



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
December 17, 2015**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 17, 2015.

CLOSED SESSION

2:30 pm To Discuss Property, Personnel and Litigation

WORK SESSION

3:00 pm Council Questions and Comments and Manager's Report

3:15 pm – Park City Heights Annual Check In

3:45 pm – 2015 Monthly Energy Update: Road Map

4:15 pm – Consideration of the Preliminary Design Concept for the Main Street Plaza (Brew Pub)

5:15 pm – Review and Consider Possible Amendments to the Animal Control Ordinance

REGULAR MEETING

6:00 PM

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Manager's Report: Community Solar II Update
2. Manager's Report: Park City Transit 2015-2016 Winter Season Service Enhancements
3. Manager's Report: Sister City - Courchevel - Winter 2016 Update

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

IV. CONSIDERATION OF MINUTES

1. Consideration of a Request to Approve the City Council Meeting Minutes from November 19, 2015
2. Consideration of a Request to Approve the City Council Meeting Minutes from December 3, 2015

V. CONSENT AGENDA

1. Approve Local Consent for Special Event Temporary Alcoholic Beverage Licenses During the 2016 Sundance Film Festival

Slamdance (1/22-1/26)	255 Main Street
Slamdance (1/27-1/28)	255 Main Street
Church & State Spirits-Airbnb (MFL) (1/21-1/25)	596 Main Street
Church & State Spirits-Airbnb (MFL) (1/25-1/30)	596 Main Street
Blended Table	638 Main Street
Precious Entertainment (1/22-1/26)	780 Main Street #D & E
Precious Entertainment (1/27-1/30)	780 Main Street #D & E
Precious Entertainment (1/22-1/26)	738 Main Street
Precious Entertainment (1/27-1/30)	738 Main Street
Old Town Cellars (1/21-1/25)	890 Main Street
Old Town Cellars (1/25-1/30)	890 Main Street
Luxe Marketing, LLC (1/21-1/25)	314 Main Street
Penske Business Media, LLC (1/23-1/26)	625 Main Street
Park City Film Studios Development Co (1/23-1/27)	4001 Kearns Boulevard
Raiser, LLC (1/20-1/25)-UBER Rider Lounge	626 Swede
Raiser, LLC (1/25-1/29)-UBER Rider Lounge	626 Swede
Raiser, LLC (1/29-1/31)-UBER Rider Lounge	626 Swede

2. Council Approval of Type 2 Convention Sales Licenses

Slamdance	255 Main Street
Wasatch Brew Pub	250 Main Street
Broadway Media, LLC	250 Main Street
Precious Entertainment	780 Main Street
Earth Day Network	780 Main Street
Toyota Motor Sales	780 Main Street
Members Only	780 Main Street
Precious Entertainment	738 Main Street
Old Town Cellars	890 Main Street
Luxe Marketing, LLC	314 Main Street
David Beavis Gallery	314 Main Street
Variety Media LLC	625 Main Street
Riverhorse Partners LLC	540 Main Street

3. Authorize the City Manager to execute a Lease Equipment Agreement, in a form approved by the City Attorney, with Intuitech, Inc., for Judge and Spiro Tunnels Mining-Influenced-Water Treatment Evaluation Phase IB-2 pilot-scale testing equipment in an amount not to exceed \$93,600.

VI. NEW BUSINESS

1. Consideration of Ordinance 15-53, an Ordinance Amending the Land Management Code Section 15, Modifications to 15-1-8, Appeal Process in 15-1-18, the Notice Matrix, as outlined in LMC Chapter 15-1-21, as well as the Purposes of the Historic Preservation Board (HPB), Park City Historic Sites Inventory, Relocation and/or Reorientation of a Historic Building or Historic Structure, Disassembly and Reassembly of a Historic Building or Historic Structure, Reconstruction of an Existing Historic Building or Historic Structure and Adding a Material Deconstruction Review Process as Outlined in LMC Chapter 15-11 and Definitions in Chapter 15-15

VII. ADJOURNMENT

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

See: www.parkcity.org



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

As a condition of the approval of the Park City Heights Affordable Housing mitigation plan on July 17, 2014, Ivory Homes has agreed to provide an update in December of each year. This is the annual update on the progress made in construction of the deed restricted units.

