Priorities: Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities; Proactively target

business sectors that will fill voids left by departing companies or for smart redevelopment reasons; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will diminish the diverse and eclectic mix of uses and attractions necessary to sustain Park City's unique vibrant Main Street core for the general public, visitors, quests, and locals; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is an element of Main Street's attractiveness and a destination center for visitors and locals; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of commercial and mixed-use buildings and districts in and near the downtown core; and

WHEREAS, a preliminary discussion was held at the joint Planning Commission/City Council work session on April 5, 2007 regarding legislative remedies available to ensure the continuation of a successful business mix on historic Main Street; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A reduction in visitor traffic will have a net negative impact to sales tax overall. A reduction in visitor numbers will also signal a change in the culture of Main Street into an elite area that is less inviting to the majority of Park City's visitors, guests, and locals; 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 Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

WHEREAS, the Council determines after evaluating issues of fairness and the overall intent of the regulation that the application of pending ordinance doctrine shall be revoked up to the date of adoption;

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

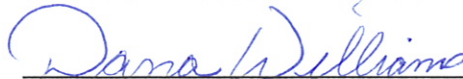
SECTION 1. APPROVAL OF AMENDMENT. CHAPTERS 15-2.5
Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business

(HCB) District, and 15-15-1 Definitions, of the Land Management Code are hereby amended to read as attached hereto on Exhibits "A", "B" and "C".

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication and the pending ordinance rule shall become effective as of the date of adoption.

PASSED AND ADOPTED this 30th day of August, 2007.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:

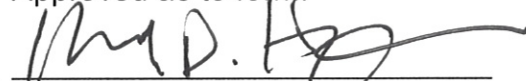

Mark D. Harrington, City Attorney



EXHIBIT A - HRC

TITLE 15 - LAND MANAGEMENT CODE (LMC)

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

15-2.5-2. USES.

Uses in the HRC 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 Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General⁵
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative Conditional Use permit

⁵**Prohibited in Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue (excluding those HRC zoned areas north of the 8th Street) rights-of-way; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street.**

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (12) Private Residence Club Project and Conversion⁴
- (13) Office, Intensive
- (14) Office and Clinic, Medical
- (15) Financial Institution, without drive-up window⁸
- (16) Commercial Retail and Service, Minor⁷
- (17) Commercial Retail and Service, personal improvement⁷
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁷
- (20) Restaurant, General⁷
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) Private Residence Club, Off-Site⁵**

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

(Amended by Ord. Nos. 04-39; 06-69)

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

EXHIBIT B

TITLE 15 - LAND MANAGEMENT CODE (LMC)

CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) 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 retail, commercial, residential, recreational, and institutional purposes 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 Historical District,
- (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 the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

(J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling⁹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1,10}
- (5) Accessory Apartment^{1,11}
- (6) Nightly Rental¹²
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family^{1,13}
- (10) Child Care, Family Group^{1,5}
- (11) Child Care Center^{1,5}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn¹⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Display¹⁵

⁹**Prohibited in Storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way.**

¹⁰Nightly Rental of Lock Units requires a Conditional Use permit

¹¹See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

¹²Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

¹³ See LMC Chapter 15-4-9 for Child Care Regulations

¹⁴Requires an Administrative Conditional Use permit

¹⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building¹
- (10) Private Residence Club Project and Conversion⁵
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive
- (13) Restaurant, Outdoor Dining⁵
- (14) Outdoor Events
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade⁵
- (23) Salt Lake City 2002 Winter
Olympic Games Olympic Legacy Displays⁹
- (24) Private Residence Club, Off-Site¹

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

(Amended by Ord. No. 02-38; 04-39; 06-69)

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

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

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Exhibit C

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1.44. Club.

(E) Club, Private Residence, Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

Storefront Property

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

1. A window and/or entrance within 50 lateral/horizontal feet of the back (inside building edge) of the public sidewalk; and
2. A window and/or entrance that is not more than 8 feet above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the street as set forth above shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

Ordinance 16-02

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING CHAPTER 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) ZONING DISTRICT, CHAPTER 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) ZONING DISTRICT, AND CHAPTER 15 DEFINED TERMS RELATING TO VERTICAL ZONING REGULATIONS PROHIBITING OFFICE, RESIDENTIAL, PARKING, PRIVATE EVENT FACILITIES, AND SIMILAR OR ASSOCIATED USES WITHIN STOREFRONT PROPERTY IN THE HISTORIC MAIN STREET DOWNTOWN AREA

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 Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 16 that states, "Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors." Objective 16B states, "Limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian. Uses that should be discouraged include office space, real estate show rooms, parking, etc." Implementation Strategy 16.10 states, "Re-examine the City's existing Vertical Zoning Ordinance that requires commercial retail shops along Main Street; consider strengthening the Ordinance."

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of more attractions and areas of interest for both visitors and residents, maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and

protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, Uses located on the main level adjacent to the street, that are not inviting to the general public, may diminish the vibrancy, diversity, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, Uses that are not inviting to the general public may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 24th, July 22nd, August 26th, October 14th, November 11th, and December 9, 2015 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 7, 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 values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

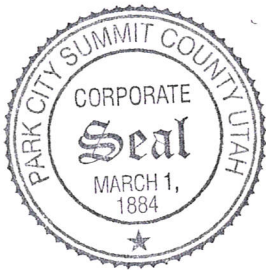
SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

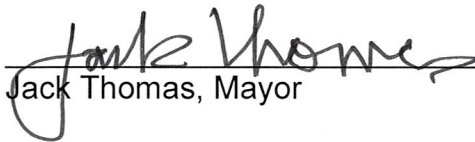
SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 7 day of January, 2016



PARK CITY MUNICIPAL CORPORATION



Jack Thomas, Mayor

Attest:



Michelle Kellogg
City Recorder

Approved as to form:



Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC Chapter 2.5 HRC Zoning District
Exhibit B – LMC Chapter 2.6 HCB Zoning District
Exhibit C – LMC Chapter 15- Defined Terms

**PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.5

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

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- (4) Lockout Unit^{1,5}
- (5) Accessory Apartment^{2,5}
- (6) Nightly Rental⁵
- (7) Home Occupation⁵
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn^{4,5}
- (16) Boarding House, Hostel⁵
- (17) Hotel, Minor, fewer than 16 rooms⁵
- (18) Office, General⁵

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

⁵ Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue. excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the

- (19) Parking Area or Structure, with four (4) or fewer spaces⁵

(B) **CONDITIONAL USES**⁹.

- (1) Triplex Dwelling⁵

following addresses:
~~Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue Rights of Way, excluding those HRC-zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings:~~
 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780 Main Street, 804 Main Street ~~(for the plaza side storefronts)~~ , 875 Main Street, 890 Main Street, ~~and~~ 900 Main Street, ~~and~~ 820 Park Avenue.
 Hotel rooms shall not be located within Storefront Property however; access, circulation, and lobby areas are permitted within Storefront Property.

(Amended by Ord. Nos. 04-39; 06-69; 07-55; 09-10; 12-37)

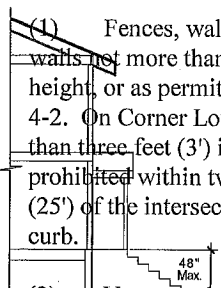
15-2.5-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

(A) **FRONT YARD.** The minimum Front Yard is ten feet (10').

(B) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

- 
- The diagram shows a corner lot with a street on the left and a driveway on the right. A fence is shown along the street frontage. A set of steps leads from the driveway area to the main building. Labels indicate: (1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb. (2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height. A label '48" Max' is shown near the steps.
- (1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.
 - (2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height.

Front Yard
← →

in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, and cornices, projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(D) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than

Field Code Changed

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 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.

(A) **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and 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 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

HRC District apply, except:

(A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.

(B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

(C) The Floor Area Ratio limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to parking in the rear of the Main Building, or below Grade, if both Properties are deed restricted to allow for the perpetual use of the shared drive.

(C) Common Parking Structures are allowed where such a grouping 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 common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.

(E) Driveways between Structures are allowed to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No Administrative Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto, or a historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2)

criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Conditional Use

permit and are subject to the following criteria:

(a) The Use is on private Property or leased public Property and does not diminish parking or landscaping.

Field Code Changed

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Building and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES,**

following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.
- (c) The display is prohibited from being permanently affixed to any building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as

determined by the Planning Director.

- (d) the display does not diminish parking or landscaping.
- (e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.
- (f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.
- (g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.5 - HRC District

15-2.5-16

Chapter 15-11.

- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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- (1) Single Family Dwelling¹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1,2}
- (5) Accessory Apartment^{1,3}
- (6) Nightly Rental⁴
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family^{1,5}
- (10) Child Care, Family Group^{1,5}
- (11) Child Care Center^{1,5}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn^{1,6}
- (16) Boarding House, Hostel¹
- (17) Hotel, Minor, fewer than 16 rooms¹

¹ Prohibited in HCB Zoned Storefront Property storefronts adjacent to the Main Street, Heber Avenue, Grant Avenue or and Swede Alley, Rights-of-Way Hotel rooms shall not be located within Storefront Property however: access, circulation and lobby areas are permitted within Storefront Property.

² Nightly Rental of Lock Units requires a Conditional Use permit

³ See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

⁴ Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁵ See LMC Chapter 15-4-9 for Child Care Regulations

⁶ Requires an Administrative or Administrative Conditional Use permit

- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces¹
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷

(B) CONDITIONAL USES¹⁰

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure

⁷ Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION.**

Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES.** No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED.** No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the

standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

(F) **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.

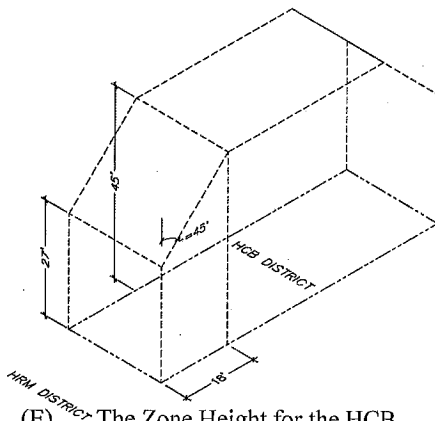
(G) Vertical Zoning. For HCB Zoned Storefront Property adjacent to Main Street and Heber Avenue, new Construction and Construction adding Floor Area to a Building or Lot, shall have a minimum of seventy-five percent (75%) of the width of the Building facade as Storefront Property.

(Amended by Ord. No. 06-69)

15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor

plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to

comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and 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) 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. No. 03-38; 06-69)

15-2.6-6. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING.

(A) **APPROVAL.** No awning or Canopy may be erected, enlarged, or altered over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED.** No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. 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. The parking obligation is as follows:

(A) **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE.** Non-Residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces¹⁰. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 15-3. Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

(C) **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking

¹⁰Mechanical and storage spaces must be in accordance with IBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

Field Code Changed

Field Code Changed

Field Code Changed

Uses shall not be from residential districts, such as HR-1 and HR-2.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection, and must be removed no later than 10:00 AM on the day of collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic.

Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential

districts (HR-1 and HR-2)

(Amended by Ord. No. 01-28; 06-69)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

Field Code Changed

Field Code Changed

(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:

Field Code Changed

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND

MUSIC. Outdoor events and music require an Administrative Permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) DISPLAY OF MERCHANDISE. Display of outdoor merchandise requires an Administrative Permit and is subject to the following criteria:

(a) The display is immediately available for purchase at the Business

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-69; 09-10)

15-2.6-13. 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) The Use is in a Historic Structure or addition thereto, or a Historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

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(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

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(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

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 15 - DEFINED TERMS

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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 **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.

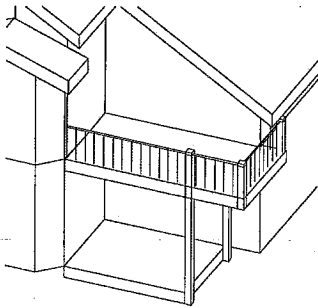
1.12 **ANCILLARY STRUCTURE.** One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, 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 generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

1.14 **ANTENNA.** A transmitting or receiving device used in Telecommunications that radiates or captures radio, television, or similar communication signals.

(A) **Antenna, Drive Test.** A temporary Antenna which is used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

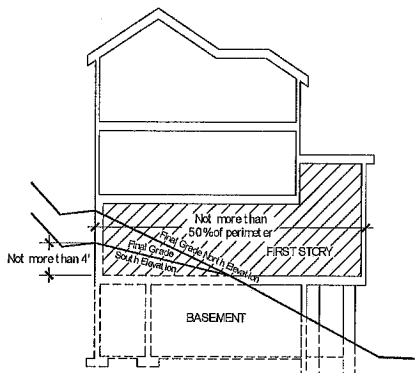
(B) **Antenna, Enclosed.** An Antenna or series of individual Antennas entirely enclosed inside a Structure, including but not limited to a cupola or wall of a Building or chimney.



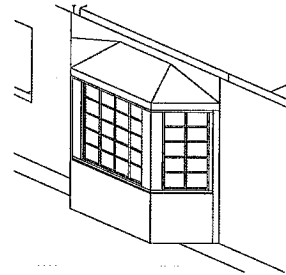
1.23 **BAR.** A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

1.24 **BASE ZONING.** Existing zoning without the addition of the Transfer of Development Rights overlay zone.

1.25 **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.



1.26 **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.



1.27 **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 **BEDROOM.** A separate room designed for or used as a sleeping room.

1.29 **BILLBOARD.** A separate room designed for or used as a sleeping room.

1.30 **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.

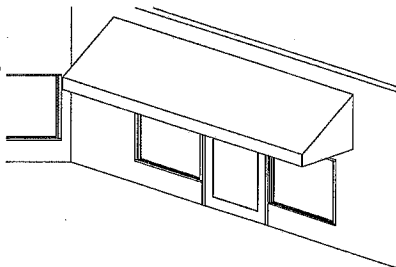
1.31 **BLOCK.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

1.32 **BOARDING HOUSE.** A Business, within a dwelling with two (2) or more

the rendering of personal services for others for consideration by Persons engaged in any profession trade, craft, occupation, or other calling.

1.39 **CAFE**. A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chefs, or other employees typically associated with a restaurant.

1.40 **CANOPY**. A roof or awning constructed of fabric or other material and extending outward from a Building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the Canopy or cantilevered from the Building.



1.41 **CAPITAL IMPROVEMENTS PROGRAM**. A proposed schedule and description of all proposed public works, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

1.42 **CERTIFICATE OF APPROPRIATENESS**. A certificate issued by the Building Department in cases of immediate public hazard, the Planning

Department in cases of architectural insignificance, or the Historic Preservation Board in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or Building having architectural Significance.

1.43 **CERTIFICATE OF ECONOMIC HARDSHIP**. A certificate issued by the Historic Preservation Board authorizing an Alteration, construction, removal, or Demolition of a Historic Landmark, or Building having architectural Significance, even though a Certificate of Appropriateness has previously been denied.

1.44 **CERTIFICATE OF OCCUPANCY**. A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

1.45 **CHILD CARE**. The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day.

The term does not include babysitting services on a casual, non-recurring nature or in the child's own home nor cooperative, reciprocate Child Care by a group of parents in their respective domiciles.

(A) **Child Care, In-Home Babysitting**. The provision of Child Care for four (4) or fewer children within a dwelling and within commercial Buildings outside of residential Zoning Districts.

(B) **Child Care, Family**. The provision

(3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;

(4) beneficial interest in a trust;

(5) other arrangement providing for such Use and occupancy rights.

(D) Club, Private Residence

Conversion. The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

(E) Club, Private Residence Off-Site.

Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(F) Club, Private Residence Project.

Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

1.50 CLUSTER DEVELOPMENT. A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation,

Open Space, and preservation of environmentally sensitive Areas.

1.51 CODE. The Land Management Code (LMC).

1.52 COLLECTOR ROAD. A road intended to move traffic from local roads to major thoroughways. A Collector Road generally serves a neighborhood or a large Subdivision.

1.53 CO-LOCATION. The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

1.54 COMMERCIAL USE. Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

(A) Commercial Use, Support. A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) Commercial Use, Resort Support. A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

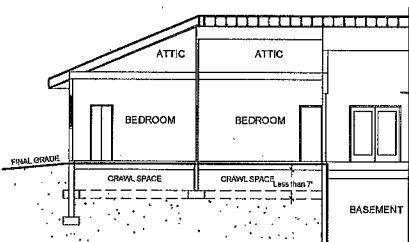
location and design of the Development.

1.66 **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT.** A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

1.67 **COUNCIL.** Members of the City Council of Park City.

1.68 **COVER, SITE.** The Area covered by an Impervious Surface such as a Structure, deck, pool, patio, walk, or driveway.

1.69 **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.



1.70 **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.

1.71 **CUL-DE-SAC.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

1.72 **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.

1.73 **DEMOLISH OR DEMOLITION.** Any act or process that destroys in part or in whole a Building or Structure. 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 Reconstruction pursuant to Section 15-11-15 of this Code.

1.74 **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.

1.75 **DESIGN GUIDELINE.** A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

1.76 **DETACHED.** Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

1.77 **DEVELOPABLE LAND.** That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for

1.88 **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.

1.89 **ECONOMIC HARDSHIP, SUBSTANTIAL**. Denial of all reasonable economic Use of the Property.

1.90 **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.

1.91 **ELEVATOR PENTHOUSE**. The minimum Structure required to enclose the top most mechanical workings of an elevator.

1.92 **EQUIPMENT SHELTER**. See Telecommunications Facilities, Equipment Shelter 1.231(B).

1.93 **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.

1.94 **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.

1.95 **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.

1.96 **FACADE**.

(A) **Facade, Building**. The exterior of a Building located above ground and generally visible from public points of view.

(B) **Facade, Front**. That portion of a Building that generally faces the street and/or Front Lot Line.

1.97 **FACADE EASEMENT**. A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

1.98 **FACADE SHIFT**. A change or break in the horizontal or vertical plane of the exterior of a Building.

1.99 **FENCE**. A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

1.100 **FILTERED LIGHT FIXTURE**. Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

1.101 **FINAL ACTION**. The later of the final vote or written decision on a matter.

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.

1.108 **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

1.109 **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.

1.110 **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.

1.111 **GEOLOGIC HAZARD.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, Property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable Slopes, faulting landslides, and rock fall.

1.112 **GOOD CAUSE.** Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

1.113 **GOVERNING BODY.** The City Council of Park City.

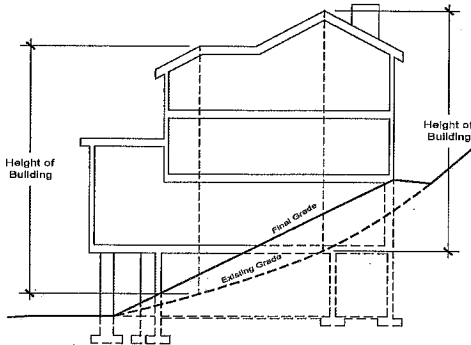
1.114 **GRADE.** The ground surface elevation of a Site or Parcel of land.

(A) **Grade, Existing.** The Grade of a Property prior to any proposed Development or Construction Activity.

(B) **Grade, Natural.** The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance

1.122 **HARD-SURFACED.** Covered with concrete, brick, asphalt, or other Impervious Surface.

1.123 **HEIGHT, BUILDING.** The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.



1.124 **HELIPAD.** A facility without the logistical support provided by a Heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

1.125 **HELIPORT.** Any landing Area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

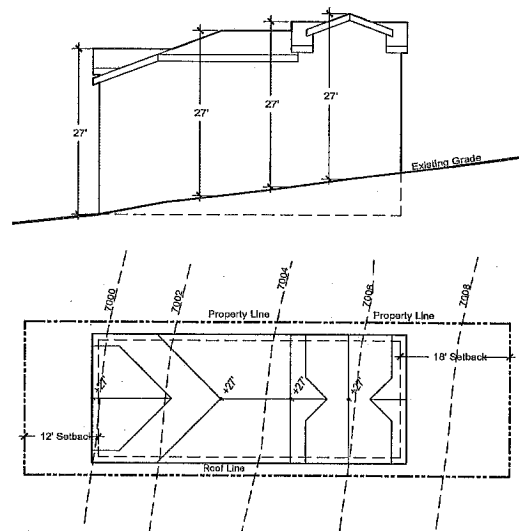
1.126 **HELISTOP.** Any landing Area used for the taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been

obtained.

1.127 **HISTORIC.** That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

1.128 **HISTORIC BUILDING, STRUCTURE, SITE OR OBJECT.** Any Building, Structure, Site and/or object, as designated by the Historic Preservation Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

1.129 **HISTORIC DISTRICT.** A geographically definable Area possessing a significant concentration, linkage, or continuity of Buildings, Structures, Sites or objects united by past events, plan or physical Development. A Historic District may comprise an individual Site or individual elements separated geographically but linked by association, plan, design, or history.



Historic District Building Height

out-patient medical or surgical care and related services without overnight stay.

1.134 **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. Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels. Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument Hotel rooms may include a Lockout as part of the Unit.

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

(B) **Hotel, Minor**. A Hotel, Motel, with fewer than sixteen (16) Hotel Rooms.

1.135 **HOTEL ROOM**. A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

1.136 **HOTEL SUITE**. Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette. See Bed and Breakfast Inn, Lockout Unit, and Boarding House.

1.137 **IMPACT ANALYSIS**. A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

1.138 **IMPERVIOUS SURFACE**. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

1.139 **INACTION**. An Application is Inactive and subject to denial on the basis of Inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an intent to abandon the project;

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

1.140 **INCIDENTAL RETAIL SALES**. The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a

Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.150 LIMITS OF DISTURBANCE.

The designated Area in which all Construction Activity must be contained.

1.151 LOCKOUT UNIT. An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

1.152 LOT. A unit of land described in a recorded Subdivision Plat.

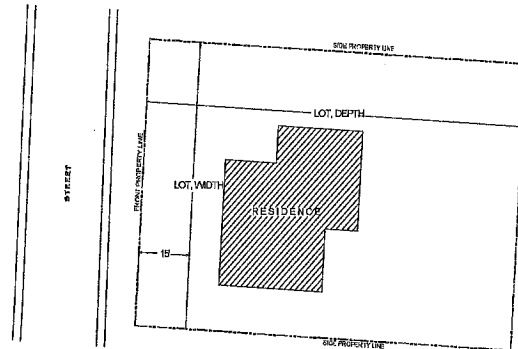
(A) **Lot, Corner.** A Lot situated at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

1.153 LOT DEPTH. The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

1.154 LOT LINE. Any line defining the boundaries of a Lot.

1.155 LOT LINE ADJUSTMENT. The relocation of the Property Line between two (2) adjoining Lots.

1.156 LOT WIDTH. The minimum distance between the Side Lot Lines at the Front Yard or Front Building Façade. See the following illustration:



1.157 LUMEN. A measurement of light output or the amount of light emitting from a Luminaire.

1.158 LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) **Luminaire, Cutoff-Type.** A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90°).

(B) **Luminaire, 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.

(C) **Luminaire, Partially Shielded.** Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.159 MASTER FESTIVAL. Any event

(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.

1.168 **NOTEWORTHY**. Deserving notice or attention because of uniqueness, excellence, or Significance.

1.169 **NURSERY, GREENHOUSE**. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.170 **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.

1.171 **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.

1.172 **OFF-STREET**. Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

1.173 **OFFICE**.

(A) **Office, General**. A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

(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.

(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 by employee and/or clients.

condition prior to such deterioration, decay, or damage.

1.180 OUTDOOR USE OR EVENT.

Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

1.181 OWNER. Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.182 PARCEL. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

1.183 PARKING.

(A) **Parking, Public.** A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential.** A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared.** The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

1.184 PARKING AREA. An unenclosed Area or Lot other than a Street used or designed for parking.

1.185 PARKING LOT, COMMERCIAL. A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

1.186 PARKING SPACE. An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

1.187 PARKING STRUCTURE. A fully enclosed Structure designed and intended for parking.

1.188 PASSENGER TRAMWAY. A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

1.189 PERIOD OF HISTORIC SIGNIFICANCE. A specific period of time that provides a context for Historic Sites based on a shared theme.

1.190 PERSON. An individual, corporation, partnership, or incorporated association of individuals such as a club.

1.191 PET SERVICES

(A) **Household Pets-**Household pets include dogs, cats, rabbits, birds,

An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

1.198 PRIVATE EVENT. An event, gathering, party or activity that is closed to the general public or that requires and invitation and/or fee to attend.

1.199 PRIVATE EVENT FACILITY. A facility where the primary Use is for staging, conducting, and holding Private Events.

1.200 PRIVATE PLAZA. Private Property in excess of seven hundred and fifty (750) square feet that serves as common area to adjoining Commercial Development and is free of Structures and is hard surfaced and/or landscaped. Private Plazas generally provide an Area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

(Note- will need to change all numbering)

1.198 PROPERTY. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or

storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space, Floor Area, tenant space or unit with:

(1) A storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance, back, inside building edge, of the public sidewalk; and

(2) A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

1.199 PROPERTY LINE. The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of

(C) **Recreation Facilities, Public.**

Recreation facilities operated by a public agency and open to the general public with or without a fee.

1.210 **RECYCLING FACILITY.** A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

(A) **Recycling Facility, Class I.**

Recycling containers totaling up to 60 cubic yards of capacity per residential lot or business used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, but not limited to the use by a specific residential neighborhood, civic facility, or commercial business park, and can be for the use of the entire community.

1.211 **REFRACTIVE LIGHT SOURCE.** A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.212 **REGULATED USE.** A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

1.213 **REHABILITATION.** The act or process of making possible a compatible Use for a Property through repair, alterations, and additions while preserving those portions or features which convey its Historical, cultural, or architectural values.

1.214 **RESIDENTIAL USE.** Uses and project that consist primarily of activities

that are residential in nature that may include other support Uses, such as support commercial, but where the primary Use is for human habitation and associated activities. Residential Use includes occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

1.215 **RESORT SUPPORT**

COMMERCIAL. Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

1.216 **RESTAURANT.** A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through.** A Restaurant, Deli, Café, fast food Restaurant, or other similar Business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

1.217 **RESTORATION.** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and Reconstruction of missing features from the restoration period.

1.218 **RESUBDIVISION.** A change in a map of an approved or recorded Subdivision

1.225 ROAD RIGHT-OF-WAY

WIDTH. The distance between Property Lines measured at right angles to the center line of the Street.

1.226 SALT LAKE CITY 2002 WINTER OLYMPIC GAMES' OLYMPIC LEGACY DISPLAYS.

Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits that expressly commemorate the Salt lake City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

1.227 SATELLITE RECEIVING STATION. Any apparatus or device designed for the purpose of transmitting

and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TVRO's or dish Antennas. This definition does not include conventional television Antennae.

1.228 SBWRD. Snyderville Basin Water Reclamation District.

1.229 SCREEN OR SCREENED. The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

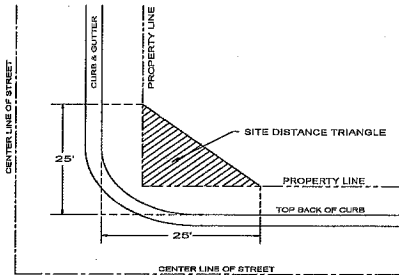
1.230 SECONDARY LIVING QUARTERS. An Area within a main dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

1.231 SENDING SITE. A Parcel of real property denoted as a sending site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A Sending Site is the Site from which Development Credits may be Transferred.

1.232 SENSITIVE LAND. Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

1.233 SENSITIVE LANDS ANALYSIS.

triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.

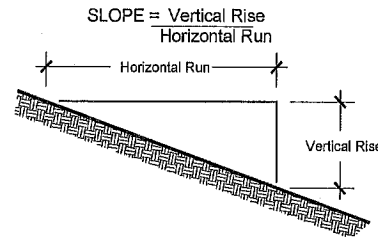


1.245 SITE SUITABILITY ANALYSIS.

A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

1.246 SKETCH PLAT. A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

1.247 SLOPE. The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep.** Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep.** Slope greater than forty percent (40%).

1.248 SPACING. Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.249 SPECIAL EVENT. Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations, as defined by this Code, or creates public impacts through any of the following:

- (A) The use of City personnel;
- (B) Impacts via disturbance to adjacent residents;
- (C) Traffic/parking;
- (D) Disruption of the normal routine of the community or affected neighborhood; or
- (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events

an impervious material on or above the ground; definition includes "Building".

1-2571.258 STUDIO APARTMENT. A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

1-2581.259 SUBDIVISION. Any land, vacant or improved, which is divided or proposed to be divided or combined into one (1) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Resubdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes the creation of a single lot of record from a Lot, Parcel, Site, Unit, plot, or other division of land.

(A) **Subdivision, Major.** All Subdivisions of four (4) or more Lots, or any size Subdivision requiring any new Street or extension of municipal facilities, or the creation of any Public Improvements.

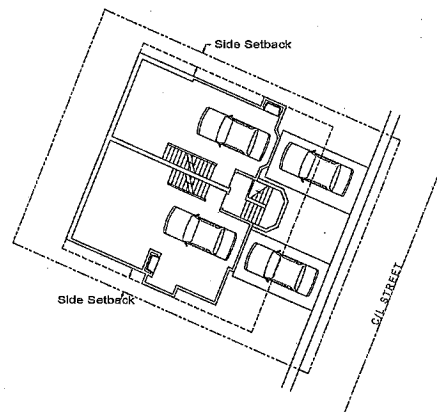
(B) **Subdivision, Minor.** Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely

affecting the remainder of the Parcel or adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or these regulations.

1-2591.260 SUBDIVISION PLAT. The final map or drawing, on which the Applicant's plan of Subdivision is presented to the City Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

1-2601.261 SUITABILITY DETERMINATION. A determination by the Planning Director whether Development at increased Densities due to a Density Transfer from a Sensitive Area is Compatible with Development on surrounding or adjacent Property.

1-2611.262 TANDEM PARKING. A parking design which allows parking one (1) vehicle behind another. Such parking may not include more than two (2) cars in depth, and may not require occupants of separate Dwelling Units to park behind one another.



**1.2691.270 TIMESHARE OFF-
PREMISES CONTACTING ACTIVITY.**

Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

**1.2701.271 TIMESHARE OFF-
PREMISES SALES ACTIVITY.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

**1.2711.272 TIMESHARE OFF-
PREMISES SALES OFFICE.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

**1.2721.273 TIMESHARE ON-SITE
SALES ACTIVITY.** Timeshare sales activity occurring within a Timeshare Project.

**1.2731.274 TIMESHARE ON-SITE
SALES OFFICE.** An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

1.2741.275 TIMESHARE PROJECT.

Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

**1.2751.276 TIMESHARE SALES
PRESENTATION.**

(A) An offer to sell or reserve a Timeshare Interval;

(B) An offer to sell an option to purchase a Timeshare Interval;

(C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or

(D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

1.2761.277 TIMESHARE UNIT. That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

1.2771.278 TIMESHARE USE. Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club Use.

1.2781.279 TRANSFER. Any action which results in the sale, exchange, or joint

based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.2891.290 WIND ENERGY SYSTEM,

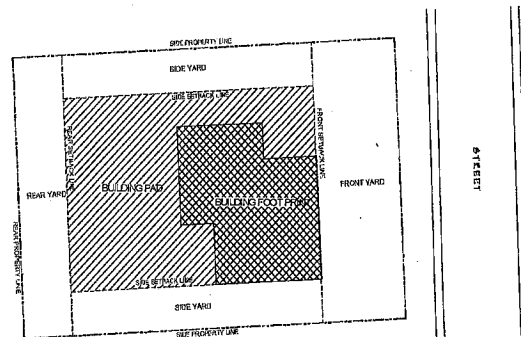
SMALL. All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

1.2901.291 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:



1.2921.293 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.

1.2931.294 ZONING MAP, OFFICIAL. The map adopted by the City Council depicting the geographic scope of the City’s land Use designations.

1.2941.295 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)

15-15-2. LIST OF DEFINED TERMS.

-A-

Common Area
Common Ownership
Compatible or Compatibility
Conditional Use
Condominium
Conservation Activity
Conservation Easement
Constitutional Taking
Construction Activity
Construction Mitigation Plan
Construction Plan
Contributing Building, Structure, Site/Area
or Object
Council
Cover, Site
Crawl Space
Crest of Hill
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

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 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

Ordinance No. 2017-31

AN ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 29 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the City Council of Park City has been monitoring its tenant mix on Main street closely since 2002, and has provided regular updates to City Council; and

WHEREAS, the City Council and the Historic Park City Alliance have identified vacant storefronts as the largest threat to our vibrancy and long term economic stability; and

WHEREAS, storefronts that are vacant disrupt the natural rhythm and vibrancy of the National Registered Historic District; and

WHEREAS, storefronts that are only occupied during special events bring impacts that outweigh their benefit including trash and noise; and

WHEREAS, storefronts that are only occupied during special events, through issuance of additional temporary liquor licenses create the need for additional public safety resources; and

WHEREAS, the Municipal Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Municipal Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Municipal Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, specific LMC issues raised by Staff, Planning Commission, and City Council, and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Title 4 amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City," Objective 12C that states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience," Objective 12D that states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience," and the Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHEREAS, Park City has an interest in the preservation of the historic integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents, maintaining and improving the balance of sustainable community goals by going beyond economic initiatives to include social and environmental strategies, and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 29, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend Title 4 to be consistent with the values and goals of the Park City General Plan and the Park City Council, to protect health and safety and maintain the quality of life for its residents and visitors, preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area, ensure compatible development, and preserve historic resources and the community's unique character.

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

SECTION 1. ADOPTION OF 4-2-29 Vibrant Commercial Storefront in HCB and HRC. The recitals above are incorporated herein as findings of fact. Title 4 of the Municipal Code of Park City is hereby amended as redlined in Exhibit A.

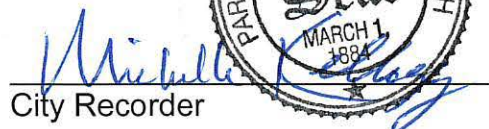
SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 29th day of June, 2017

PARK CITY MUNICIPAL CORPORATION


Jack Thomas, Mayor

Attest:


City Recorder



Approved as to form:


Mark Harrington, City Attorney

4-2-29 **Vibrant Commercial Storefront in HCB and HRC**

- (1) A Vibrant Commercial Storefront is a Storefront Property which cannot meet four (4) or more of the seven (7) following conditions:
 - A. Is a Storefront Property as defined section 15-15-1 in the HRC or HCB Districts of the Land Management Code without a current lease in place or that is not actively advertising, utilizing, or occupying the property in a way that constitutes Engaging in Business for at least 270 days per year, or that is not open and physically occupied during the hours typically consistent with the licensed use of the property for at least the past 30 days; or
 - B. Has an approved business license but is not open during typical business hours consistent with its licensed use to the public, or is consistently open for less than five days a week, or under 270 days per year; or
 - C. There is not an active business license in place, or any pending business license application in the past 30 days; or
 - D. Tenants are not actively advertising, utilizing, or occupying the property in a way that fulfills the definition of Engaging in Business 4-1-1.20; or
 - E. A commercial storefront without signs, displays, or clear indication that they are open or occupied such as having an employee on site, doors open or clearly marked as open to the public, or lights on within the premises; or
 - F. Over a quarterly period cannot provide sales tax receipts, payroll records, quarterly profit/loss statements, or similar financial records that show consistent month-to-month occupation and commercial activity; or
 - G. Cannot provide utility bills or meter readings (water, gas, trash or electric) that are consistent the use of with similarly active licensed businesses.
- (2) If a property is not considered a “Vibrant Commercial Storefront”, and the property is located in in HCB and HRC zones, the property owner or business licensee must provide proof that the property meets one (1) of the following exceptions:
 - A. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction within one year from the date the initial permit was issued; or
 - B. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on multiple listing services or any other comparable real estate listing services.
- (3) Failure to maintain a Vibrant Commercial Storefront in the HCB or HCR zone shall result in the following:
 - A. The Business at the Storefront Property will not receive local consent or be eligible for a Liquor License of any kind including Single Event Temporary Liquor permits; and,

- B. The City reserves the right to utilize the area in front of the Storefront Property to display art or other educational materials in the pedestrian area in front of the property as approved by the City Council until such a space is occupied by a Vibrant Commercial Storefront.
- (4) Any property designation under this Chapter may be appealed any shall be conducted as set forth in Chapter 2 of this Title.

Ordinance No. 2017-65

AN ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 15 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the City Council of Park City found the definition of Vibrant Commercial Storefront could be clarified; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 29, 2017, November 9, 2017 and December 14, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend Title 4 to be consistent with the values and goals of the Park City General Plan and the Park City Council, to protect health and safety and maintain the quality of life for its residents and visitors, preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area, ensure compatible development, and preserve historic resources and the community's unique character.

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

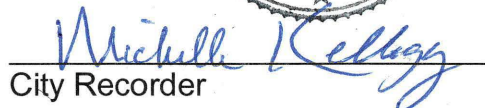
SECTION 1. ADOPTION OF 4-2-15 Vibrant Commercial Storefront in HCB and HRC. The recitals above are incorporated herein as findings of fact. Title 4 of the Municipal Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective on February 1, 2018.

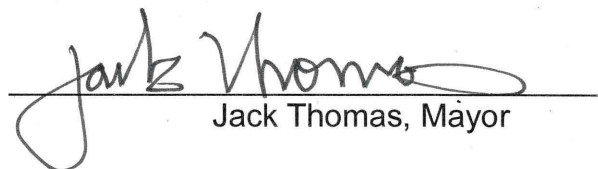
PASSED AND ADOPTED this 14th day of December, 2017



Attest:


City Recorder

PARK CITY MUNICIPAL CORPORATION


Jack Thomas, Mayor

Approved as to form:


Mark Harrington, City Attorney

4-2-15 Vibrant Commercial Storefront In HCB And HRC Districts

- A. A vibrant commercial storefront is a ~~s~~Storefront ~~P~~property, as defined in Section 15-15-1 of the Land Management Code in the HRC or HCB zoning Districts, which ~~cannot meet four (4) or more of the seven (7) meets the~~ following conditions:
- ~~1. Is found to be Engaging in Business for at least sixty (60) days during each quarter; and~~
 - ~~2. Has an active Business License; and~~
 - ~~3. Posts its hours and days of operation in the storefront.~~
-
- ~~1. Is a storefront property as defined in Section 15-15-1 in the HRC or HCB Districts of the Land Management Code without a current lease in place or that is not actively advertising, utilizing, or occupying the property in a way that constitutes Engaging in Business for at least two hundred and seventy (270) days per year, or that is not open and physically occupied during the hours typically consistent with the licensed use of the property for at least the past thirty (30) days; or~~
 - ~~2. Has an approved Business license but is not open during typical Business hours consistent with its licensed use to the public, or is consistently open for less than five (5) days a week, or under two hundred and seventy (270) days per year;~~
 - ~~3. There is not an active Business license in place, or any pending Business license application in the past thirty (30) days; or~~
 - ~~4. Tenants are not actively advertising, utilizing, or occupying the property in a way that fulfills the definition of Engaging in Business 4-1-1.15; or~~
 - ~~5. A commercial storefront without signs, displays, or clear indication that they are open or occupied such as having an employee on site, doors open or clearly marked as open to the public, or lights on within the premises; or~~
 - ~~6. Over a Quarterly period cannot provide sales tax receipts, payroll records, quarterly profit/loss statements, or similar financial records that show consistent month-to-month occupation and commercial activity; or~~
 - ~~7. Cannot provide utility bills or meter readings (water, gas, trash, or electric) that are consistent with the use of similarly active licensed businesses.~~
- B. If a property ~~does not meet the standards of 4-2-15(A) is not considered a “vibrant commercial storefront” and the property is located in HCB and HRC zones, the property owner or Business licensee must provide proof that~~ the property may be considered vibrant for a maximum of one year if it meets one (1) of the following exceptions:
- ~~1. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction~~ within one year ~~within one year~~ from the date the initial permit was issued; or
 - ~~2. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent~~ from the date of vacancy/finding of closure by the City, or closure of previous Business License, whichever is first. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on multiple listing services or any other comparable real estate listing services.
- C. Failure to maintain a vibrant commercial storefront in the HCB or HRC zone shall result in the ~~C. following:~~
- ~~The Business at the S~~Storefront ~~P~~property will not ~~hereceive local consent or be~~ eligible to apply for a ~~liquor license of any kind including~~ Single Event Alcoholic Beverage Licenses; and,
- D. The City reserves the right to utilize the area in front of the storefront property to display Art or other educational materials in the pedestrian area in front of the property as approved by the City

Council while under an exception shown in 4-2-15(B) or until such a space is occupied by a vibrant commercial storefront.