Respectfully:

Rhoda Stauffer, Housing Specialist



City Council Staff Report

Author: Rhoda J. Stauffer, Affordable Housing Specialist
Subject: Progress Briefing on Park City Heights
Date: December 17, 2015
Type of Item: Informational

SUMMARY RECOMMENDATION: Staff recommends that City Council review a program update provided by Ivory Homes on the Park City Heights development.

EXECUTIVE SUMMARY: As a condition of the approval of the Park City Heights Affordable Housing mitigation plan on July 17, 2014, Ivory Homes has agreed to provide an update in December of each year. This is the annual update on the progress made in construction of the deed restricted units.

BACKGROUND: The Park City Heights Master Planned Development is approved for 239 residential units of which 79 will be deed restricted for affordability. The affordable units fall into three categories as follows:

Transferred IHC Units: There are 28 transferred IHC Units [44.78 Affordable Unit Equivalents (AUEs)] that are in fulfillment of the affordable housing obligation associated with IHC/Burbs Annexation.

Park City Heights CT Zone: The MPD is within a CT Zone that triggers an affordable unit requirement of 20% of residential units. This comes to 16 Units (32 AUE's) and these units also fall under Housing Resolution 17-99.

Additional City Affordable/Attainable: One of the expressed public purposes for the City's participation in this development and the reason the City continues to hold a Trust Deed on the property is to ensure that additional affordable housing is built. The Applicant will build an additional 35 units as a result of the City's involvement. These units fall under Housing Resolution 20-07.

Disclosure

The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an "applicant" and doesn't have any current ownership in the property.

Approved Employee/Affordable Housing Mitigation Plan

The Applicant submitted an Affordable Housing Mitigation Plan that was approved by Council on July 17, 2014 with details as follow (Draft minutes are included as Exhibit B):

- Priority for sale of up to 28 units will be given to IHC employees.
- Price range will be from \$240,000 for smaller units to a maximum of \$400,000 for the largest units.
- Deed Restrictions include an annual appreciation cap of 3%.

- Owners shall not own other improved property and are required to occupy the Park City Heights home as their primary residence (live there 9 months out of any 12 month period).
- Construction will be completed in phases with 86% of the affordable units completed in Phase I.
- Units will be primarily two and three bedroom in size with a small number of four-bedroom homes.
- Units will include 28 townhomes and 61 detached single-family homes.
- Capital improvements of no more than 7% of the original sale price can be added to the maximum resale value.
- Ivory Homes will provide an annual update to City Council in December of each year during construction.

ANALYSIS:

Since the approval of the housing mitigation plan in July of 2014, Ivory Homes began construction on Phase I of the project. Currently, the first townhome building (four homes) is under construction as well as four detached Park Homes.

Ivory Homes has provided projections for completion of the units currently under construction. Please see the email attached as Exhibit A. Based on these projections, the first detached homes will be completed in January followed by townhomes in February. Also in accordance with these projections, we will settle into a steady supply of new homes for sale in March and the following months.

In addition, a master Deed Restriction document was approved for all the affordable units in Phase I – 68 total units. As homes are completed and pricing established, an amendment to the master deed restriction will be recorded against each individual unit. The recorded Master Deed Restriction is attached as Exhibit D.

Staff is requesting City Council feedback on Ivory Homes' annual report and status update.

DEPARTMENT REVIEW

Sustainability, Legal and the City Manager reviewed this report.

RECOMMENDATION

Staff recommends that City Council review a program update provided by Ivory Homes on the Park City Heights development.

Attachments:

- Exhibit A: Ivory Homes construction schedule projections
- Exhibit B: Minutes from Housing Authority Meeting, July 17, 2014 (draft).
- Exhibit C: Staff Report from Housing Authority Meeting of July 17, 2014.
- Exhibit D: Master Deed Restriction recorded on February 2, 2015.

Exhibit A

From: Troy Goff
Sent: Tuesday, November 10, 2015 5:09 PM
To: 'Phyllis Robinson'; 'Rhoda Stauffer'
Cc: Chris Gamvroulas; John Cahoon
Subject: Affordable Housing Phasing Plan

Hi Phyllis and Rhoda,

I hope you are both doing well. Per your request, please see the plans attached for the 4 townhomes and 6 single family homes that we have under construction. I will email you the second townhome building plans that we have just submitted the plans to the city for permits (T9-12) in a separate email. Additionally I have provided our best estimates on when the Super thinks the homes might be ready, along with the square footages and bedroom counts for easy reference.

Park Home Town Homes

UNIT NUMBER	BLDG #	Plan		Finished SQ. FT	Unfinished SQ. FT	Total SQ. FT	# OF BED	Estimated Completion
T25	7	Vancouver		1267	447	1714	3	February 2016
T26	7	Bellevue		1133	447	1580	2	February 2016
T27	7	Bellevue		1448	132	1580	3	February 2016
T28	7	Olympia		1389	528	1917	3	February 2016
T9	2	Bellevue		1448	132	1580	3	May/June 2016
T10	2	Olympia		1389	528	1917	3	May/June 2016
T11	2	Vancouver		1267	447	1714	3	May/June 2016
T12	2	Bellevue		1133	447	1580	2	May/June 2016

Single Family Park Homes

Lot	Floorplan		Finished SQ FT	Unfinished SQ FT	Total SQ. FT	# OF BED	Estimated Completion
1	Paramount (Mountain)		1911	1352	3263	3	Late Jan. 2016
2	Piedmont (Mountain)		1737	933	2670	3	Feb/Mar 2016
3	Palisades (Mountain)		2096	870	2966	3	Feb/Mar 2016
10	Paramount (Mountain)		1911	1352	3263	3	Late Jan. 2016
11	Piedmont (Mountain)		1737	933	2670	3	Mar/Apr 2016
12	Palisades (Mountain)		2096	870	2966	3	Mar/Apr 2016

Please let us know if you need anything else.

Thanks,

Troy Goff

New Home Sales Consultant

"For All Ivory Homes Neighborhoods"

435-729-0550

<http://www.ivoryhomes.com/troygoff>



Exhibit B

**PARK CITY HOUSING AUTHORITY
SUMMIT COUNTY, UTAH
July 17, 2014**

I. ROLL CALL-all present

II. CONSIDERATION OF MINUTES FROM THE MARCH 20, 2014 MEETING

Motion Peek
Second Simpson
Approved unanimously

III. NEW BUSINESS

1. Consideration of the adoption of the Park City Heights Affordable Housing Plan.

Rhoda, Housing Specialist along with Chris and Spencer with Ivory homes gave a back ground stating that it is a total of 239 units with 79 deeded restricted for affordability which translates into a \$240,000 to 400,000 home in accordance with the current housing resolutions. Stauffer spoke to phase one with year one equaling 10 affordable homes and the future years will be 8-12 affordable homes per year. The goal and overall direction will include an annual review as well as owner occupancy and primary residence.

Matsumoto inquired if they will be able to sublet a room. Chris stated that there are certain codes that cannot be outlined but they use nuisnece codes and parking regulations.

Simpson inquired about the aspect of keeping the features as well as how will the monitoring of the affordable housing as well as looking at purchasing a unit or two for employee housing.

Spencer stated that he thought in the development agreement states owner occupancy only. Harrington stated that through the resolution the city could rent out a unit and remain the owner occupancy throughout the community.

Multiple discussions continued regarding the association fees and if the city can put in a cap when this is turned over to the residents.

Henney inquired about the range of the bandwidth of the units.

Simspon stated that she is in favor of keeping the unit size to 2-3 bedroom units. Council concurred that they were also in favor of keeping them at 2-3 bedrooms.

Chris stated that of the 300+ people that have been vetted only 2% are looking for 2 bedroom unit. Spencer stated that the intent is to leave as much flexibility as possible to reflect the market.

Public Input

Alisha Nicewander stated she is curious if there is going to be a lottery with this process due to the level of interest.

Chris stated that it will be a process and will depend on the needs and the readiness of the Purchaser

Motion Simpson
Second Beerman
Approved

IV. ADJOURNMENT

Motion Simpson
Second Peek
Approved

EXHIBIT C



Housing Authority Staff Report

Author: Rhoda J. Stauffer, Affordable Housing Specialist
Subject: Affordable Housing Mitigation Plan
Park City Heights
Date: July 17, 2014
Type of Item: Administrative

SUMMARY RECOMMENDATION: Staff recommends that the Housing Authority conduct a public hearing, discuss the Affordable Housing Mitigation Plan presented by Ivory Homes (Applicant) for the Park City Heights development in fulfillment of their development agreement and approve the plan with Housing Staff's recommended condition of approval.