~~C.E.~~ The burden is on the Business to show that it is Engaging in Business for the requisite period of time and if one of the exceptions applies.

~~D.F.~~ Any property designation under this Section may be appealed and shall be conducted as set forth in 4-3-15 of this Title.

Ordinance No. 2018-16

AN ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 15 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, City Council of Park City seeks to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area, ensure compatible development, and preserve historic resources and the community's unique character, and;

WHEREAS, the City Council finds that because of the seasonality of Park City as a resort town, it is in the best interest of local business owners to remove the "Posted Hours" provision from the Municipal Code, and;

WHEREAS, public hearings were duly held before City Council on April 19, 2018 and May 3, 2017, and;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 15 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC is hereby amended as redlined as follows:

4-2-15 Vibrant Commercial Storefront In HCB And HRC Districts

- A. A vibrant commercial storefront is a Storefront Property, as defined in Section 15-15-1 of the Land Management Code in the HRC or HCB zoning Districts, which meets the following conditions:
 1. Is found to be Engaging in Business for at least sixty (60) days during each quarter; and
 2. Has an active Business License; ~~and~~
 3. ~~Posts its hours and days of operation in the storefront.~~
- B. If a property does not meet the standards of 4-2-15(A) the property may be considered vibrant for a maximum of one year if it meets one (1) of the following exceptions:
 1. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction within one year from the date the initial permit was issued; or
 2. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent from the date of vacancy/finding of closure by the City, or closure of previous Business License, whichever is first. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on multiple listing services or any other comparable real estate listing services.
- C. Failure to maintain a vibrant commercial storefront in the HCB or HRC zone shall result in the Business at the Storefront Property will not be eligible to apply for a Single Event Alcoholic Beverage Licenses; and,

- D. The City reserves the right to utilize the area in front of the storefront property to display Art or other educational materials in the pedestrian area in front of the property as approved by the City Council while under an exception shown in 4-2-15(B) or until such a space is occupied by a vibrant commercial storefront.
- E. The burden is on the Business to show that it is Engaging in Business for the requisite period of time and if one of the exceptions applies.
- F. Any ~~property~~ designation under this Section may be appealed to the Finance Manager ~~or designee; any license denial appeal and~~ shall be conducted as set forth in 4-3-15 of this Title.

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

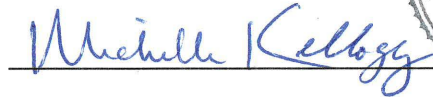
PASSED AND ADOPTED this 3rd DAY OF MAY, 2018.

PARK CITY MUNICIPAL CORPORATION



Mayor Andy Beerman

Attest:



Michelle Kellogg, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 2017-56

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, UTAH,
AMENDING 4-3-1 LICENSING APPLICATION; AMENDING 4-3-4 CODE
COMPLIANCE INSPECTION; 4-3-8 LICENSING PERIOD; AND AMENDING 4-7-3
CONVENTION SALES AND COMMERCIAL HOSPITALITY APPLICATIONS**

WHEREAS, the Municipal Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Municipal Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Municipal Code on a regular basis and identifies necessary amendments to address business license, planning and zoning issues that have come up; to address specific Municipal Code issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City." Objective 12C states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHEREAS, Park City has an interest in the preservation of the integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and

protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or a unique positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, uniqueness and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on October 24, 2017; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah to amend the Municipal Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 1 License Application of the Municipal Code of Park City as hereby amended as redlined in Attachment A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 4 Inspections for Compliance of the Municipal Code of Park City as hereby amended as redlined in Attachment A.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 8 Licensing Period of the Municipal Code of Park City as hereby redlined in Attachment B.

SECTION 4. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 7, Section 3 Commercial Sales And Commercial Hospitality Applications of the Municipal Code of Park City as hereby redlined in Attachment C.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

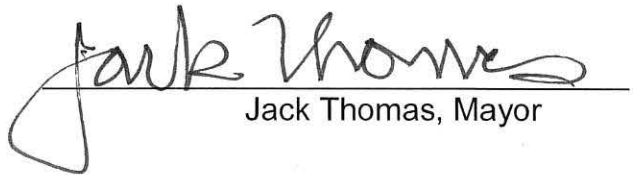
PASSED AND ADOPTED this 24th day of October, 2017

PARK CITY MUNICIPAL CORPORATION



Attest:


City Recorder


Jack Thomas, Mayor

Approved as to form:


Mark Harrington, City Attorney

Attachments

- Attachment A – Municipal Code - Sections 4-3-1 License Application, and 4-3-4 Code Compliance Inspection
- Attachment B – Municipal Code Section 4-3-8 License Period
- Attachment C – Municipal Code Section 4-7-3 Convention Sales And Commercial Hospitality

4-3-1 License Application

A. All Business license applications with a physical location within City limits require a passed Business License Inspection from the Building Department to ensure life safety standards, proper measurements for fee calculation, and Code compliance.

B. Applications without an Inspection

1. If the Business is a Conventional Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply for a Business License without an Inspection only if the applicant provides a letter of intent agreement between the landlord and tenant, with monetary or other proprietary terms redacted if necessary.
2. The applicant will be notified in writing within ten business days of affirmation or denial of the application.
3. Within 120 days from the day of application a signed lease or memorandum of lease must be submitted to Finance with monetary or other proprietary terms redacted if necessary or the application shall be denied.
4. The business license application will be denied after 180 days from application unless the applicant has submitted and paid for a building permit.
5. The business license application shall be deemed denied if it is pending more than 24 months from application date.
6. Any denial can be appealed pursuant to Section 4-3-15.
7. Prior to the License being issued, the applicant must provide a Passed Business License Inspection report to Finance. The Finance Department will recalculate the fees based on the final square footage and either issue a refund or collect additional fees and issue the License.

A.C. A Business License Inspection will only be scheduled if:

1. A Certificate of Occupancy has been issued by the Building Department;
2. A Letter of Completion has been issued by the Building Department; or
3. There is already an existing licensed Business occupying the space and a building permit is not required to accommodate the new Business.

B.D. Applications for Business licenses shall be made in writing to the Finance Manager or his/her designee. Each application shall include the:

1. Name of the applicant and DBA, if applicable;
2. Location and contact information of the Business;
3. Payment of the applicable fee and tax to be paid, based on the information recorded on the Business License Inspection or previous Business License at that location if within the HRC or HCB Districts as defined in the Land Management Code; or estimated amount if undergoing significant construction or tenant improvements;
4. Name and ~~address~~ contact information of the local Business agent who is authorized to receive service of process and any communication regarding applicant's license, if applicable
- ~~4.5.~~ Federal entity identification number;
- ~~5.6.~~ State sales tax reporting number, if applicable;
- ~~6.7.~~ Copy of the Business License Inspection report showing passed;
- ~~7.8.~~ State contractor's license number, if applicable;
- ~~8.9.~~ State real estate broker's license number, if applicable; and
- ~~9.10.~~ Other information, as needed, for the purpose of guidance of the Finance Manager in issuing the license.

- C.E. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Finance Manager or his/her designee. License application forms shall be prepared and kept on file by the Finance Department.

4-3-4 Code Compliance Inspection

- A. INSPECTIONS FOR CODE COMPLIANCE.** Prior to applying for a license under this Title for a new Business not previously licensed at that location, or an existing Business with a change of Square Footage, use, or location, the applicant shall be required to have the prospective Place of Business inspected prior to application by the Building Department, and if necessary, other government agencies to ensure compliance with building, fire, municipal, and health codes. Except if the Business is a Conventional Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply without an Inspection, but must provide a copy of the Business License inspection report showing passed prior to the License being issued.

4-3-8 License Period

- A.** Renewed license certificates shall be valid October 1 through September 30 of the year of renewal unless revoked pursuant to this Title. New license certificates issued between October 1 and June 30 shall be valid through September 30 of the year of issuance unless revoked. New license certificates issued between July 1 and September 30 may be valid through September 30 of the year following the year of issuance, unless revoked. An applicant applying for a license between July 1 and September 1 shall pay one hundred and twenty-five percent (125%) of the amount otherwise imposed for new licenses issued and the license shall be valid through September 30 of the year following the year of issuance, unless revoked. However, an applicant may elect to pay the prorated fee pursuant to this Title on new applications between July 1 and September 30 if the applicant does not intend to do Business in Park City the following year.
- B. Conventional Chain Business License Renewal - If the total cap of allowed Conventional Chain Businesses in the HRC and HCB Districts is met and if a Conventional Chain Business no longer maintains its Business License, the location is eligible to replace the Storefront with another Conventional Chain Business prior to September 30 of that year. If the period of time when the Conventional Chain Business vacates the premises is less than six months from September 30, the location's representative may put the City on formal notice and have up to 180 days to replace the Conventional Chain Business tenant from the time that notice is received by the City. If the Storefront is not replaced with another Conventional Chain Business within the allocated timeframes above the license shall become available. Formal notice shall be in writing, filed with the City Recorder within ten (10) business days of vacancy.**

4-7-3 Applications

- A. For Type 1 and Type 3 convention sales licenses, the City may take up to ten (10) business days to complete the licensure process to permit adequate time for the Police, Building, Finance, and Planning Departments for review and investigation. The Departments may request reasonable evidence of title to goods proposed to be offered for sale as part of the review.
- B. Retained Council Authority for Type 2 licenses:
1. The Finance Manager or his/her designee shall refer the Type 2 convention sales license application to the Building, Planning, Parking, and Public Safety Departments for approval.
 2. After obtaining department approval, all Type 2 licenses shall require City Council approval at a publically noticed meeting. All Type 2 license applications must be

completed and received at least seven (7) calendar days prior to a regular scheduled meeting and three (3) business days prior to a special meeting.

3. All Type 2 license applications require the applicant to have a pre-inspection prior to application at the Place of Business conducted by the Building Department for compliance with the building and fire codes. A copy of said pre-inspection report must accompany the license application submittal. The pre-inspection prior to application shall remain valid for one hundred and twenty (120) days.
4. All Type 2 license applications shall require an accurate floor plan and a design occupancy load stamped by a design professional to be submitted at the time of application.
5. All Type 2 license applicants require a final inspection by the Building Department post application after the space has been set up for the event. Business shall not be conducted until the final inspection has been passed and the applicant has been issued a Type 2 convention sales license.
6. All Type 2 convention sales license applications for locations within the Main Street Business Improvement District (BID) boundaries shall require a deposit receipt with Republic Services in the amount of one hundred dollars (\$100), to be submitted at time of application, and be required to pay the Main Street BID tax set forth by ordinance.
7. All Type 2 convention sales licenses will be assessed the Enhanced Enforcement Fees of forty-five dollars and fifty-eight cents (\$45.58) to be paid at time of application.
8. The loading operations of each Type 2 convention sales license shall be permitted by the Parking Division with three (3) different permits: Red, Green, and Blue, depending on the type of loading: Red, large-scale operations; Green, food and beverage; and Blue, musical equipment. Any violation of the regulations specified on each permit may result in the revocation of the Type 2 convention sales license or the inability to obtain a Type 2 convention sales license in the future.
9. Large scale load-out operations for Type 2 convention sales licenses will not be permitted until Day 6 (Tuesday) of the Sundance Film Festival.

C. Type 1 and Type 2 Convention Sales and Hospitality Licenses, located in a Storefront that meet the definition of a Conventional Chain Business, must comply with the Land Management Code Section 15-2.5-2 in the Historic Recreation Commercial District or 15-2.6-2 in the Historic Commercial Business District.

Ordinance No. 2017-09

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, SECTION 15-2.5; HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT, SECTION 15-2.6; AND DEFINED TERMS, SECTION 15-15.

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 Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City." Objective 12C states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHEREAS, Park City has an interest in the preservation of the historic integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on February 22, 2017 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 16, 2017, April 13, 2017, and April 27, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

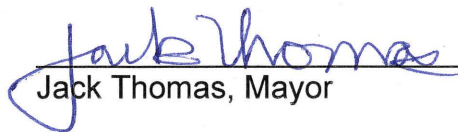
SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15-15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 27 day of April, 2017

PARK CITY MUNICIPAL CORPORATION

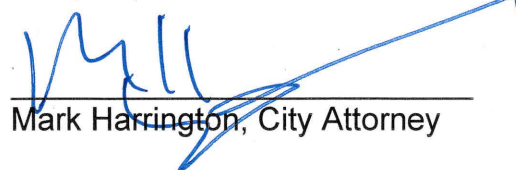

Jack Thomas, Mayor

Attest:


Michelle Kelley
City Recorder



Approved as to form:


Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)

Exhibit B – LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

Exhibit C – LMC § 15-15 Defined Terms

Exhibit A – LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)

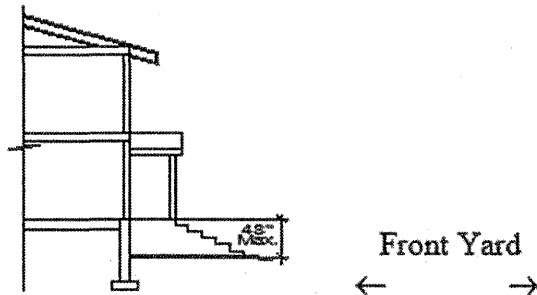
15-2.5-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

- A. **FRONT YARD.** The minimum Front Yard is ten feet (10').
- B. **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street intersection.

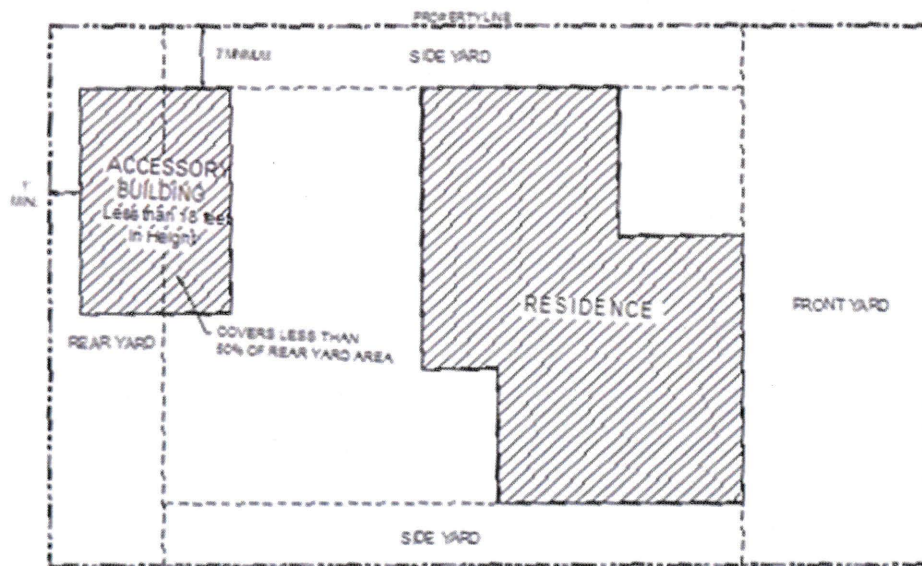


3. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
4. Roof overhangs, eaves, and cornices, projecting not more than three feet (3') into the Front Yard.
5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

- C. **REAR YARD.** The minimum Rear Yard is ten feet (10').

D. **REAR YARD EXCEPTIONS.** The Rear 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 Rear Yard.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
3. Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
4. Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. 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, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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.
 - a. 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 Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

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 feet (3').
11. A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

G. **FLOOR AREA RATIO.** In all projects within the HRC Zone:

1. **STRUCTURES BUILT AFTER OCTOBER 1, 1985.** Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.
2. **STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985.** Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

H. **SNOW RELEASE.** Site plans and Building designs must resolve snow release 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.

J. **VERTICAL ZONING.** For HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue, and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side Storefronts), 780 Main Street, 804 Main Street (for the plaza side Storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue, new Construction and Construction adding Floor Area to a Building or Lot, shall have a minimum of seventy-five-percent (75%) of the width of the Building facade as Storefront Property.

K. **STOREFRONT ENHANCEMENT ZONING.** The maximum width of any Storefront Property Façade abutting Main Street or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures. A Storefront Property Façade shall have a storefront entrance door for pedestrian access.

If the Historic storefront entrance, located in the Historic portion of a structure listed on the Historic Sites Inventory, is more than eight feet (8') above the grade of the adjacent Main Street and/or Heber Avenue, then the First Story in the Historic portion of the Historic structure located adjacent to Main Street and/or Heber Avenue shall not be calculated in the maximum Storefront Property Façade width.

Exhibit B – LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

15-2.6-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- A. **LOT SIZE**. The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').
- B. **FRONT, REAR AND SIDE YARDS**. There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.
- C. **SIDEWALK PROVISION**. Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.
- D. **BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES**.
 - 1. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.
 - 2. Temporary Winter Balcony Enclosures may only be permitted on existing balconies which are on structures which are not on the Historic Sites Inventory.

Temporary Winter Balcony Enclosures are only permitted from November 15th through April 30th on balconies facing Main Street.

- E. **INSURANCE REQUIRED.** No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.
- F. **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.
- G. **VERTICAL ZONING.** For HCB Zoned Storefront Property adjacent to Main Street and Heber Avenue, new Construction and Construction adding Floor Area to a Building or Lot shall have a minimum of seventy-five percent (75%) of the width of the Building façade as Storefront Property.
- H. **STOREFRONT ENHANCEMENT ZONING.** The maximum width of any Storefront Property Façade abutting Main Street or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures. A Storefront Property Façade shall have a storefront entrance door for pedestrian access.

If the Historic storefront entrance, located in the Historic portion of a structure listed on the Historic Sites Inventory, is more than eight feet (8') above the grade of the adjacent Main Street and/or Heber Avenue, then the First Story in the Historic portion of the Historic structure located adjacent to Main Street and/or Heber Avenue shall not be calculated in the maximum Storefront Property Façade width.

Exhibit C – LMC § 15-15 Defined Terms

15-15 Defined Terms

(...)

1.207 **PROPERTY.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

A. Property, Storefront. A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space, Floor Area, tenant space or unit with:

1. For Vertical Zoning, a storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance; and-or
2. For Storefront Enhancement Zoning, a storefront window and/or storefront entrance at the adjacent Public Street, or within thirty lateral/horizontal feet (30') of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance; and
3. A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as a “Storefront Property.” The Planning Director or designee shall have the final determination of applicability.

Council Agenda Item Report

Meeting Date: May 26, 2022

Submitted by: Michelle Kellogg

Submitting Department: Planning

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve Ordinance No. 2022-16, an Ordinance Amending the Land Management Code to Exempt Single-Family Dwellings and Duplexes from Certain Architectural Review Requirements in Chapter 15-5 to Comply with Changes to State Law; to Update Appeals in Sections 15-1-18, 15-10-3, and 15-10-7 to Comply with Changes to State Law; to Update the Definition of *Food Truck* in Section 15-15-1 to Comply with Changes to State Law; and To Make Non-Substantive Corrections For Consistent Citation To The Utah Code and Internal Citations, to Update References To The International Building Code, and Other Minor Modifications

(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Architectural Review and Appeals LMC Amendment Staff Report](#)

[Exhibit A: Draft Ordinance No. 2022-16](#)

City Council Staff Report



Subject: Architectural Review and Appeals
Application: PL-22-05208
Author: Rebecca Ward, Assistant Planning Director
Date: May 26, 2022
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Review the Land Management Code amendments to

- Exempt Single-Family Dwellings and Duplexes from certain Architectural Review requirements to comply with changes to state law
- Update appeals to comply with changes to state law
- Update the definition of *Food Truck* to comply with changes to state law
- Make non-substantive corrections

(II) conduct a public hearing, and

(III) consider adopting Ordinance No. 2022-16 (Exhibit A).

Description

Applicant: Planning Department

LMC Sections Amended **General Provision and Procedures**

§ 15-1-2 *Statement of Purpose*
§ 15-1-9 *Allowed Use Review Process*
§ 15-1-11 *Special Applications*
§ 15-1-12 *Notice*
§ 15-1-18 *Appeals and Reconsideration Process*

Historic Residential – Low Density Zoning District

§ 15-2.1-3 *Lot and Site Requirements*
§ 15-2.1-4 *Existing Historic Buildings and/or Structures*
§ 15-2.1-8 *Architectural Review*
§ 15-2.1-9 *Vegetation Protection*
§ 15-2.1-11 *Related Provisions*

Historic Residential – 1 Zoning District

- § 15-2.2-3 *Lot and Site Requirements*
- § 15-2.2-4 *Existing Historic Buildings and/or Structures*
- § 15-2.2-9 *Architectural Review*
- § 15-2.2-10 *Vegetation Protection*
- § 15-2.2-12 *Related Provisions*

Historic Residential – 2 Zoning District

- § 15-2.3-8 *Special Requirements for MPDs and CUPs in Sub-Zone A*
- § 15-2.3-13 *Architectural Review*
- § 15-2.3-14 *Vegetation Protection*
- § 15-2.3-16 *Related Provisions*

Historic Residential – Medium Zoning District

- § 15-2.4-5 *Building Height*
- § 15-2.4-7 *Special Requirements for Multi-Unit Dwellings*
- § 15-2.4-12 *Architectural Review*
- § 15-2.4-13 *Vegetation Protection*
- § 15-2.4-15 *Related Provisions*

Historic Recreation Commercial Zoning District

- § 15-2.5-2 *Uses*
- § 15-2.5-4 *Existing Historic Buildings and/or Structures*
- § 15-2.5-5 *Building Height*
- § 15-2.5-12 *Architectural Review*
- § 15-2.5-13 *Vegetation Protection*
- § 15-2.5-15 *Related Provisions*

Historic Commercial Business Zoning District

- § 15-2.6-2 *Uses*
- § 15-2.6-5 *Maximum Building Volume and Height*
- § 15-2.6-7 *Swede Alley Development Criteria*
- § 15-2.6-13 *Architectural Review*
- § 15-2.6-14 *Vegetation Protection*
- § 15-2.6-16 *Related Provisions*

Recreation and Open Space Zoning District

- § 15-2.7-2 *Uses*
- § 15-2.7-5 *Architectural Review*
- § 15-2.7-6 *Vegetation Protection*
- § 15-2.7-11 *Related Provisions*

Protected Open Space Zoning District

- § 15-2.8-5 *Architectural Review*
- § 15-2.8-6 *Vegetation Protection*
- § 15-2.8-8 *Related Provisions*

Rural Estate Zoning District

- § 15-2.9-5 *Architectural Review*
- § 15-2.9-10 *Vegetation Protection*
- § 15-2.9-12 *Related Provisions*

Estate Zoning District

- § 15-2.10-5 *Architectural Review*
- § 15-2.10-10 *Vegetation Protection*
- § 15-2.10-12 *Related Provisions*

Single-Family Zoning District

- § 15-2.11-5 *Architectural Review*
- § 15-2.11-10 *Vegetation Protection*
- § 15-2.11-12 *Related Provisions*

Residential – 1 District

- § 15-2.12-6 *Architectural Review*
- § 15-2.12-10 *Vegetation Protection*
- § 15-2.12-12 *Related Provisions*

Residential Development Zoning District

- § 15-2.13-5 *Architectural Review*
- § 15-2.13-10 *Vegetation Protection*

Residential Development – Medium Density Zoning District

- § 15-2.14-5 *Architectural Review*
- § 15-2.14-10 *Vegetation Protection*
- § 15-2.14-12 *Related Provisions*

Residential – Medium Density Zoning District

- § 15-2.15-6 *Architectural Review*
- § 15-2.15-9 *Vegetation Protection*
- § 15-2.15-11 *Related Provisions*

Recreation Commercial Zoning District

- § 15-2.16-7 *Architectural Review*
- § 15-2.16-13 *Vegetation Protection*
- § 15-2.16-15 *Related Provisions*

Regional Commercial Overlay

- § 15-2.17-3 *Procedure for Commercial Development Option*
- § 15-2.17-9 *Vegetation Protection*
- § 15-2.17-11 *Related Provisions*

General Commercial Zoning District

- § 15-2.18-5 *Architectural Review*
- § 15-2.18-11 *Vegetation Protection*
- § 15-2.18-13 *Related Provisions*

Light Industrial Zoning District

- § 15-2.19-7 *Architectural Review*
- § 15-2.19-13 *Vegetation Protection*
- § 15-2.19-15 *Related Provisions*

Public Use Transition Zoning District

- § 15-2.22-5 *Architectural Review*
- § 15-2.22-10 *Vegetation Protection*
- § 15-2.22-12 *Related Provisions*

Community Transition Zoning District

- § 15-2.23-13 *Vegetation Protection*
- § 15-2.23-16 *Related Provisions*

Transfer of Development Rights Overlay

- § 15-2.24-4 *Development Credit Determination Letter*

Medical Cannabis Production Establishment Light Industrial Overlay

- § 15-2.25-2 *Related Provisions*

Urban Park Zone

- § 15-2.26-2 *Uses*
- § 15-2.26-5 *Related Provisions*

Off-Street Parking

- § 15-3-7 *Parking in Master Planned Developments and Conditional Use Permits*

Supplemental Regulations

- § 15-4-2 *Fences and Retaining Walls*
- § 15-4-11 *Timeshare Conversion*

Architectural Review

- § 15-5-2 *Historic Districts and Historic Sites*
- § 15-5-3 *Conditional Use Review*
- § 15-5-4 *Permitted Use Review*
- § 15-5-5 *Architectural Design Guidelines*
- § 15-5-6 *Permitted Design Features*
- § 15-5-8 *Façade Length and Variations*
- § 15-5-9 *Sensitive Lands Review*

Master Planned Developments

§ 15-6-5 *Master Planned Development Requirements*

Affordable Master Planned Developments

§ 15-6.1-11 *Site Planning*

Subdivisions

§ 15-7-3 *Policy*

§ 15-7-4 *Authority*

§ 15-7-7 *Vacation, Alteration or Amendment of Plats*

§ 15-7.2-1 *Improvements*

§ 15-7.4-3 *Final Subdivision Plat*

Non-Conforming Uses and Non-Complying Structures

§ 15-9-1 *Purpose*

§ 15-9-4 *Abandonment or Loss of Non-Conforming Use*

Board of Adjustment

§ 15-10-1 *Establishment of Board*

§ 15-10-3 *Powers and Duties*

§ 15-10-7 *Appeals*

§ 15-10-8 *Variance*

§ 15-10-9 *Persons Entitled to Appear*

Preservation Policy

§ 15-11-1 *Establishment of Board*

§ 15-11-5 *Purpose*

§ 15-11-6 *Additional Duties*

§ 15-11-11 *Design Guidelines for Historic Districts and Historic Sites*

§ 15-11-12 *Historic District or Historic Site Design Review*

§ 15-11-12.5 *Historic Preservation Board Review for Material Deconstruction*

Planning Commission

§ 15-12-5 *Authority*

§ 15-12-15 *Review by Planning Commission*

Definitions

§ 15-15-1

Reason for Review: The Planning Commission makes a recommendation regarding Land Management Code amendments to the City Council.¹

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

¹ LMC [§ 15-12-15\(A\)\(1\)](#).

Background

On April 13, 2022, the Planning Commission reviewed the proposed amendments and unanimously forwarded a positive recommendation for City Council's consideration ([Staff Report](#); [Minutes](#), p. 19).

Analysis

(I) The proposed amendments address changes to state code impacting building permit reviews: (a) staff must expedite building permit reviews for Single-Family, Duplex, and townhome applications, (b) Planning staff must review all incoming building permit applications to ensure land use approvals are completed prior to accepting a building permit application, and (c) changes to state code require amendments to Land Management Code Chapter 15-5, *Architectural Review*

In the First Special Session of 2021, the Utah legislature enacted [H.B. 1003](#), *Government Building Regulation Amendments*. H.B. 1003 aimed in part to expedite building permit review for Single-Family Dwellings, Duplexes, and townhomes and defined a complete building permit application, established a building permit review period, and limited review of certain building design elements. As a result, staff implemented new review processes and recommends LMC amendments, described below.

(a) Staff must expedite building permit reviews for Single-Family, Duplex, and townhome applications

H.B. 1003 (codified in Utah Code [§ 10-6-160\(8\)](#)) now establishes what constitutes a complete building permit application for Single-Family Dwellings, Duplexes, and townhomes and requires cities to complete the building permit review no later than 14 business days after submission of a complete building permit. If the City does not complete the building permit review within 14 business days, the applicant may request that the City complete the review within an additional 14 days from the day the applicant makes the request.² If the City does not complete the plan review within the outlined time, the applicant may move forward with plans stamped by a licensed architect or structural engineer.³

Additionally, the City may no longer require resubmittal of plans for a Single-Family, Duplex, or townhome building permit application to address modifications for compliance.⁴ Rather, the City may identify violations found in the plan that the City may enforce during construction.⁵ The City may only require resubmittal of plans for Single-Family, Duplex, or townhome plans “to address deficiencies identified by a third-party

² Utah Code [§ 10-6-160\(3\)](#).

³ Utah Code [§ 10-6-160\(4\)](#).

⁴ Utah Code [§ 10-6-160\(5\)\(b\)](#).

⁵ Utah Code [§ 10-6-160\(a\)](#).

review of a geotechnical report or geological report.”⁶

(b) Planning staff must review all incoming building permit applications to ensure land use approvals are completed prior to accepting a building permit application

As a result of the required expedited review, Planning staff now reviews all building permit applications prior to accepting the building permit application to ensure the property has the required land use approvals, including Historic District Design Review for Historic Sites and properties within Historic Districts, Conditional Use Permit approvals for certain uses, a Steep Slope Conditional Use Permit, and a completed condominium or subdivision plat or plat amendment.

(c) Changes to state code require amendments to Land Management Code Chapter 15-5, *Architectural Review*

Additionally, [H.B. 1003](#) prohibits municipalities from regulating certain building design elements for Single-Family Dwellings and Duplexes (codified in Utah Code [§ 10-9a-534](#)). Utah Code [§ 10-9a-534\(1\)](#) defines a building design element to include:

- Exterior color
- Type or style of exterior cladding material
- Style, dimensions, or materials of a roof structure, roof pitch, or porch
- Exterior nonstructural architectural ornamentation
- Location, design, placement, or architectural styling of a window or door
- Location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door
- Number or type of rooms
- Interior layout of a room
- Minimum square footage over 1,000 square feet, not including a garage
- Rear yard landscaping requirements
- Minimum building dimensions
- A requirement to install front yard fencing.

The LMC does not regulate exterior color, number or type of rooms, interior layout of a room, minimum square footage, minimum building dimensions, or requirements to install front yard fencing. However, the Historic District regulations outlined in LMC Chapters [15-2.1](#) *Historic Residential Low – Density*, [15-2.2](#) *Historic Residential – 1*, [15-2.3](#) *Historic Residential – 2*, [15-2.4](#) *Historic Residential – Medium*, [15-2.5](#) *Historic Recreation Commercial*, and [15-2.6](#) *Historic Commercial Business*, and [15-13](#) *Design Guidelines For Historic Districts and Historic Sites* regulate exterior cladding, roofs, nonstructural architectural ornamentation, window and door placement, and garages, and other design elements.

⁶ Utah Code [§ 10-6-160\(5\)\(c\)](#).

Preservation of Park City's Historic Character is one of the four core values outlined in the General Plan. In 1979, the Main Street Historic District was listed on the National Register of Historic Places. In 1984, the Mining Boom Era Residences Thematic District, comprised of historically significant residential structures built during the mining boom era, was listed. Additionally, [the Park City Historic Sites Inventory](#) includes over 400 local Landmark and Significant Historic Sites that embody the Settlement and Mining Boom Era (1868 – 1893), the Mature Mining Era (1894 – 1930), and the Mining Decline & Emergence of Recreation Industry Era (1931 – 1962).

Goal 15 of [the Park City General Plan](#) is to preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.⁷ In 1980, Park City established a Historic District Commission, now the Historic Preservation Board, to preserve the City's unique Historic Character, encourage compatible construction in the Historic Districts, and oversee designation of sites to the Historic Sites Inventory.⁸ In 1985, Park City adopted Historic District Design Guidelines, which were amended in 2009 and again in 2019, and are codified as the Design Guidelines for Historic Districts and Historic Sites in LMC [Chapter 15-13](#), to guide development in the Historic Districts that protects Park City's Historic Character.

H.B. 1003 was first introduced in the 2021 General Session as [H.B. 98](#), but did not pass. In the early version of the legislation, the City would have been limited to regulating building design elements for structures or areas designated on the National Register of Historic Places, unraveling decades of carefully crafted Historic District regulations and the Design Guidelines for Historic Districts and Historic Sites for many locally designated Landmark and Significant Historic Sites.

However, after much effort by the City and other municipalities and entities, a section within [H.B. 1003](#) (codified in Utah Code [§ 10-9a-534\(3\)](#)) carved out an exception and allows the City to continue to regulate building design elements in the Historic Districts, and for sites designated on the local Historic Sites Inventory and the National Register of Historic Places. As a result, no changes are proposed for building design elements in the Historic Districts or for Historic Sites that are located outside of a Historic District.

H.B. 1003 requires amendments regarding building design elements for non-historic Single-Family Dwellings and Duplexes outside of the Historic Districts. Staff proposes a footnote to LMC Chapter 15-5, *Architectural Review*, outlining the state prohibition on affirmative design requirements for building design elements (Exhibit A, Line 2731).

H.B. 1003 allows for regulation of building design elements for Single-Family Dwellings and Duplexes when agreed to as part of a development agreement.⁹ Staff proposes amendments to Chapter 15-6 *Master Planned Developments* and Chapter 15-6.1 *Affordable Master Planned Developments* to provide the Planning Commission with

⁷ [General Plan](#), Volume I, page 106

⁸ LMC [§ 15-11-5](#).

⁹ Utah Code [§ 10-9a-534\(3\)\(d\)](#).

discretion to establish Design Guidelines for Master Planned Developments and Affordable Master Planned Developments, including regulation of Single-Family Dwellings and Duplexes that are part of a Master Planned Development or Affordable Master Planned Development, and subject to a Development Agreement (Exhibit A, Lines 3709 – 3718 for Master Planned Developments and Lines 3819 – 3828 for Affordable Master Planned Developments).

(II) Staff recommends amendments to the Land Management Code (a) to remove duplicative Sections outlining appeals, (b) to remove City Council review of Historic Preservation Board decisions (c) to specify appeals are for Final Action to comply with changes to state code, and (d) to clarify conflicting provisions regarding appeals to the Board of Adjustment.

(a) The proposed amendments remove duplicative Sections outlining appeals

LMC [§ 15-1-18](#), *Appeals and Reconsideration Process*, outlines the appeal process for land use decisions. In addition to [§ 15-1-18](#), each Zoning District *Architectural Review* Section includes language addressing appeals. For example, the first Zoning District outlined in the LMC, Historic Residential Low – Density, illustrates what is outlined in each Zoning District *Architectural Review* Section below. The text highlighted in red is proposed to be removed from each Zoning District *Architectural Review* Section to consolidate information regarding appeals to LMC [§ 15-1-18](#):

15-2.1-8 Architectural Review

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and Architectural Review Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.

(Exhibit A, Lines 613, 903, 1040, 1157, 1360, 1610, 1727, 1772, 1816, 1859, 1902, 1944, 1987, 2014, 2055, 2097, 2205, 2250, and 2294.)

(b) The proposed amendments remove City Council review of Historic Preservation Board decisions

In 2017, the Utah legislature enacted [H.B. 30](#), *Historic Preservation Amendments*. H.B. 30 required the City to designate the governing body as the historic preservation appeal authority. On August 3, 2017, the City Council adopted [Ordinance No. 2017-42](#), amending LMC [§ 15-1-18](#) to provide an avenue for Historic District Design Review and Historic Site Designations to be appealed to City Council.

In 2019, the Utah legislature enacted [H.B. 315](#), *Land Use and Development*

Amendments, removing the requirement that the historic preservation appeal authority be comprised of the governing body. However, the LMC has not yet been updated to reflect this change.

While the Historic Preservation Board reviews some elements as part of Historic District Design Review applications like material deconstruction (removal of historic materials), relocation or reorientation of Historic Structures, and reconstruction of Historic Structures, Planning staff takes Final Action on Historic District Design Review applications. LMC [§ 15-1-18\(A\)](#) and [§ 15-10-3\(A\)\(4\)](#) grant the Board of Adjustment review authority for appeals of Planning staff Final Action on Historic District Design Review applications.

The proposed amendments update the LMC to align with H.B. 315 and remove the City Council as an appeal authority for historic preservation appeals; the Board of Adjustment is the historic preservation appeal authority (Exhibit A, Lines 200 – 384).

(c) The proposed amendments specify appeals are for Final Action to comply with changes to state code

This year, the Utah legislature enacted [H.B. 303](#) to clarify the definition of a “land use decision” that may be appealed, removing enforcement of a land use regulation, land use permit, or development agreement from the definition. A land use decision is now defined as “an administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; or (b) a land use application.” As a result, [§ 15-1-18](#) is amended to clarify that Final Action of Planning staff may be appealed and not “any decision” by Planning staff (Exhibit A, Lines 200 – 207; 4589 – 4599).

(d) The proposed amendments clarify provisions regarding appeals to the Board of Adjustment

Three LMC Sections outline appeals to the Board of Adjustment: [§ 15-1-18 Appeals and Reconsideration Process](#), [§ 15-10-3 Powers and Duties](#), and [§ 15-10-7 Appeals](#). Sections 15-10-3 and 15-10-7 were last amended in October of 2015 when the City Council enacted [Ordinance No. 15-35](#). However, Section 15-1-8 has been amended seven times since Ordinance No. 15-35 was enacted in 2015.¹⁰ As a result, there are provisions between the three Sections that require updates.

The table below describes current Board of Adjustment appeal authority outlined in each Section. Inconsistent appeal authority is highlighted in red, aligned appeal authority is highlighted in green, and appeal authority only addressed in one Section is highlighted in orange:

¹⁰ [Ordinance No. 15-53](#); [Ordinance No. 16-15](#); [Ordinance No. 2016-44](#); [Ordinance No. 2017-04](#); [Ordinance No. 2017-42](#); [Ordinance No. 2018-46](#); [Ordinance No. 2020-34](#).

Section 15-1-18	Section 15-10-3	Section 15-10-7
Appeals of staff-level Historic District Design Review	Appeals of staff-level Historic District Design Reviews when the Historic Preservation Board takes part in the review and final action	-
Appeals of Historic Preservation Board final action	-	-
Appeals of Planning Commission action involving City projects at the City Council's request	Appeals of Planning Commission action involving City projects at the City Council's request	-
City Council Call-Ups involving City development	City Council Call-Ups involving City development	-
-	Appeals from zoning decisions applying Title 15, Land Management Code	-
-	Appeals of Historic Preservation Board or Determination of Significance Applications	-
-	-	Final decisions administering or interpreting the Land Management Code

As the table above demonstrates, the appeal authority of the Board of Adjustment requires clarification. Section 15-1-18 provides broad Board of Adjustment appeal authority for all Historic Preservation Board decisions. However, Section 15-10-3 limits Board of Adjustment appeal authority to Historic District Design Review applications for which the Historic Preservation Board took part in the review and decision, as well as for Historic Preservation Board Determination of Significance determinations.

Additionally, Section 15-1-18 states that “any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission.” Section 15-10-7 contradicts the authority of the Planning

Commission to hear appeals of Planning Director and Planning staff decisions and authorizes the Board of Adjustment to review these appeals.

To clarify and consolidate appeal language, staff recommends the following amendments:

- Remove the restrictive language regarding Historic Preservation Board appeals to the Board of Adjustment and allow for all Historic Preservation Board decisions and staff-level Historic District Design Reviews to be appealed to the Board of Adjustment
- Remove the contradictory provision allowing appeals of Planning Director or Planning Staff decisions to both the Planning Commission and Board of Adjustment, and clarify that appeals of Planning Director and Planning Staff decisions are heard by the Planning Commission
- Update Section 15-10-3 to state the Board of Adjustment hears appeals pursuant to Section 15-1-18
- Amend Section 15-10-7 to refer to Section 15-1-18 for Board of Adjustment appeals

(Exhibit A, Lines 200 – 384 and 4116 – 4165.)