DESCRIPTION: Review of proposed affordable housing plan required by the Park City Heights Development Agreement.

BACKGROUND: The Park City Heights Master Planned Development is approved for 239 residential units of which 79 will be deed restricted for affordability. The affordable units fall into three categories as follows:

Transferred IHC Units: There are 28 transferred IHC Units [44.78 Affordable Unit Equivalents (AUEs)] that are in fulfillment of the affordable housing obligation associated with IHC/Burbs Annexation. These units fall under Housing Resolution 17-99 that aligns affordability with 100% of Area Median Income (AMI) - \$88,200 for a family of three in 2014.

Park City Heights CT Zone: The MPD is within a CT Zone that triggers an affordable unit requirement of 20% of residential units. This comes to 16 Units (32 AUE's) and these units also fall under Housing Resolution 17-99 which aligns affordability with 100% of Area Median Income (AMI) -- \$88,200 for a family of three in 2014.

Additional City Affordable/Attainable: One of the expressed public purposes for the City's participation in this development and the reason the City continues to hold a Trust Deed on the property is to ensure that additional affordable housing is built. The Applicant will build an additional 35 units as a result of the City's involvement. These units fall under Housing Resolution 20-07 that aligns affordability with 150% of Park City Workforce Wage - \$78,132 for a family of three in 2014.

Disclosure

The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an "applicant" and doesn't have any current ownership in the property.

Employee/Affordable Housing Mitigation Plan

The Applicant submitted an Affordable Housing Mitigation Plan on July 3, 2014 (attached as Exhibit A). The Developer intends to build out the entire subdivision of 239 homes over a period of 10 years, depending on market demand and absorption. This Staff Report focuses on Phase One that contains the majority of the affordable units and is anticipated to begin construction later this year. Phase One is expected to be a three to five year process with a total of 35 market and 68 affordable units. The expectation is that at the conclusion of Phase One, 86% of the affordable units will be complete. This is consistent with the applicable housing resolutions as well as the Annexation and Development Agreements that require affordable units to be built concurrent with or in advance of market units.

In the first year, the Applicant will build a spec unit for the market rate development that – though larger – will have the same amenities and finishes as the affordable units, and will be utilized to market all units. Park City's Housing Resolutions require that affordable units built within a market development must have the same finishes and amenities as the market rate units. The Applicant will have some additional options for all buyers to add higher cost amenities to personalize their homes. In the case of the deed restricted, affordable units, add-on options will be limited to the capital improvement cap of 7% of the original sale price.

In addition, the Applicant is proposing to complete ten affordable units in the first year and 8-12 affordable units per year in each consecutive year of Phase One. Market Units will also be built each year. The Affordable Units will be priced to meet both Housing Resolution 17-99 and 20-07 throughout development so that a wider variety of pricing and product can be marketed simultaneously. In the first year, four units will be sold under 17-99 Housing Resolution affordability requirements and six under 20-07 requirements.

Phase 1 – Year 1 Projection = 10 Total Units

	Type	#	#BR	s.f.
Park Home	Single Family	6	3	1,600-2,100
Park Home	Townhome	4	2-3	1,000-1,400

(Table I: see page 2 of Exhibit A)

Sizing and Pricing

The Applicant is proposing to build primarily three bedroom homes, also making a commitment to build a minimum of seven two-bedroom units. The Applicant also proposes to build four bedroom units in future years. Pricing will be set starting at \$240,000 for interior 2-bedroom townhomes and will vary depending on type & size of unit as well as location within the development with a high price set at \$400,000 for the affordable units.

ANALYSIS:

The Applicant's housing plan meets the requirements of both Housing Resolutions –17-99 and 20-07. The first units to be completed will be affordable units and – while the project will build affordable and market simultaneously, the Applicant is projecting that the bulk of affordable units will be completed prior to the market units. And finally, all affordable units will be completed prior to completion of the last 10% of the market units.

The unit types, configuration and pricing proposed will go a long way towards addressing City Council's goal of meeting the needs of young families. Based on the 2010 Census, young families have been moving to surrounding communities in order to purchase their first home. By way of reminder and as reported in the 2012 Affordable Housing Plan, Park City's population only rose by 187 between 2000 and 2010. However, population aged 65 and above increased by over 700 and those aged 45 and below decreased by the same amount. Staff also determined that this demographic desires to purchase detached houses and/or townhomes with yards, rather than condominiums.¹ Thus, many of these households are now living in Kamas, Heber, Snyderville Basin and the Salt Lake Valley.

The Applicant proposes to build two, three and four bedroom units all with unfinished basements (adding approximately 500 square feet). Staff is especially concerned about construction of four bedroom units with unfinished basements simply because the larger units do not meet Park City's demographic. An average household in Park City is 2.6 people.² Finally, the affordability guidelines established by HUD allow for higher income guidelines in larger units. Income limits increase by size of family, therefore, the income limits on larger units are higher. Please refer to Table II below for maximum allowable sale prices in 2014. These limits will vary in future years depending on changes in AMI and workforce wage.

2014 Income and Pricing					
Household Size		Resolution 17-99 44 Units		Resolution 20-07 35 Units	
	# of BRs	Income	Max Price	Income	Max Price
3	2	\$ 88,200	\$ 348,641	\$ 78,132	\$ 297,850
4	3	\$ 98,000	\$ 398,079	\$ 84,383	\$ 329,385
6	4	\$113,566	\$ 476,606	\$ 97,512	\$ 395,615

Table II

Please note that affordable sales prices in Table II above are calculated based on monthly housing costs (mortgage, insurance, taxes and HOA fees) amounting to no more than 30% of household income. The calculations are also based on current interest rates and a 30-year mortgage with a down payment of 5%.

Staff is requesting Housing Authority feedback on the Applicant's proposal as to size of units. Is Council comfortable with a large majority of the units being three bedroom units in a range of 1,600 to 2,100 square feet plus 500 square feet of

¹ 2012 Affordable Housing Plan by Park City Housing Staff and 2013 Affordable Housing Strategies and Options by czb, LLC.

² American Community Survey data projections for five-year period ending 2012.

unfinished basement? Is Council comfortable with construction of four-bedroom houses totaling 2,500 square feet plus 500 square feet of unfinished basement? Would Council be more comfortable with increasing the number of planned two-bedroom units (1,000 to 1,400 square feet plus 500 square feet of unfinished basement)?

Deed Restrictions

The Deed Restrictions will require owner-occupancy for all affordable units with a requirement that units be the owner's primary residence. Renting the units will constitute an event of default unless with prior approval of City Housing Staff (approval would only be given for very limited conditions such as mission assignments, temporary job relocation or military duty). In addition, appreciation caps will be instituted and annual compliance reports due in the Fall.

Capital improvements would be limited to no more than 7% of the sale price for the life of individual owners. This is slightly higher than past deed restrictions due to the inclusion of unfinished basement space that new homeowners are likely to want to finish. A cap of 5% over the course of ownership is quite limiting, however 7% is also not too high that if utilized in full will not increase resale value beyond affordable levels within several years. All capital improvements must be approved prior to completion to be added to the resale formula.

Housing staff recommends that we conduct an annual review of progress to determine how many units have been sold, of what type, price and to whom, thus ensuring that City Council's goals are being met. Each year, the plan may need to be adjusted to accommodate changes in Park City Workforce Wage, AMI, market pressures and absorption. Staff recommends that the Applicant report after each 12-month period of construction, as to progress made and any adjustments requested.

Condition of Approval

Staff recommends approval based on the following condition:

- The Applicant returns to the Housing Authority by December of each year beginning in 2015 with a status report that will include the following: number of units built, sale prices, balance remaining, projections for the next year including number of units in each type and pricing for the next year, and any requested adjustments to the Housing Mitigation Plan.

DEPARTMENT REVIEW

Sustainability, Legal and the City Manager reviewed this report.

ALTERNATIVES

- A. Approve the Request:** The Housing Authority could approve the Applicant's Affordable Housing Mitigation Plan with staff's recommended condition of approval.

B. Modify the Request: The Housing Authority could modify the request and stipulate that more two-bedroom units be built. **This is Staff's recommendation.**

C. Continue the Item: The Housing Authority could continue the item and direct Staff to return with additional information.

D. Deny the Request: The Housing Authority could deny the request and direct the Applicant to return with a new proposal.