(III) Staff recommends updating the definition of *Food Truck* to comply with changes to state law.

In Park City, Food Trucks are prohibited from operating in the right-of-way, but may operate on private or public property when allowed in the Zoning District, subject to Planning Director approval of a Food Truck Location.

Food Truck Locations must meet the criteria outlined in the Business Licensing Code, Municipal Code of Park City [§ 4-5-6](#), including setback requirements from building entrances, doorways, and emergency egress, caps on the number of Food Trucks allowed to operate on lots of a certain size, and prohibition of Food Trucks operating in areas designated for parking.

While most Food Truck regulations are in the Business Licensing Code, the *Food Truck* definition is in LMC [§ 15-15-1](#). This year, the Utah legislature enacted [H.B. 146](#), *Local Licensing Amendments*, modifying food truck business licenses and expanding the definition of *Food Truck* to include food carts and ice cream trucks. As a result, the proposed amendments update the *Food Truck* definition to align with the state definition (Exhibit A, Lines 4639 – 4662).

The Finance Department will propose additional amendments to the Food Truck regulations in Title 4 to comply with changes to state code regarding licensing.

(IV) Staff recommends non-substantive amendments to clarify the Land Management Code

Staff recommends updates to the LMC for consistent references to the Utah Code, to update internal citations, to update references to the Planning Director, to replace outdated codes with current codes, and to clean up remnant language from previous amendments.

State Code Citations

- “Utah Code Annotated 1991” and “Utah Code 1953, as amended” and “Utah Code Annotated, 1953” are proposed to be changed to “Utah Code, as amended” to reduce the need for future amendments.

Internal Citations

- Outdated internal citations are corrected.
- Internal citations are amended to comply with Municipal Code of Park City [Section 1-1-1](#) establishing titles, chapters, and sections.
- On August 3, 2017, the City Council adopted [Ordinance No. 2017-42](#), codifying the *Design Guidelines for Historic Districts and Historic Sites*. The proposed amendments remove remnant references to the *Historic District Design Guidelines* and replace with the *Design Guidelines for Historic Districts and Historic Sites* for consistency.

Gender Neutral References

- “Planning Director, or his designee” and “Planning Director, or his/her designee” are changed to “Planning Director or designee.”
- References to male property owners and applicants are amended to be gender neutral.

International Building Code

- The Uniform Building Code was replaced in 2000 by the International Building Code; references to the Uniform Building Code are updated to reflect this change.

Setbacks

- On July 19, 2018, the City Council adopted [Ordinance No. 2018-43](#), amending the LMC in part to change the reference from front, side, and rear yards to front, side, and rear setbacks; the proposed changes remove remnant references to yards.

Department Review

The Planning, Engineering, and Legal Departments reviewed the proposed Land Management Code amendments.

Notice

The proposed Land Management Code amendments were noticed pursuant to [§ 15-1-21](#) and were published in the *Park Record* and posted to the Utah Public Notice Website and City Website.

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The City Council may adopt Ordinance No. 2022-16;
- The City Council may deny Ordinance No. 2022-16 and direct staff to make findings for this denial; or
- The City Council may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2022-16
Attachment 1 – Land Management Code Redlines

Ordinance No. 2022-16

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE TO EXEMPT SINGLE-FAMILY DWELLINGS AND DUPLEXES FROM CERTAIN ARCHITECTURAL REVIEW REQUIREMENTS IN CHAPTER 15-5 TO COMPLY WITH CHANGES TO STATE LAW; TO UPDATE APPEALS IN SECTIONS 15-1-18, 15-10-3, AND 15-10-7 TO COMPLY WITH CHANGES TO STATE LAW; TO UPDATE THE DEFINITION OF *FOOD TRUCK* IN SECTION 15-15-1 TO COMPLY WITH CHANGES TO STATE LAW; AND TO MAKE NON-SUBSTANTIVE CORRECTIONS FOR CONSISTENT CITATION TO THE UTAH CODE AND INTERNAL CITATIONS, TO UPDATE REFERENCES TO THE INTERNATIONAL BUILDING CODE, AND OTHER MINOR MODIFICATIONS

WHEREAS, in the First Special Session of 2021, the Utah legislature enacted H.B. 1003, *Government Building Regulation Amendments*, requiring amendments to the regulation of building design elements for Single-Family and Duplex Dwellings outlined in Land Management Code Chapter 15-5, *Architectural Review*;

WHEREAS, in 2017, the Utah Legislature enacted H.B. 30, *Historic Preservation Amendments*, requiring the City to designate the governing body as the historic preservation appeal authority;

WHEREAS, on August 3, 2017, the City Council adopted Ordinance No. 2017-42, amending the Land Management Code to provide an avenue for Historic District Design Review and Historic Site Designations to be appealed to City Council;

WHEREAS, in 2019 the Utah legislature enacted H.B. 315, *Land Use and Development Amendments*, removing the requirement that the historic preservation appeal authority be comprised of the governing body;

WHEREAS, the proposed amendments remove the City Council as an appeal authority for historic preservation appeals;

WHEREAS, the proposed amendments restore the Board of Adjustment as the appeal authority for historic preservation appeals;

WHEREAS, the proposed amendments clarify conflicting provisions in Land Management Code Sections 15-1-18, 15-10-3, and 15-10-7 regarding appeals to the Board of Adjustment and consolidate appeals to the Board of Adjustment in Section 15-1-18;

WHEREAS, in 2022, the Utah legislature enacted H.B. 146, expanding the definition of *Food Truck* to include food carts and ice cream trucks and the proposed amendments align the definition of *Food Truck* in Land Management Code Section 15-15-1 with the expanded state definition;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on April 13, 2022, and unanimously forwarded a positive recommendation for City Council's consideration;

WHEREAS, the City Council conducted a duly noticed public hearing on May 26, 2022.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code § 15-2.3-8 *Special Requirements for MPDs and CUPs in Sub-Zone A*, § 15-2.3-13 *Architectural Review*, § 15-2.3-14 *Vegetation Protection*, § 15-2.3-16 *Related Provisions*, § 15-2.4-5 *Building Height*, § 15-2.4-7 *Special Requirements for Multi-Unit Dwellings*, § 15-2.4-12 *Architectural Review*, § 15-2.4-13 *Vegetation Protection*, § 15-2.4-15 *Related Provisions*, § 15-2.5-2 *Uses*, § 15-2.5-5 *Building Height*, § 15-2.5-12 *Architectural Review*, § 15-2.5-13 *Vegetation Protection*, § 15-2.5-4, *Existing Historic Buildings and/or Structures*, § 15-2.5-15 *Related Provisions*, § 15-2.6-2 *Uses*, § 15-2.6-5 *Maximum Building Volume and Height*, § 15-2.6-7 *Swede Alley Development Criteria*, § 15-2.6-13 *Architectural Review*, § 15-2.6-14 *Vegetation Protection*, § 15-2.6-16 *Related Provisions*, § 15-2.7-2 *Uses*, § 15-2.7-5 *Architectural Review*, § 15-2.7-6 *Vegetation Protection*, § 15-2.7-11 *Related Provisions*, § 15-2.8-5 *Architectural Review*, § 15-2.8-6 *Vegetation Protection*, § 15-2.8-8 *Related Provisions*, § 15-2.9-5 *Architectural Review*, § 15-2.9-10 *Vegetation Protection*, § 15-2.9-12 *Related Provisions*, § 15-2.10-5 *Architectural Review*, § 15-2.10-10 *Vegetation Protection*, § 15-2.10-12 *Related Provisions*, § 15-2.11-5 *Architectural Review*, § 15-2.11-10 *Vegetation Protection*, § 15-2.11-12 *Related Provisions*, § 15-2.12-6 *Architectural Review*, § 15-2.12-10 *Vegetation Protection*, § 15-2.12-12 *Related Provisions*, § 15-2.13-5 *Architectural Review*, § 15-2.13-10 *Vegetation Protection*, § 15-2.14-5 *Architectural Review*, § 15-2.14-10 *Vegetation Protection*, § 15-2.14-12 *Related Provisions*, § 15-2.15-6 *Architectural Review*, § 15-2.15-9 *Vegetation Protection*, § 15-2.15-11 *Related Provisions*, § 15-2.16-7 *Architectural Review*, § 15-2.16-13 *Vegetation Protection*, § 15-2.16-15 *Related Provisions*, § 15-2.17-3 *Procedure for Commercial Development Option*, § 15-2.17-9 *Vegetation Protection*, § 15-2.17-11 *Related*

Provisions, § 15-2.18-5 Architectural Review, § 15-2.18-11 Vegetation Protection, § 15-2.18-13 Related Provisions, § 15-2.19-7 Architectural Review, § 15-2.19-13 Vegetation Protection, § 15-2.19-15 Related Provisions, § 15-2.22-5 Architectural Review, § 15-2.22-10 Vegetation Protection, § 15-2.22-12 Related Provisions, § 15-2.23-13 Vegetation Protection, § 15-2.23-16 Related Provisions, § 15-2.24-4 Development Credit Determination Letter, § 15-2.25-2 Related Provisions, § 15-2.26-2 Uses, § 15-2.26-5 Related Provisions, § 15-3-7 Parking in Master Planned Developments and Conditional Use Permits, § 15-4-2 Fences and Retaining Walls, § 15-4-11 Timeshare Conversion, § 15-5-2 Historic Districts and Historic Sites, § 15-5-3 Conditional Use Review, § 15-5-4 Permitted Use Review, § 15-5-5 Architectural Design Guidelines, § 15-5-6 Permitted Design Features, § 15-5-8 Façade Length and Variations, § 15-5-9 Sensitive Lands Review, § 15-6-5 Master Planned Development Requirements, § 15-6.1-11 Site Planning, § 15-7-3 Policy, § 15-7-4 Authority, § 15-7-7 Vacation, Alteration or Amendment of Plats, § 15-7.2-1 Improvements, § 15-7.4-3 Final Subdivision Plat, § 15-9-1 Purpose, § 15-9-4 Abandonment or Loss of Non-Conforming Use, § 15-10-1 Establishment of Board, § 15-10-3 Powers and Duties, § 15-10-7 Appeals, § 15-10-8 Variance, § 15-10-9 Persons Entitled to Appear, § 15-11-1 Establishment of Board, § 15-11-5 Purpose, § 15-11-6 Additional Duties, § 15-11-11 Design Guidelines for Historic Districts and Historic Sites, § 15-11-12 Historic District or Historic Site Design Review, § 15-11-12.5 Historic Preservation Board Review for Material Deconstruction, § 15-12-5 Authority, § 15-12-15 Review by Planning Commission, § 15-15-1 Definitions are hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED THIS 26th day of May 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

15-1-2 Statement Of Purpose

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the 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 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 Systems, and

I. To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of ~~the~~ Utah Code Title 10, Chapter 9a, ~~of~~ the ~~Utah~~ Municipal Land Use, Development, and Management Act ~~[- 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.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

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

Amended by Ord. 2018-27 on 5/31/2018

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15-1-9 Allowed Use Review Process

A. An Applicant must file a Complete Application, using the forms established by the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

1. is an Allowed Use within the zone for which it is proposed;
2. complies with all applicable Development requirements of that zone, including Building Height, ~~Setback,~~ Front, Side, and Rear ~~Yards~~ Setbacks, and Lot coverage;
3. respects Lot Lines of a legally subdivided Lot;
4. meets the applicable parking requirements;

- 48 5. conforms to ~~[the Park City]~~ Architectural ~~[Design Guidelines]~~ Review
49 and/or the Design Guidelines for Historic Districts and Historic Sites, and
50 the architectural review process established for that zone;
- 51 6. can be adequately serviced by roads, and existing or proposed utility
52 systems or lines; and
- 53 7. pertains to land in which all tax assessments have been paid.
- 54 B. If approved by the Planning Department ~~[Planning]~~ Staff, the plans must be
55 forwarded to the Engineering Department and Building Department. The plans
56 shall be reviewed for Building Code compliance and permit issuance procedures.
57 Approval of Allowed Uses must be noted by the issuance of a Building Permit in
58 compliance with the provisions of the ~~[Uniform Building Code]~~ International
59 Building Code, as adopted by Park City.
- 60 C. If the Application does not comply with the requirements of the zone, the
61 Planning Department shall notify the Owner of the project or ~~[his]~~ the Owner's
62 Agent, if any, stating specifically what requirements of the zone have not been
63 satisfied, and also stating whether the project could be reviewed as submitted as
64 a Conditional Use for that zone.
- 65 D. **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this
66 section have not been met.

67 HISTORY

68 *Adopted by Ord. 00-25 on 3/30/2000*

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

Amended by Ord. [09-23](#) on 7/9/2009

Amended by Ord. [11-05](#) on 1/27/2011

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15-1-11 Special Applications

A. **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS**. Applications for MPDs shall be reviewed according to ~~[LMC]~~ Chapter 15-6. Applications for Affordable MPDs shall be reviewed according to Chapter 15-6.1.

B. **VARIANCES ~~[AND NON-CONFORMING USES]~~**. The Board of Adjustment must review Applications for Variances. ~~[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 Section
15-1-12, 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 a Medical Cannabis Production Establishment or a Medical Cannabis
Pharmacy; temporary tents, Structures, and vendors; 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 Chapter
15-2.

HISTORY

Adopted by Ord. [00-25](#) on 3/30/2000

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2019-64](#) on 12/19/2019

Amended by Ord. [2020-36](#) on 7/30/2020

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15-1-12 Notice

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.

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. **MAILED NOTICE**. Pursuant to Section 15-1-21 Notice Matrix for required or courtesy mailed notice to adjacent and surrounding Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with an electronic list of each Property Owner of record of each Parcel located entirely or partly within ~~[three hundred feet (300')]~~ the distance designated by Application type in Section 15-1-21 from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix. The addresses for Property Owners must be as shown on the most recently available Summit County tax assessment rolls. If the ~~[subject]~~ Property that is the subject of the Application is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. For 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, 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 Final 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]~~ **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 this Section is prima facie evidence that notice was properly given. If notice given under authority of this ~~[section]~~ **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.

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)] names, 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

183 interpreted to require Owners association consent prior to City Final
184 Action. This notice is courtesy notice only.

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

190 HISTORY

191 *Adopted by Ord. [00-25](#) on 3/30/2000*

192 *Amended by Ord. [02-57](#) on 12/19/2002*

193 *Amended by Ord. [06-22](#) on 4/27/2006*

194 *Amended by Ord. [09-10](#) on 3/5/2009*

195 *Amended by Ord. [11-05](#) on 1/27/2011*

196 *Amended by Ord. [12-37](#) on 12/20/2012*

197 *Amended by Ord. [2016-44](#) on 9/15/2016*

198 *Amended by Ord. [2020-34](#) on 7/9/2020*

199

200 **15-1-18 Appeals And Reconsideration Process**

201 A. **STAFF.** ~~[Any decision]~~ **Final Action** by either the Planning Director or Planning
202 Staff ~~[regarding Application of this LMC to a Property]~~ may be appealed to the
203 Planning Commission. ~~[Appeals of decisions]~~ **Final Action** regarding the Design
204 Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board
205 of Adjustment. ~~[or City Council at the request of the appellant. If the appellant~~

~~chooses to have the City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.]~~

B. **HISTORIC PRESERVATION BOARD (HPB)**. The City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment. ~~[or City Council at the request of the appellant. If the appellant chooses to have City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.]~~

C. **PLANNING COMMISSION**. The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use

ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

1. **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS.** The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

- a. Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
- b. Follow complex oral and written arguments and identify key issues of local concern.
- c. Master non-legal concepts required to analyze specific situations, render findings and determinations.
- d. Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.

2. **PROCESS.** Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the "City Council" in this

~~[section 15-1-18 (G-I)]~~ Section. The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.

D. **STANDING TO APPEAL**. The following has standing to appeal a Final Action:

1. Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board, or Planning Commission;
2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
3. Any City official, Board or Commission having jurisdiction over the matter; and
4. The Owner of the subject Property.

E. **TIMING**. All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority which is a decision by Staff regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, the applicant may appeal the decision within thirty (30) days after the day on which the historic preservation authority issues a written decision. ~~[If the appellant chooses to have City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.]~~ The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45)

days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

F. **FORM OF APPEALS**. Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; ~~[his or her]~~ the petitioner's 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 courtesy mailing to all parties who received mailed notice for the action being appealed 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 even if the appeal authority is the City Council. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo, without deference to the land use authority's determination of factual matters. The appeal authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. All appeals must be

made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal. ~~[City Council, when acting as an appeal body for appeals of Historic Preservation decisions, may exercise only administrative authority.]~~

H. **NON-ADVERSARIAL PROCESS.** For all appeals before City Council, and any Board or Commission, the following shall apply:

1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
3. In the absence of clear evidence in the record that a staff member has lost ~~[his or her]~~ impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claims of bias by the applicant.

I. **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law, and the Order.

J. **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 the 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.

K. **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

343 vote of the Council. Notice of the call-up shall be given to the Chairman of the
344 Commission and/or Planning Director by the Recorder, together with the date set
345 by the Council for consideration of the merits of the matter. The Recorder shall
346 also provide notice as required by Sections 15-1-12 and 15-1-18(K) herein. In
347 calling a matter up, the Council may limit the scope of the call-up hearing to
348 certain issues. The City Council, with the consultation of the Applicant, shall set a
349 date for the call-up. The City Recorder shall notify the Applicant of the call-up
350 date. The City Recorder shall obtain the findings, and all other pertinent
351 information and transmit them to the Council.

352 L. **NOTICE**. There shall be no additional notice for appeals of Staff determination
353 other than listing the matter on the agenda, unless notice of the Staff review was
354 provided, in which case the same notice must be given for the appeal. Notice of
355 appeals of Final Action by the Planning Commission and Historic Preservation
356 Board; notice of all appeals to City Council, reconsiderations, or call-ups shall be
357 given by:

- 358 1. Publishing the matter once at least fourteen (14) days prior to the first
359 hearing in a newspaper having general circulation in Park City;
- 360 2. Mailing courtesy notice at least fourteen (14) days prior to the first hearing
361 to all parties who received mailed courtesy notice for the original action.
- 362 3. Posting the Property at least fourteen (14) days prior to the first hearing;
363 and
- 364 4. Publishing notice on the Utah Public Notice Website at least fourteen (14)
365 days prior to the first hearing.

M. **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon the filing of an appeal, any approval granted under this ~~[Chapter]~~ Title will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

N. **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.

O. **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.

P. No participating member of the appeal panel may entertain an appeal in which ~~[he or she]~~ the participating member acted as the land Use authority.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

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

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

389 Amended by Ord. [09-23](#) on 7/9/2009
390 Amended by Ord. [10-15](#) on 4/15/2010
391 Amended by Ord. [12-37](#) on 12/20/2012
392 Amended by Ord. [14-37](#) on 7/17/2014
393 Amended by Ord. [15-35](#) on 10/12/2015
394 Amended by Ord. [15-53](#) on 12/17/2015
395 Amended by Ord. [16-15](#) on 3/24/2016
396 Amended by Ord. [2016-44](#) on 9/15/2016
397 Amended by Ord. [2017-04](#) on 2/16/2017
398 Amended by Ord. [2017-42](#) on 8/3/2017
399 Amended by Ord. [2018-46](#) on 8/2/2018
400 Amended by Ord. [2020-34](#) on 7/9/2020

401

402 **15-2.1-3 Lot And Site Requirements**

403 Except as may otherwise be provided in this Code, no Building Permit shall be issued
404 for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a
405 Street shown as a private or Public Street on the Streets Master Plan, or on a private
406 easement connecting the Lot to a Street shown on the Streets Master Plan.

407

408 All Development activity must comply with the following minimum Lot and Site
409 requirements:

410 A. **LOT SIZE**. The minimum Lot Area is 3,750 square feet.

411 B. **LOT WIDTH (HRL DISTRICT)**. The minimum width of a Lot is thirty-five feet
412 (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of

unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

C. **BUILDING ENVELOPE (HRL DISTRICT)**. The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(D).

D. **BUILDING PAD (HRL DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

- a. Porches or decks, with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

a. provides increased architectural interest consistent with the

~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites;

b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A = Lot Area.

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

See the following Table 15-2.1. for a schedule equivalent of this formula for common Lot Sizes.

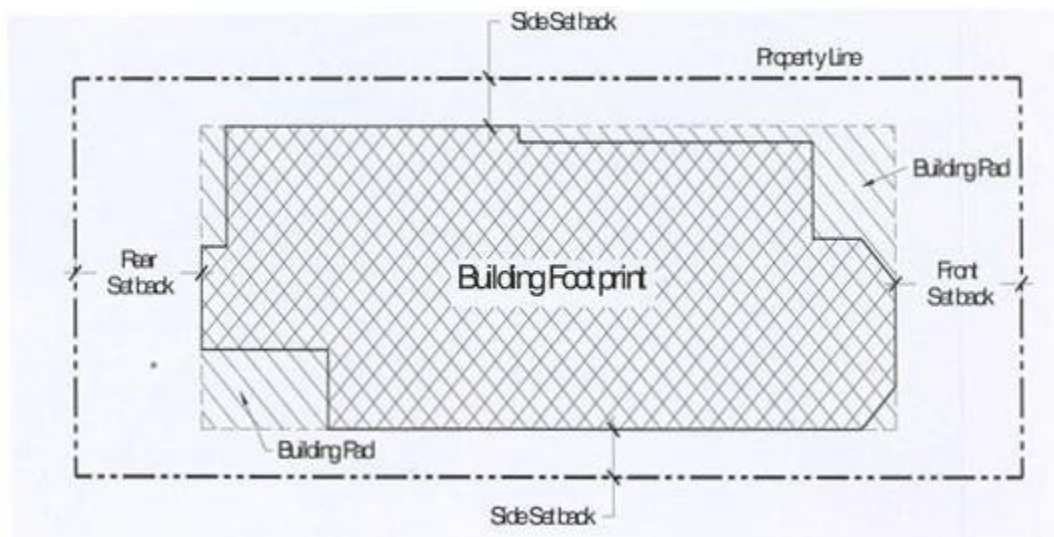
TABLE 15-2.1.

Lot Depth (ft.) **	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	37.5*	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500	Per Formula

* for existing 25' wide lots, Use HR-1 standards.

** for lots > 75' in depth use Footprint formula

464



465

466 F. **FRONT AND REAR SETBACKS**. Front and Rear Setbacks are as follows:

467

468 TABLE 15-2.1a

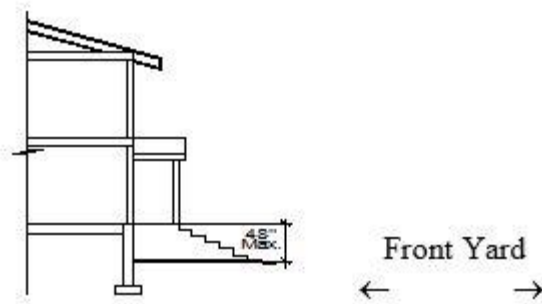
Lot Depth	Minimum Front/Rear Setback	Total of Setback
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

469

470 G. **FRONT SETBACK EXCEPTIONS**. The Front ~~[Yard]~~ **Setback** must be open and
 471 free of any Structure except:

- 472 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
 473 as permitted in Section 15-4-2 Fences and Retaining Walls. On Corner
 474 Lots, Fences more than three feet (3') in height are prohibited within
 475 twenty-five feet (25') of the intersection, at back of curb.

2. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



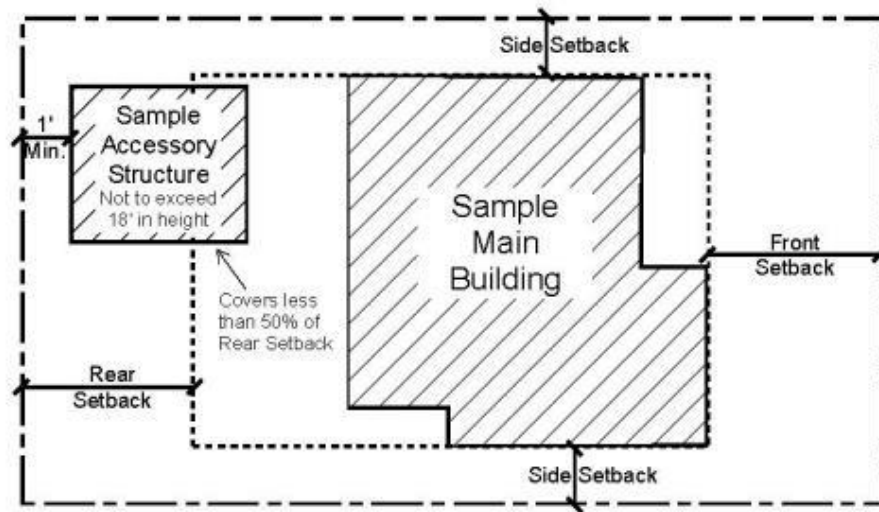
3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to either a garage or an approved Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no Rear Setback exception is permitted.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following

510 illustration:



- 511
- 512 7. A Hard-Surfaced Parking Area subject to the same location requirements
- 513 as a Detached Accessory Building.
- 514 8. Mechanical equipment (which must be screened), hot tubs, or similar
- 515 Structures located at least three feet (3') from the Rear Lot Line.
- 516 9. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences
- 517 and Retaining Walls.
- 518 10. Patios, decks, pathways, steps, or similar Structures not more than thirty
- 519 inches (30") above Final Grade, not including any required handrail, and
- 520 located at least one foot (1') from the Rear Lot Line.
- 521 11. Pathways or Steps connecting to a City staircase or pathway.
- 522 12. One (1) Shared Driveway leading to either a garage or an approved
- 523 Parking Area. See Section 15-2.1-7 Parking Regulations for additional
- 524 requirements.

I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.1b

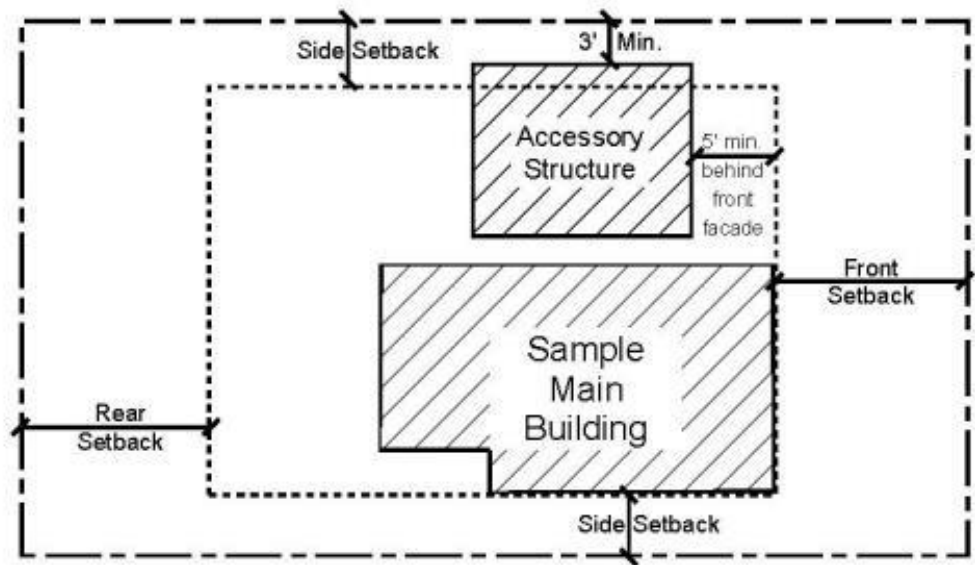
Lot Width (ft.) up to:	Minimum Side Setback	Total of Setback
37.5*	3 ft. each side	6 ft.
50.0	5 ft. each side	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

* for existing 25' wide lots, Use HR-1 standards.

- On Corner Lots, the minimum Side Setback that faces a side Street or a platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
- J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

- 537 1. Bay Windows not more than ten feet (10') wide and projecting not more
538 than two feet (2') into the Side Setback.
- 539 2. Chimneys not more than five feet (5') wide and projecting not more than
540 two feet (2') into the Side Setback.
- 541 3. Window wells not exceeding the minimum International Residential Code
542 (IRC) or International Building Code (IBC) requirements for egress may
543 extend not more than four feet (4') into the Side Setback. Only permitted
544 on Lots with a minimum required Side Setback of five feet (5') or greater.
545 Should egress requirements be met within the building pad, this Side
546 Setback exception is not permitted.
- 547 4. Roof overhangs or eaves projecting not more than two feet (2') into the
548 Side Setback on Lots with a minimum required Side Setback of five feet
549 (5') or greater. A one foot (1') eave overhang is permitted on Lots with a
550 Side Setback less than five feet (5').
- 551 5. Window sills, belt courses, trim, exterior siding, cornices, or other
552 ornamental features projecting not more than six inches (6") beyond the
553 main Structure to which they are attached.
- 554 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
555 inches (30") in height from Final Grade, not including any required
556 handrail.
- 557 7. Fences, walls or retaining walls, as permitted in Section 15-4-2 Fences
558 and Retaining Walls.

8. One (1) private or Shared Driveway leading to a garage or an approved Parking Area. See Section 15-2.1-7 Parking Regulations for additional requirements.
9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

L. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [2018-27](#) on 5/31/2018

Amended by Ord. [2018-43](#) on 7/19/2018

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.1-4 Existing Historic Buildings And/or Structures

Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION.** In order to achieve new construction consistent with the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic

Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

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

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

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

Amended by Ord. 2020-42 on 9/17/2020

. . . .

15-2.1-8 Architectural Review

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with Architectural Review Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and Architectural Review Chapter 15-5.]~~

~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.]~~

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [09-23](#) on 7/9/2009

Amended by Ord. [15-53](#) on 12/17/2015

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.1-9 Vegetation Protection

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Sections [15-3-3](#) [and 15-5-5\(N\)](#), and Title 14.

643 HISTORY

644 *Adopted by Ord. [00-15](#) on 3/2/2000*

645 *Amended by Ord. [06-56](#) on 7/27/2006*

646 *Amended by Ord. [2020-42](#) on 9/17/2020*

647

648 **15-2.1-11 Related Provisions**

- 649 • Fences and Retaining Walls. Section 15-4-2.
- 650 • Accessory Apartments. Section 15-4-7.
- 651 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 652 • Telecommunication Facilities. Section 15-4-14.
- 653 • Off-Street Parking. Chapter 15-3.
- 654 • Landscaping. Title 14; [Sections](#) 15-3-3[;] and [~~Chapter~~] 15-5-[5\(N\)](#).
- 655 • Lighting. Sections 15-3-3 [~~;~~] [and](#) 15-5-5([J](#)).
- 656 • Historic Preservation. Chapter ~~s~~ 15-11 [and 15-13](#).
- 657 • Park City Sign Code. Title 12.
- 658 • Architectural Review. Chapter 15-5.
- 659 • Snow Storage. Section 15-3-3
- 660 • Parking Ratio Requirements. Section 15-3-6.

661 HISTORY

662 *Adopted by Ord. [00-15](#) on 3/2/2000*

663 *Amended by Ord. [2020-42](#) on 9/17/2020*

664

665 **15-2.2-3 Lot And Site Requirements**

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed.

B. **LOT WIDTH.** The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. **BUILDING ENVELOPE (HR-1 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3.

D. **BUILDING PAD (HR-1 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

- a. Porches or decks with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites;
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750

square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

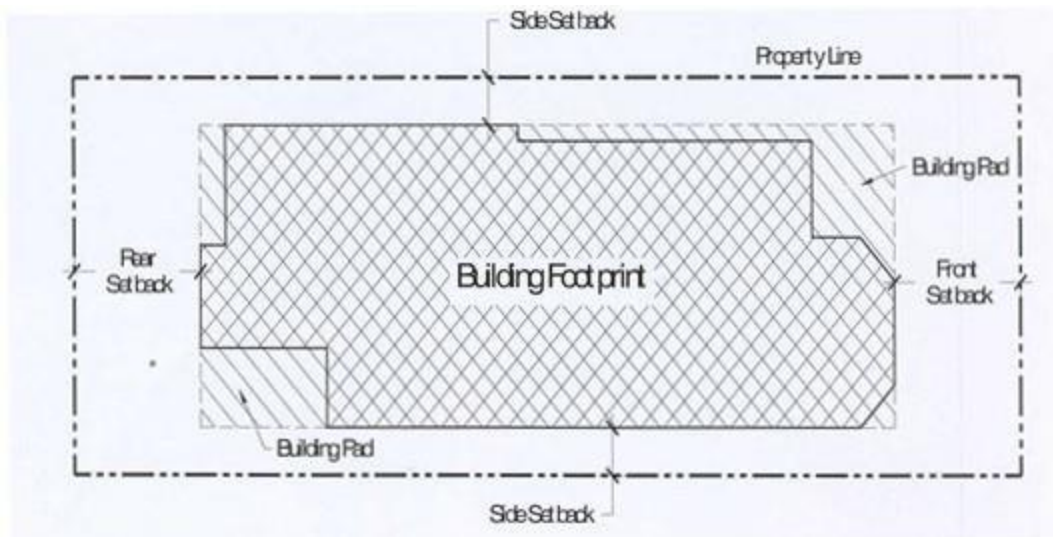
See the following Table 15-2.2. for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.2

Lot Depth (ft.)	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	25.0	1,875	844

75 ft.	37.5	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 75 ft.	Per Formula

* For Lots > 75' in depth use footprint formula.



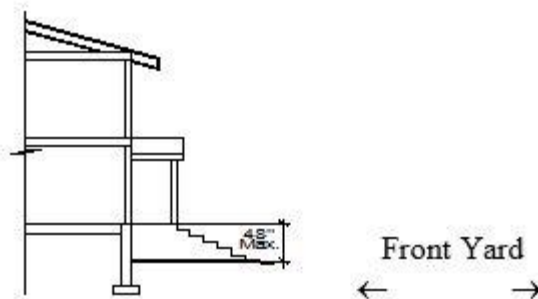
F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

TABLE 15-2.2a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

G. **FRONT SETBACK EXCEPTIONS**. The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



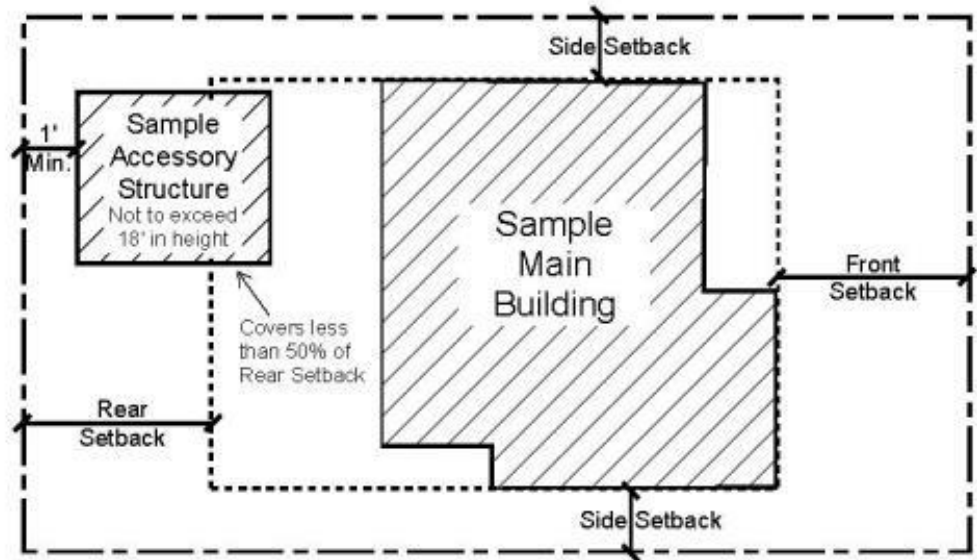
3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.

4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no Rear Setback exception is permitted.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.

6. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



7. A Hard-Surfaced Parking 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 as permitted in Section 15-4-2, Fences and Retaining Walls.

10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.

11. Pathways or steps connecting to a City staircase or pathway.

12. One (1) Shared Driveway leading to a garage or approved Parking Area.

See Section 15-2.2-8 Parking Regulations for additional requirements.

I. **SIDE SETBACKS**. Side Setbacks are as follows:

TABLE 15-2.2b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setbacks
25.0	3 ft. each	6 ft.
37.5	3 ft. each	6 ft.
50.0	5 ft. each	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be

utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

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

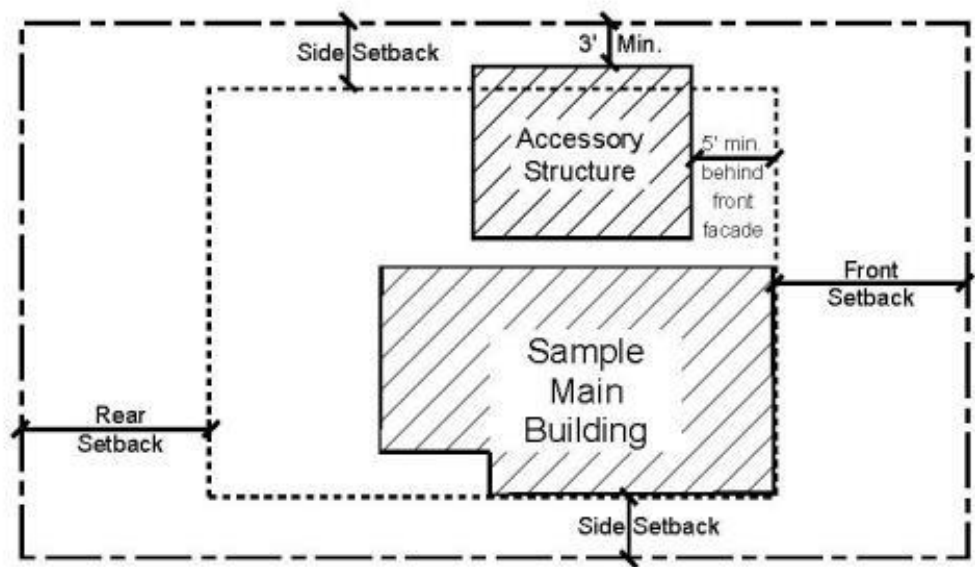
- b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS**. The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.

- 823 2. Chimneys not more than five feet (5') wide projecting not more than two
824 feet (2') into the Side Setback. Only permitted on Lots with a minimum
825 required Side Setback of five feet (5') or greater.
- 826 3. Window wells not exceeding the minimum International Residential Code
827 (IRC) or International Building Code (IBC) requirements for egress may
828 extend not more than four feet (4') into the Side Setback. Only permitted
829 on Lots with a minimum required Side Setback of five feet (5') or greater.
830 Should egress requirements be met within the building pad, no Side
831 Setback exception is permitted.
- 832 4. Roof overhangs or eaves projecting not more than two feet (2') into the
833 Side Setback on Lots with a minimum required Side Setback of five feet
834 (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots
835 with a Side Setback of less than five feet (5').
- 836 5. Window sills, belt courses, trim, cornices, exterior siding, or other
837 ornamental features projecting not more than six inches (6") beyond the
838 main Structure to which they are attached.
- 839 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
840 inches (30") in height above Final Grade, not including any required
841 handrails.
- 842 7. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences
843 and Retaining Walls.

- 844 8. One (1) private or Shared Driveway leading to a garage or approved
845 Parking Area. See Section 15-2.2-8 Parking Regulations for additional
846 requirements.
- 847 9. Pathways or steps connecting to a City staircase or pathway.
- 848 10. Detached Accessory Buildings, not more than eighteen feet (18') in height,
849 and including any free-standing Solar Energy Systems, located a
850 minimum of five feet (5') behind the Front facade of the Main Building,
851 maintaining a minimum Side Setback of three feet (3'). See the following
852 illustration:



- 853 11. Mechanical equipment (which must be screened), hot tubs, or similar
854 Structures located at least three feet (3') from the Side Lot Line.

856 K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release
857 issues to the satisfaction of the Chief Building Official.

L. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2018-27](#) on 5/31/2018

Amended by Ord. [2018-43](#) on 7/19/2018

Amended by Ord. [2019-07](#) on 1/29/2019

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.2-4 Existing Historic Buildings And/or Structures

Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. All Conditional

Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION**. In order to achieve new construction consistent with the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

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

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 07-25 on 4/19/2007

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

Amended by Ord. 2020-42 on 9/17/2020

. . . .

15-2.2-9 Architectural Review

904 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
905 Department shall review the proposed plans for compliance with Architectural Review
906 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for
907 Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic~~
908 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~
909 ~~Architectural Review Chapter 15-5.]~~
910 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
911 ~~Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and~~
912 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~
913 ~~Section 15-1-18 of the Code.]~~

914 HISTORY

915 *Adopted by Ord. 00-15 on 3/2/2000*

916 *Amended by Ord. 06-56 on 7/27/2006*

917 *Amended by Ord. 09-23 on 7/9/2009*

918 *Amended by Ord. 15-53 on 12/17/2015*

919 *Amended by Ord. 2020-42 on 9/17/2020*

920

921 **15-2.2-10 Vegetation Protection**

922 The Property Owner must protect Significant Vegetation during any Development
923 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
924 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
925 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

926 measured at the drip line.

927

928 Development plans must show all Significant Vegetation within twenty feet (20') of a
929 proposed Development. The Property Owner must demonstrate the health and viability
930 of all large trees through a certified arborist. The Planning Director shall determine the
931 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
932 consistent with Landscape Criteria in Sections 15-3-3 and 15-5-5(N), and Title 14.

933 HISTORY

934 *Adopted by Ord. 00-15 on 3/2/2000*

935 *Amended by Ord. 06-56 on 7/27/2006*

936 *Amended by Ord. 2020-42 on 9/17/2020*

937

938 **15-2.2-12 Related Provisions**

- 939 • Fences and Retaining Walls. Section 15-4-2.
- 940 • Accessory Apartments. Section 15-4-7.
- 941 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 942 • Telecommunication Facilities. Section 15-4-14.
- 943 • Off-Street Parking. Chapter 15-3.
- 944 • Landscaping. Title 14; Sections 15-3-3[;]and [~~Chapter~~] 15-5-5(N).
- 945 • Lighting. Sections 15-3-3 [~~;~~] and 15-5-5(J).
- 946 • Historic Preservation. Chapters 15-11 and 15-13.
- 947 • Park City Sign Code. Title 12.
- 948 • Architectural Review. Chapter 15-5.

- Snow Storage. Section 15-3-3
- Parking Ratio Requirements. Section 15-3-6.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [2020-42](#) on 9/17/2020

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15-2.3-8 Special Requirements For Master Planned Developments And

Conditional Use Permits In Sub-Zone A

A. **SUB-ZONE A.** Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13. (B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Building and/or Structure, constructing an approved addition to an Historic Building and/or Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

1. All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Chapter 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential

973 Structure or Structures facing Park Avenue. Occupancy of the below
974 Grade Floor Area is conditioned upon completion of the residential
975 structure on the HR-2 Lot.

976 2. All Buildings within the HR-2 portion of the development must meet the
977 minimum Side and Front Setbacks of the HR-2 District as stated in
978 Section 15-2.3-4, unless the Planning Commission grants an exception to
979 this requirement during the MPD review and the development is consistent
980 with the MPD Section 15-6-5. Below Grade Structures, such as parking
981 structures and Commercial Floor Area extending from Main Street
982 beneath a residential Structure or Structures on Park Avenue may occupy
983 Side Setbacks subject to Building and Fire Codes and trespass
984 agreements.

985 3. All Buildings within the HR-2 portion of the development must meet the
986 Building Height requirements of the HR-2 District as stated in Section 15-
987 2.3-6.

988 4. Existing and new Structures fronting on Park Avenue may not contain
989 Commercial Uses, except as permitted in Section 15-2.3-8.

990 5. A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial
991 Floor Area. Only the Lot Area within the HCB Lot may be used to
992 calculate the Commercial Floor Area.

993 6. The number of residential units allowed on the HR-2 portion of the
994 Development is limited by the Lot and Site Requirements of the HR-2
995 District as stated in Section 15-2.3-4.

- 996 7. All entrances and Access, including service and delivery, for the
997 Commercial Use must be off of a Street or easement within the HCB
998 District. The Commercial Structure must be designed to preclude any
999 traffic generation on residential Streets, such as Park Avenue. Any
1000 emergency Access, as required by the [~~Uniform Building Code (UBC)~~
1001 International Building Code, onto the HR-2 portion of the Property must be
1002 designed in such a manner as to absolutely prohibit non-emergency Use.
1003 Alarms shall be installed on all emergency doors that provide access to
1004 Park Avenue.
- 1005 8. Commercial portions of a Structure extending from the HCB to the HR-2
1006 District must be designed to minimize the Commercial character of the
1007 Building and Use and must mitigate all impacts on the adjacent
1008 Residential Uses. Impacts include such things as noise, odor and glare,
1009 intensity of activity, parking, signs, lighting, Access and aesthetics.
- 1010 9. No loading docks, service yards, exterior mechanical equipment, exterior
1011 trash compounds, outdoor storage, ADA Access, or other similar Uses
1012 associated with the HCB Uses are allowed within the HR-2 portion of the
1013 Property, and all such Uses shall be screened for visual and noise
1014 impacts.
- 1015 10. The Property Owner must donate a Preservation Easement to the City for
1016 any Historic Buildings and/or Structures included in the Development.

1017 11. Any Historic Buildings and/or Structures included in the development shall
1018 be restored or rehabilitated according to the requirements of Historic
1019 Preservation Chapter 15-11.

1020 12. Any adjoining Historic Buildings and/or Structures under common
1021 ownership or control must be considered a part of the Property for review
1022 purposes of the Conditional Use permit and/or Master Planned
1023 Development.

1024 13. The allowed Building Width of any Structure above Final Grade is up to
1025 forty (40) feet. Building Widths shall reflect the typical variation, pattern
1026 and Historic character of the surrounding residential neighborhood.

1027 14. Residential Density Transfers between the HCB and HR-2 Zoning Districts
1028 are not permitted. A portion of the Gross Floor Area generated by the
1029 Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in
1030 the HCB Zone, may be located in the HR-2 Zone as allowed by this
1031 Section.

1032 15. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section
1033 15-6-5.

1034 HISTORY

1035 *Adopted by Ord. [00-51](#) on 9/21/2000*

1036 *Amended by Ord. [10-14](#) on 4/15/2010*

1037 *Amended by Ord. [2018-43](#) on 7/19/2018*

1038 *Amended by Ord. [2020-42](#) on 9/17/2020*

1039

1040 **15-2.3-13 Architectural Review**

1041 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
1042 Department shall review the proposed plans for compliance with Architectural Review
1043 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for
1044 Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic~~
1045 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1046 ~~Architectural Review Chapter 15-5.]~~
1047 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
1048 ~~Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1049 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~
1050 ~~Section 15-1-18 of the Code.]~~

1051 HISTORY

1052 *Adopted by Ord. 00-51 on 9/21/2000*
1053 *Amended by Ord. 06-56 on 7/27/2006*
1054 *Amended by Ord. 09-10 on 3/5/2009*
1055 *Amended by Ord. 09-23 on 7/9/2009*
1056 *Amended by Ord. 10-14 on 4/15/2010*
1057 *Amended by Ord. 15-35 on 10/12/2015*
1058 *Amended by Ord. 2020-42 on 9/17/2020*

1059

1060 **15-2.3-14 Vegetation Protection**

1061 The Property Owner must protect Significant Vegetation during any Development
1062 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1063 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1064 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

1065 measured at the drip line.

1066

1067 Development plans must show all Significant Vegetation within twenty feet (20') of a
1068 proposed Development. The Property Owner must demonstrate the health and viability
1069 of all large trees through a certified arborist. The Planning Director shall determine the
1070 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1071 consistent with Landscape Criteria in ~~[Chapter]~~ Sections 15-3-3 and 15-5-5(N), and Title
1072 14.

1073 HISTORY

1074 *Adopted by Ord. 00-51 on 9/21/2000*

1075 *Amended by Ord. 06-56 on 7/27/2006*

1076 *Amended by Ord. 10-14 on 4/15/2010*

1077 *Amended by Ord. 2020-42 on 9/17/2020*

1078

1079 **15-2.3-16 Related Provisions**

- 1080 • Fences and Retaining Walls. Section 15-4-2.
- 1081 • Accessory Apartments. Section 15-4-7.
- 1082 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 1083 • Telecommunication Facilities. Section 15-4-14.
- 1084 • Off-Street Parking. Chapter 15-3.
- 1085 • Landscaping. Title 14; Sections s 15-3-3 and ~~[Chapter]~~ 15-5-5(N).
- 1086 • Lighting. Sections 15-3-3~~[,]~~ and 15-5-5~~(J)~~.
- 1087 • Historic Preservation. Chapters s 15-11 and 15-13.
- 1088 • Park City Sign Code. Title 12.

- 1089 • Architectural Review. Chapter ~~[15-11]~~ 15-5.
- 1090 • Snow Storage. Section 15-3-3.
- 1091 • Parking Ratio Requirements. Section 15-3-6.

1092 HISTORY

1093 *Adopted by Ord. [00-51](#) on 9/21/2000*

1094 *Amended by Ord. [06-56](#) on 7/27/2006*

1095 *Amended by Ord. [10-14](#) on 4/15/2010*

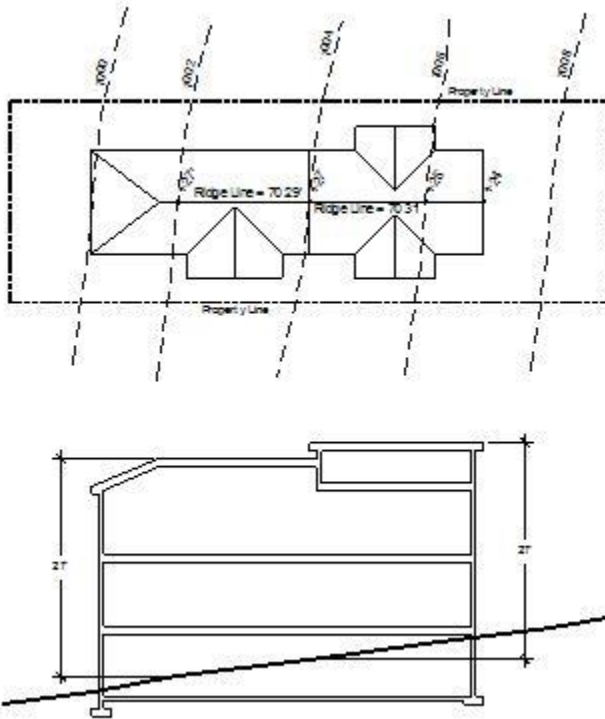
1096 *Amended by Ord. [2020-42](#) on 9/17/2020*

1097

1098 **15-2.4-5 Building Height**

1099 No Structure shall be erected to a height greater than twenty-seven feet (27') from
1100 Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4')
1101 of Existing Grade, except for the placement of approved window wells, emergency

1102 egress, and a garage entrance.



1103

1104 A. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1105 1. Antennas, chimney, flues, vents, and similar Structures may extend up to
1106 five feet (5') above the highest point of the Building to comply with
1107 International Building Code (IBC) requirements.

1108 2. Water towers, mechanical equipment, and Solar Energy Systems, when
1109 enclosed or Screened, may extend up to five feet (5') above the height of
1110 the Building. See Section 15-5-5.

1111 3. Church spires, bell towers, and like architectural features as allowed under
1112 the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic
1113 Districts and Historic Sites, may extend up to fifty percent (50%) above the
1114 Zone Height, but may not contain Habitable Space above the Zone
1115 Height. Such exception requires approval by the Planning Director.

1116 4. To accommodate a roof form consistent with the Design Guidelines for
1117 Historic Districts and Historic Sites, the Planning Director may grant
1118 additional Building Height provided that no more than twenty percent
1119 (20%) of the roof ridge line exceeds the Zone Height requirements and
1120 complies with height exception criteria in 15-2.2-6.

1121 5. Elevator Penthouses may extend up to eight feet (8') above the Zone
1122 Height.

1123 HISTORY

1124 *Adopted by Ord. [00-51](#) on 9/21/2000*

1125 *Amended by Ord. [06-69](#) on 10/19/2006*

1126 *Amended by Ord. [09-10](#) on 3/5/2009*

1127 *Amended by Ord. [15-35](#) on 10/12/2015*

1128 *Amended by Ord. [2018-27](#) on 5/31/2018*

1129 *Amended by Ord. [2020-42](#) on 9/17/2020*

1130

1131 **15-2.4-7 Special Requirements For ~~Triplex~~ And Multi-Unit Dwellings**

1132 A. **FRONT SETBACK**. The Front Setback for any Triplex, or Multi-Unit Dwelling is
1133 twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-
1134 five feet (25') from the Front Property Line. All Yards fronting any Street are
1135 considered Front Yards for the purposes of determining required Setbacks. See
1136 ~~[15-2.4-4]~~ **15-2.4-3**, Front Setback Exceptions.

1137 B. **REAR SETBACK**. The Rear Setback for a ~~ny~~ Triplex or Multi-Unit Dwelling is ten
1138 feet (10'). See Section ~~[15-2.4-4]~~ **15-2.4-3**, Rear Setback Exceptions.

C. **SIDE SETBACK**. The Side Setback for any Triplex~~[7]~~ or Multi-Unit Dwelling is ten feet (10'). See Section ~~[15-2.4-4]~~ **15-2.4-3**, Side Setback Exceptions.

D. **OPEN SPACE**. The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 shall apply. Parking is prohibited within the Open Space. See Section 15-15-**1** Open Space. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing at least fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [13-42](#) on 10/17/2013

Amended by Ord. [2018-43](#) on 7/19/2018

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.4-12 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 **Architectural Review Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13.** ~~[the Design Guidelines for Historic Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~

1163 ~~Architectural Review Chapter 15-5.]~~
1164 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
1165 ~~Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1166 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~
1167 ~~Section 15-1-18 of the Code.]~~

1168 HISTORY

1169 *Adopted by Ord. [00-51](#) on 9/21/2000*
1170 *Amended by Ord. [06-69](#) on 10/19/2006*
1171 *Amended by Ord. [09-23](#) on 7/9/2009*
1172 *Amended by Ord. [15-53](#) on 12/17/2015*
1173 *Amended by Ord. [2020-42](#) on 9/17/2020*

1174

1175 **15-2.4-13 Vegetation Protection**

1176 The Property Owner must protect Significant Vegetation during any Development
1177 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1178 measured four and one-half feet (4 ½') above the ground, groves of small trees, or
1179 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1180 measured at the drip line.

1181

1182 Development plans must show all Significant Vegetation within twenty feet (20') of a
1183 proposed Development. The Property Owner must demonstrate the health and viability
1184 of all large trees through a certified arborist. The Planning Director shall determine the
1185 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1186 consistent with Landscape Criteria in Sections [15-3-3](#) [and 15-5-5\(N\)](#), and Title 14.

1187 HISTORY

1188 *Adopted by Ord. [00-51](#) on 9/21/2000*

1189 *Amended by Ord. [06-69](#) on 10/19/2006*

1190 *Amended by Ord. [2020-42](#) on 9/17/2020*

1191

1192 **15-2.4-15 Related Provisions**

- 1193 • Fences and Retaining Walls. Section 15-4-2.
- 1194 • Accessory Apartments. Section 15-4-7.
- 1195 • Placement of Satellite Receiving Antennas. Section ~~[15-5-13]~~ 15-4-13.
- 1196 • Telecommunication Facilities. Section ~~[15-5-14]~~ 15-4-14.
- 1197 • Off-Street Parking. Chapter 15-3.
- 1198 • Landscaping. Title 14; Section s 15-3-3 and ~~[Chapter]~~ 15-5-5(N).
- 1199 • Lighting. Section 15-3-3~~[,]~~ and 15-5-5~~(J)~~.
- 1200 • Historic Preservation. Chapter s 15-11 and 15-13.
- 1201 • Park City Sign Code. Title 12.
- 1202 • Architectural Review. Chapter 15-5.
- 1203 • Snow Storage. Section 15-3-3.
- 1204 • Parking Ratio Requirements. Section 15-3-6.

1205 HISTORY

1206 *Adopted by Ord. [00-51](#) on 9/21/2000*

1207 *Amended by Ord. [2020-42](#) on 9/17/2020*

1208

1209 **15-2.5-2 Uses**

1210 Uses in the HRC are limited to the following:

1211	A. <u>ALLOWED USES.</u> ¹⁰
1212	1. Single Family Dwelling ⁵
1213	2. Duplex Dwelling ⁵
1214	3. Secondary Living Quarters ⁵
1215	4. Lockout Unit ^{1,5}
1216	5. Accessory Apartment ^{2,5}
1217	6. Nightly Rental ⁵
1218	7. Home Occupation ⁵
1219	8. Child Care, In-Home Babysitting
1220	9. Child Care, Family ³
1221	10. Child Care, Family Group ³
1222	11. Child Care Center ³
1223	12. Accessory Building and Use
1224	13. Conservation Activity
1225	14. Agriculture
1226	15. Bed and Breakfast Inn ^{4,5}
1227	16. Boarding House, hostel ⁵
1228	17. Hotel, Minor, fewer than sixteen (16) rooms ⁵
1229	18. Office, General ⁵
1230	19. Parking Area or Structure, with four (4) or fewer spaces ⁵
1231	20. Food Truck Location ¹¹
1232	B. <u>CONDITIONAL USES.</u> ^{9, 10}
1233	1. Triplex Dwelling ⁵

1234	2. Multi-Unit Dwelling ⁵
1235	3. Guest House, on Lots one (1) acre ⁵
1236	4. Group Care Facility ⁵
1237	5. Public and Quasi-Public institution, church, or school
1238	6. Essential Municipal public utility Use, facility, service, and Structure
1239	7. Telecommunication Antenna ⁶
1240	8. Satellite dish, greater than thirty-nine inches (39") in diameter ⁷
1241	9. Plant and Nursery stock products and sales
1242	10. Hotel, Major ⁵
1243	11. Timeshare Projects and Conversions ⁵
1244	12. Private Residence Club Project and Conversion ^{4,5}
1245	13. Office, Intensive ⁵
1246	14. Office and clinic, Medical ⁵
1247	15. Financial institution, without drive-up window ⁸
1248	16. Commercial Retail and Service, Minor ⁸
1249	17. Commercial Retail and Service, Personal Improvement ⁸
1250	18. Neighborhood Convenience Commercial, without gasoline sales
1251	19. Café or Deli ⁸
1252	20. Restaurant, General ⁸
1253	21. Restaurant and Café, outdoor dining ⁴
1254	22. Outdoor Events and Uses ⁴
1255	23. Bar
1256	24. Parking Area or Structure, with five (5) or more spaces ⁵

- 1257 25. Temporary Improvement⁴
- 1258 26. Passenger Tramway station and ski base facility
- 1259 27. Ski tow, ski lift, ski run, and ski bridge
- 1260 28. Recreation Facility, Commercial, Public, and Private
- 1261 29. Entertainment Facility, Indoor
- 1262 30. Fences greater than six feet (6') in height from Final Grade⁴
- 1263 31. Private Residence Club, Off-Site⁵
- 1264 32. Private Event Facility⁵
- 1265 C. **PROHIBITED USES**. Unless otherwise allowed herein, any Use not listed above
- 1266 as an Allowed or Conditional Use is a prohibited Use.
- 1267 ¹Nightly rental of Lockout Units requires a Conditional Use permit.
- 1268 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.
- 1269 ³See Section 15-4-9, Child Care And Child Care Facilities.
- 1270 ⁴Requires an Administrative or Administrative Conditional Use permit, see Chapter 15-4.
- 1271 ⁵Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue,
- 1272 excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC
- 1273 Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the
- 1274 plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street,
- 1275 890 Main Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within
- 1276 Storefront Property; however access, circulation, and lobby areas are permitted within Storefront
- 1277 Property.
- 1278 ⁶See Section 15-4-14, Telecommunication Facilities.
- 1279 ⁷See Section 15-4-13, Placement Of Satellite Receiving Antennas.
- 1280 ⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use.
- 1281 ⁹No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are

1282 permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah
1283 Code 32B-1-202, to obtain a liquor license.

1284 ¹⁰Within the HRC Zoning District, no more than seven (7) Conventional Chain Businesses are permitted in
1285 Storefront Properties.

1286 ¹¹The Planning Director~~[,]~~ or ~~[his or her]~~ designee shall~~[,]~~ upon finding a Food Truck Location in
1287 compliance with Municipal Code Section 4-5-6, issue the property owner a Food Truck Location
1288 administrative approval letter.

1289 HISTORY

1290 *Adopted by Ord. [00-51](#) on 9/21/2000*

1291 *Amended by Ord. [04-39](#) on 3/18/2004*

1292 *Amended by Ord. [06-69](#) on 10/19/2006*

1293 *Amended by Ord. [07-55](#) on 8/30/2007*

1294 *Amended by Ord. [09-10](#) on 3/5/2009*

1295 *Amended by Ord. [12-37](#) on 12/20/2012*

1296 *Amended by Ord. [16-02](#) on 1/7/2016*

1297 *Amended by Ord. [2017-45](#) on 8/17/2017*

1298 *Amended by Ord. [2018-55](#) on 10/23/2018*

1299 *Amended by Ord. [2020-36](#) on 7/30/2020*

1300 *Amended by Ord. [2020-42](#) on 9/17/2020*

1301 *Amended by Ord. [2021-51](#) on 12/16/2021*

1302

1303 **15-2.5-4 Existing Historic Buildings And/or Structures**

1304 Historic Buildings and/or Structures that do not comply with Building Height, Building
1305 Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying
1306 Structures. Additions to Historic Buildings and/or Structures are exempt from Off-Street

parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, driveway location standards, and Building height.

A. **EXCEPTION**. In order to achieve new construction consistent with the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites, the Planning Director may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings and/or Structures:

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

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

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

Amended by Ord. 2020-42 on 9/17/2020

15-2.5-5 Building Height

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

A. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1. Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
2. Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
3. Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the height of the Building. See Section 15-5-5.
4. Church spires, bell towers, and like architectural features subject to the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites, 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]~~ Design Guidelines for Historic Districts and Historic Sites, 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 15-2.5-5.

1352 HISTORY

1353 *Adopted by Ord. [00-51](#) on 9/21/2000*

1354 *Amended by Ord. [06-69](#) on 10/19/2006*

1355 *Amended by Ord. [07-55](#) on 8/30/2007*

1356 *Amended by Ord. [09-10](#) on 3/5/2009*

1357 *Amended by Ord. [2018-27](#) on 5/31/2018*

1358 *Amended by Ord. [2020-42](#) on 9/17/2020*

1359

1360 **15-2.5-12 Architectural Review**

1361 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning

1362 Department shall review the proposed plans for compliance with [Architectural Review](#)

1363 [Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for](#)

1364 [Historic Districts and Historic Sites Chapter 15-13.](#) ~~[the Design Guidelines for Historic~~

1365 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~

1366 ~~Architectural Review Chapter 15-5.]~~

1367 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~

1368 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~

1369 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~

1370 ~~Section 15-1-18 of the Code.]~~

1371 HISTORY

1372 *Adopted by Ord. [00-51](#) on 9/21/2000*

1373 *Amended by Ord. [06-69](#) on 10/19/2006*

1374 *Amended by Ord. [09-23](#) on 7/9/2009*

1375 Amended by Ord. [15-53](#) on 12/17/2015

1376 Amended by Ord. [2020-42](#) on 9/17/2020

1377

1378 **15-2.5-13 Vegetation Protection**

1379 The Property Owner must protect Significant Vegetation during any Development
1380 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1381 measured four and one-half feet (4 ½') above the ground, groves of small trees, or
1382 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1383 measured at the drip line.

1384 Development plans must show all Significant Vegetation within twenty feet (20') of a
1385 proposed Development. The Property Owner must demonstrate the health and viability
1386 of all large trees through a certified arborist. The Planning Director shall determine the
1387 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1388 consistent with Landscape Criteria in Sections [15-3-3](#) [and 15-5-5\(N\)](#), and Title 14.

1389 HISTORY

1390 Adopted by Ord. [00-51](#) on 9/21/2000

1391 Amended by Ord. [06-69](#) on 10/19/2006

1392 Amended by Ord. [2020-42](#) on 9/17/2020

1393

1394 **15-2.5-15 Related Provisions**

- 1395 • Fences and Retaining Walls. Section 15-4-2.
- 1396 • Accessory Apartments. Section 15-4-7.
- 1397 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 1398 • Telecommunication Facilities. Section 15-4-14.

- 1399 • Off-Street Parking. Chapter 15-3.
- 1400 • Landscaping. Title 14; Section s 15-3-3 and [~~Chapter~~] 15-5-5(N).
- 1401 • Lighting. Sections 15-3-3[~~r~~] and 15-5-5(J).
- 1402 • Historic Preservation. Chapter s 15-11 and 15-13.
- 1403 • Park City Sign Code. Title 12.
- 1404 • Architectural Review. Chapter 15-5.
- 1405 • Snow Storage. Section 15-3-3.
- 1406 • Parking Ratio Requirements. Section 15-3-6.

1407 HISTORY

1408 *Adopted by Ord. [00-51](#) on 9/21/2000*

1409 *Amended by Ord. [2020-42](#) on 9/17/2020*

1410

1411 **15-2.6-2 Uses**

1412 Uses in the Historic Commercial Business (HCB) District are limited to the following:

1413 A. **ALLOWED USES**.¹¹

- 1414 1. Single Family Dwelling¹
- 1415 2. Multi-Unit Dwelling¹
- 1416 3. Secondary Living Quarters¹
- 1417 4. Lockout Unit^{1,2}
- 1418 5. Accessory Apartment^{1,3}
- 1419 6. Nightly Rental⁴
- 1420 7. Home Occupation¹
- 1421 8. Child Care, In-Home Babysitting¹

1422	9. Child Care, Family ^{1,5}
1423	10. Child Care, Family Group ^{1,5}
1424	11. Child Care Center ^{1,5}
1425	12. Accessory Building and Use ¹
1426	13. Conservation Activity
1427	14. Agriculture
1428	15. Bed and Breakfast Inn ^{1, 6}
1429	16. Boarding House, hostel ¹
1430	17. Hotel, Minor, fewer than 16 rooms ¹
1431	18. Office, General ¹
1432	19. Office, Moderate Intensive ¹
1433	20. Office and clinic, Medical ¹
1434	21. Financial institution, without drive-up window
1435	22. Commercial Retail and Service, Minor
1436	23. Commercial Retail and Service, Personal Improvement
1437	24. Commercial Neighborhood Convenience, without gasoline sales
1438	25. Restaurant, Cafe or Deli
1439	26. Restaurant, General
1440	27. Bar
1441	28. Parking Lot, Public or Private with four (4) or fewer spaces
1442	29. Entertainment Facility, Indoor
1443	30. Salt Lake City 2002 Winter Olympic Games Legacy Displays ⁷
1444	31. Temporary winter Balcony enclosures

1445	32. Food Truck Location ¹²
1446	B. <u>CONDITIONAL USES.</u> ^{10, 11}
1447	1. Group Care Facility ¹
1448	2. Public and Quasi-Public institution, church, or school
1449	3. Essential municipal public utility Use, facility, service, and Structure
1450	4. Telecommunication Antenna ⁸
1451	5. Satellite dish, greater than thirty-nine inches (39") in diameter ⁹
1452	6. Plant and Nursery stock products and sales
1453	7. Hotel, Major ¹
1454	8. Timeshare Projects and Conversions ¹
1455	9. Timeshare Sales Office, Off-Site within an enclosed Building ¹
1456	10. Private Residence Club Project and Conversion ^{1,6}
1457	11. Commercial Retail and Service, Major
1458	12. Office, Intensive ¹
1459	13. Restaurant, outdoor dining ⁶
1460	14. Outdoor Events and Uses ⁶
1461	15. Hospital, Limited Care Facility ¹
1462	16. Parking Area or Structure for five (5) or more cars ¹
1463	17. Temporary Improvement ⁶
1464	18. Passenger Tramway station and ski base facility
1465	19. Ski tow, ski lift, ski run, and ski bridge
1466	20. Recreation Facility, Public or Private
1467	21. Recreation Facility, Commercial

1468 22. Fences greater than six feet (6') in height from Final Grade⁶

1469 23. Private Residence Club, Off-Site¹

1470 24. Private Event Facility¹

1471 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use

1472 is a prohibited Use.

1473 ¹Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and

1474 Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and

1475 lobby areas are permitted within Storefront Property.

1476 ²Nightly Rental of Lock Units requires a Conditional Use permit.

1477 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

1478 ⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses.

1479 ⁵See Section 15-4-9, Child Care And Child Care Facilities.

1480 ⁶Requires an Administrative or Administrative Conditional Use permit.

1481 ⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City

1482 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

1483 on the original Property set forth in the services Agreement and/or Master Festival License. Requires an

1484 Administrative Permit.

1485 ⁸See Section 15-4-14, Telecommunication Facilities.

1486 ⁹See Section 15-4-13, Placement Of Satellite Receiving Antennas.

1487 ¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are

1488 permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah

1489 Code 32B-1-202, to obtain a liquor license.

1490 ¹¹Within the HCB Zoning District, no more than seventeen (17) Conventional Chain Businesses are

1491 permitted in Storefront Properties.

1492 ¹²The Planning Director or ~~[his or her]~~ designee shall, upon finding a Food Truck Location in compliance

1493 with Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative

1494 approval letter.

1495 HISTORY

1496 *Adopted by Ord. [00-51](#) on 9/21/2000*

1497 *Amended by Ord. [02-38](#) on 9/12/2002*

1498 *Amended by Ord. [04-39](#) on 3/18/2004*

1499 *Amended by Ord. [06-69](#) on 10/19/2006*

1500 *Amended by Ord. [07-55](#) on 8/30/2007*

1501 *Amended by Ord. [09-10](#) on 3/5/2009*

1502 *Amended by Ord. [12-37](#) on 12/20/2012*

1503 *Amended by Ord. [16-02](#) on 1/7/2016*

1504 *Amended by Ord. [16-01](#) on 1/7/2016*

1505 *Amended by Ord. [2017-45](#) on 8/17/2017*

1506 *Amended by Ord. [2018-55](#) on 10/23/2018*

1507 *Amended by Ord. [2020-36](#) on 7/30/2020*

1508 *Amended by Ord. [2020-42](#) on 9/17/2020*

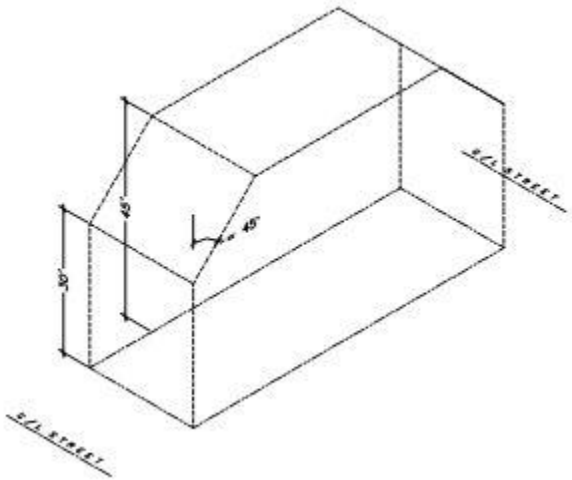
1509 *Amended by Ord. [2021-51](#) on 12/16/2021*

1510

1511 **15-2.6-5 Maximum Building Volume And Height**

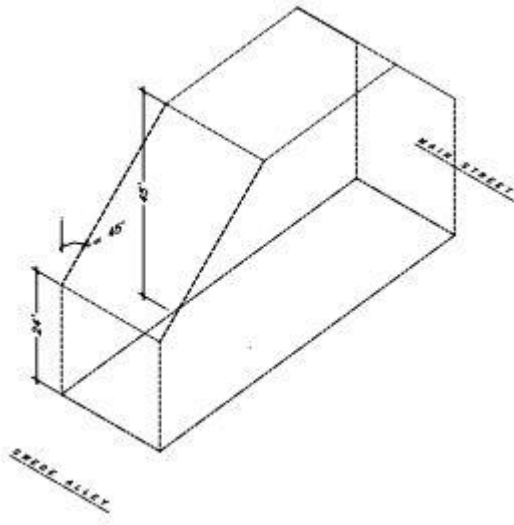
1512 A. The maximum Building volume for each Lot is defined by a plane that rises
1513 vertically at the Front Lot Line to a height of thirty feet (30') measured above the
1514 average Natural Grade and then proceeds at a forty-five degree (45°) angle
1515 toward the rear of the Property until it intersects with a point forty-five feet (45')

1516 above the Natural Grade and connects with the rear portion of the bulk plane.



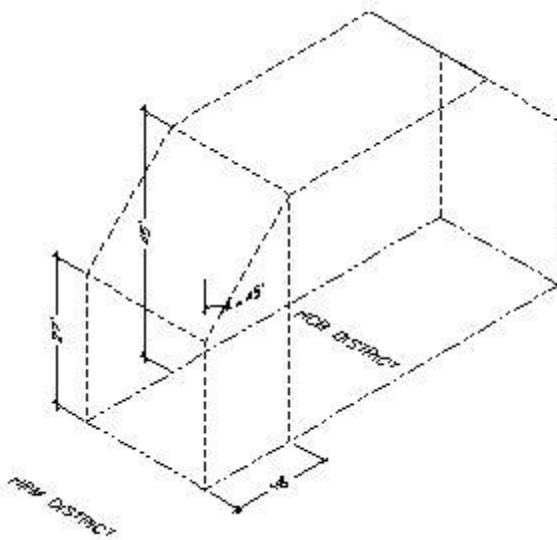
- 1517
- 1518 B. The rear portion of the bulk plane for each Lot that does not abut Swede Alley is
- 1519 defined by the plane that rises vertically at the Rear Property Line to a height of
- 1520 thirty feet (30') measured above the average Natural Grade and then proceeds at
- 1521 a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a
- 1522 point forty-five feet (45') above the Natural Grade of the Building Site. No part of
- 1523 a Building shall be erected to a height greater than forty-five feet (45'), measured
- 1524 from Natural Grade at the Building Site. This provision must not be construed to
- 1525 encourage solid roofing to following the forty-five degree (45°) back plane.
- 1526 C. For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a
- 1527 plane that rises vertically at the Rear Property Line to a height of twenty-four feet
- 1528 (24') measured above the average Natural Grade and then proceeds at a forty-
- 1529 five degree (45°) angle toward the Front Lot Line until it intersects with a point
- 1530 forty-five feet (45') above the Natural Grade. This provision must not be
- 1531 construed to encourage solid roofing to follow the forty-five degree (45°) back

1532 plane.



1533

1534 D. Wherever the HCB District abuts a residential Zoning District, the abutting portion
1535 of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line
1536 to a height matching the maximum height of the abutting Zone, measured from
1537 Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the
1538 opposite Lot Line until it intersects with a point forty-five feet (45') above Existing
1539 Grade.



1540

E. The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

F. **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

1. A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
2. Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
3. Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the height of the Building. See [\[LMC\] Section 15-5-5](#).
4. Church spires, bell towers, and like architectural features, subject to the ~~[Historic District Design Guidelines]~~ [Design Guidelines for Historic Districts and Historic Sites](#), may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
5. Elevator Penthouses may extend up to eight feet (8') above the Zone Height.
6. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

1563 HISTORY

1564 *Adopted by Ord. [00-51](#) on 9/21/2000*

1565 *Amended by Ord. [03-38](#) on 7/17/2003*

1566 *Amended by Ord. [06-69](#) on 10/19/2006*

1567 *Amended by Ord. [2018-27](#) on 5/31/2018*

1568 *Amended by Ord. [2018-43](#) on 7/19/2018*

1569 *Amended by Ord. [2020-42](#) on 9/17/2020*

1570

1571 **15-2.6-7 Swede Alley Development Criteria**

1572 In addition to the standards set forth in this Chapter, all Development abutting Swede
1573 Alley must comply with the following criteria:

1574 A. Structures must step down toward Swede Alley at an angle of forty-five degrees
1575 (45°) to a maximum height of twenty-four feet (24') at the edge of the Swede
1576 Alley Right-of-Way. A variety of one and two-Story facades are encouraged.
1577 Designs that create a strong indoor/outdoor connection at the ground level are
1578 strongly encouraged.

1579 B. Entrances must be pedestrian-scaled and defined with porches, awnings and
1580 other similar elements as described in the [Park City Historic District Design
1581 Guidelines] [Design Guidelines for Historic Districts and Historic Sites](#). Entrances
1582 must make provisions for shared public and service Access whenever possible.
1583 When Main Street additions extend to Swede Alley, the materials and colors of
1584 the new construction must be designed to coordinate with the existing Structure.

- 1585 C. Structures must continue the existing stair-step facade rhythm along Swede
1586 Alley. No more than sixty feet (60') of a Swede Alley facade may have the same
1587 height or Setback. On facades greater than sixty feet (60') wide, Structures must
1588 provide a variety of Building Setbacks, height, and Building form. Setbacks in the
1589 facades and stepping upper stories, decks, and Balconies are strongly
1590 encouraged. Uniform height and Setbacks are discouraged.
- 1591 D. Provisions for public Open Space, open courtyards, and landscaping are strongly
1592 encouraged.
- 1593 E. Pedestrian connections from Swede Alley to Main Street are encouraged
1594 whenever possible. Open and landscaped pedestrian connections are favored.
- 1595 F. Swede Alley facades must be simple, utilitarian, and subordinate in character to
1596 Main Street facades. While facades should be capped, details should be simple.
1597 Ornate details typically found on Main Street facades are prohibited. The
1598 Applicant must incorporate a mix of materials, accent trim and door treatments to
1599 provide architectural interest. Materials must be similar in character, color,
1600 texture and scale to those found on Main Street. Exposed concrete, large Areas
1601 of stucco and unfinished materials are prohibited.
- 1602 G. Window display Areas are allowed. However, the Swede Alley window Area must
1603 be subordinate in design to the Main Street window Area.
- 1604 H. Service Areas and service equipment must be Screened. Utility boxes must be
1605 painted to blend with the adjacent Structures. Group trash containers must be
1606 Screened.

1607 HISTORY

1608 *Adopted by Ord. [00-51](#) on 9/21/2000*

1609

1610 **15-2.6-13 Architectural Review**

1611 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
1612 Department shall review the proposed plans for compliance with Architectural Review
1613 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for
1614 Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic~~
1615 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1616 ~~Architectural Review Chapter 15-5.]~~

1617 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
1618 ~~Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1619 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~
1620 ~~Section 15-1-18 of the Code.]~~

1621 HISTORY

1622 *Adopted by Ord. [00-51](#) on 9/21/2000*

1623 *Amended by Ord. [06-69](#) on 10/19/2006*

1624 *Amended by Ord. [09-23](#) on 7/9/2009*

1625 *Amended by Ord. [15-53](#) on 12/17/2015*

1626 *Amended by Ord. [2020-42](#) on 9/17/2020*

1627

1628 **15-2.6-14 Vegetation Protection**

1629 The Property Owner must protect Significant Vegetation during any Development
1630 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

measured four and one-half feet (4½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with ~~[landscape criteria]~~ Landscape Criteria in Sections 15-3-3 and 15-5-5(N), and Title 14.

HISTORY

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

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 2020-42 on 9/17/2020

. . . .

15-2.6-16 Related Provisions

- Fences and Retaining Walls. Section 15-4-2.
- Accessory Apartments. Section 15-4-7.
- Placement of Satellite Receiving Antennas. Section 15-4-13.
- Telecommunication Facilities. Section 15-4-14.
- Off-Street Parking. Chapter 15-3.
- Landscaping. Title 14; Sections 15-3-3 and ~~[Chapter]~~ 15-5-5(N).
- Lighting. Sections 15-3-3~~[,]~~ and 15-5-5~~(J)~~.
- Historic Preservation. Chapter 15-11 and 15-13.

- 1655 • Park City Sign Code. Title 12.
- 1656 • Architectural Review. Chapter 15-5.
- 1657 • Snow Storage. Section 15-3-3.
- 1658 • Parking Ratio Requirements. Section 15-3-6.
- 1659 • Passenger Tramways and Ski Base Facilities. Section 15-4-18.