SIGNIFICANT IMPACTS:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life	+ Enhanced conservation efforts for new and rehabilitated buildings	+ Residents live and work locally + Cluster development while preserving open space	+ Fiscally and legally sound + Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 	Very Positive 	Positive 
Comments: The Park City Heights affordable housing will greatly enhance the availability of affordable housing to Park City's workforce and middle income families who can't afford to buy in Park City's current market.				

FUNDING SOURCE:

No City funding is required.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Delay in approving the Affordable Housing Mitigation Plan will delay construction at the Park City Heights site since an approved plan is a requirement prior to issuance of the first building permit.

RECOMMENDATION

Staff recommends that the Housing Authority conduct a public hearing, discuss the Affordable Housing Mitigation Plan presented by Ivory Homes (Applicant) for the Park City Heights development in fulfillment of their development agreement and approve the plan with Housing Staff's recommended condition of approval.

Attachment: Exhibit A: Housing Mitigation Plan submitted by Ivory Homes

July 1, 2014

Park City Housing Authority
PO Box 1480
Park City, UT 84060

EXHIBIT A

Park City Heights - Housing Mitigation Plan

Project: Park City Heights Master Planned Development
Developer: Ivory Homes

General:

On May 11, 2011 the Master Planned Development (MPD) for Park City Heights was approved for a mixed residential development consisting of 160 market rate units and 79 affordable/attainable units on 239 acres. An amendment to the MPD was approved on November 6, 2013, this addressed relocation and configuration of lots and streets. As part of the approval the Developer is required to satisfy an affordable/attainable housing requirement with forty-four (44) units approved under the 17-99 Housing Resolution and thirty-five (35) units approved under the 20-07 Housing Resolution.

The units will be large enough to capture all of the square footage necessary under the AUE obligations. All affordable/attainable units are to be for sale units. None of the units are intended to be rented by the Developer or future owners. Restrictions and priorities may include qualification options, sales price limits/range, rental restrictions and affordability terms.

Phasing Schedule:

The Project may be platted and in phases in accordance with the approved phasing plan. The following schedule is provided to indicate the required AUE's to be built in each phase. However, each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted.

Phase 1 -- 103 Units

- 68 Affordable/Attainable
- 35 Market Rate Units

Phase 2 -- 47 Units

- 5 Affordable/Attainable
- 42 Market Rate Units

Phase 3 -- 34 Units

- 2 Affordable/Attainable
- 32 Market Rate Units

Phase 4 -- 29 Units

- 4 Affordable/Attainable
- 25 Market Rate Units

Phase 5 -- 15 Units

- 15 Market Rate Units

Phase 6 – 11 Units

- 11 Market Rate Units

All Phases 79 Affordable/Attainable Units (or equivalent AUE's)

160 Market Rate Units

Total: 239 Units

Construction Timing:

The general layout and concept plan for Park City Heights dictates that the infrastructure is built from the lowest point of the slope (north) or entrance of the project to the highest point on the mountain (south). Because construction dictates this development pattern and the majority of affordable units are lower on the hill, the affordable units will be constructed at a different rate than market rate units. All of the affordable/attainable units will receive a certificate of occupancy prior to issuance of building permits for the last ten (10) percent of the market rate units. Project and housing requirements dictate that the affordable/attainable units are built in conjunction with the market rate units. The developer is front loading as many affordable/attainable units as possible to ensure that the requirements are satisfied. All of the affordable/attainable units are in the first 4 Phases.

Phase 1 construction will begin in early fall of 2014 for a total of sixty-eight (68) affordable/attainable units. The first Certificates of Occupancy are anticipated to be completed in late 2014/early 2015. The first affordable/attainable unit will be ready for occupancy prior to the first market rate unit. The majority of the affordable/attainable units are clustered at the entrance to the Subdivision and the Developer will ensure that the units are built with high quality building materials and well maintained. Projected absorption rate is 8-12 units per year as dictated by the market.

Phase 1 – Year 1 Projection = 10 Total Units

TYPE OF UNIT	NUMBER OF UNITS	NUMBER OF BEDROOMS	SQUARE FEET PER UNIT
Park Home – Single Family	6	3	1,600 – 2,100
Park Home – Townhome	4	2-3	1,000 – 1,400

Product Pricing:

The intent is to offer a wide range of both product type and product pricing. Pricing in the first building of the Attached Park Home Townhomes product in Phase 1 will begin in the \$240,000 range and go upwards of \$400,000 for the Single Family Detached Park Homes, depending on unit type, bedroom counts, square footage, and construction finishes. Developer will work with Park City Municipal Corp to determine final sales pricing as well as product type and size. It is anticipated that attached units will be priced lower and single family detached units will be closer to the maximum price range, thus having a greater range of diversity.