1660 HISTORY

1661 *Adopted by Ord. [00-51](#) on 9/21/2000*

1662 *Amended by Ord. [2020-42](#) on 9/17/2020*

1663

1664 **15-2.7-2 Uses**

1665 Uses in the ROS District are limited to the following:

1666 A. **ALLOWED USES.**

- 1667 1. Conservation Activity
- 1668 2. Food Truck Locations⁴

1669 B. **ADMINISTRATIVE CONDITIONAL USES¹.**

- 1670 1. Trail and Trailhead Improvement
- 1671 2. Outdoor Recreation Equipment
- 1672 3. Essential Municipal Public Utility Use, Service, or Structure, less than 600
- 1673 sq. ft.
- 1674 4. Accessory Building, less than 600 sq. ft.
- 1675 5. Ski-related Accessory Building, less than 600 sq. ft.
- 1676 6. Parking Area or Structure with four (4) or fewer spaces
- 1677 7. Outdoor Event, Outdoor Music
- 1678 8. Temporary Construction Improvement

1679	9. Raising, grazing of horses
1680	10. Raising, grazing of livestock
1681	11. Anemometer and Anemometer Towers
1682	C. <u>CONDITIONAL USES.</u>
1683	1. Agriculture
1684	2. Recreational Outdoor and Trail Lighting
1685	3. Recreation Facility, Private
1686	4. Recreation Facility, Public
1687	5. Recreation Facility, Commercial
1688	6. Golf Course
1689	7. Passenger Tramway Station and Ski Base Facility
1690	8. Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
1691	9. Recreational Sports Field
1692	10. Skating Rink
1693	11. Skateboard Park
1694	12. Public and Quasi-Public Institution, Church, and School, Park, Plaza,
1695	Structure for Public Assembly, greater than 600 sq. ft.
1696	13. Essential Municipal Public Utility Use, Facility, Service, and Structure,
1697	greater than 600 sq. ft.
1698	14. Accessory Building, greater than 600 sq. ft.
1699	15. Ski-Related Accessory Building, greater than 600 sq. ft.
1700	16. Child Care Center
1701	17. Commercial Stable, Riding Academy

1702 18. Vehicle Control Gates²

1703 19. Resort Support, Commercial

1704 20. Cemetery

1705 21. Parking Area or Structure with five (5) or more spaces

1706 22. Telecommunications Antenna³

1707 23. Mines and Mine Exploration

1708 24. Plant and Nursery stock products and sales

1709 25. Fences greater than six feet (6') in height from Final Grade.

1710 26. Small Wind Energy Systems

1711 D. **PROHIBITED USES**. Any use not listed above as an Allowed or Conditional Use

1712 is a prohibited Use.

1713 ¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process.

1714 Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time

1715 frames and shall be removed at the expiration of the Master Festival permit.

1716 ²See Section 15-4-19 for specific review criteria for gates

1717 ³Subject to ~~[LMC Chapter]~~ Section 15-4-14, Telecommunications

1718 ⁴The Planning Director~~[, or his]~~ or designee shall, upon finding a Food Truck Location in compliance with

1719 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval

1720 letter.

1721 HISTORY

1722 *Adopted by Ord. 00-51 on 9/21/2000*

1723 *Amended by Ord. 04-08 on 3/4/2004*

1724 *Amended by Ord. 09-10 on 3/5/2009*

1725 *Amended by Ord. 2018-55 on 10/23/2018*

1726

1727 **15-2.7-5 Architectural Review**

1728 Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the
1729 Planning Department must review the proposed plans for compliance with ~~[the]~~
1730 Architectural ~~[Design Guidelines, LMC]~~ Review, Chapter 15-5.
1731 ~~[Appeals of Departmental actions on architectural compliance are heard by the Planning~~
1732 ~~Commission.]~~

1733 HISTORY

1734 *Adopted by Ord. [00-51](#) on 9/21/2000*

1735 *Amended by Ord. [09-10](#) on 3/5/2009*

1736

1737 **15-2.7-6 Vegetation Protection**

1738 The Property Owner must protect Significant Vegetation during any Development
1739 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1740 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1741 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1742 measured at the drip line.

1743

1744 Development plans must show all Significant Vegetation within twenty feet (20') of a
1745 proposed Development. The Property Owner must demonstrate the health and viability
1746 of all large trees through a certified arborist. The Planning Director shall determine the
1747 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1748 consistent with ~~[landscape criteria]~~ Landscape Criteria in Sections 15-3-3 and 15-5-
1749 5(N), and Title 14.

1750 HISTORY

1751 *Adopted by Ord. [00-51](#) on 9/21/2000*

1752 *Amended by Ord. [04-08](#) on 3/4/2004*

1753 *Amended by Ord. [09-10](#) on 3/5/2009*

1754

1755 **15-2.7-11 Related Provisions**

- 1756 • Fences and Walls. [~~LMC Chapter~~] [Section](#) 15-4-2.
- 1757 • Accessory Apartment. [~~LMC Chapter~~] [Section](#) 15-4-7.
- 1758 • Satellite Receiving Antenna. [~~LMC Chapter~~] [Section](#) 15-4-13.
- 1759 • Telecommunication Facility. [~~LMC Chapter~~] [Section](#) 15-4-14.
- 1760 • Parking. [~~LMC~~] Chapter 15-3.
- 1761 • Landscaping. Title 14; [~~LMC Chapter~~] [Sections](#) 15-3-3[~~(D)~~] [and 15-5-5\(N\)](#).
- 1762 • Lighting. [~~LMC Chapters 15-3-3(C), 15-5-5(I)~~] [Sections 15-3-3 and 15-5-5\(J\)](#).
- 1763 • Historic Preservation. [~~LMC~~] Chapter ~~s~~ 15-11 [and 15-13](#).
- 1764 • Park City Sign Code. Title 12.
- 1765 • Architectural [~~Design~~] [Review](#). [~~LMC~~] Chapter 15-5.
- 1766 • Snow Storage. [~~LMC Chapter~~] [Section](#) 15-3-3[~~(E)~~].
- 1767 • Parking Ratio Requirements. [~~LMC Chapter~~] [Section](#) 15-3-6.

1768 HISTORY

1769 *Adopted by Ord. [00-51](#) on 9/21/2000*

1770 *Amended by Ord. [09-10](#) on 3/5/2009*

1771

1772 **15-2.8-5 Architectural Review**

1773 Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the
1774 Planning Department shall review the proposed plans for compliance with ~~[the]~~
1775 Architectural ~~[Design Guidelines, LMC]~~ Review, Chapter 15-5.
1776 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~
1777 ~~Commission.]~~

1778 HISTORY

1779 *Adopted by Ord. [00-51](#) on 9/21/2000*

1780 *Amended by Ord. [06-69](#) on 10/19/2006*

1781

1782 **15-2.8-6 Vegetation Protection**

1783 The Property Owner must protect Significant Vegetation during any Development
1784 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1785 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1786 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1787 measured at the drip line.

1788

1789 Development plans must show all Significant Vegetation within twenty feet (20') of a
1790 proposed Development. The Property Owner must demonstrate the health and viability
1791 of all large trees through a certified arborist. The Planning Director shall determine the
1792 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1793 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3 and 15-5-5(N),
1794 and Title 14.

1795 HISTORY

1796 *Adopted by Ord. [00-51](#) on 9/21/2000*

1797 *Amended by Ord. [06-69](#) on 10/19/2006*

1798

1799 **15-2.8-8 Related Provisions**

- 1800 • Fences and Walls. [~~LMC Chapter~~] [Section](#) 15-4-2.
- 1801 • Accessory Apartments. [~~LMC Chapter~~] [Section](#) 15-4-7.
- 1802 • Satellite Receiving Antenna. [~~LMC Chapter~~] [Section](#) 15-4-13.
- 1803 • Telecommunication Facility. [~~LMC Chapter~~] [Section](#) 15-4-14.
- 1804 • Parking. [~~LMC~~] Chapter 15-3.
- 1805 • Landscaping. Title 14; [~~LMC Chapter 15-3-3.(D)~~] [Sections 15-3-3 and 15-5-5\(N\)](#).
- 1806 • Lighting. [~~LMC Chapters~~] [Sections](#) 15-3-[3](#) and 15-5-[5\(J\)](#).
- 1807 • Historic Preservation Board. [~~LMC~~] Chapter~~s~~ 15-11 [and 15-13](#).
- 1808 • Park City Sign Code. Title 12.
- 1809 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 1810 • Snow Storage. [~~LMC Chapter~~] [Section](#) 15-3-3[~~(E)~~]
- 1811 • Parking Ratio Requirements. [~~LMC Chapter~~] [Section](#) 15-3-6.
- 1812 • Passenger Tramways and Ski Base Facilities. [~~LMC Chapter~~] [Section](#) 15-4-18.

1813 HISTORY

1814 *Adopted by Ord. [00-51](#) on 9/21/2000*

1815

1816 **15-2.9-5 Architectural Review**

1817 Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the

1818 Planning Department must review the proposed plans for compliance with ~~the~~

1819 Architectural ~~[Design Guidelines]~~ Review, [LMC] Chapter 15-5.
1820 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~
1821 ~~Commission.]~~

1822 HISTORY

1823 *Adopted by Ord. [00-51](#) on 9/21/2000*

1824 *Amended by Ord. [06-69](#) on 10/19/2006*

1825

1826 **15-2.9-10 Vegetation Protection**

1827 The Property Owner must protect Significant Vegetation during any Development
1828 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1829 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1830 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1831 measured at the drip line.

1832

1833 Development plans must show all Significant Vegetation within twenty feet (20') of a
1834 proposed Development. The Property Owner must demonstrate the health and viability
1835 of all large trees through a certified arborist. The Planning Director shall determine the
1836 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1837 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3 and 15-5-5(N),
1838 and Title 14.

1839 HISTORY

1840 *Adopted by Ord. [00-51](#) on 9/21/2000*

1841 *Amended by Ord. [06-69](#) on 10/19/2006*

1842

1843 **15-2.9-12 Related Provisions**

- 1844 • Fences and Walls. [~~LMC Chapter 15-5-2~~] Section 15-4-2.
- 1845 • Accessory Apartments. [~~LMC Chapter~~] Section 15-4-7.
- 1846 • Satellite Receiving Antenna. [~~LMC Chapter~~] Section 15-4-13.
- 1847 • Telecommunication Facility. [~~LMC Chapter~~] Section 15-4-14.
- 1848 • Parking. [~~LMC~~] Chapter 15-3.
- 1849 • Landscaping. Title 14; [~~LMC Chapter~~] Sections 15-3-3[(~~D~~)] and 15-5-5(N).
- 1850 • Lighting. [~~LMC Chapter~~] Sections 15-3-3[(~~C~~)] and 15-5-5[(~~H~~)](J) .
- 1851 • Historic Preservation [~~Board~~]. [~~LMC~~] Chapters 15-11 and 15-13.
- 1852 • Park City Sign Code. Title 12.
- 1853 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 1854 • Snow Storage. [~~LMC Chapter~~] Section 15-3-3 [(~~E~~)].
- 1855 • Parking Ratio Requirements. [~~LMC Chapter~~] Section 15-3-6.

1856 HISTORY

1857 *Adopted by Ord. 00-51 on 9/21/2000*

1858

1859 **15-2.10-5 Architectural Review**

1860 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning

1861 Department must review the proposed plans for compliance with [~~the~~] Architectural

1862 [~~Design Guidelines~~] Review, [~~LMC~~] Chapter 15-5.

1863 [~~Appeals of departmental actions on architectural compliance are heard by the Planning~~

1864 ~~Commission.~~]

1865 HISTORY

1866 *Adopted by Ord. [00-51](#) on 9/21/2000*

1867 *Amended by Ord. [06-69](#) on 10/19/2006*

1868

1869 **15-2.10-10 Vegetation Protection**

1870 The Property Owner must protect Significant Vegetation during any Development
1871 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1872 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1873 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1874 measured at the drip line.

1875

1876 Development plans must show all Significant Vegetation within twenty feet (20') of a
1877 proposed Development. The Property Owner must demonstrate the health and viability
1878 of all large trees through a certified arborist. The Planning Director shall determine the
1879 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1880 consistent with Landscape Criteria in [~~LMC Chapter~~] [Sections](#) 15-3-3(~~D~~) and 15-5-
1881 [5\(N\)](#), and Title 14.

1882 HISTORY

1883 *Adopted by Ord. [00-51](#) on 9/21/2000*

1884 *Amended by Ord. [06-69](#) on 10/19/2006*

1885

1886 **15-2.10-12 Related Provisions**

- 1887 • Fences and Walls. [~~LMC Chapter~~] [Section](#) 15-4-2.
- 1888 • Accessory Apartments. [s.](#) [~~LMC Chapter~~] [Section](#) 15-4-7.

- 1889 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 1890 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 1891 • Parking. ~~[LMC]~~ Chapter 15-3.
- 1892 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3~~[(D)]~~ and 15-5-5(N).
- 1893 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3~~[(C)]~~ and 15-5-5~~[(H)]~~(J).
- 1894 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapters 15-11 and 15-13.
- 1895 • Park City Sign Code. Title 12.
- 1896 • Architectural Review. ~~[LMC]~~ Chapter 15-5.
- 1897 • Snow Storage. ~~[LMC Chapter]~~ Section 15-3-3~~[(E)]~~.
- 1898 • Parking Ratio Requirements. ~~[LMC Chapter]~~ Section 15-3-6.

1899 HISTORY

1900 *Adopted by Ord. [00-51](#) on 9/21/2000*

1901

1902 **15-2.11-5 Architectural Review**

1903 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning

1904 Department must review the proposed plans for compliance with ~~[the]~~ Architectural

1905 ~~[Design Guidelines]~~ Review, ~~[LMC]~~ Chapter 15-5.

1906 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

1907 ~~Commission.]~~

1908 HISTORY

1909 *Adopted by Ord. [00-51](#) on 9/21/2000*

1910 *Amended by Ord. [06-76](#) on 11/9/2006*

1911

1912 **15-2.11-10 Vegetation Protection**

1913 The Property Owner must protect Significant Vegetation during any Development
1914 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1915 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1916 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1917 measured at the drip line.

1918 Development plans must show all Significant Vegetation within twenty feet (20') of a
1919 proposed Development. The Property Owner must demonstrate the health and viability
1920 of all large trees through a certified arborist. The Planning Director shall determine the
1921 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1922 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(D)]~~, and 15-5-
1923 5(N), and Title 14.

1924 HISTORY

1925 *Adopted by Ord. 00-51 on 9/21/2000*

1926 *Amended by Ord. 06-76 on 11/9/2006*

1927

1928 **15-2.11-12 Related Provisions**

- 1929 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 1930 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 1931 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 1932 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 1933 • Parking. ~~[LMC]~~ Chapter 15-3.
- 1934 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(D)]~~ and 15-5-5(N).
- 1935 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(C)]~~, and 15-5-5 ~~[(H)]~~ (J).
- 1936 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapter s 15-11 and 15-13.

1937 • Park City Sign Code. Title 12

1938 • Architectural Review. ~~[LMG]~~ Chapter 15-5.

1939 • Snow Storage. ~~[LMG Chapter]~~ Section 15-3-3~~(E)~~.

1940 • Parking Ratio Requirements. ~~[LMG Chapter]~~ Section 15-3-6.

1941 HISTORY

1942 *Adopted by Ord. 00-51 on 9/21/2000*

1943

1944 **15-2.12-6 Architectural Review**

1945 Prior to the issuance of a Building Permit, the Planning Department must review the

1946 proposed plans for compliance with ~~[the]~~ Architectural ~~[Design Guidelines]~~ Review,

1947 ~~[LMG]~~ Chapter 15-5.

1948 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

1949 ~~Commission.]~~

1950 HISTORY

1951 *Adopted by Ord. 00-51 on 9/21/2000*

1952 *Amended by Ord. 06-76 on 11/9/2006*

1953

1954 **15-2.12-10 Vegetation Protection**

1955 The Property Owner must protect Significant Vegetation during any Development

1956 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

1957 measured four and one-half feet (4½') above the ground, groves of smaller trees, or

1958 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

1959 measured at the drip line.

1960

1961 Development plans must show all Significant Vegetation within twenty feet (20') of a
1962 proposed Development. The Property Owner must demonstrate the health and viability
1963 of all large trees through a certified arborist. The Planning Director shall determine the
1964 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1965 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(D)]~~ and 15-5-
1966 5(N), and Title 14.

1967 HISTORY

1968 *Adopted by Ord. 00-51 on 9/21/2000*

1969 *Amended by Ord. 06-76 on 11/9/2006*

1970

1971 **15-2.12-12 Related Provisions**

- 1972 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 1973 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 1974 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 1975 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 1976 • Parking. ~~[LMC]~~ Chapter 15-3.
- 1977 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(D)]~~ and 15-5-5(N).
- 1978 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(C);]~~ and 15-5-5[(H)](J).
- 1979 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapter s 15-11 and 15-13.
- 1980 • Park City Sign Code. Title 12.
- 1981 • Architectural Review. ~~[LMC]~~ Chapter 15-5.
- 1982 • Snow Storage. ~~[LMC Chapter]~~ Section 15-3-3 ~~[(E)]~~.
- 1983 • Parking Ratio Requirements. ~~[LMC Chapter]~~ Section 15-3-6.

1984 HISTORY

1985 *Adopted by Ord. [00-51](#) on 9/21/2000*

1986

1987 **15-2.13-5 Architectural Review**

1988 Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the

1989 Planning Department must review the proposed plans for compliance with ~~the~~

1990 Architectural ~~[Design Guidelines]~~ **Review**, ~~[LMC]~~ Chapter 15-5.

1991 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

1992 ~~Commission.]~~

1993 HISTORY

1994 *Adopted by Ord. [00-51](#) on 9/21/2000*

1995 *Amended by Ord. [06-76](#) on 11/9/2006*

1996

1997 **15-2.13-10 Vegetation Protection**

1998 The Property Owner must protect Significant Vegetation during any Development

1999 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2000 measured four and one-half feet (4½') above the ground, groves of smaller trees, or

2001 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2002 measured at the drip line.

2003

2004 Development plans must show all Significant Vegetation within twenty feet (20') of a

2005 proposed Development. The Property Owner must demonstrate the health and viability

2006 of all large trees through a certified arborist. The Planning Director shall determine the

2007 Limits of Disturbance and may require mitigation for loss of Significant Vegetation

2008 consistent with ~~[landscape criteria]~~ Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-
2009 3 and 15-5-5(N), and Title 14.

2010 HISTORY

2011 *Adopted by Ord. 00-51 on 9/21/2000*

2012 *Amended by Ord. 06-76 on 11/9/2006*

2013

2014 **15-2.14-5 Architectural Review**

2015 Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the

2016 Planning Department must review the proposed plans for compliance with ~~[the]~~

2017 Architectural ~~[Design Guidelines]~~ Review, ~~[LMC]~~ Chapter 15-5.

2018 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

2019 ~~Commission.]~~

2020 HISTORY

2021 *Adopted by Ord. 00-51 on 9/21/2000*

2022 *Amended by Ord. 06-76 on 11/9/2006*

2023

2024 **15-2.14-10 Vegetation Protection**

2025 The Property Owner must protect Significant Vegetation during any Development

2026 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2027 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or

2028 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2029 measured at the drip line.

2030

2031 Development plans must show all Significant Vegetation within twenty feet (20') of a

2032 proposed Development. The Property Owner must demonstrate the health and viability
2033 of all large trees through a certified arborist. The Planning Director shall determine the
2034 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2035 consistent with Landscape Criteria in Sections 15-3-3 and 15-5-5(N), and Title 14.

2036 HISTORY

2037 *Adopted by Ord. [00-51](#) on 9/21/2000*

2038 *Amended by Ord. [06-76](#) on 11/9/2006*

2039

2040 **15-2.14-12 Related Provisions**

- 2041 • Fences and Walls. [~~LMC Chapter~~] Section 15-4-2.
- 2042 • Accessory Apartments. [~~LMC Chapter~~] Section 15-4-7.
- 2043 • Satellite Receiving Antenna. [~~LMC Chapter~~] Section 15-4-13.
- 2044 • Telecommunication Facility. [~~LMC Chapter~~] Section 15-4-14.
- 2045 • Parking. [~~LMC~~] Chapter 15-3.
- 2046 • Lighting. [~~LMC Chapter~~] Section 15-3-3[(C)] and 15-5-5(J).
- 2047 • Historic Preservation [~~Board~~]. [~~LMC~~] Chapters 15-11 and 15-13.
- 2048 • Park City Sign Code. Municipal Code Title 12.
- 2049 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 2050 • Snow Storage. [~~LMC Chapter~~] Section 15-3-3[(E)].
- 2051 • Parking Ratio Requirements. [~~LMC Chapter~~] Section 15-3-6[(A)(B)].

2052 HISTORY

2053 *Adopted by Ord. [00-51](#) on 9/21/2000*

2054

2055 **15-2.15-6 Architectural Review**

2056 Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the
2057 Community Development Department must review the proposed plans for compliance
2058 with ~~[the]~~ Architectural ~~[Design Guidelines]~~ Review, ~~[LMC]~~ Chapter 15-5.
2059 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~
2060 ~~Commission.]~~

2061 HISTORY

2062 *Adopted by Ord. [00-51](#) on 9/21/2000*

2063

2064 **15-2.15-9 Vegetation Protection**

2065 The Property Owner must protect Significant Vegetation during any Development
2066 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
2067 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or
2068 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
2069 measured at the drip line.

2070

2071 Development plans must show all Significant Vegetation within twenty feet (20') of a
2072 proposed Development. The Property Owner must demonstrate the health and viability
2073 of all large trees through a certified arborist. The Planning Director shall determine the
2074 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2075 consistent with Landscape Criteria in ~~[LMC Chapters]~~ Sections 15-3-3~~[(D)]~~ and 15-5-
2076 5(N), and Title 14.

2077 HISTORY

2078 *Adopted by Ord. [00-51](#) on 9/21/2000*

2079

15-2.15-11 Related Provisions

- Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- Satellite Receiving Antenna. ~~[LMC]~~ Section 15-4-13.
- ~~[Chapter 15-4-13.]~~
- Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- Parking. ~~[Section]~~ Chapter 15-3.
- Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3~~[(D)]~~ and 15-5-5(N).
- Lighting. ~~[LMC Chapter]~~ Sections 15-3-3~~[(C),]~~ and 15-5-5~~[(H)]~~(J) .
- Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapter~~s~~ 15-11 and 15-13.
- Park City Sign Code. Title 12.
- Architectural Review. ~~[LMC]~~ Chapter 15-5.
- Snow Storage. Section 15-3-3.~~[(E)]~~
- Parking Ratio Requirements. Section 15-3-6.

HISTORY

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

....

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]~~ Review, 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:~~

~~1. Any residential Development that is within a two (2) Block radius of the HR-1 District, and~~

~~2. 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.]~~

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [06-76](#) on 11/9/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [11-05](#) on 1/27/2011

. . . .

15-2.16-13 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

2128 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
2129 measured at the drip line.
2130
2131 Development plans must show all Significant Vegetation within twenty feet (20') of a
2132 proposed Development. The Property Owner must demonstrate the health and viability
2133 of all large trees through a certified arborist. The Planning Director shall determine the
2134 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2135 consistent with ~~[landscape criteria]~~ Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-
2136 3~~[(D)]~~ and 15-5-5(N), and Title 14.

2137 HISTORY

2138 *Adopted by Ord. [00-51](#) on 9/21/2000*

2139 *Amended by Ord. [06-76](#) on 11/9/2006*

2140 *Renumbered by Ord. [2016-44](#) on 9/15/2016*

2141

2142 **15-2.16-15 Related Provisions**

- 2143 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 2144 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 2145 • Satellite Receiving Antenna. [LMC] Section 15-4-13.
- 2146 • ~~[Chapter 15-4-13.]~~
- 2147 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 2148 • Parking. ~~[Section]~~ Chapter 15-3.
- 2149 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3~~[(D)]~~ and 15-5-5(N).
- 2150 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3~~[(C)]~~ and 15-5-5~~[(H)]~~(J).
- 2151 • Historic Preservation ~~[Board]~~. [LMC] Chapters 15-11 and 15-13.

- 2152 • Park City Sign Code. Title 12.
- 2153 • Architectural Review. [LMG] Chapter 15-5.
- 2154 • Snow Storage. Section 15-3-3. [(E)]
- 2155 • Parking Ratio Requirements. Section 15-3-6.

2156 HISTORY

2157 *Adopted by Ord. [00-51](#) on 9/21/2000*

2158 *Renumbered by Ord. [2016-44](#) on 9/15/2016*

2159

2160 **15-2.17-3 Procedure For Commercial Development Option**

2161 An Applicant may apply for the commercial Development option by submitting an
2162 application to the Planning Department. Application for the commercial Development
2163 option will be reviewed by the Planning Commission as a Master Planned Development
2164 (MPD). The Planning Commission shall consider all factors set forth in [LMG] Chapter
2165 15-6, and shall also consider the criteria listed below in Section 15-2.17-4 to determine
2166 whether implementation of the commercial Development option is warranted.

2167 ~~[Appeals of Planning Commission decisions are heard by the City Council.]~~

2168 HISTORY

2169 *Adopted by Ord. [00-51](#) on 9/21/2000*

2170

2171 **15-2.17-9 Vegetation Protection**

2172 The Property Owner must protect Significant Vegetation during any Development
2173 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
2174 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or
2175 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2176 measured at the drip line.

2177

2178 Development plans must show all Significant Vegetation within twenty feet (20') of a
2179 proposed Development. The Property Owner must demonstrate the health and viability
2180 of all large trees through a certified arborist. The Planning Director shall determine the
2181 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2182 consistent with ~~[landscape criteria in Title 14 and LMC Chapter]~~ Landscape Criteria in
2183 Sections 15-3-3(D) and 15-5-5(N), and Title 14.

2184 HISTORY

2185 *Adopted by Ord. 00-51 on 9/21/2000*

2186 *Amended by Ord. 06-76 on 11/9/2006*

2187

2188 **15-2.17-11 Related Provisions**

- 2189 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 2190 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 2191 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 2192 • ~~[Chapter 15-4-13.]~~
- 2193 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 2194 • Parking. ~~[Section]~~ Chapter 15-3.
- 2195 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3(D) and 15-5-5(N).
- 2196 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3(C), and 15-5-5(H)(J).
- 2197 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapters 15-11 and 15-13.
- 2198 • Park City Sign Code. Title 12.
- 2199 • Architectural Review. ~~[LMC]~~ Chapter 15-5.

2200 • Snow Storage. Section 15-3-3.~~[(E)]~~

2201 • Parking Ratio Requirements. Section 15-3-6.

2202 HISTORY

2203 *Adopted by Ord. [00-51](#) on 9/21/2000*

2204

2205 **15-2.18-5 Architectural Review**

2206 Prior to the issuance of a Building permit for any Conditional or Allowed Use, the

2207 Planning Department must review the proposed plans for compliance with ~~the~~

2208 Architectural ~~[Design Guidelines, LMC]~~ Review, Chapter 15-5.

2209 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

2210 ~~Commission.]~~

2211 HISTORY

2212 *Adopted by Ord. [00-51](#) on 9/21/2000*

2213 *Amended by Ord. [06-76](#) on 11/9/2006*

2214

2215 **15-2.18-11 Vegetation Protection**

2216 The Property Owner must protect Significant Vegetation during any Development

2217 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2218 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or

2219 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2220 measured at the drip line.

2221

2222 Development plans must show all Significant Vegetation within twenty feet (20') of a

2223 proposed Development. The Property Owner must demonstrate the health and viability
2224 of all large trees through a certified arborist. The Planning Director shall determine the
2225 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2226 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3[(C)] and 15-5-
2227 5(N). and Title 14.

2228 HISTORY

2229 *Adopted by Ord. 00-51 on 9/21/2000*

2230 *Renumbered by Ord. 2016-44 on 9/15/2016*

2231

2232 **15-2.18-13 Related Provisions**

- 2233 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 2234 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 2235 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 2236 • ~~[Chapter 15-4-13.]~~
- 2237 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 2238 • Parking. ~~[Section]~~ Chapter 15-3.
- 2239 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3[(D)] and 15-5-5(N).
- 2240 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3[(C)], and 15-5-5[(H)](J).
- 2241 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapter 15-11 and 15-13.
- 2242 • Park City Sign Code. Title 12.
- 2243 • Architectural Review. ~~[LMC]~~ Chapter 15-5.
- 2244 • Snow Storage. Section 15-3-3.[(E)]
- 2245 • Parking Ratio Requirements. Section 15-3-6.

2246 HISTORY

2247 *Adopted by Ord. [00-51](#) on 9/21/2000*

2248 *Renumbered by Ord. [2016-44](#) on 9/15/2016*

2249

2250 **15-2.19-7 Architectural Review**

2251 Prior to the issuance of a Building permit for any Conditional or Allowed Use, the

2252 Planning Department must review the proposed plans for compliance with ~~[the]~~

2253 Architectural ~~[Design Guidelines, LMC]~~ Review, Chapter 15-5.

2254 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

2255 ~~Commission.]~~

2256 HISTORY

2257 *Adopted by Ord. [00-51](#) on 9/21/2000*

2258 *Amended by Ord. [06-76](#) on 11/9/2006*

2259

2260 **15-2.19-13 Vegetation Protection**

2261 The Property Owner must protect Significant Vegetation during any Development

2262 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2263 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or

2264 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2265 measured at the drip line.

2266

2267 Development plans must show all Significant Vegetation within twenty feet (20') of a

2268 proposed Development. The Property Owner must demonstrate the health and viability

2269 of all large trees through a certified arborist. The Planning Director shall determine the
2270 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2271 consistent with Landscape Criteria~~[, LMC Chapter]~~ in Sections 15-3-3~~(D)~~ and 15-5-
2272 5(N), and Title 14.

2273 HISTORY

2274 *Adopted by Ord. 00-51 on 9/21/2000*

2275 *Amended by Ord. 06-76 on 11/9/2006*

2276

2277 **15-2.19-15 Related Provisions**

- 2278 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 2279 • Accessory Apartments~~s~~. ~~[LMC Chapter]~~ Section 15-4-7.
- 2280 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 2281 • ~~[Chapter 15-4-13]~~
- 2282 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 2283 • Parking. ~~[Section]~~ Chapter 15-3.
- 2284 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3~~(D)~~ and 15-5-5(N).
- 2285 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3~~(C)~~ and 15-5-5~~(H)~~(J).
- 2286 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapters 15-11 and 15-13.
- 2287 • Park City Sign Code. Title 12.
- 2288 • Architectural Review. ~~[LMC]~~ Chapter 15-5.
- 2289 • Snow Storage. Section 15-3-3.~~(E)~~
- 2290 • Parking Ratio Requirements. Section 15-3-6.

2291 HISTORY

2292 *Adopted by Ord. [00-51](#) on 9/21/2000*

2293

2294 **15-2.22-5 Architectural Review**

2295 A. **REVIEW**. Prior to issuance of a Building Permit for any Conditional or Allowed
2296 Use, the Planning Department must review the proposed plans for compliance
2297 with the Architectural Review standards, Chapter ~~[15-9]~~ [15-5](#). Restorations,
2298 rehabilitations, adaptive reuses, and additions to Historic Structures within the
2299 PUT shall be reviewed by the Planning Department for compliance with the
2300 ~~[Historic District Design Guidelines]~~ [Design Guidelines for Historic Districts and](#)
2301 [Historic Sites](#).

2302 B. **NOTICE TO ADJACENT PROPERTY OWNERS**. When the Planning
2303 Department determines that proposed Development plans comply with all LMC
2304 and/or ~~[Historic District Design Guidelines]~~ [Design Guidelines for Historic](#)
2305 [Districts and Historic Sites](#), the staff shall post the Property and provide written
2306 notice to Owners immediately adjacent to the Property, directly abutting the
2307 Property and across Public Streets and/or Rights-of-Way.
2308 The notice shall state that the Planning Department staff has made a preliminary
2309 determination finding that the proposed plans comply with the LMC and/or
2310 ~~[Historic District Design Guidelines]~~ [Design Guidelines for Historic Districts and](#)
2311 [Historic Sites](#).

2312 C. **APPEALS**. ~~The posting and notice shall include the location and description of~~
2313 ~~the proposed Development project and shall establish a ten (10) day period to~~

2314 ~~appeal staff's determination of compliance to the Planning Commission. Appeals~~
2315 ~~must be written and shall contain the name, address, and telephone number of~~
2316 ~~the petitioner, his or her relationship to the project and the Code provisions~~
2317 ~~violated by the staff determination.]~~

2318 HISTORY

2319 *Adopted by Ord. [05-12](#) on 3/3/2005*

2320

2321 **15-2.22-10 Vegetation Protection**

2322 The Property Owner must protect Significant Vegetation during any Development
2323 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
2324 measured four and one-half feet (4½') above the ground, groves of small trees, or
2325 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
2326 measured at the drip line.

2327

2328 Development plans must show all Significant Vegetation within twenty feet (20') of a
2329 proposed Development. The Property Owner must demonstrate the health and viability
2330 of all large trees through a certified arborist. The Planning, Building, and Engineering
2331 Departments shall determine the Limits of Disturbance and may require mitigation for
2332 loss of Significant Vegetation consistent with ~~[landscape criteria in LMC Chapter]~~

2333 Landscape Criteria in 15-3-3~~[(D)]~~ and 15-5-5(N), and Title 14.

2334 HISTORY

2335 *Adopted by Ord. [05-12](#) on 3/3/2005*

2336

2337 **15-2.22-12 Related Provisions**

- 2338 • Fences and Walls. [~~LMC Chapter~~] Section 15-4-2.
- 2339 • Accessory Apartments. [~~LMC Chapter~~] Section 15-4-7.
- 2340 • Satellite Receiving Antenna. [~~LMC Chapter~~] Section 15-4-13.
- 2341 • Telecommunication Facility. [~~LMC Chapter~~] Section 15-4-14.
- 2342 • Parking. [~~LMC~~] Chapter 15-3.
- 2343 • Landscaping. Title 14; [~~LMC Chapter~~] Sections 15-3-3[~~(D)~~] and 15-5-5(N).
- 2344 • Lighting. [~~LMC Chapter~~] Sections 15-3-3[~~(C)~~] and 15-5-5[~~(H)~~](J).
- 2345 • Park City Sign Code. Title 12.
- 2346 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 2347 • Snow Storage. [~~LMC Chapter~~] Section 15-3-3[~~(E)~~].
- 2348 • Parking Ratio Requirements. [~~LMC Chapter~~] Section 15-3-6.

2349 HISTORY

2350 *Adopted by Ord. [05-12](#) on 3/3/2005*

2351

2352 **15-2.23-13 Vegetation Protection**

2353 The Property Owner must protect Significant Vegetation during any Development

2354 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2355 measured four and one-half feet (4½') above the ground, groves of small trees, or

2356 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2357 measured at the drip line.

2358

2359 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, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with ~~[landscape criteria in LMC Chapter]~~ Landscape Criteria in Sections 15-3-3[(D)] and 15-5-5(N), and Title 14.

HISTORY

Adopted by Ord. 06-48 on 6/29/2006

....

15-2.23-16 Related Provisions

- Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- Parking. ~~[LMC]~~ Chapter 15-3.
- Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3[(D)] and 15-5-5(N).
- Lighting. ~~[LMC Chapter]~~ Sections 15-3-3[(C);] and 15-5-5[(H)](J).
- Park City Sign Code. Title 12.
- Architectural ~~[Design]~~ Review. ~~[LMC]~~ Chapter 15-5.
- Snow Storage. ~~[LMC Chapter]~~ Section 15-3-3[(E)].
- Parking Ratio Requirements. ~~[LMC Chapter]~~ Section 15-3-6.

HISTORY

Renumbered by Ord. 09-10 on 3/5/2009

....

15-2.24-4 Development Credit Determination Letter

A. The total number of Development Credits available to a Sending Site shall be determined as follows:

1. TDR – Sending Old Town1 (TDR-SOT1), Sending Old Town 2 (TDR-SOT2), and Sending Old Town 3 (TDR-SOT3). For Properties within TDR-SOT1, TDR-SOT2, and TDR-SOT3, one (1) Development Credit may be calculated per existing minimum lot area within the underlying Zoning District.

2. TDR – Sending Historic District (TDR-SHD).

a. For vacant Lots of record in the Historic Districts, one (1) Development Credit per existing Lot of record may be calculated. For Sites listed on the Historic Sites Inventory, one (1) Development Credit per 2,000 square feet of unused development potential.

B. If requested, this calculation will be made by the Park City Planning Director or ~~his or her~~ designee in the form of a determination letter. If the calculation results in a fraction it shall be rounded to the nearest hundredth. Such letter will indicate the Development Credits at the time the request is made. The letter is an indication of possible Development Credits that may Transfer. The Development Credits are not Base Zone Density. The number of Development Credits may change if an MPD is amended or expires, or if the LMC is amended. A determination letter is not a binding document and does not grant a vested right.

2404 HISTORY

2405 *Adopted by Ord. [11-12](#) on 3/31/2011*

2406 *Amended by Ord. [2018-15](#) on 4/19/2018*

2407

2408 **15-2.25-2 Related Provisions**

- 2409 • Administrative Permit. ~~[LMC §]~~ **Section** 15-1-11(E).
- 2410 • Licensing. ~~[Park City Code,]~~ Title 4.
- 2411 • Frontage Protection Zone. ~~[LMC]~~ Chapter 15-2.20.
- 2412 • Fences and Retaining Walls. ~~[LMC §]~~ **Section** 15-4-2.
- 2413 • Placement of Satellite Receiving Antennas. ~~[LMC §]~~ **Section** 15-4-13.
- 2414 • Parking. ~~[LMC]~~ Chapter 15-3.
- 2415 • Landscaping. Title 14; ~~[LMC §]~~ **Sections** 15-3-3 ~~[(D)]~~ and 15-5-5(N).
- 2416 • Lighting. ~~[LMC §]~~ **Sections** 15-3-3(C) and ~~[§]~~ 15-5-5(J).
- 2417 • Sign Code. ~~[Park City Code,]~~ Title 12.
- 2418 • Architectural ~~[Design]~~ **Review**. ~~[LMC]~~ Chapter 15-5.
- 2419 • Snow Storage. ~~[LMC §]~~ **Section** 15-3-3~~[(E)]~~.

2420 HISTORY

2421 *Adopted by Ord. [2019-64](#) on 12/19/2019*

2422

2423 **15-2.26-2 Uses**

2424 Uses in the UPZ District are limited to the following:

2425 A. ALLOWED USES.

2426 1. Conservation Activity

- 2427 2. Food Truck Locations¹
- 2428 B. ADMINISTRATIVE CONDITIONAL USES.²
- 2429 1. Trail and Trailhead Improvement
- 2430 2. Outdoor Recreation Equipment
- 2431 3. Essential municipal public utility Use, service, or Structure less than 600 sq.
- 2432 ft.
- 2433 4. Accessory Building, less than 200 sq. ft.
- 2434 5. Outdoor Event, outdoor music
- 2435 6. Temporary Improvement
- 2436 C. CONDITIONAL USES.
- 2437 1. Essential municipal public utility Use, service, or Structure 600 sq. ft. or
- 2438 greater³
- 2439 2. Accessory Building, 200 sq. ft. or greater, not to exceed 600 sq. ft.
- 2440 3. Recreational outdoor lighting
- 2441 4. Community gardens
- 2442 5. Recreation Facility, Public
- 2443 6. Recreational Facility, Commercial
- 2444 7. Golf course
- 2445 8. Recreational sports field and courts
- 2446 9. Skateboard park
- 2447 10. Public and Quasi-Public institution, education, park, plaza, Structure for
- 2448 public assembly greater than 600 sq. ft.
- 2449 11. Vehicle Control Gates⁴

- 2450 12. Surface Parking Area with five (5) or more spaces
- 2451 13. Telecommunications Antenna⁵
- 2452 14. Fences greater than six feet (6') in height from Final Grade
- 2453 15. Anemometer and Anemometer Towers
- 2454 16. Olympic Games Displays⁶

2455 D. PROHIBITED USES. Any Use not listed above as an Allowed or Conditional Use

2456 is a prohibited Use.

2457 ¹The Planning Director or ~~his or her~~ designee shall, upon finding a Food Truck Location in compliance

2458 with Municipal Code of Park City Section 4-5-6, issue the property owner a Food Truck Location

2459 administrative approval letter.

2460 ² Subject to an Administrative Conditional Use permit.

2461 ³ Essential municipal utilities or infrastructure related to the provision of essential municipal utilities requires

2462 a Conditional Use permit with approval by the Planning, Commission.

2463 ⁴ Subject to Section 15-4-19, Review Criteria For Vehicle Control Gates.

2464 ⁵ Subject to Section 15-4-14, Telecommunication Facilities.

2465 ⁶Olympic Displays limited to those specific Structures approved under the SLOC/Park City Municipal

2466 Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the

2467 original Property set forth in the services agreement and/or Master Festival License.

2468 HISTORY

2469 *Adopted by Ord. [2020-39](#) on 11/19/2020*

2470

2471 **15-2.26-5 Related Provisions**

- 2472 • Fences and Walls. ~~[LMC §]~~ Section 15-4-2.
- 2473 • Satellite Receiving Antenna. ~~[LMC §]~~ Section 15-4-13.
- 2474 • Parking. ~~[LMC]~~ Chapter 15-3.

- 2475 • Landscaping. Title 14; ~~[LMC §]~~ Sections 15-3-3(D) and 15-5-5(N).
- 2476 • Lighting. ~~[LMC §]~~ Sections 15-3-3(C) and [§] 15-5-5(J).
- 2477 • Historic Preservation. ~~[LMC]~~ Chapter s 15-11 and 15-13.
- 2478 • Park City Sign Code. Title 12.
- 2479 • Architectural ~~[Design]~~ Review. ~~[LMC]~~ Chapter 15-5.
- 2480 • Snow Storage. ~~[LMC §]~~ Section 15-3-3(E).

2481 HISTORY

2482 *Adopted by Ord. [2020-39](#) on 11/19/2020*

2483

2484 **15-3-7 Parking In Master Planned Developments And Conditional Use Permits**

2485 A. In Master Planned Developments and in review of Conditional Use permits, the
2486 initial parking requirement is determined by referring to the requirements for the
2487 Use and the underlying zone. The Planning Commission may reduce this initial
2488 parking requirement to prevent excessive parking and paving. The Applicant
2489 must prove by a parking study that the proposed parking is adequate. The
2490 parking study must analyze whether:

- 2491 1. parking Uses will overlap,
- 2492 2. commercial spaces within the project will serve those residing within the
2493 project rather than the general public,
- 2494 3. or other factors that support the conclusion that the project will generate
2495 less parking than this Code would otherwise require.

2496 B. Master Planned Developments with a parking demand of eight (8) or fewer
2497 Parking Spaces may not reduce required parking under any circumstance.

2498 C. See ~~[LMC Chapter 10, Master Planned Developments,]~~ [Section 15-3-3 and](#)
2499 [Chapter 15-6](#) for Parking Area Landscaping Requirements for MPDs.

2500 HISTORY

2501 *Adopted by Ord. [00-25](#) on 3/30/2000*

2502

2503 **15-4-2 Fences And Retaining Walls**

2504 A. **LOCATION.** Fences and retaining walls may be erected or allowed within the
2505 buildable Area, and as allowed in the Setback exceptions in Chapters [15-2.1](#)
2506 [through 15-2.26](#).

2507
2508 Fences and retaining walls shall not exceed six feet (6') in height measured from
2509 Final Grade within any required Rear Setback or Side Setback. Within any
2510 required Front Setback or Street Side Setback, Fences and retaining walls shall
2511 not exceed four feet (4') in height, measured from Final Grade.

2512
2513 Where a Fence or retaining wall occurs along a Property Line separating two (2)
2514 Lots and there is a difference in the Grade of the Properties, the Fence or
2515 retaining wall may be erected or allowed to the maximum height permitted on
2516 either side of the Property Line.

2517 1. **EXCEPTION.** The height of retaining walls in the Front Setback may
2518 exceed four feet (4'), measured from Final Grade, subject to approval by
2519 the Planning Director and City Engineer, and may exceed six feet (6') in
2520 height subject to approval of an Administrative Conditional Use permit or

2521 as approved as part of a Master Planned Development (MPD) or
2522 Conditional Use permit. Prior to issuance of an Administrative Conditional
2523 Use permit the Property shall be posted and affected adjacent Property
2524 Owners shall be noticed ten (10) days prior to Final Action.

2525

2526 The height of retaining walls in the Side or Rear Setback may exceed six
2527 feet (6'), measured from Final Grade, subject to approval of an
2528 Administrative Conditional Use permit or as approved as part of a Master
2529 Planned Development or Conditional Use permit. Prior to issuance of an
2530 Administrative Conditional Use permit the Property shall be posted and
2531 affected adjacent Property Owners shall be noticed ten (10) days prior to
2532 Final Action.

2533 B. **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones
2534 with the following exceptions, which must be approved by the Planning Director.

- 2535 1. For recreational facilities such as tennis courts,
2536 2. As temporary limits of disturbance, fencing during construction as
2537 approved by the Planning Department.
2538 3. Chain link Fences within the required Setback Areas may be permitted in
2539 other circumstances by the Planning Director when it is found that the
2540 Fence is necessary in the interest of security or public safety, and when
2541 the Fencing needs cannot be reasonably met with any other type of
2542 Fencing.

C. **BERMS**. Berms within the required Setback Area may be constructed subject to the following:

1. Landscaping shall be incorporated into the design of the berm and shall extend its entire length.
2. Berms shall be designed with sufficient undulation to provide visual relief and shall meander for the entire length.
3. Within Front Setback Areas berms may not be constructed to interfere with required sight distance and may not obstruct driver's line of sight from Streets and roads.

D. **PERMIT**. A Building Permit is required for construction of any Fence or retaining wall greater than six feet (6') in height. Within any of the Historic zoning districts construction of any Fence or retaining wall greater than four feet (4') in height requires a Building Permit.

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [07-25](#) on 4/19/2007

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [2018-43](#) on 7/19/2018

. . . .

15-4-11 Timeshare Conversion

- 2565 A. **TIMESHARE CONVERSION**. Developers of Timeshare Conversions shall file
2566 with the Planning Department the following information as part of a Conditional
2567 Use permit Application:
- 2568 1. The proposed duration of Timeshare Intervals, which shall not be less
2569 than seven (7) days.
 - 2570 2. Identification of the Timeshare Interval as a Timeshare Estate or
2571 Timeshare Use.
 - 2572 3. Any restrictions on the Use, occupancy, alteration or alienation of
2573 Timeshare Intervals.
 - 2574 4. A copy of the proposed Timeshare Instruments whereby the Timeshare
2575 Project is established, which may include, without limitation, the following:
2576 Timeshare Declaration; Condominium Declaration; Covenants, Conditions
2577 and Restrictions; Declaration of Trust; Cooperative Articles of
2578 Incorporation; Bylaws and Proprietary Lease; Vacation Club Master
2579 Agreement and Membership Agreement; Vacation License Contract;
2580 Articles of Incorporation of Owners' Association; Bylaws of Owners'
2581 Association; Rules and Regulations; and Management or Agency
2582 Agreement for the maintenance and operation of the Timeshare Project
2583 and/or Timeshare Units.
 - 2584 5. The name, address and phone number of the managing Agent of the
2585 project having authority to act on behalf of the Developer and/or the
2586 Owners' Association in emergency situations. Any change in name,

2587 address or phone number of the managing Agent shall be filed with the
2588 Planning Department and the Park City Business Licensing Division.

2589 6. The name, address and phone number of the central contact Persons for
2590 the Developer and/or the Timeshare Project for Business license, tax and
2591 utility service payments, who will be responsible for making such
2592 payments on behalf of the Developer as provided by the Timeshare
2593 Instrument. Any change in name, address or phone number of the central
2594 contact Persons shall be filed with the Planning Department and the Park
2595 City Business Licensing Division.

2596 7. A list of all Owners of the Property being converted, or if the Property has
2597 previously been divided into separately owned units, Dwelling Units or
2598 Lots, a list of all Owners of such units, Dwelling Units or Lots. This list
2599 shall be prepared by a title company or licensed abstractor.

2600 8. A plan showing in reasonable detail the means by which the Timeshare
2601 Conversion will comply with the Park City parking requirements for
2602 Timeshare Projects, including the purchase of any necessary additional
2603 Property.

2604 9. Evidence of a review and approval by the appropriate sewer district and
2605 the Park City Water Department regarding anticipated increases in sewer
2606 flows and water Use resulting from the change in Use.

2607 10. For the conversion of any units in any Condominium project or Dwelling
2608 Units in any Planned Unit Development project, the written statements
2609 from not less than sixty five percent (65%) of the Owners of all existing

2610 units or Dwelling Units in the project indicating their unconditional approval
2611 of the Timeshare Conversion signed by such Owners not more than ninety
2612 (90) days prior to the date of the Application for a Conditional Use permit.

2613 11. Any other information that the Developer or Planning Department deems
2614 reasonably necessary to the consideration of the project.

2615 B. **CONDITIONS FOR CONVERSION APPROVAL.** In determining whether, and
2616 under what conditions, to issue a Conditional Use permit for Timeshare
2617 Conversions, the City shall review the following conditions and considerations
2618 and approve the project if:

- 2619 1. Timeshare Conversion will have no serious adverse effect on present and
2620 future City services, including loss of sales tax revenue due to Timeshare
2621 Uses being exempt from sales tax. The cumulative effect of the subject
2622 project and other Timeshare Projects may be considered.
- 2623 2. Timeshare Conversion will have no serious adverse effect on traffic
2624 circulation and parking.
- 2625 3. The Applicant's ability to guarantee the future adequacy, stability and
2626 continuity of a satisfactory level of management and maintenance of the
2627 Timeshare Conversion.
- 2628 4. Whether an office of the managing Agent or agency is located locally or
2629 within the Timeshare Conversion and the impact that may cause.
- 2630 5. Timeshare Conversion will have no serious adverse effect on meeting
2631 space, convention Business and Nightly Rentals within the City. The

2632 cumulative effect on the proposed conversion and other existing projects
2633 may be considered.

2634 6. Compliance with this Code, parking requirements, Park City Planning
2635 Commission policies, the City's Comprehensive Plan, and other applicable
2636 City ordinances and guidelines in force at the time of Application.

2637 7. Compliance with the ~~[Park City Uniform Building Code]~~ International
2638 Building Code and other Park City Building Department regulations in
2639 force at the time of Application.

2640 8. Any other factors that the Applicant or Planning Commission deems
2641 reasonably necessary to the consideration of the Timeshare Conversion.

2642 9. For the conversion of any units in any Condominium project or Dwelling
2643 Units in any Planned Unit Development project, the written statements of
2644 not less than Owners of sixty five percent (65%) of all existing units or
2645 Dwelling Units in the project indicating their unconditional approval of the
2646 Timeshare Conversion signed by such Owners not more than ninety (90)
2647 days prior to the date of the Application for a Conditional Use permit.

2648 10. The Structure proposed for conversion is in substantial compliance with
2649 the Building Codes and fire Codes adopted by Park City.

2650 C. **DENIAL OR APPROVAL.** The City may approve or deny the request for
2651 Timeshare Conversion of a project on the basis of its findings on the above-listed
2652 matters. Any action to approve or deny by either the Planning Department,
2653 subject to ratification by the Planning Commission, or the City Council shall give
2654 written findings on the matter, and state specifically the reasons for the denial.

D. **OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED**

SUBJECT TO A CONDITIONAL USE PERMIT. In determining whether, and under what conditions to issue a Conditional Use permit for an off-premises timeshare contacting location, the Planning Department may consider:

1. The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the area.
2. The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.
3. Whether the off-premise contacting can be confined to a completely enclosed Building.
4. Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of Application, and compliance with the Business licensing provisions of Park City.
5. Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed premises of another Person with the consent of that Person. No Conditional Use permit is required under these circumstances.

E. **TIMESHARE CONVERSIONS**. Existing projects, Properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to

2678 Timeshare Projects as defined in ~~[LMC Chapter]~~ Section 15-15-1 without first
2679 obtaining a Conditional Use permit as required by this Chapter. A Conditional
2680 Use permit must be obtained for the conversion of each separate project or
2681 Property being converted.

2682 HISTORY

2683 *Adopted by Ord. 02-07 on 5/23/2002*

2684 *Amended by Ord. 06-22 on 4/27/2006*

2685

2686 **15-5-2 Historic Districts And Historic Sites**

2687 All Uses within the Historic Districts and on Historic Sites outside the Historic Districts,
2688 both Allowed and Conditional, are subject to design review by the Planning Department
2689 for compliance with Chapter 15-11 Historic Preservation and Chapter 15-13 the Design
2690 Guidelines for Historic Districts and Historic Sites ~~[adopted by the City Council in a~~
2691 ~~resolution of July 9, 2009 and requirements stated in Section 15-11-12. Historic District~~
2692 ~~or Historic Site Design Review of this Code. Those guidelines are incorporated into this~~
2693 ~~Code by reference, but may be revised from time to time by resolution of the City~~
2694 ~~Council.]~~

2695
2696 Design review for all Uses, Allowed and Conditional, within the HRL, HR1, HR2, HRM,
2697 HRC, HCB Districts, and Historic Sites located outside these districts is initially
2698 performed by the Planning Department as set forth in ~~[LMC Chapter]~~ Sections 15-11-12
2699 Historic District and Historic Site Design Review and Chapter 15-13 Design Guidelines
2700 For Historic Districts And Historic Sites~~], with a right of appeal to the Historic~~

2701 ~~Preservation Board~~].

2702

2703 Design review by the Historic Preservation Board is limited to matters ~~[of design~~

2704 ~~compliance,]~~ outlined in Chapter 15-11 with all functional review of Conditional Uses

2705 performed by the City staff and/or Planning Commission per Section ~~[15-1-11]~~ 15-1-10.

2706 HISTORY

2707 *Adopted by Ord. [02-07](#) on 5/23/2002*

2708 *Amended by Ord. [06-56](#) on 7/27/2006*

2709 *Amended by Ord. [09-23](#) on 7/9/2009*

2710 *Amended by Ord. [12-37](#) on 12/20/2012*

2711

2712 **15-5-3 Conditional Use Review**

2713 Conditional Uses outside the Historic Districts ~~s~~ [zones] are subject to design review by

2714 the Planning Department~~[-with a right of appeal to the Planning Commission]~~. The

2715 standards of review are set forth in this ~~[Code]~~ Title, but additional design review

2716 standards may be adopted by resolution of the City Council, provided that resolution is

2717 consistent with the provisions of this ~~[Code]~~ Title. ~~[and the Park City Design Guidelines.]~~

2718 HISTORY

2719 *Adopted by Ord. [02-07](#) on 5/23/2002*

2720 *Amended by Ord. [06-56](#) on 7/27/2006*

2721

2722 **15-5-4 Permitted Use Review**

2723 Permitted Uses in all ~~[zones]~~ Zoning Districts outside the Historic Districts are subject to
2724 design review by the Planning Department~~[, with a right of appeal to the Planning~~
2725 ~~Commission.]~~ The standards of review are set forth in this ~~[Code and the Park City~~
2726 ~~Design Guidelines]~~ Title.

2727 HISTORY

2728 *Adopted by Ord. 02-07 on 5/23/2002*

2729 *Amended by Ord. 06-56 on 7/27/2006*

2730

2731 **15-5-5 Architectural Design Guidelines¹**

2732 A. **PROHIBITED ARCHITECTURAL STYLES AND MOTIFS**. The following
2733 architectural styles and motifs are prohibited in Park City because these styles
2734 and motifs have a strong connection or association with other regions:

- 2735 1. A-frame Structures;
2736 2. Geodesic dome Structures;
2737 3. Mediterranean motifs;
2738 4. Tudor or mock Tudor, half timbering;
2739 5. Swiss chalets;

¹ Pursuant to Utah Code Section 10-9a-534, no affirmative requirements may be imposed on “building design elements” for Single-Family or Duplex Dwellings, unless that Dwelling is:

(a) located within an area designated as a historic district in:

(i) the National Register of Historic Places;

(ii) the state register as defined in Utah Code Section 9-8-402; or

(iii) a local Historic District or area, or a site designated as a Significant or Landmark Historic Site on the Park City Historic Sites Inventory, created by ordinance before January 1, 2021;

(b) located within an area that:

(i) is zoned primarily for residential use; and

(ii) was substantially developed before calendar year 1950; or

(c) such requirement is imposed by a Development Agreement or other exception listed in Utah Code Section 10-9a-534.

Unless otherwise stated, prohibitions which do not impose a requirement shall apply.

- 2740 6. Highly ornate Victorian;
- 2741 7. Rustic frontier;
- 2742 8. Colonial;
- 2743 9. Nouveau-Chateau, French Provincial, Fairy Tale or Castle. Tower features
- 2744 and turrets may be allowed if roofs are not conical and if the roof line is
- 2745 integrated into the main Structure. Round exterior walls are permitted but
- 2746 not as semi-detached round rooms, i.e., a round room may not exceed
- 2747 270 degrees;
- 2748 10. New Structures designed to imitate Historic Buildings and/or Structures
- 2749 built in Park City or elsewhere, unless the project complies with the
- 2750 ~~[Historic District Architectural Guidelines]~~ Design Guidelines For Historic
- 2751 Districts And Historic Sites.
- 2752 11. ~~[Exemption]~~ EXEMPTION.
- 2753 a. The above provisions addressing Tudor, Victorian, and colonial
- 2754 styles and tower elements shall not apply in the Prospector Park
- 2755 Subdivision.
- 2756 B. **PROHIBITED SIDING MATERIALS.** The following siding, fascia, and soffit
- 2757 materials are prohibited because they have proved to be unsuitable for Use in
- 2758 Park City due to the extreme climate, or because their appearance is such that
- 2759 the values of adjoining or abutting Properties are adversely affected:
- 2760 1. Thick shake shingles;
- 2761 2. Ceramic tiles;
- 2762 3. Slump bloc, weeping mortar;

- 2763 4. Plastic or vinyl siding;
- 2764 5. Used brick;
- 2765 6. Synthetic stone products such as simulated stone or brick, cultured stone
- 2766 or brick, pre-cast stone or concrete imbedded with stone fragments;
- 2767 7. Lava rock, clinkers;
- 2768 8. Asphalt siding;
- 2769 9. Plywood siding;
- 2770 10. Aluminum siding;
- 2771 11. Vinyl, or other similar material derived from petroleum;
- 2772 12. Exemption.
- 2773 a. The Applicant may request to use a prohibited siding material, but
- 2774 shall be required to bring a sample of the material and description
- 2775 of the application method of the requested siding and/or synthetic
- 2776 stone to be approved by the Planning Director.
- 2777 1. Vinyl siding, including soffits and fascia, and synthetic stone
- 2778 products may be permitted upon approval by the Planning
- 2779 Director, on Structures when such Structures are located in
- 2780 Areas predominately developed with Structures utilizing the
- 2781 same type of materials, such as in Prospector Village, Park
- 2782 Meadows and Prospector Park Subdivisions. The Applicant
- 2783 shall submit an exhibit documenting siding materials found in
- 2784 the surrounding neighborhood.

- 2785 2. Metal siding shall have a minimum thickness of .019 inches;
2786 shall be backed or insulated with a minimum of 3/8 inch
2787 fiberboard of polystyrene foam; and shall have a matte or flat
2788 finish.
- 2789 3. Plywood siding may be approved by the Planning Director if
2790 utilized as a base for board and batten siding;
- 2791 4. Existing Buildings with synthetic stone products and
2792 aluminum or vinyl siding may be re-sided or repaired using
2793 synthetic stone products and aluminum or vinyl siding with
2794 specific approval by the Planning Director.

2795 C. **DESIGN ORNAMENTATION.**

- 2796 **1.** Architectural design in Park City has historically been simple. Highly
2797 ornate Buildings are inconsistent with the architectural patterns of the
2798 community, and due to the close proximity of one Development to another,
2799 inconsistent ornamentation may become unsightly and detract from
2800 Property values.
- 2801 To add architectural interest to Buildings, special ornamental siding
2802 materials may be used, provided that no more than twenty five percent
2803 (25%) of any facade of the Building is covered with ornamental siding.
2804 Examples of ornamental siding provided for information purposes only and
2805 not as a limitation, are as follows:
- 2806 a. Fish scale cut shingles;
2807 b. Half-timbered stucco;

2808 c. Match-sticked wood or other inlays.

2809 D. **NUMBER OF EXTERIOR WALL MATERIALS.**

2810 **1.** Different exterior siding materials add interest to a Building, and to the
2811 community as a whole, however, the Use of too many exterior materials,
2812 like excessive ornamentation, detracts from the values of adjoining
2813 Properties. Exterior walls of any Building may be sided with up to three (3)
2814 different materials per Building, but no more than three (3) materials may
2815 appear on any one (1) wall, including ornamental siding. Trim shall not be
2816 counted as a siding material, but ornamentation is counted as a siding
2817 material. If trim covers more than ten percent (10%) of a side of the
2818 Building, it shall be counted as a siding material on that side.

2819 E. **ROOFING MATERIALS.**

2820 1. Because of the steep Grade changes within Park City, and the fact that
2821 residents and visitors are frequently in a position to look down on the City
2822 from the adjoining mountains, the appearance of roofs in Park City is of
2823 more significance than in other communities. Some roof types do not
2824 perform well in Park City's harsh climate. In addition, the Area's dry
2825 climate creates a high potential for wild land fires which makes the Use of
2826 wood roofs unsafe in some Areas. For these reasons, the following roof
2827 types are prohibited in Park City:

- 2828 a. Untreated aluminum or metal, except that copper may be used;
2829 b. Reflective materials;

- 2830 c. Roof colors shall be neutral and earth-tone, brightly colored roofing
2831 such as bright red, blue, yellow, green, white or similar colors are
2832 highly visible. Exception: Green is allowed if it is determined that its
2833 hue, color, chroma and other attributes of color are similar to other
2834 earth tone colors currently approved in Park City. In no case shall
2835 the color be determined to be bright or highly reflective or towards
2836 the yellow tones of the color spectrum;
- 2837 d. Wood shingles, including fire retardant, prohibited only in wild land
2838 interface zones. Wood roofs may be allowed on additions to
2839 existing Structures with wood roofs, only upon specific approval of
2840 the Chief Building Official. In addition, wood roofing may be allowed
2841 on later phases, which continue the specific design of existing
2842 projects and where the original phase has wood roofing[~~-~~];
2843 Existing non-conforming Structures must comply with this section
2844 when the Structure's roof is replaced;
- 2845 e. Except on Historic renovations or reconstructions with adequate
2846 documentation, roof ornamentation such as scroll work, finials, and
2847 bead-and-dowel work are prohibited.

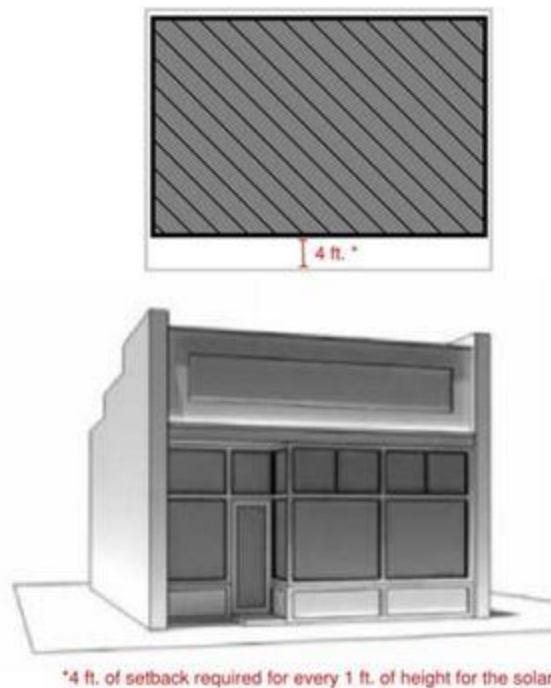
2848 **F. ROOF SHAPES.**

- 2849 1. The following roof shapes are prohibited in Park City as the dominant roof
2850 form because they either do not perform well in the harsh climate, or tend
2851 to detract from the value of adjoining Property. As minor roof elements,
2852 the following shapes may be allowed if approved by the Planning Director:

- 2853 a. Mansard or fake mansard roofs;
- 2854 b. Gambrel roofs;
- 2855 c. Curvilinear roofs;
- 2856 d. Domed roofs;
- 2857 e. Geodesic domes;
- 2858 f. Conical roofs, greater than 270 degrees around;
- 2859 g. A-frame or modified A-frame roofs.
- 2860 2. Mechanical equipment on roofs must be hidden with a visual barrier so it
- 2861 is not readily visible from nearby Properties.
- 2862 G. **SOLAR ENERGY SYSTEMS**. Any solar energy system shall be designed as
- 2863 follows:
- 2864 1. Solar Energy Systems shall be designed so as to be incorporated in the
- 2865 roof plan or architectural features of the structure to the best extent
- 2866 possible. Solar Energy Systems shall generally be mounted flush to the
- 2867 roof plane. In instances where due to the existing roof angle the panel
- 2868 needs to be angled from the roof plane for optimum solar gain, alternative
- 2869 designs may be considered upon review of a visual analysis and
- 2870 mitigation of visual impacts from surrounding properties.
- 2871 2. Solar panels, solar devices, and Solar Energy Systems and mounting
- 2872 equipment shall use non-reflective finishes such as an anodized finish.
- 2873 3. Solar energy systems in the Historic Districts are subject to the Design
- 2874 Guidelines for Historic Districts and Historic Sites and shall also meet the
- 2875 following:

a. On a Flat Roof, the Solar Energy System shall be mounted flush to the roof or on racks. When this is not possible, the Solar Energy System shall extend no more than five Feet (5') above the highest point of the roof. Solar Energy Systems shall be screened from view of the primary right-of-way by:

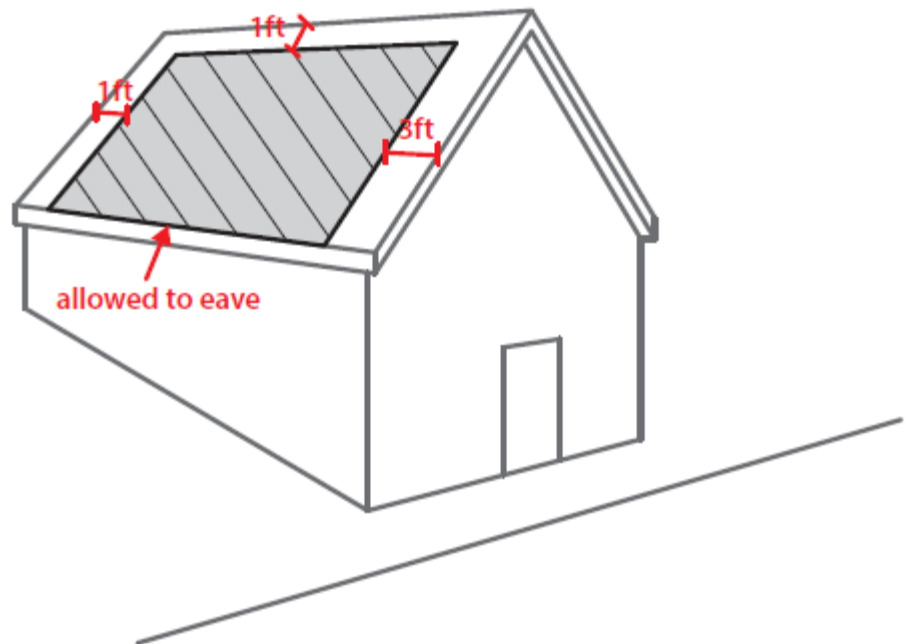
1. An existing parapet along the street-facing facade that is as tall as the tallest part of the Solar Energy System; or
2. Setting the Solar Energy System back from the edge of the roof facing the primary right-of-way at least four feet (4') for each one foot (1') of Solar Energy System height (including any necessary racks).



b. Solar Energy Systems are permitted on pitched roofs facing a rear or side lot line that is not visible from the right-of-way. The Solar

Energy System shall be mounted flush on the pitched roof, with the system no more than one foot (1') from the surface of the roof at any point. Solar Energy Systems shall be screened from view of the primary right-of-way in the following ways:

1. The Solar Energy System shall be located at least one foot (1') from the ridgeline of the pitched roof.
2. The Solar Energy System shall be located at least three feet (3') from the edge of the roof facing a right-of-way and one foot (1') from the edge of the roof facing the rear property line.
3. The Solar Energy System shall not alter the slope of the roof.



- 2903 c. Solar shingles and Propanel-type/standing seam integrated
2904 products may be appropriate on roof surfaces visible from the
2905 primary right-of-way in the Historic Districts when it can be shown
2906 that they are sized similar to conventional asphalt shingles or metal
2907 roofing. They shall be similar in color to roofing materials in the
2908 Historic Districts and shall possess an anti-reflective top coating,
2909 such as Tempered Glass Tefzel Glazing or titanium dioxide. All
2910 metal surfaces shall have a matte finish.
- 2911 d. Freestanding Solar Energy Systems shall meet all the setback
2912 requirements of an Accessory Building as outlined in the Historic
2913 zoning districts. They shall be installed in locations that minimize
2914 visibility from the public right-of-way. These systems shall be
2915 screened from the public right-of-way with materials such as
2916 fencing or vegetation of suitable scale for the Historic District.
- 2917 e. Exceptions to the location and height of the Solar Energy System
2918 above the roof are subject to Planning Director approval based on a
2919 determination that:
- 2920 1. A professional experienced in energy-efficient construction
2921 has conducted an energy audit and the building has
2922 optimized its energy efficiency through other means; and
 - 2923 2. The location of the Solar Energy System does not detract
2924 from the Historic character of the site and/or the Historic

2925 District (by making the Solar Energy System a character-
2926 defining element of the building); and
2927 3. The application has demonstrated that the proposed plan will
2928 result in a net positive generation of 105% or greater.

2929 H. **SKYLIGHTS.** Any skylight, or other translucent roof material which allows the
2930 transmission of light from the interior of the Building to the exterior, shall be
2931 designed as follows:

- 2932 1. Skylights shall be limited to no more than twenty-five percent (25%) of the
2933 total roof Area;
- 2934 2. The skylight design shall facilitate the Use of natural light into the Building
2935 and any light emitted or reflected from the skylight shall be shielded from
2936 adjacent Properties;
- 2937 3. The skylight feature shall not be the highest point of the Structure; and
- 2938 4. The skylight feature shall be designed to fit as flush as possible with the
2939 roof. Skylights shall generally extend no more than two feet (2') above the
2940 roof plane.
- 2941 5. Skylights in the Historic Districts are subject to the Design Guidelines for
2942 Historic Districts and Historic Sites.

2943 I. **WINDOW TREATMENTS.**

- 2944 1. Windows other than rectangular windows may be used as accents and
2945 trim, but arched, rounded, or Bay Windows as the primary window
2946 treatment are prohibited. Untreated aluminum and untreated metal window
2947 frames are prohibited. Small pane colonial style windows are not allowed.

Untreated aluminum, untreated metal, vinyl, and other similar window frames are generally not considered appropriate in the Historic Districts (HRL, HR-1, HR-2, HRM, HRC, HCB), and on any site designated as Historic outside of the Historic Districts. The Planning Director may, however, consider requests for the Use of these materials. The design of the Structure shall be consistent with ~~[the Park City Design Guidelines]~~ this Chapter. The Applicant will be required to bring a sample of the type and color of the material to be approved by the Planning Director.

J. **OUTDOOR LIGHTING.**

1. **PURPOSE.** It is the intent of this Subsection to establish lighting practices and systems to minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining nighttime safety, utility, and security; and curtail the degradation of the nighttime visual environment.

It is recognized that the topography, atmospheric conditions, and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

The functional objectives in providing outdoor lighting are to illuminate Areas necessary for safe, comfortable, and energy-efficient Use. Outdoor

2971 lighting shall be limited to provide for safe entry and egress and for sign
2972 and Business identification.

2973

2974 With the exception of Americans with Disabilities Act lighting
2975 requirements, the minimum lighting standards generally applied and
2976 recommended by the Illuminating Engineering Society of North America
2977 (IES) are observed by this Code.

2978 2. **CONFORMANCE WITH APPLICABLE CODES.** All outdoor electrically
2979 powered illuminating devices shall be permitted, inspected, and installed
2980 in conformance with the provisions of this Code, the International Building
2981 Code, the Electrical Code, the Illuminating Engineering Society of North
2982 America standards, and the Sign Code. When discrepancies in these
2983 Codes exist, the most restrictive shall apply.

2984 3. **APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR**
2985 **INSTALLATION/OPERATION.** The provisions of this Code are not
2986 intended to prevent the Use of any design, material or method of
2987 installation or operation not specifically prescribed by this Code, provided
2988 any such alternate has been approved. The Chief Building Official may
2989 approve any such proposed alternate providing they find that:

2990 a. The alternative provides approximate equivalence to the applicable
2991 specific requirement of this Code;

2992 b. The alternative is otherwise satisfactory and complies with the
2993 intent of this Code; or

2994 c. The alternate has been designed or approved by a registered
2995 professional engineer and the content and function promotes the
2996 intent of this Code.

2997 **4. SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH**
2998 **CODE.**

2999 a. The Applicant for any permit required by any provisions of the laws
3000 of this jurisdiction in connection with proposed work involving
3001 outdoor lighting fixtures shall submit, as part of the Application for
3002 permit, evidence that the proposed lighting will comply with this
3003 Code. The submission shall contain the following:

- 3004 1. Plans indicating the location on the premises, and the type of
3005 illumination devices, fixtures, lamps, supports, reflectors, and
3006 installation and electrical details;
- 3007 2. Description of illuminating devices, fixtures, lamps, supports,
3008 reflectors, and other devices. The description may include,
3009 but is not limited to, catalog cuts by manufacturers, and
3010 drawings. For commercial, resort, recreation, and industrial
3011 Uses, photometric data is required. A point by point light plan
3012 may also be required to determine the adequacy of lighting
3013 over the entire Site.
- 3014 3. A table showing the total number of proposed exterior lights
3015 by fixture type, degrees Kelvin, Lumens per fixture, and lamp
3016 type.

3017 4. Additional information may be required elsewhere in the laws
3018 of this jurisdiction upon Application for the required permit.

3019 b. Lamp or Fixture Substitution. On commercial Structures if any
3020 outdoor light fixture or the type of Light Source therein is proposed
3021 to be changed after the permit has been issued, a change request
3022 must be submitted to the Planning Department for approval.
3023 Adequate information to assure compliance with this Code must be
3024 provided and the request must be received prior to substitution.

3025 5. **COLOR TEMPERATURE.** The maximum color temperature for outdoor
3026 lighting is 3,000 degrees Kelvin. The Planning Director may approve
3027 outdoor lighting with a color temperature up to 5,000 degrees Kelvin when
3028 required for public safety or law enforcement activities.

3029 6. **LUMENS.**

3030 a. Multi-Unit Dwellings and commercial Uses shall not exceed 2,500
3031 Lumens per light and the total lighting shall not exceed 100,000
3032 Lumens per acre. Lumens shall correspond with the size of the Lot.

3033 b. Parking Area lighting is exempt from the Lumen calculation.

3034 7. **SHIELDING.** All non-exempt outdoor lighting shall be Fully Shielded.

3035 8. **GAS STATION CANOPIES.** Lighting for Gas station canopies shall be
3036 Fully Shielded with flat lenses so that the lighting is recessed or flush with
3037 the bottom surface of the canopy and shielded by the fixture or edge of the
3038 canopy. The canopy undersurface shall be non-reflective.

3039 **9. BUILDING CANOPY, SOFFIT, AND WALL MOUNTED LIGHTING.**

3040 Lighting fixtures mounted on a Canopy or soffit shall be recessed so that
3041 the lighting is flush with the bottom surface and Fully Shielded by the
3042 fixture or the edge of the Canopy or soffit. Wall-mounted fixtures shall not
3043 be mounted above eighteen feet (18') as measured from the top of the
3044 fixture to the adjacent Grade or horizontal plane being lit by the fixture.

3045 **10. CONSTRUCTION SITES.** All commercial construction Sites shall submit a
3046 lighting plan as part of the Construction Mitigation Plan for the project prior
3047 to Building Permit issuance. Criteria for review shall include duration,
3048 number, location, height, Light Source, and hours of operation.

3049 **11. PATHWAY LIGHTING.** The intent of pathway lighting is to provide pools
3050 of light to help direct pedestrians along the path, not to fully illuminate the
3051 path. Pathway intersections should be illuminated for safety. Pathway
3052 lighting shall not be mounted more than ten feet (10') above finished
3053 grade.

3054 **12. RECREATIONAL LIGHTING.** Because of their unique requirements for
3055 nighttime visibility and their limited hours of operation, baseball diamonds,
3056 playing fields, tennis courts, and ski area runs may operate with the
3057 following conditions and exceptions:

- 3058 a. The height of outdoor recreational posts shall not exceed seventy
3059 feet (70') above Natural Grade. The average Horizontal Foot
3060 Candle shall not exceed 3.6 across the Area boundary with a
3061 uniformity ratio of 4:1. Ski area lighting may require higher

3062 illumination levels in some instances. Those levels shall be
3063 reviewed and approved by the Planning Commission under the
3064 Conditional Use process outlined in Section 15-1-10.

3065 b. All fixtures shall be Fully Shielded or be designed or provided with
3066 sharp, cutoff capability to minimize up-light, spill light, and glare.

3067 c. Recreational lighting shall be turned off within thirty (30) minutes of
3068 the completion of the last game, practice, or event. In general,
3069 recreational lighting shall be turned off by 11:00 p.m., unless an
3070 exception is granted by the Planning Director for a Special Event,
3071 permitted under Municipal Code Title 4A.

3072 d. Private sport court facilities shall use Fully Shielded fixtures.
3073 Lighting shall be turned off by 11:00 p.m.

3074 **13. SEASONAL DISPLAY OF LIGHTS.** Low-Lumen winter seasonal lights
3075 that do not cause light trespass or interfere with the reasonable use and
3076 enjoyment of property are permitted from the first of November to the first
3077 of March. Seasonal lights are exempt from the Fully Shielded requirement
3078 and any color of lights may be used; however, seasonal lights shall not be
3079 used to create advertising messages or signs. Spelling out the name of a
3080 Business with seasonal lights is prohibited.

3081 a. Residential seasonal lights shall comply with zone-required
3082 Setbacks and be turned off by 11:00 p.m.

3083 b. Commercial seasonal lights shall be turned off by midnight.

3084 c. EXCEPTIONS.

3085 (1) Low-Lumen seasonal lights outlining buildings on Main
3086 Street, Swede Alley, and the General Commercial Zoning
3087 District are allowed year-round. Seasonal lights outlining
3088 buildings on Main Street and Swede Alley shall be turned off by
3089 2:30 a.m.

3090 (2) String Lights are exempt from the Fully Shielded requirement
3091 and may be used year-round to illuminate decks, porches, and
3092 patios, but are prohibited from illuminating landscaping or
3093 outlining Structures.

3094 **14. OUTDOOR DISPLAY LOTS.** Any Light Source permitted by this Code
3095 may be used for lighting of outdoor display Lots such as, but not limited to,
3096 automobile sales or rental, recreational vehicle sales, Building material
3097 sales, and seasonal goods, provided all the following conditions are met:

- 3098 a. All fixtures shall be Fully Shielded.
- 3099 b. The lighting shall be setback so that the lighting does not trespass
3100 on adjacent properties.
- 3101 c. Display lighting shall be turned off within thirty (30) minutes of
3102 closing of the Business. Lighting used after 11:00 p.m. shall be
3103 security lighting. Security lighting shall be required to be motion
3104 sensor. Infrared sensor security lights are the only type of security
3105 light permitted.

3106 **15. PROHIBITED LIGHTING.** Unless otherwise exempted, the following are
3107 prohibited:

- 3108 a. Up-lighting;
- 3109 b. Unshielded Floodlights;
- 3110 c. Unshielded Spotlights;
- 3111 d. Architectural lighting;
- 3112 e. Landscape lighting;
- 3113 f. Search lighting, laser source lights, or high intensity lighting except
- 3114 by police and fire personnel or at their discretion;
- 3115 g. Flashing, blinking, intermittent, or other lights that move or give the
- 3116 impression of movement;
- 3117 h. Neon or luminous tube lighting;
- 3118 i. Lighting fixtures affixed to Buildings for the purposes of lighting
- 3119 Parking Areas.

3120 **16. OUTDOOR LIGHTING IN THE HISTORIC DISTRICTS.** Fixtures on Sites

3121 listed on the Historic Sites Inventory that replicate a Historic fixture shall

3122 be permitted to be installed without Full Shielding with the approval of the

3123 Planning Director. The Owner bears the burden of proving the fixture

3124 replicates a Historic fixture, which shall be reviewed in accordance with

3125 Section 15-11-10, Park City Historic Sites Inventory. Each Historic fixture

3126 replica shall be limited to extremely low output lamps, no more than 400

3127 Lumens each.

3128 **17. OUTDOOR LIGHTING IN RIDGE LINE AREAS AND STEEP SLOPES.**

3129 Outdoor lighting in Ridge Line Areas and on Steep Slopes shall be the

3130 minimum necessary to provide adequate illumination of pathways,
3131 entryways, and private outdoor areas.

3132 a. Floodlights are prohibited.

3133 b. Outdoor lights generally may not exceed twelve feet (12') above
3134 Existing Grade, but the Planning Commission or Planning staff may
3135 approve outdoor lights twelve feet (12') above Existing Grade with
3136 additional shielding.

3137 c. Ground-level fixtures are encouraged.

3138 d. Additional shielding may be required to mitigate glare or light
3139 trespass.

3140 e. The Planning Commission shall consider outdoor lighting
3141 restrictions for Properties located in Ridge Line Areas at the time of
3142 Subdivision or Plat approval.

3143 f. The Planning Commission or Planning staff shall consider
3144 additional shielding requirements to mitigate outdoor lighting as part
3145 of a Steep Slope Conditional Use Permit review.

3146 g. The Planning Director shall verify compliance with shielding
3147 requirements for Properties located in Ridge Line Areas and on
3148 Steep Slopes at the time of Building Permit approval.

3149 **18. LIGHT TRESPASS.** Light trespass is artificial light that falls beyond the
3150 legal boundaries of the property it is intended to illuminate. Outdoor
3151 lighting shall be aimed and Fully Shielded so that the direct illumination
3152 shall be confined to the property boundaries of the source.

3153 19. **EXEMPTIONS.** The following are exempt from this Subsection:

3154 a. Gas Lights. All outdoor light fixtures producing light directly by the
3155 combustion of natural gas or other fossil fuels are exempt from the
3156 requirements of this Code.

3157 b. Up-lighting. Up-lighting is permitted in limited circumstances: for
3158 City-funded or owned statues, public monuments, the McPolin
3159 Barn, ground-mounted Public Art, or flags of the United States of
3160 America.

3161 (1) All up-lighting shall be shielded and/or have beam-angle
3162 control and shall be aimed to limit the directed light to the
3163 illuminated object only.

3164 (2) Up-lighting is permitted thirty (30) minutes before sunset
3165 and until 11:00 p.m.; or, one hour after the close of location
3166 based on normal hours of operations, whichever is later.

3167 c. Temporary lighting for outdoor filming and outdoor performance
3168 venues.

3169 d. Underwater lighting in swimming pools, hot tubs, and other water
3170 features.

3171 e. Traffic control signals and devices.

3172 f. Streetlights.

3173 g. Public Trails lighting.

3174
3175 The following are exempt from the Fully Shielded requirement:

3176 (1) Pathway lighting less than eighteen inches (18”) in height
3177 with a total light output that is less than 300 Lumens.

3178 (2) Fixtures having a total light output less than 1,000
3179 Lumens (a 60-watt incandescent, a 15-watt compact
3180 fluorescent bulb, or LED equivalent), provided:

3181 (A) The fixture has a top that is completely opaque such
3182 that no light is directed upwards;

3183 (B) The fixture has sides that completely cover the
3184 light source and are made of opaque or semi opaque
3185 material. Fixtures with opaque sides may have
3186 incidental decorative perforations that emit small
3187 amounts of light;

3188 (C) Semi opaque material such as dark tinted glass or
3189 translucent plastic may be used if the light source is
3190 not discernable behind the material;

3191 (D) Completely transparent materials such as clear
3192 glass are prohibited;

3193 (E) The bulb or lamp is not visible from any point
3194 outside the property on which the fixture is located.

3195 (3) Seasonal Lights

3196 (4) String Lights

3197 20. COMPLIANCE TIMELINE.

- 3198 a. All outdoor lighting installed after the effective date of this Outdoor
3199 Lighting Subsection shall conform.
- 3200 b. All outdoor lighting legally existing and installed prior to the effective
3201 date of this Outdoor Lighting Subsection and which is not exempted
3202 shall be updated with lights that comply with the 3,000 degrees
3203 Kelvin requirement by December 31, 2024.
- 3204 c. Immediate compliance is required as a condition of approval for site
3205 improvements, construction, reconstruction, expansion, alteration,
3206 or modification of existing Structures.
- 3207 d. Damaged or inoperative nonconforming outdoor lighting shall be
3208 replaced or repaired with lighting that complies with this Outdoor
3209 Lighting Subsection.
- 3210 e. Property owners shall not replace outdoor lighting with non-
3211 compliant fixtures.

3212 **21. TEMPORARY EXEMPTION.**

- 3213 a. Requests. Any Person may submit a written request to the Planning
3214 Director for a temporary exemption. A temporary exemption request
3215 shall contain the following information:
- 3216 (1) Specific exemption or exemption request;
- 3217 (2) Type and Use of outdoor light fixtures involved;
- 3218 (3) Duration of time for requested exemption;
- 3219 (4) Total Lumens;
- 3220 (5) Proposed location on Site;

3221 (6) Description of event or reason for need of exemption;
3222 and
3223 (7) Other data as deemed necessary to adequately review
3224 and made a determination on the request.

3225 b. Approval; Duration. The Planning Department shall have ten (10)
3226 Business days from the date of a complete submission of the
3227 temporary request to act, in writing, on the request. The Planning
3228 Department shall approve the request if it finds that the exemption
3229 is necessary for public safety, security or other public necessity and
3230 the exemption does not materially subvert the purpose of this
3231 Subsection. If approved, the exemption shall be valid for not more
3232 than thirty (30) days from the date of approval. The approval shall
3233 be renewable by the Planning Director upon consideration of all the
3234 circumstances and provided a finding of public safety or necessity
3235 is made, and no intent to circumvent the intent of this Subsection is
3236 present. Each such renewed exemption shall be valid for not more
3237 than thirty (30) days.

3238 c. ~~[Denial/Appeal. If the request for a temporary exemption is denied,~~
3239 ~~the Person making the request, in writing, may appeal the decision~~
3240 ~~to the Planning Commission within ten (10) days of the denial as~~
3241 ~~provided for in Section 15-1-18.]~~

3242 K. **TRASH AND RECYCLING ENCLOSURES**. In addition to County health
3243 standards, the following trash enclosure design standards shall apply:

- 3244 1. Trash and storage Areas shall be Screened by landscaping, Fencing,
3245 berms or other devices integral to overall Site and Building design;
- 3246 2. Trash and storage enclosures shall be designed and constructed of
3247 materials that are Compatible with the proposed or existing Building and
3248 with surrounding Structures. The enclosure's design, construction, and
3249 materials shall be substantial and consisting of masonry, steel, or other
3250 materials approved by the Planning and Building Department and capable
3251 of sustaining active use by residents and trash/recycling haulers. The
3252 design shall, if physically possible, include both a pedestrian door and a
3253 truck door or gate;
- 3254 3. Trash and storage Areas shall be well maintained including prompt repair
3255 and replacement of damaged gates, Fences and plants;
- 3256 4. Openings of trash enclosures shall be oriented away from public view or
3257 Screened with sturdy gates wide enough to allow easy Access for trash
3258 collection, where practical;
- 3259 5. The consolidation of trash Areas between Businesses and the Use of
3260 modern disposal techniques is encouraged.
- 3261 6. Exception. These standards shall not apply to existing Structures that
3262 have been built with zero Setbacks or when such enclosures would
3263 negatively impact Access, circulation, or snow removal efforts.
- 3264 L. **MECHANICAL EQUIPMENT**. All electrical service equipment and sub-panels
3265 and all mechanical equipment, including but not limited to, air conditioning, pool
3266 equipment, fans and vents, utility transformers, except those owned and

maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure. Minor exceptions to Setback requirements for Screened mechanical equipment may be approved by the Planning Director where the proposed location is the most logical location for the equipment and impacts from the equipment on neighboring properties, historic facades, and streetscapes can be mitigated and roof top mechanical placement and visual clutter is minimized.

M. **PATIOS AND DRIVEWAYS**. A Building Permit is required for all non-bearing concrete flatwork, asphalt, and/or any Impervious Surface, regardless of size or area. This includes any repairs, alterations, modifications, and expansion of existing flatwork.

N. **LANDSCAPING**. A complete landscape plan must be prepared for the limits of disturbance area for all Development activity. The landscape plan shall utilize the concept of Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped, the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of any Water Wise Landscaped area

3290 comprised of appropriate plants, trees, and shrubs. Any proposed boulders or
3291 rocks greater than two inches (2") in diameter and Gravel must be identified.
3292 Materials proposed for driveways, parking areas, patios, decks, and other hard-
3293 scaped areas shall be identified on the plan. A list of plant materials indicating
3294 the botanical name, the common name, quantity, and container or caliper size
3295 and/or height shall be provided on the plan. Refer to the Municipal Code of Park
3296 City [Title] Section 14-1-5 for a City approved Plant List. A diverse selection of
3297 plantings is suggested to provide plantings appropriate to the Park City climate
3298 and growing season, to provide aesthetic variety and to prevent the spread of
3299 disease between the same species. Artificial turf is allowed to be used in limited
3300 quantities on decks, pathways, recreation and play areas, or as a limited
3301 landscaping material on areas in which vegetation may be unsuccessful. Artificial
3302 turf's installation shall not pool water and be installed to allow for drainage. Areas
3303 of mulch shall be identified on the plan. Approved mulches include natural
3304 organic plant based or recycled materials. Gravel is only allowed in the following
3305 applications: as an approved walkway, patio, drainage plan, and/or defensible
3306 space. The Planning Director or [his/her] designee may determine if proposed
3307 defensible space areas are not required to include plantings. Any Gravel or stone
3308 within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the
3309 requirements of [Park City's] the Design Guidelines for Historic District and
3310 Historic Sites. Gravel is not an allowed surface for parking, ground cover on
3311 berms or finished grade with a ratio greater than 3:1, within platted or zoned
3312 open space, or as a material in parking strips or City rights-of-way. To the extent

3313 possible, existing Significant Vegetation shall be maintained on Site and
3314 protected during construction. When approved to be removed, based on a Site
3315 Specific plan, Conditional Use, Master Planned Development, or Historic District
3316 Design Review approval, the Significant Vegetation shall be replaced with
3317 equivalent landscaping in type and size. The Forestry Manager or Planning
3318 Director may grant exceptions to this if upon their review it is found that
3319 equivalent replacement is impossible or would be detrimental to the site's existing
3320 and/or proposed vegetation. Multiple trees equivalent in caliper to the size of the
3321 removed Significant Vegetation may be considered instead of replacement in
3322 kind and size. Where landscaping does occur, it should consist primarily of native
3323 and drought tolerant species, drip irrigation, and all plantings shall be adequately
3324 mulched. Significant Vegetation preservation and/or replacement shall be
3325 prioritized, but where applicable, Firewise Landscaping and/or Defensible Space
3326 landscaping plans for Property within the Wildland-Urban Interface area that
3327 include Significant Vegetation removal shall be in accordance with Municipal
3328 Code Chapter 11-21. A detailed irrigation plan shall be drawn at the same scale
3329 as the landscape plan including, but not limited to: a layout of the heads, lines,
3330 valves, controller, backflow preventer, and a corresponding legend and key.
3331 Landscaped areas shall be provided with a WaterSense labeled smart irrigation
3332 controller which automatically adjusts the frequency and/or duration of irrigation
3333 events in response to changing weather conditions. All controllers shall be
3334 equipped with automatic rain delay or rain shut-off capabilities. Irrigated lawn and
3335 turf areas are limited to a maximum percentage of the allowed Limits of

3336 Disturbance Area of a Lot or Property that is not covered by Buildings,
3337 Structures, or other Impervious paving, based on the size of the Lot or Property
3338 according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

3339
3340 O. Where rock and boulders are allowed and identified on the Landscape Plan,
3341 these shall be from local sources. All noxious weeds, as identified by Summit
3342 County, shall be removed from the Property in a manner acceptable to the City
3343 and Summit County, prior to issuance of Certificates of Occupancy.

3344 HISTORY

3345 *Adopted by Ord. [02-07](#) on 5/23/2002*
3346 *Amended by Ord. [06-56](#) on 7/27/2006*
3347 *Amended by Ord. [11-05](#) on 1/27/2011*
3348 *Amended by Ord. [12-37](#) on 12/20/2012*
3349 *Amended by Ord. [2018-27](#) on 5/31/2018*
3350 *Amended by Ord. [2019-30](#) on 5/30/2019*
3351 *Amended by Ord. [2020-19](#) on 4/16/2020*

3352 Amended by Ord. [2020-35](#) on 7/9/2020

3353 Amended by Ord. [2020-42](#) on 9/17/2020

3354 Amended by Ord. [2021-05](#) on 1/21/2021

3355

3356 **15-5-6 Permitted Design Features**

3357 Any design~~[7]~~ or any material that is not expressly prohibited by this Chapter, or a
3358 resolution adopted to supplement it, or by the ~~[Historic District Architectural Design~~
3359 ~~Guidelines]~~ Design Guidelines For Historic Districts And Historic Sites, are permitted.

3360 HISTORY

3361 Adopted by Ord. [02-07](#) on 5/23/2002

3362

3363 **15-5-8 Facade Length And Variations**

- 3364 A. Structures greater than sixty feet (60'), but less than 120 feet in length must
3365 exhibit a prominent shift in the facade of the Structure so that no greater than
3366 seventy five percent (75%) of the length of the Building Facade appears
3367 unbroken. Each shift shall be in the form of either a ten foot (10') change in
3368 Building Facade alignment or a ten foot (10') change in the Building Height, or a
3369 combined change in Building Facade and Building Height totaling ten feet (10').
- 3370 B. Structures that exceed 120 feet in length on any facade shall provide a prominent
3371 shift in the mass of the Structure at each 120 foot interval, or less if the
3372 Developer desires, reflecting a change in function or scale. The shift shall be in
3373 the form of either a fifteen foot (15') change in Building Facade alignment or a
3374 fifteen foot (15') change in the Building Height. A combination of both the Building

3375 Height and Building Facade change is encouraged and to that end, if the
3376 combined change occurs at the same location in the Building plan, a fifteen foot
3377 (15') total change will be considered as full compliance.

3378 C. The special facade and volume requirement of the Historic District are found in
3379 ~~[LMC] Chapters 15-2.1 through 15-2.6~~ and in the ~~[Historic District Architectural~~
3380 ~~Design Guidelines]~~ Design Guidelines For Historic Districts And Historic Sites,
3381 Chapter 15-13.

3382 D. The facade length and variation requirements apply to all sides of a Building.

3383

3384 **15-5-9 Sensitive Lands Review**

3385 Any project falling within the ~~[Sensitive Lands Area Overlay Zone]~~ Sensitive Land
3386 Overlay Zone may be subject to additional architectural review requirements and
3387 regulations as outlined in ~~[the Sensitive Area Overlay Zone regulations, LMC]~~ Chapter
3388 15-2.21.

3389 HISTORY

3390 *Adopted by Ord. 02-07 on 5/23/2002*

3391 *Amended by Ord. 06-56 on 7/27/2006*

3392

3393 **15-6-5 Master Planned Development Requirements**

3394 All Master Planned Developments shall contain the following minimum requirements.

3395 Many of the requirements and standards will have to be increased in order for the

3396 Planning Commission to make the necessary findings to approve the Master Planned

3397 Development.

A. **DENSITY**. The Planning Commission shall approve the type of Development, number of units, and Density permitted on a given Master Planned Development Site based on a Site Suitability Analysis. The Master Planned Development shall not exceed the maximum Density in the Zoning District, except as otherwise provided in this Section. The Site shall be looked at in its entirety, including all adjacent Property under the same ownership, and the Density shall be located in the locations that support the goals set forth in Section 15-6-1.

1. Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved Master Planned Development.

2. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that shift results in a project that better meets the goals set forth in Section 15-6-1.

a. **Exception.** Residential Density shifts 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.

3. Density for Master Planned Developments is based on the Unit Equivalent formula, defined in Section 15-6-8.

a. **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:

3421 (1) Donates Open Space in excess of the sixty percent
3422 (60%) requirement, either in fee or a less-than-fee interest to
3423 either the City or another unit of government or nonprofit
3424 land conservation organization approved by the City. Such
3425 Density bonus shall only be granted upon a finding by the
3426 Planning Director that such donation will ensure the long-
3427 term protection of a significant environmentally or visually
3428 sensitive Area; or
3429 (2) Proposes a Master Planned Development in which more
3430 than thirty percent (30%) of the Unit Equivalents are
3431 employee/ Affordable Housing consistent with the City's
3432 adopted employee/ Affordable Housing guidelines and
3433 requirements; or
3434 (3) Proposes a Master Planned Development in which more
3435 than eighty percent (80%) of the project is Open Space as
3436 defined in this Code and prioritized by the Planning
3437 Commission.

3438 B. **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED**
3439 **DEVELOPMENTS WITHIN THE HR-1 AND HR-2 ZONING DISTRICTS.**

3440 1. The Land Management Code sets forth a maximum Building Footprint for
3441 all Structures in the HR-1 and HR-2 Zoning Districts based on Lot Area.
3442 For purposes of establishing the maximum Building Footprint for Master
3443 Planned Developments that include Development in the HR-1 and HR-2

3444 Zoning Districts, the maximum Building Footprint for the HR-1 and HR-2
3445 portions shall be calculated based on the conditions of the Subdivision
3446 Plat or the Lots of record prior to a plat amendment combining the Lots as
3447 stated in Section 15-2.3-4.

3448 a. The Area of below Grade Parking in the HR-1 and HR-2 Zoning
3449 Districts shall not count against the maximum Building Footprint of
3450 the HR-1 or HR-2 Lots.

3451 b. The Area of below Grade Commercial Use extending from a Main
3452 Street business into the HR-2 Subzone A shall not count against
3453 the maximum Building Footprint of the HR-2 Lots.

3454 c. The Floor Area Ratio (FAR) of the HCB Zoning District applies only
3455 to the HCB Lot Area and may be reduced as part of a Master
3456 Planned Development. The FAR may not be applied to the HR-1 or
3457 HR-2 Lot Area.

3458 d. The Floor Area for a detached, single car Garage, not to exceed
3459 two-hundred and twenty square feet (220 square feet) of Floor
3460 Area, shall not count against the maximum Building Footprint of the
3461 HR-2 Lot.

3462 C. **SETBACKS.**

3463 1. The minimum Setback around the exterior boundary of a Master Planned
3464 Development shall be twenty-five feet (25') for Parcels greater than two (2)
3465 acres. The Planning Commission may decrease the required perimeter
3466 Setback from twenty-five feet (25') for Master Planned Development

3467 Applications greater than two (2) acres to the zone-required Setback if it is
3468 necessary to provide desired architectural interest and variation.

3469 2. For parcels greater than two (2) acres and located inside the HRM, HR-1,
3470 HR-2, HRC, and HCB Zoning Districts, the minimum Setback around the
3471 exterior boundary of a Master Planned Development shall be determined
3472 by the Planning Commission in order to remain consistent with the
3473 contextual streetscape of adjacent Structures.

3474 3. For parcels two (2) acres or less, the minimum exterior boundary
3475 Setbacks shall be the zone-required Setbacks.

3476 4. In all Master Planned Developments, for either the perimeter Setbacks or
3477 the Setbacks within the project, the Planning Commission may increase
3478 Setbacks to retain existing Significant Vegetation or natural features, to
3479 create an adequate buffer to adjacent Uses, or to meet Historic
3480 Compatibility requirements.

3481 5. The Planning Commission may reduce Setbacks within the project
3482 boundary, but not perimeter Setbacks, from those otherwise required in
3483 the Zoning District to match an abutting zone-required Setback, provided
3484 the project meets minimum International Building Code and Fire Code
3485 requirements, does not increase project Density, maintains the general
3486 character of the surrounding neighborhood in terms of mass, scale, and
3487 spacing between Structures, and meets Open Space criteria set forth in
3488 Section 15-6-5(D).

6. Final Setback approvals shall be specified as a Finding of Fact in the Master Planned Development Approval, in the Development Agreement, and on each plat within the Master Planned Development.

D. OPEN SPACE.

1. **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) Open Space as defined in Chapter 15-15, with the exception of the General Commercial (GC), Historic Residential Commercial (HRC), Historic Commercial Business (HCB), and the Historic Residential (HR-1 and HR-2) Zoning Districts.
2. The minimum Open Space requirement for redevelopment of existing Developments shall be thirty percent (30%).
 - a. For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required Open Space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater Landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, Public Art, and rehabilitation of Historic Structures.

3. **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of Open Space for each Master Planned Development. The Commission's determination shall be based on the guidance given in the General Plan. Landscaped Open Space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open Space may not be utilized for Streets, roads, driveways, Parking Areas, Commercial Uses, or Buildings requiring a Building Permit.

E. OFF-STREET PARKING.

1. The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of the Land Management Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a Parking analysis submitted by the Applicant at the time of Master Planned Development submittal. The Parking analysis shall contain, at a minimum, the following information:

- a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- b. A Parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy Parking.
- c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

- 3535 d. An analysis of time periods of Use for each of the Uses in the
3536 project and opportunities for shared parking by different Uses. This
3537 shall be considered only when there is Guarantee by Use covenant
3538 and deed restriction.
- 3539 e. A plan to discourage the Use of motorized vehicles and encourage
3540 other forms of transportation.
- 3541 f. Provisions for overflow Parking during peak periods.
- 3542 g. An evaluation of potential adverse impacts of the proposed Parking
3543 reduction and Density increase, if any, upon the surrounding
3544 neighborhood and conditions of approval to mitigate such impacts.
- 3545 The Planning Department shall review the Parking analysis and provide a
3546 recommendation to the Commission. The Commission shall make a
3547 finding during review of the Master Planned Development as to whether or
3548 not the Parking analysis supports a determination to increase or decrease
3549 the required number of Parking Spaces.
- 3550 2. The Planning Commission may permit an Applicant to pay an in-lieu
3551 Parking fee in consideration for required on-Site Parking provided that the
3552 Planning Commission determines that:
- 3553 a. Payment in-lieu of the on-Site Parking requirement will prevent a
3554 loss of significant Open Space, Yard Area, and/or public amenities
3555 and gathering Areas;

- b. Payment in-lieu of the on-Site Parking requirement will result in Preservation and Rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;
- c. Payment in-lieu of the on-Site Parking requirement will not result in an increase project Density or intensity of Use; and
- d. The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required Parking shall be subject to the provisions in the Municipal Code of Park City Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

F. **BUILDING HEIGHT**. The Building Height requirements of the Zoning District in which a Master Planned Development is located shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. The Applicant must request a Site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made, according to Subsections (1) through (5) below. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, the Planning Commission must find that:

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-

3579 required Building Height and Density, including requirements for Facade
3580 variation and design, but rather provides desired architectural variation,
3581 unless the increased square footage or Building volume is from the
3582 Transfer of Development Credits;

3583 2. Buildings have been positioned to minimize visual impacts on adjacent
3584 Structures. Potential problems on neighboring Properties caused by
3585 shadows, loss of solar Access, and loss of air circulation have been
3586 mitigated as determined by the Site specific analysis;

3587 3. There is adequate Landscaping and buffering from adjacent Properties
3588 and Uses;

3589 4. Increased Setbacks and separations from adjacent projects are
3590 proposed;

3591 5. The additional Building Height results in more than the minimum Open
3592 Space required and results in Open Space that is publicly accessible;

3593 6. The additional Building Height is designed in a manner that provides a
3594 transition in roof elements in compliance with Chapter 15-5, Architectural
3595 Review, or the Design Guidelines for ~~Park City's~~ Historic Districts and
3596 Historic Sites if the Building is located within the Historic District.

3597 If and when the Planning Commission grants additional Building Height
3598 based on a Site specific analysis, the approved additional Building Height
3599 shall only apply to the specific plans reviewed and approved by the
3600 Planning Commission. Additional Building Height shall be specified as a
3601 Finding of Fact in the Master Planned Development Approval, in the

3602 Development Agreement, and on each plat within the Master Planned
3603 Development that includes a Building with an additional Height allowance.

3604 G. **SITE PLANNING**. A Master Planned Development shall be designed to take into
3605 consideration the characteristics of the Site upon which it is proposed to be
3606 placed. The project should be designed to fit the Site, not the Site modified to fit
3607 the project. The Applicant shall address the following in the Site planning for a
3608 Master Planned Development:

- 3609 1. Units shall be clustered on the most developable and least visually
3610 sensitive portions of the Site. Open Space shall separate the clusters. The
3611 Open Space should be designed so that existing Significant Vegetation is
3612 maintained on the Site.
- 3613 2. Projects shall be designed to minimize Grading and the need for large
3614 retaining Structures.
- 3615 3. Roads, utility lines, and Structures should be designed to work with the
3616 Existing Grade. Cuts and fills shall be minimized.
- 3617 4. Existing trails shall be incorporated into the Open Space elements of the
3618 project and shall be maintained in their existing location whenever
3619 possible. Applicants may be required to grant the City a trail easement to
3620 connect proposed trails with existing trails. Construction of new trails shall
3621 be consistent with the Park City Trails Master Plan.
- 3622 5. Adequate internal vehicular, pedestrian, and bicycle circulation shall be
3623 provided. Pedestrian and bicycle circulations shall be separated from
3624 vehicular circulation and shall provide safe travel within the boundaries of

3625 the Master Planned Development and safe travel to adjoining public
3626 sidewalks, trails, and Rights-of-Way. Private internal Streets may be
3627 considered for Condominium projects if they meet the minimum
3628 emergency and safety requirements.

3629 6. The Site plan shall include adequate Areas for snow removal and snow
3630 storage. The Landscaping plan shall allow for snow storage Areas.
3631 Structures shall be set back from any hard surfaces so as to provide
3632 adequate Areas to remove and store snow. Snow shall be stored on-Site,
3633 unless otherwise approved by the Planning Commission.

3634 7. The Site plan shall include adequate Areas for trash and recycling
3635 containers and shall include an adequate circulation area for pick-up
3636 vehicles. Convenient pedestrian Access shall be provided within the
3637 Master Planned Development to the trash and recycling containers.
3638

3639 No Site plan with a Commercial Development or Multi-Unit Dwelling shall
3640 be approved unless there is a mandatory recycling program, which may
3641 include Recycling Facilities for the Site. Single Family Dwellings shall
3642 include a mandatory recycling program with curb side recycling, and may
3643 also include Recycling Facilities. The Recycling Facilities shall be
3644 identified on the Site plan to accommodate for materials generated by the
3645 tenants, residents, users, operators, or owners of such Master Planned
3646 Development. Such Recycling Facilities shall include, but are not limited
3647 to, glass, paper, plastic, cans, cardboard or other household or

3648 commercially generated recyclable and scrap materials. Centralized trash
3649 and recycling containers shall be located in a completely enclosed
3650 Structure with a pedestrian door and a truck door or gate. The enclosed
3651 Structure shall be designed with materials that are compatible with the
3652 principal Structures in the Master Planned Development and shall be
3653 constructed of masonry, steel, or other substantial materials. The
3654 Structure shall be large enough to accommodate a trash container and at
3655 least two recycling containers to provide for the option of dual-stream
3656 recycling.

3657 8. The Site plan for a Master Planned Development shall include
3658 transportation amenities including drop-off Areas for van and shuttle
3659 service, and a bus stop, if applicable.

3660 9. Service and delivery Access and loading/unloading Areas must be
3661 included in the Site plan. The service and delivery should be kept separate
3662 from pedestrian Areas.

3663 H. **LANDSCAPE AND LIGHTING**. A preliminary Landscaping plan must be
3664 submitted with the Master Planned Development Application. The Landscaping
3665 plan shall comply with all criteria and requirements of Section 15-5-5(N)
3666 LANDSCAPING. All noxious weeds, as identified by Summit County, shall be
3667 removed from the Property in accordance with the Summit County Weed
3668 Ordinance prior to issuance of Certificates of Occupancy. Lighting must meet the
3669 requirements of Section 15-5-5(J).

- I. **SENSITIVE LANDS COMPLIANCE**. Applicants for a Master Planned Development that contains any Area within the Sensitive Land Overlay Zone shall conduct a Sensitive Lands Analysis and shall conform to the Sensitive Lands Chapter 15-2.21.
- J. **EMPLOYEE/AFFORDABLE HOUSING**. Master Planned Developments Applicants shall submit a housing mitigation plan that addresses employee Affordable Housing required by the adopted housing resolution in effect at the time of a complete Application.
- K. **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new Single Family Dwellings and Multi-Family Dwellings within a Master Planned Development if the Planning Commission determines that the project will create additional demands for Child Care.
- L. **MINE HAZARDS**. All Master Planned Development Applications shall include a map and list of all known Physical Mine Hazards on the Property and a Physical Mine Hazard mitigation plan.
- M. **HISTORIC MINE WASTE MITIGATION**. An Applicant for a Master Planned Development with Property that is located within the Park City Soils Ordinance Boundary shall submit a soil remediation mitigation plan and shall indicate areas of hazardous soils and proposed methods of remediation and/or removal subject to the requirements and regulations of the Municipal Code of Park City Chapter 11-15.

- 3691 N. **GENERAL PLAN REVIEW.** The Planning Commission shall review Master
3692 Planned Developments for consistency with the goals and objectives of the
3693 General Plan; however such review for consistency shall not alone be binding.
- 3694 O. **HISTORIC SITES.** All Master Planned Development Applicants shall submit a
3695 map and inventory of Historic Structures and Sites on the Property and a Historic
3696 Structures Report prepared by a Qualified Historic Preservation Professional.
- 3697 P. **LAND MANAGEMENT CODE REVIEW.** All Master Planned Development
3698 Applications shall be reviewed in accordance with the Land Management Code,
3699 including:
- 3700 1. the underlying Zoning District requirements in Chapter 15-2;
 - 3701 2. relevant Overlay Zoning requirements in Chapter 15-2;
 - 3702 3. Chapter 15-3, Off-Street Parking;
 - 3703 4. Chapter 15-4, Supplementary Regulations;
 - 3704 5. Chapter 15-5, Architectural Review;
 - 3705 6. Chapters 15-7.1, 15-7.2, 15-7.3, and 15-7.4, Subdivision Provisions;
 - 3706 7. Chapters 15-11 and 15-13 for Master Planned Developments located in a
3707 Historic Zoning District;
 - 3708 8. any other relevant provisions of the Land Management Code.
- 3709 Q. **DESIGN GUIDELINES.** The Planning Commission may require Design
3710 Guidelines for Master Planned Developments, including regulation of building
3711 design elements for Single-Family Dwellings and/or Duplex Dwellings, that
3712 specify:
- 3713 1. Exterior cladding material;

- 3714 2. Style, dimensions, and materials of a roof structure, roof pitch, and porch;
- 3715 3. Exterior nonstructural architectural ornamentation;
- 3716 4. Location, design, placement, and architectural styling of windows and
- 3717 doors; and
- 3718 5. Location, design, placement, and architectural styling of a garage door.

3719 HISTORY

3720 *Adopted by Ord. [02-07](#) on 5/23/2002*

3721 *Amended by Ord. [04-08](#) on 3/4/2004*

3722 *Amended by Ord. [06-22](#) on 4/27/2006*

3723 *Amended by Ord. [09-10](#) on 3/5/2009*

3724 *Amended by Ord. [10-14](#) on 4/15/2010*

3725 *Amended by Ord. [11-05](#) on 1/27/2011*

3726 *Amended by Ord. [11-12](#) on 3/31/2011*

3727 *Amended by Ord. [13-23](#) on 7/11/2013*

3728 *Amended by Ord. [15-36](#) on 6/25/2015*

3729 *Amended by Ord. [2016-44](#) on 9/15/2016*

3730 *Amended by Ord. [2017-46](#) on 8/17/2017*

3731 *Amended by Ord. [2020-09](#) on 1/30/2020*

3732 *Amended by Ord. [2020-45](#) on 10/1/2020*

3733

3734 **15-6.1-11 Site Planning**

3735 An Affordable Master Planned Development shall be designed to take into consideration

3736 the characteristics of the Site upon which it is proposed to be placed. The Development

should be designed to fit the Site, not the Site modified to fit the project. The Applicant shall address the following in the Site planning:

- A. **CLUSTERED DEVELOPMENT**. Units shall be clustered on the most developable and least visually sensitive portions of the Site. Open Space shall separate the clusters. The Open Space should be designed so that existing Significant Vegetation is maintained on the Site.
- B. **GRADING**. Projects shall be designed to minimize Grading and the need for large retaining Structures. Roads, utility lines, and Structures should be designed to work with Existing Grade. Cuts and fills shall be minimized.
- C. **TRAILS**. Existing trails shall be incorporated into the Open Space elements of the project and shall be maintained in their existing location whenever possible. Applicants may be required to grant the City a trail easement to connect proposed trails with existing trails. Construction of new trails shall be consistent with the Park City Trails Master Plan.
- D. **INTERNAL CIRCULATION**. Adequate internal vehicular, pedestrian, and bicycle circulation shall be provided. Pedestrian and bicycle circulations shall be separated from vehicular circulation and shall provide safe travel within the boundaries of the Affordable Master Planned Development and safe travel to adjoining public sidewalks, trails, and Rights-of-Way. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.
- E. **SNOW REMOVAL**. The Site plan shall include adequate Areas for snow removal and snow storage. The Landscaping plan shall allow for snow storage Areas.

Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. Snow shall be stored on-Site, unless otherwise approved by the Planning Commission.

F. **TRASH AND RECYCLING**. The Site plan shall include adequate Areas for trash and recycling containers and shall include an adequate circulation area for pick-up vehicles. Convenient pedestrian Access shall be provided within the Affordable Master Planned Development to the trash and recycling containers. No Site plan with a Commercial Development or Multi-Unit Dwelling shall be approved unless there is a mandatory recycling program, which may include Recycling Facilities for the Site. Single Family Dwellings shall include a mandatory recycling program with curb side recycling, and may also include Recycling Facilities. The Recycling Facilities shall be identified on the Site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such Master Planned Development. Such Recycling Facilities shall include, but are not limited to, glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials. Centralized trash and recycling containers shall be located in a completely enclosed Structure with a pedestrian door and a truck door or gate. The enclosed Structure shall be designed with materials that are compatible with the principal Structures in the Affordable Master Planned Development and shall be constructed of masonry, steel, or other substantial materials. The Structure shall be large enough to accommodate a trash container and at least two recycling containers to provide for the option of dual-stream recycling.

- 3783 G. **TRANSPORTATION AMENITIES**. The Site plan shall include transportation
3784 amenities including drop-off Areas for van and shuttle service, and a bus stop, if
3785 applicable.
- 3786 H. **SERVICE AND DELIVERY**. Access and loading/unloading Areas must be
3787 included in the Site plan. The service and delivery should be kept separate from
3788 pedestrian Areas.
- 3789 I. **LANDSCAPE AND LIGHTING**. A preliminary Landscaping plan must be
3790 submitted with the Affordable Master Planned Development Application. The
3791 Landscaping plan shall comply with all criteria and requirements of Section 15-5-
3792 5(N). All noxious weeds, as identified by Summit County, shall be removed from
3793 the Property in accordance with the Summit County Weed Ordinance prior to
3794 issuance of Certificates of Occupancy. Lighting must meet the requirements of
3795 Section 15-5-5(J).
- 3796 J. **SENSITIVE LANDS COMPLIANCE**. Applicants for an Affordable Master
3797 Planned Development that contains any Area within the Sensitive Land Overlay
3798 Zone shall conduct a Sensitive Lands Analysis and shall conform to Chapter 15-
3799 2.21.
- 3800 K. **CHILD CARE**. A Site designated and planned for a Child Care Center may be
3801 required for an Affordable Master Planned Development if the Planning
3802 Commission determines that the project will create additional demands for Child
3803 Care.
- 3804 L. **MINE HAZARDS**. Applications shall include a map and list of all known Physical
3805 Mine Hazards on the Property and a Physical Mine Hazard mitigation plan.

M. **HISTORIC MINE WASTE MITIGATION**. An Applicant for an Affordable Master Planned Development with Property that is located within the Park City Soils Ordinance Boundary shall submit a soil remediation mitigation plan and shall indicate areas of hazardous soils and proposed methods of remediation and/or removal subject to the requirements and regulations of the Municipal Code of Park City Chapter 11-15.

N. **GENERAL PLAN REVIEW**. The Planning Commission shall review Affordable Master Planned Developments for consistency with the goals and objectives of the General Plan; however such review for consistency shall not alone be binding.

O. **HISTORIC SITES**. Applicants shall submit a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report prepared by a Qualified Historic Preservation Professional.

P. **DESIGN GUIDELINES**. The Planning Commission may require Design Guidelines for Affordable Master Planned Developments, including regulation of building design elements for Single-Family Dwellings and/or Duplex Dwellings, that specify:

1. Exterior cladding material;
2. Style, dimensions, and materials of a roof structure, roof pitch, and porch;
3. Exterior nonstructural architectural ornamentation;
4. Location, design, placement, and architectural styling of windows and doors; and
5. Location, design, placement, and architectural styling of a garage door.

3829 HISTORY

3830 *Adopted by Ord. [2021-10](#) on 2/25/2021*

3831

3832 **15-7-3 Policy**

3833 A. It is hereby declared to be the policy of Park City to consider the Subdivision of
3834 land and the subsequent Development or amendment of the Subdivision plat, or
3835 the adjustment of Lot lines therein, as subject to the control of Park City pursuant
3836 to the official General Plan of Park City for the orderly, planned, efficient, and
3837 economical Development of Park City.

3838 B. Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted
3839 therein, shall be of such character that it can be used safely for Building
3840 purposes without danger to health or peril from fire, flood, landslide, mine
3841 subsidence, geologic hazards, or other menace, and land shall not be
3842 subdivided, re-subdivided, or adjusted until available public facilities and
3843 improvements exist and proper provision has been made for drainage, water,
3844 sewerage, and capital improvements such as schools, parks, recreation facilities,
3845 transportation facilities, and improvements.

3846 C. The existing and proposed public improvements shall conform and be properly
3847 related to the proposals shown in the General Plan, Streets Master Plan, Official
3848 Zoning Map, and the capital budget and program of Park City, and it is intended
3849 that these regulations shall supplement and facilitate the enforcement of the
3850 provisions and standards contained in the adopted [~~Uniform Building and~~
3851 ~~Housing Codes~~] International Building Code, the Land Management Code,
3852 General Plan, Official Zoning Map, and capital budget and program of Park City.

3853 HISTORY

3854 *Adopted by Ord. [01-17](#) on 5/17/2001*

3855 **15-7-4 Authority**

3856 A. By authority of ordinance of the City Council of Park City, hereinafter referred to
3857 as "City Council", adopted pursuant to the powers and jurisdictions vested
3858 through Title 10, Chapters 3 and 9a, and Title 17, Chapter 27a of the Utah Code,
3859 ~~[Annotated (1953, as amended)]~~ as amended and other applicable laws,
3860 statutes, ordinances, and regulations of the State of Utah, the City Council
3861 hereby exercise the power and authority to review, approve, and disapprove
3862 plats for subdividing land within the corporate limits of Park City which show Lots,
3863 blocks, or Sites with or without new Streets or highways.

3864 B. By the same authority, the City Council does hereby exercise the power and
3865 authority to pass and approve Development in Subdivisions, Re-subdivisions, or
3866 Lot Line Adjustments of land already recorded in the office of the County
3867 Recorder if such are entirely or partially undeveloped.

3868 C. The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered
3869 to be void if:

- 3870 1. the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been
3871 recorded with the County Recorder's office without a prior approval by the
3872 City Council, or in the case of a Lot Line Adjustment, its designated
3873 responsible official, or
- 3874 2. the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been
3875 approved by the City Council where the approval has been granted more

3876 than three (3) years prior to granting a Building permit, on the partially or
3877 entirely undeveloped land and the zoning regulations, either bulk or Use,
3878 for the district in which the Subdivision is located, have been changed
3879 subsequent to the original final plat, Subdivision, Re-subdivision, or Lot
3880 Line Adjustment approval.

3881 D. A Transfer of land pursuant to a void plat is voidable.

3882 HISTORY

3883 *Adopted by Ord. [01-17](#) on 5/17/2001*

3884 *Amended by Ord. [06-22](#) on 4/27/2006*

3885

3886 **15-7-7 Vacation, Alteration Or Amendment Of Plats**

3887 The City Council may, on its own motion, or pursuant to a petition, consider and resolve
3888 at a public hearing any proposed vacation, alteration or amendment of a Subdivision
3889 plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as
3890 provided in Section 10-9a-608 through 10-9a-611 of the Utah Code [~~Annotated (1953)~~].
3891 as amended. If the amended plat is approved and recorded, the recorded plat shall
3892 vacate, supersede, and replace any contrary provision in a previously recorded plat on
3893 the same land. The recorded vacating ordinance shall replace a previously recorded
3894 plat described in the vacating ordinance.

3895 HISTORY

3896 *Adopted by Ord. [01-17](#) on 5/17/2001*

3897 *Amended by Ord. [06-22](#) on 4/27/2006*

3898 *Amended by Ord. [2016-44](#) on 9/15/2016*

3899

15-7.2-1 Improvements

A. **COSTS OF IMPROVEMENTS.** All required Site or Public Improvements shall be made by the Applicant, at his expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

B. **ESCROW DEPOSITS, CASH DEPOSITS, OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS.**

1. **ACCEPTANCE OF ESCROW FUNDS.** Whenever, by reason of the season of the year any improvements required by the Subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary Certificate of Occupancy, provided there is no danger to health, safety, or general welfare, upon accepting as a Guarantee an Escrow deposit, a cash deposit, or a letter of credit in an amount to be determined by the Chief Building Official, or his designee, for the cost of said improvements. The Guarantee covering such Lot improvements shall remain in full force and effect.

2. **PROCEDURES ON ESCROW FUND.** All required improvements for which a Guarantee has been accepted by the Chief Building Official, or his designee, at the time of issuance of a Certificate of Occupancy shall be installed by the Developer within a period of nine (9) months from the date of deposit and issuance of the temporary Certificate of Occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Chief Building Official, or his designee, shall give

two (2) weeks written notice to the Developer requiring him to install the same, and in the event that the same are not installed to the City's satisfaction, the Chief Building Official, or his designee, may request the City Council to authorize the City to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the Guarantee. At the time of the issuance of the Certificate of Occupancy for which a Guarantee is deposited with the Chief Building Official, or his designee, the Applicant shall obtain and file with the Building Official prior to obtaining the Certificate of Occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the Developer.

C. **TEMPORARY IMPROVEMENTS**. The Applicant shall build and pay for all costs of Temporary Improvements required by the Planning Commission or City Engineer and shall maintain same for the period specified. Prior to construction of any temporary facility or improvement, the Developer shall file with the City a separate suitable Guarantee, in accordance with the Land Management Code, for temporary facilities, which Guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

D. **DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS**.

1. The Planning Commission may recommend that the City Council defer or waive at the time of final approval, subject to appropriate conditions, the

3946 provision of any or all such improvements as, in its judgment, are not
3947 requisite in the interests of the public health, safety, and general welfare,
3948 or which are inappropriate because of inadequacy or lack of connecting
3949 facilities.

- 3950 2. Whenever it is deemed necessary by the Planning Commission to defer
3951 the construction of any improvement required herein because of
3952 incompatible Grades, future planning, inadequate or lack of connecting
3953 facilities, or for other reasons, the Applicant shall pay his share of the
3954 costs of the future improvements to the City government prior to the
3955 signing of the final Subdivision Plat, or the Applicant may post a
3956 Guarantee insuring completion of said improvements upon demand of the
3957 municipality.

3958 E. **INSPECTION OF IMPROVEMENTS.**

- 3959 1. **GENERAL PROCEDURE AND FEES.** The Planning Commission in
3960 consultation with or upon the advice of the City Engineer or Planning
3961 Director, shall provide for inspection of required improvements during
3962 construction and insure their satisfactory completion. The Applicant shall,
3963 in accordance with the City's fee resolution, pay to the City an inspection
3964 fee and the Subdivision Plat shall not be signed by the Chairman of the
3965 Planning Commission or Mayor unless such fee has been paid. These
3966 fees shall be due and payable upon demand of the City and no Building
3967 Permits or certificates of occupancy shall be issued until all fees are paid.
3968 If the City Engineer finds upon inspection that any of the required

improvements have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance Guarantee, the Applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the Developer shall first obtain a Notice to Proceed from the Planning Director or [his] designee.

F. **MAINTENANCE OF IMPROVEMENTS.**

1. The Applicant shall be required to maintain all improvements on the individual subdivided Lots and provide for snow removal on Streets and sidewalks until acceptance of said improvements by the City Council. If there are any certificates of occupancy on a Street not dedicated to the City, the City may on twelve (12) hours notice plow the Street or effect emergency repairs and charge same to Applicant. The City will not normally accept water improvements or Street improvements or assume responsibility for either general maintenance or snow removal until over fifty percent (50%) of the Lots within the Subdivision are built upon.

G. **COMPLETION OF IMPROVEMENTS.** Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other

3992 improvements, i.e: storm drainage, trails, sidewalk, curb, gutter, Street signs,
3993 water lines, etc., including Lot improvements on the individual Lots of the
3994 Subdivision as required, and as approved by the Planning Commission and the
3995 City Council, and to dedicate same to the local government, free and clear of all
3996 liens and encumbrances on the Property and public improvements thus
3997 dedicated.

3998 H. **CERTIFICATE OF SATISFACTORY COMPLETION**. Subject to maintenance
3999 provisions contained in Section 15-7.2-1(F), the City will not accept dedication of
4000 required improvements, or release or reduce a performance Guarantee, until the
4001 City Engineer has submitted a certificate stating that all required improvements
4002 have been satisfactorily completed and until the Applicant's engineer or surveyor
4003 has certified to the City Engineer, through submission of detailed "as-built"
4004 survey plats of the Subdivision, indicating location, dimensions, materials, and
4005 other information required by the Planning Commission and City Engineer, that
4006 the layout of the line and Grade of all public improvements is in accordance with
4007 the City approved construction plans for the Subdivision and that a commitment
4008 for a title policy or other acceptable evidence has been furnished to the City
4009 Attorney and City Engineer indicating that the improvements have been
4010 completed, are ready for dedication to the local government and are free and
4011 clear of any and all liens and encumbrances. Upon such approval and
4012 recommendation, the City Council shall thereafter accept the improvements for
4013 dedication in accordance with the established policy and procedure.

I. **FAILURE TO COMPLETE IMPROVEMENT.** For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the Planning Department may thereupon declare the Guarantee to be in default and require that all the improvements be installed.

HISTORY

Adopted by Ord. [01-17](#) on 5/17/2001

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-09](#) on 2/12/2009

Amended by Ord. [14-37](#) on 7/17/2014

. . . .

15-7.4-3 Final Subdivision Plat

A. **GENERAL.** The final Subdivision Plat shall be presented in India ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by the Planning Commission, as required by Section 15-7.4-1 Preliminary Plat. The Preliminary Plat may be used as the final Subdivision Plat if it meets these requirements and is revised in accordance with the Planning Commission's requirements. All revision dates must be shown as well as the following:

- 4036 1. Notation of any self-imposed restrictions, and locations of any Building
4037 lines proposed to be established in this manner, if required by the
4038 Planning Commission in accordance with these regulations.
- 4039 2. All monuments erected, corners, and other points established in the field
4040 in their proper places. The material of which the monuments, corners, or
4041 other points are made shall be noted at the representation thereof or by
4042 legend. The legend for metal monuments shall indicate the kind of metal,
4043 the diameter, length, and weight per lineal foot of the monuments.
- 4044 3. Form for endorsements by the Planning Commission chair, Mayor, City
4045 Recorder, City Engineer, City Attorney, Snyderville Basin Water
4046 Reclamation District and other entities as required by the City Engineer.
- 4047 B. **PREPARATION**. The final Subdivision Plat shall be prepared by a land surveyor
4048 licensed by the State of Utah. The surveyor shall certify that the survey of the
4049 Property described on the Plat is in accordance with Title 17, Chapter 23, Section
4050 17 of the Utah Code, [~~Annotated (1953, as amended)~~] as amended, and has
4051 verified all measurements and has placed monuments as represented on the
4052 Plat.

4053 HISTORY

4054 *Adopted by Ord. [01-17](#) on 5/17/2001*

4055 *Amended by Ord. [06-22](#) on 4/27/2006*

4056 *Amended by Ord. [11-05](#) on 1/27/2011*

4057

4058 **15-9-1 Purpose**

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in ~~[Chapter]~~ Section 15-15-1. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

. . . .

15-9-4 Abandonment Or Loss Of Non-Conforming Use

A. **ABANDONMENT OF NON-CONFORMING USE**. A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary Structure associated with the Non-Conforming Use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the Non-Conforming Use; or the primary Structure associated with the Non-Conforming Use remains vacant for a period of one (1) year.

Any party claiming that a Non-Conforming Use has been abandoned shall have the burden of establishing the abandonment.

Any subsequent Use of the Building, Structure, or land must conform to the regulations for the Zoning District in which it is located.

B. **REBUTTABLE PRESUMPTION OF ABANDONMENT**. The presumption of abandonment may be rebutted upon a showing that during such period:

1. any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the Use; or
2. the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the Use and the Owner has been maintaining the Building, Structure, or land in accordance with the ~~[Uniform Building Code]~~ International Building Code; or
3. the Owner can demonstrate no abandonment of the Use.

The Property Owner shall have the burden of establishing that any claimed abandonment has not in fact occurred.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

Amended by Ord. 06-35 on 6/8/2006

Amended by Ord. 15-35 on 10/12/2015

. . . .

15-10-1 Establishment Of Board

In order to avail the City of the powers provided in Chapter 9a of Title 10 of the Utah Code, as amended ~~[(1953, as amended)]~~, there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting

4107 alternate to vote when a regular member is absent. Members shall be appointed by the
4108 Mayor with the advice and consent of the City Council. The Council may fix per diem
4109 compensation for the members of the Board of Adjustment by resolution, based on
4110 necessary and reasonable expenses for meetings actually attended. All members of the
4111 Board of Adjustment shall reside within the City limits, and are deemed to have resigned
4112 if they move their residence from the City limits.

4113 HISTORY

4114 *Adopted by Ord. [01-17](#) on 5/17/2001*

4115

4116 **15-10-3 Powers And Duties**

4117 A. The Board of Adjustment shall hear and decide:

- 4118 1. Appeals ~~[from zoning decisions applying Title 15, Land Management~~
4119 ~~Code]~~ **pursuant to Section 15-1-18;**
- 4120 2. Variances from the terms of the Land Management Code.
- 4121 3. ~~[Appeals and call-ups of Final Action by the Planning Commission at the~~
4122 ~~request of the City Council for City Development applications.~~
- 4123 4. ~~Appeals of Final Action by the Planning Staff on Historic District Design~~
4124 ~~Review applications when the Historic Preservation Board takes part in~~
4125 ~~the review and Final Action.~~
- 4126 5. Appeals of Final Action by the Historic Preservation Board on
4127 ~~Determination of Significance applications.]~~

4128 B. The Board of Adjustment shall make determinations regarding the modification of
4129 Non-Conforming Uses and shall hear appeals on the determination of Non-

4130 Conforming or Non-Complying status by the Director of the Planning Department,
4131 as provided in ~~[Title 15, Chapter 9]~~ Chapter 15-9.

4132 HISTORY

4133 *Adopted by Ord. 01-17 on 5/17/2001*

4134 *Amended by Ord. 06-35 on 6/8/2006*

4135 *Amended by Ord. 10-11 on 4/1/2010*

4136 *Amended by Ord. 12-37 on 12/20/2012*

4137 *Amended by Ord. 15-35 on 10/12/2015*

4138

4139 **15-10-7 Appeals**

4140 ~~[Also see] See~~ Section 15-1-18. ~~[The Board shall hear and decide appeals from an~~
4141 ~~Applicant or any other Person or entity, including any officer or board of the City,~~
4142 ~~adversely affected by a final decision administering or interpreting the Land~~
4143 ~~Management Code which alleges that there is an error in any order, requirement,~~
4144 ~~decision or determination of the Land Management Code.~~

4145

4146 ~~The appeal must be made in writing and submitted to the Planning Department within~~
4147 ~~ten (10) days of the decision. The Board may, in conformity with the provisions of the~~
4148 ~~Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision~~
4149 ~~or determination appealed from and may make such order, requirement, decision, or~~
4150 ~~determination as ought to be made, and to that end shall have all the powers of the~~
4151 ~~administrative official, board, or commission from whom the appeal is taken. The~~
4152 ~~Person or entity making the appeal has the burden of proving that an error has been~~
4153 ~~made.~~

4154
4155 ~~A Person may not appeal, and the Board of Adjustment may not consider, any~~
4156 ~~amendments to the Land Management Code, or appeals of Conditional Use permits or~~
4157 ~~Master Planned Developments, which shall be appealed to the City Council, unless~~
4158 ~~specifically requested by the City Council for City Development. Appeals may not be~~
4159 ~~used to waive or modify the terms or requirements of the Land Management Code.~~

4160
4161 ~~The Board of Adjustment shall review factual matters de novo and it shall determine the~~
4162 ~~correctness of the decision of the land use authority. The scope of review of the Board~~
4163 ~~of Adjustment is limited to issues brought to the land use authority. Appeals shall be~~
4164 ~~heard by the Board of Adjustment within forty-five (45) days of the date that the~~
4165 ~~appellant files an appeal unless all parties, including the City, stipulate otherwise.]~~

4166 HISTORY

4167 *Adopted by Ord. [01-17](#) on 5/17/2001*

4168 *Amended by Ord. [06-35](#) on 6/8/2006*

4169 *Amended by Ord. [09-10](#) on 3/5/2009*

4170 *Amended by Ord. [10-11](#) on 4/1/2010*

4171 *Amended by Ord. [15-35](#) on 10/12/2015*

4172

4173 **15-10-8 Variance**

4174 A. Any Person or entity desiring a waiver or modification of the requirements of the
4175 Land Management Code as applied to a Parcel or Property that [he/she] a
4176 person or entity owns, leases, or in which he/she holds some other beneficial

4177 interest may apply to the Board of Adjustment for a variance from the terms of
4178 the Land Management Code.

4179 B. An Application for variance review must be filed with the Planning Department,
4180 and the required fee paid in advance. The Application shall state the nature of
4181 the hardship and the nature of the variance requested. If the request for a
4182 variance is a result of a denial of any Building Permit or Conditional Use
4183 approval, the Application shall so state, and all documents on file concerning the
4184 matter shall be forwarded to the Board for review as a part of the request. The
4185 Applicant or the City may present any information as might be reasonably
4186 required by the Board in evaluating the request.

4187 C. Variances shall be granted only if all of the following conditions are found to exist:

- 4188 1. Literal enforcement of the Land Management Code would cause an
4189 unreasonable hardship for the Applicant that is not necessary to carry out
4190 the general purpose of the Land Management Code;
- 4191 2. There are special circumstances attached to the Property that do not
4192 generally apply to other Properties in the same zone;
- 4193 3. Granting the variance is essential to the enjoyment of a substantial
4194 Property right possessed by other Property in the same zone;
- 4195 4. The variance will not substantially affect the General Plan and will not be
4196 contrary to the public interest; and
- 4197 5. The spirit of the Land Management Code is observed and substantial
4198 justice done.

4199 D.

4200 1. In determining whether or not enforcement of the zoning ordinance would
4201 cause unreasonable hardship under Subsection ~~[15-10-9(C)(1)]~~ 15-10-
4202 8(C)(1), the Board of Adjustment may not find an unreasonable hardship
4203 unless the alleged hardship is located on or associated with the Property
4204 for which the variance is sought and comes from circumstances peculiar
4205 to the Property, not from conditions that are general to the neighborhood.

4206 2. In determining whether or not enforcement of the Land Management Code
4207 would cause unreasonable hardship under Subsection ~~[15-10-9(C)(1)]~~ 15-
4208 10-8(C)(1), the Board of Adjustment may not find an unreasonable
4209 hardship if the hardship is self-imposed or economic.

4210 E. In determining whether or not there are special circumstances attached to the
4211 Property under Subsection ~~[15-10-9(C)(2)]~~ 15-10-8(C)(2), the Board of
4212 Adjustment may find that special circumstances exist only if the special
4213 circumstances relate to the hardship complained of and deprive the Property of
4214 privileges granted other Properties in the same zone.

4215

4216 The Applicant shall bear the burden of proving that all of the conditions justifying
4217 a variance have been met.

4218 F. Variances run with the land.

4219 G. The Board of Adjustment and any other body may not grant a Use variance.

4220 H. In granting a variance, the Board of Adjustment may impose additional
4221 requirements on the Applicant that will:

4222 1. mitigate any harmful affects of the variance; or

4223 2. serve the purpose of the standard or requirement that is waived or
4224 modified.

4225 HISTORY

4226 *Adopted by Ord. [01-17](#) on 5/17/2001*

4227 *Amended by Ord. [06-35](#) on 6/8/2006*

4228 *Amended by Ord. [12-37](#) on 12/20/2012*

4229 *Amended by Ord. [15-35](#) on 10/12/2015*

4230

4231 **15-10-9 Persons Entitled To Appear**

4232 At the hearing on any matter before the Board of Adjustment, any Person aggrieved or
4233 interested in the matter may appear in person or through ~~his~~ **their** attorney to testify on
4234 the matter. The Applicant shall have the right to respond to testimony offered in
4235 opposition to the Application.

4236 HISTORY

4237 *Adopted by Ord. [01-17](#) on 5/17/2001*

4238

4239 **15-11-1 Establishment Of Board**

4240 ~~[Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953,~~
4241 ~~and other applicable power, there]~~ **There** is hereby created a Park City Historic
4242 Preservation Board (HPB). The HPB shall be composed of seven (7) members.

4243 HISTORY

4244 *Adopted by Ord. [02-07](#) on 5/23/2002*

4245 Amended by Ord. [03-34](#) on 7/10/2003

4246 Amended by Ord. [06-69](#) on 10/19/2006

4247

4248 **15-11-5 Purposes**

4249 The purposes of the HPB are:

- 4250 A. To preserve the City's unique Historic character and to encourage compatible
4251 design and construction through the creation, and periodic update of
4252 comprehensive ~~[Design Guidelines for Park City's Historic Districts and Historic~~
4253 ~~Sites]~~ Design Guidelines For Historic Districts And Historic Sites, Chapter 15-13;
- 4254 B. To identify as early as possible and resolve conflicts between the preservation of
4255 cultural resources and alternative land Uses;
- 4256 C. To provide input to staff, the Planning Commission and City Council towards
4257 safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or
4258 Structures;
- 4259 D. To recommend to the Planning Commission and City Council ordinances that
4260 may encourage Historic preservation;
- 4261 E. To communicate the benefits of Historic preservation for the education,
4262 prosperity, and general welfare of residents, visitors and tourists;
- 4263 F. To recommend to the City Council Development of incentive programs, either
4264 public or private, to encourage the preservation of the City's Historic resources;
- 4265 G. To administer all City-sponsored preservation incentive programs;
- 4266 H. To review and take action on all designation of Sites to the Historic Sites
4267 Inventory Applications submitted to the City; and

4268 I. To review and take action on material deconstruction applications for those Sites
4269 listed on the Historic Sites Inventory.

4270 HISTORY

4271 *Adopted by Ord. [02-07](#) on 5/23/2002*

4272 *Amended by Ord. [03-34](#) on 7/10/2003*

4273 *Amended by Ord. [09-23](#) on 7/9/2009*

4274 *Amended by Ord. [15-53](#) on 12/17/2015*

4275 *Amended by Ord. [16-15](#) on 3/24/2016*

4276 *Amended by Ord. [2016-44](#) on 9/15/2016*

4277

4278 **15-11-6 Additional Duties**

4279 In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of
4280 the City Council:

4281 A. Participate in the design review of any City-owned projects located within the
4282 designated Historic District or are structures on the Historic Sites Inventory.

4283 B. Recommend to the City Council the purchase of interests in Property for
4284 purposes of preserving the City's cultural resources.

4285 C. Recommend to the Planning Commission and the City Council zoning boundary
4286 changes for the district to preserve the historical integrity of the Area.

4287 Subdivision, Conditional Uses, and ~~[planned-unit]~~ Master Planned Development
4288 Applications must continue to be acted upon by the Planning Commission.

4289 D. Provide advice and guidance on request of the Property Owner or occupant on
4290 the construction, restoration, alteration, decoration, landscaping, or maintenance

4291 of any cultural resource, Historic Site, and Property within the Historic District, or
4292 neighboring Property which are structures on the Historic Sites Inventory or
4293 are within a two (2) block radius of the Historic District.

4294 HISTORY

4295 *Adopted by Ord. [02-07](#) on 5/23/2002*

4296 *Amended by Ord. [03-34](#) on 7/10/2003*

4297 *Amended by Ord. [09-23](#) on 7/9/2009*

4298 *Amended by Ord. [16-15](#) on 3/24/2016*

4299

4300 **15-11-11 Design Guidelines For ~~[Park City's]~~ Historic Districts And Historic Sites**

4301 The HPB shall promulgate and update as necessary the Design Guidelines for Historic
4302 Districts and Historic Sites, Chapter 15-13. ~~[for Use in the Historic District zones and for~~
4303 ~~Historic Sites. These guidelines shall, upon adoption by resolution of the City Council,~~
4304 Planning Department staff shall review Historic District Design Review Applications for
4305 properties within the Historic Districts and Landmark and Significant Historic Sites
4306 designated on the Park City Historic Sites Inventory pursuant to the Design Guidelines
4307 for Historic Districts and Historic Sites, Chapter 15-13. ~~[be used by the Planning~~
4308 ~~Department staff in reviewing Historic District/Site design review Applications.]~~ The
4309 Design Guidelines for ~~[Park City's]~~ Historic Districts and Historic Sites ~~[shall]~~ address
4310 rehabilitation of existing Structures, additions to existing Structures, and the
4311 construction of new Structures. ~~[The Design Guidelines are incorporated into this Code~~
4312 ~~as Chapter 15-13.]~~ From time to time, the HPB may recommend changes ~~[in]~~ to the
4313 Design Guidelines for ~~[Park City's]~~ Historic Districts and Historic Sites to the Planning

4314 Commission and Council, provided that no changes in the guidelines shall take effect
4315 until adopted by an ordinance of the City Council.

4316 HISTORY

4317 *Adopted by Ord. [02-07](#) on 5/23/2002*

4318 *Amended by Ord. [03-34](#) on 7/10/2003*

4319 *Amended by Ord. [09-23](#) on 7/9/2009*

4320 *Amended by Ord. [2017-42](#) on 8/3/2017*

4321

4322 **15-11-12 Historic District Or Historic Site Design Review**

4323 The Planning Department shall review and approve, approve with conditions, or deny,
4324 all Historic District/Site design review Applications involving an Allowed Use, a
4325 Conditional Use, or any Use associated with a Building Permit, to build, locate,
4326 construct, remodel, alter, or modify any Building, accessory Building, or Structure, or
4327 Site located within the Park City Historic Districts or Historic Sites, including fences and
4328 driveways.

4329

4330 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
4331 Department shall review the proposed plans for compliance with Architectural Review
4332 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for
4333 Historic Districts and Historic Sites Chapter 15-13, ~~LMC Chapter 15-11, and LMC~~
4334 ~~Chapter 15-5~~. Whenever a conflict exists between the LMC and the Design Guidelines
4335 for Historic Districts and Historic Sites, the more restrictive provision shall apply to the
4336 extent allowed by law.

4337 A. PRE-APPLICATION CONFERENCE.

- 4338 1. It is strongly recommended that the Owner and/or Owner's representative
4339 attend a pre-Application conference with representatives of the Planning
4340 and Building Departments for the purpose of determining the general
4341 scope of the proposed Development, identifying potential impacts of the
4342 Development that may require mitigation, providing information on City-
4343 sponsored incentives that may be available to the Applicant, and outlining
4344 the Application requirements.
- 4345 2. Each Application shall comply with all of the Design Guidelines for Historic
4346 Districts and Historic Sites unless the Planning Department determines
4347 that, because of the scope of the proposed Development, certain
4348 guidelines are not applicable. If the Planning Department determines
4349 certain guidelines do not apply to an Application, the Planning Department
4350 staff shall communicate, via electronic or written means, the information to
4351 the Applicant. It is the responsibility of the Applicant to understand the
4352 requirements of the Application.
- 4353 3. The Planning Director~~[.]~~ or ~~[his]~~ designee~~[.]~~ may upon review of a Pre-
4354 Application submittal, determine that due to the limited scope of a project
4355 the Historic District or Historic Site Design Review process as outlined in
4356 ~~[LMC Sections]~~ Section 15-11-12~~[(B-E)]~~ and Historic Preservation Board
4357 Review For Material Deconstruction as outlined in ~~[LMC Sections]~~ Section
4358 15-11-12.5 are not required and is exempt.
- 4359

4360 If such a determination is made, the Planning Director^[7] or ~~his~~ designee
4361 may, upon reviewing the Pre-Application for compliance with applicable
4362 Design Guidelines for Historic Districts and Historic Sites, approve, deny,
4363 or approve with conditions, the project. If approved, the Applicant may
4364 submit the project for a Building Permit.

4365
4366 Applications that may be exempt from the Historic Design Review
4367 process, include, but are not limited to the following:

- 4368 a. For Non-Historic Structures and Sites - minor routine maintenance,
4369 minor routine construction work and minor alterations having little or
4370 no negative impact on the historic character of the surrounding
4371 neighborhood or the Historic District, such as work on roofing,
4372 decks, railings, stairs, hot tubs and patios, foundations, windows,
4373 doors, trim , lighting, mechanical equipment, paths, driveways,
4374 retaining walls, fences, landscaping, interior remodels, temporary
4375 improvements, and similar work.
- 4376 b. For Significant Historic Structures and Sites - minor routine
4377 maintenance, minor routine construction work and minor alterations
4378 having little or no negative impact on the historic character of the
4379 surrounding neighborhood, the Historic Structure or the Historic
4380 District, such as work on roofing, decks, railings, stairs, hot tubs
4381 and patios, replacement of windows and doors in existing or to
4382 historic locations, trim, lighting, mechanical equipment located in a

4383 rear yard area or rear façade, paths, driveways, repair of existing
4384 retaining walls, fences, landscaping, interior remodels, temporary
4385 improvements, and similar work.

4386 c. For Landmark Historic Structures and Sites - minor routine
4387 maintenance and minor routine construction having no negative
4388 impact on the historic character of the surrounding neighborhood,
4389 the Historic Structure, or the Historic District, such as re-roofing;
4390 repair of existing decks, railing, and stairs; hot tubs and patios
4391 located in a rear yard; replacement of existing windows and doors
4392 in existing or historic locations; repair of existing trim and other
4393 historic detailing; lighting, mechanical equipment located in a rear
4394 yard area or rear façade, repair of paths, driveways, and existing
4395 retaining walls; fences, landscaping, interior remodels, temporary
4396 improvements, and similar work.

4397 d. For Significant and Landmark Historic Structures and Sites, the
4398 Planning Director may determine that the proposed work is
4399 Emergency Repair Work having little or no negative impact on the
4400 historic character of the surrounding neighborhood or the Historic
4401 District.

4402 B. **COMPLETE APPLICATION**. The Owner and/or Applicant for any Property shall
4403 be required to submit a Historic District/Site design review Application for
4404 proposed work requiring a Building Permit in order to complete the work.

C. **NOTICE**. Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 ~~[of this Code]~~.

D. **PUBLIC HEARING AND DECISION**. Following the fourteen (14) day public notice period noted in Section 15-1-21 ~~[of this Code]~~ the Planning Department staff shall hold a public hearing and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

1. Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for ~~[Park City's]~~ Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines for Historic Districts and Historic Sites, the Application shall be denied.

2. With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in Section 15-11-10(A)(1).

3. An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the

4428 Significant Site no longer meeting the criteria set forth in [Section](#) 15-11-
4429 10(A)(2).

4430 E. **EXTENSIONS OF APPROVALS**. Unless otherwise indicated, Historic District
4431 Design Review (HDDR) approvals expire one (1) year from the date of the Final
4432 Action. The Planning Director^[7] or designee^[7] may grant an extension of an
4433 HDDR approval for one (1) additional year when the Applicant is able to
4434 demonstrate no change in circumstance that would result in an unmitigated
4435 impact or that would result in a finding of non-compliance with the Park City
4436 General Plan or the Land Management Code in effect at the time of the
4437 extension request. Change of circumstance includes physical changes to the
4438 Property or surroundings. Notice shall be provided consistent with the original
4439 HDDR approval per [Section](#)s 15-1-12 [and 15-1-21](#). Extension requests must be
4440 submitted to the Planning Department in writing prior to the date of the expiration
4441 of the HDDR approval.

4442 HISTORY

4443 *Adopted by Ord. [02-07](#) on 5/23/2002*

4444 *Amended by Ord. [03-34](#) on 7/10/2003*

4445 *Amended by Ord. [09-23](#) on 7/9/2009*

4446 *Amended by Ord. [10-11](#) on 4/1/2010*

4447 *Amended by Ord. [11-05](#) on 1/27/2011*

4448 *Amended by Ord. [12-37](#) on 12/20/2012*

4449 *Amended by Ord. [15-53](#) on 12/17/2015*

4450 *Amended by Ord. [16-15](#) on 3/24/2016*

4451

4452 **15-11-12.5 Historic Preservation Board Review For Material Deconstruction**

4453 A. All Applications for Material Deconstruction involving any Building(s) (main,
4454 attached, detached, or public, Accessory Buildings and/or Structures designated
4455 to the Historic Sites Inventory as Landmark or Significant shall be subject to
4456 review and approval, approval with conditions, or denied by the following Review
4457 Authorities:

4458 1. The Planning Director or [his/her] designee shall review the following:

4459 a. Routine Maintenance, including, but not limited to:

4460 (1) Re-Roof;

4461 (2) Chimney repair;

4462 (3) Foundation repair; or

4463 (4) Replacement or repair of the following:

4464 (A) Historic wood features;

4465 (B) Door or Window replacement; and

4466 (C) Historic Site Features.

4467 b. Removing or Replacing Non-Historic Features.

4468 2. The Historic Preservation Board shall review the following:

4469 a. Removal of Historic Material to Accommodate New additions, New
4470 Construction, or Structural Upgrades.

4471 Prior to issuance of a Building Permit for any Material

4472 Deconstruction work, the Review Authority shall review the

4473 proposed plans for compliance with [the Land Management Code]

4474 Chapter 15-13 Design Guidelines For Historic Districts and Historic
4475 Sites.

4476 B. Material Deconstruction Reviews are subject to the following review process:

- 4477 1. **COMPLETE APPLICATION**. The Owner and/or Applicant for any
4478 Property shall be required to submit a Historic Preservation Board Review
4479 For Material Deconstruction for proposed work requiring a Building Permit
4480 in order to complete the work.
- 4481 2. **NOTICE**. Upon receipt of a Complete Application, but prior to taking action
4482 on any Historic Preservation Board Review for Material Deconstruction
4483 application, the Planning staff shall provide notice pursuant to Section 15-
4484 1-12 and 15-1-21 ~~[of this Code]~~.
- 4485 3. **PUBLIC HEARING AND DECISION**. Following the fourteen (14) day
4486 public notice period noted in Section 15-1-21 ~~[of this Code]~~, the Historic
4487 Preservation Board and/or the Planning Director or ~~[his/her]~~ designee shall
4488 hold a public hearing and make written findings, conclusions of law, and
4489 conditions of approval or reasons for denial, supporting the decision sand
4490 shall provide the Owner and/or Applicant with a copy.

4491 HISTORY

4492 *Adopted by Ord. [02-07](#) on 5/23/2002*

4493 *Amended by Ord. [03-34](#) on 7/10/2003*

4494 *Amended by Ord. [15-53](#) on 12/17/2015*

4495 *Amended by Ord. [16-15](#) on 3/24/2016*

4496 *Amended by Ord. [2020-14](#) on 2/27/2020*

4497

4498 **15-12-5 Authority**

4499 The Planning Commission shall have all necessary authority conferred on Planning
4500 Commissions pursuant to Chapter 9a of Title 10, Utah Code ~~[Annotated, 1953]~~, as
4501 amended, and such other powers as are conferred on it by the City Council.

4502 HISTORY

4503 *Adopted by Ord. [01-17](#) on 5/17/2001*

4504

4505 **15-12-15 Review By Planning Commission**

4506 A. General planning and review of specific Development projects by the Planning
4507 Commission shall be divided into the following functions:

- 4508 1. City General Plan and General Plan amendments review and
4509 recommendation to City Council;
- 4510 2. Annexation and zoning review with recommendation to City Council;
- 4511 3. Land Management Code and re-zoning review with recommendation to
4512 City Council;
- 4513 4. Subdivision approval with recommendation to City Council;
- 4514 5. ~~[Large-scale]~~ Master Planned Development and Affordable Master
4515 Planned Development approval;
- 4516 6. Conditional Use permit ratification of findings of fact, conclusions of law
4517 and conditions of approval, if applicable;
- 4518 7. Consent agenda items;
- 4519 8. Review of appeals of Planning Director [] Final Action [] on land use
4520 applications;

- 4521 9. Subdivision and Condominium plat and plat amendment review with
4522 recommendation to City Council;
4523 10. Sensitive Lands review; and
4524 11. Extension of Conditional Use permit and Master Planned Development
4525 approvals.

4526 B. The scope of review for each of these functions is as follows:

- 4527 1. **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have
4528 the primary responsibility to initiate and update the City General Plan,
4529 including planning for adequate Streets and utilities, parks, trails,
4530 recreation facilities, housing, and open space. The Commission shall
4531 consider long-range zoning and land use objectives, protection of
4532 Sensitive Lands, and shall conduct periodic review of existing plans to
4533 keep them current.
- 4534 2. **ANNEXATION REVIEW.** The Commission shall review all annexation
4535 requests according to the Utah State Code regarding annexations,
4536 including Section 10-2-401.5, regarding adoption of an annexation policy
4537 plan, and shall make a recommendation to City Council for action. The
4538 Commission shall recommend zoning on land to be annexed.
- 4539 3. **LAND MANAGEMENT CODE AND REZONING REVIEW.** The
4540 Commission shall initiate or recommend zone changes and review the
4541 Land Management Code Development standards within zones. The
4542 Commission shall hear all requests for zone changes and forward a
4543 recommendation to City Council for action. The Commission shall have

the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

4. **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

5. **[LARGE SCALE] MASTER PLANNED DEVELOPMENT AND AFFORDABLE MASTER PLANNED DEVELOPMENT APPROVAL.** ~~[All] The Planning Commission shall review~~ proposals for ~~[large scale] Master Planned Development pursuant to Chapter 15-6 and Affordable Master Planned Development pursuant to Chapter 15-6.1~~ ~~[approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.]~~

6. **RATIFICATION OF CONDITIONAL USE PERMITS.** The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions

of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

7. **CONSENT AGENDA ITEMS.** The following items may be placed on the consent agenda, if the Application is uncontested, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

1. Conditional Use permits, including Steep Slope Conditional Use permits;
2. Plat and plat amendment approvals;
3. Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals~~(-)~~;
4. Other items of a perfunctory nature, which the Chair directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Applicant requests the item be continued in order to prepare additional information to respond to the Commissions concerns.

4589 8. REVIEW OF APPEALS OF THE PLANNING STAFF'S

4590 ~~[INTERPRETATION]~~ **FINAL ACTION** ON A LAND USE

4591 ~~[APPLICATIONS]~~ **APPLICATION**. ~~[The Owner, Applicant, or any non-~~

4592 Owner with standing as defined in Section 15-1-18(D) of this Code may

4593 request that Planning Staff Final Action on a project be reviewed by the

4594 Planning Commission. ~~The standard of review by the Planning~~

4595 Commission shall be the same as the scope of review at the Staff level.

4596 ~~Appeal process shall be in accordance with Section 15-1-18. Appeals~~

4597 ~~shall be heard by the Planning Commission within forty-five (45) days of~~

4598 ~~the date that the appellant files an appeal unless all parties, including the~~

4599 ~~City, stipulate otherwise.]~~ **See Section 15-1-18.**

4600 9. SUBDIVISION AND CONDOMINIUM PLAT AND PLAT AMENDMENT

4601 **REVIEW.** The Commission shall review all plats affecting land within the

4602 City limits or annexations to the City, according to Section 15-7. The

4603 scope of review on plat approval is limited to finding substantial

4604 compliance with the provisions of the state statute on recording of plats,

4605 and that all previously imposed conditions of approval, whether imposed

4606 by the Staff or the Commission have been satisfied.

4607
4608 Upon finding that the plat is in compliance with the state statute, and that

4609 conditions of approval have been satisfied, the plat must be approved.

4610 The City Engineer, City Attorney, City Recorder, City Council, and Mayor

4611 shall all review the plat as required by statute before recording. Plats may
4612 be approved on the consent agenda.

4613 **10. SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive
4614 Lands Area Overlay Zone is subject to additional requirements and
4615 regulations as outlined in ~~[the Sensitive Area Overlay Zone Regulations,~~
4616 ~~Section]~~ Chapter 15-2.21.

4617 **11. EXTENSION OF CUP AND MPD APPROVAL.** See extension of
4618 Conditional Use Permit, Section 15-1-10(G) and MPD Section 15-6-4(H),
4619 Length of Approval.

4620 HISTORY

4621 *Adopted by Ord. [01-17](#) on 5/17/2001*

4622 *Amended by Ord. [06-35](#) on 6/8/2006*

4623 *Amended by Ord. [09-10](#) on 3/5/2009*

4624 *Amended by Ord. [10-11](#) on 4/1/2010*

4625 *Amended by Ord. [11-05](#) on 1/27/2011*

4626 *Amended by Ord. [2018-24](#) on 5/31/2018*

4627

4628 **15-15-1 Definitions**

4629

4630 **CONSERVATION EASEMENT.** An easement, covenant, restriction, or condition in a
4631 deed, will, or other instrument signed by or on behalf of the record owner of the
4632 underlying real property for the purpose of preserving and maintaining land or water
4633 areas predominantly in a natural state, scenic, or open condition, or for recreational,
4634 agricultural, cultural, wildlife habitat, or other use or condition consistent with the
4635 protection of open land. Conservation easement(s) granted from the Transfer of

4636 Development Rights Ordinance shall be subject to The Land Conservation Easement
4637 Act, Section 57-18-1 (et seq.), Utah Code [Annotated], [1953] as amended.

4638

4639 **FOOD TRUCK.**

4640 "Food Truck" means:

4641 a. a fully encased food service establishment:

4642 i. on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
4643 and

4644 ii. from which a food truck vendor, standing within the frame of the vehicle,
4645 prepares, cooks, sells, or serves food or beverages for immediate human
4646 consumption; and

4647 iii. does not include the sale of any products other than food and beverages
4648 for human consumption.

4649 b. a food cart; or

4650 c. an ice cream truck. [~~"Food truck" does not include a food cart or an ice cream~~
4651 ~~truck.~~]

4652 d. "Food cart" means a cart:

4653 i. that is not motorized; and

4654 ii. that a vendor, standing outside the frame of the cart, uses to prepare, sell,
4655 or serve food or beverages for immediate human consumption.

4656 e. "Ice cream truck" means a fully encased food service establishment:

4657 i. on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

- 4658 ii. from which a vendor, from within the frame of the vehicle, serves ice
4659 cream;
- 4660 iii. that attracts patrons by traveling through a residential area and signaling
4661 the truck's presence in the area, including by playing music; and
- 4662 iv. that may stop to serve ice cream at the signal of a patron.
- 4663