Marketing Plan:

Developer agrees to give priority to those full-time employees who work within the area of the Park City School District boundaries, particularly essential workers. This area includes but is not limited to Intermountain Healthcare Park City Medical Campus, USSA Headquarters and Training Annexation.

Developer will hold information seminars with these target groups to discuss the qualifications for purchasing deed restricted affordable/attainable housing units. Developer will also provide Credit Repair Services for all of those in need of such services.

Methodology of Affordability:

Affordability Defined

Affordability is defined such that the total amount of the mortgage, basic utilities, taxes, insurance and HOA payments may not account for more than 30% of household income. The median wage of the core Park City workforce is determined annually by the City Council.

Affordable Unit Equivalent

There are two resolutions that govern the affordable/attainable units in Park City Heights. Resolution 17-99 dictates that a two-bedroom unit with 800 square feet of Net Livable Space is considered one Affordable Unit Equivalent; and Resolution 20-07, dictates that a two-bedroom unit with 900 square feet of Net Livable Space is considered one Affordable Unit Equivalent.

Average of Affordability

The intent is to maintain an average rate of affordability. Flexibility must be given in the Housing Mitigation Plan in an attempt to maximize a level of affordability. There may be some single-family units that fall outside of the affordable range, alternatively, providing attached units could keep the average rate of affordability lower delivering a lower average price.

Compliance Standards

It is anticipated that there will be a mix of unit types and standards as outlined below:

- All affordable units will be built to a minimum LEED Certified OR NAHB Green level and appliances & light bulbs shall be Energy Star qualified products.
- Size differentials of the exterior appearance of the cottage home affordable units will be compatible with cottage home market rate units and will use similar exterior materials and guidelines.
- Standard construction practices will be the same for the affordable/attainable and market units and incorporate the same general construction materials in the following areas: insulation, windows, heating systems, and other components related to energy efficiency including landscaping.
- All affordable/attainable units will be constructed in accordance and consistent with the MPD approved Park City Heights Neighborhood Design Guide.
- All affordable/attainable units will be constructed on Park City Heights property (MPD site). This includes the transfer of the IHC units from the Park City Medical Center site to Park City Heights.

Product type/Unit descriptions

Product type in all phases will be determined based on market conditions, lot size, topography, number of stories, adjacent homes, and other factors. Flexibility will be required and a necessity in order to provide the right product at the right price to maintain affordability. Units will be configured in two, three and four bedroom layouts. A minimum of seven (7) – two bedroom units will be provided in the Attached Park Home Townhomes.

Average Median Income/Workforce Housing Wage (Guideline)

Housing Resolution 17-99 uses an Average Median Income (AMI) in Summit County and Housing Resolution 20-07 uses the Workforce Housing Wage (WHW) in Park City. The first ten (10) units will be split with four (4) of the units under HR 17-99 and six (6) under HR 20-07.

EXHIBIT D

FEE EXEMPT
UTAH CODE ANNOTATED § 11-13-102

1

WHEN RECORDED, RETURN TO:

City Recorder

Park City Municipal Corporation

PO Box 1480, 445 Marsac Avenue

Park City, UT 84068

ENTRY NO. 01012050

02/02/2015 11:27:16 AM B: 2277 P: 1536

Restrictive Covenants PAGE 1/18

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



DEED RESTRICTIONS PROTECTING THE AFFORDABILITY AND SUSTAINABILITY OF AFFORDABLE HOMES AT PARK CITY HEIGHTS

This Deed Restrictions Concerning the Affordability and Sustainability of the affordable units at Park City Heights ("Agreement") is made and entered into as of this 29 day of January, 2015 (the "Effective Date"), by and between Ivory Development LLC, a Utah corporation ("Owner/Developer"), and Park City Municipal Corporation, a political subdivision of the State of Utah ("City").

RECITALS

A. Ivory Development LLC owns that certain property situated in Park City, Utah, as more particularly described in Exhibit A, which is attached hereto and incorporated herein by this reference.

B. The Owner/Developer submitted an affordable housing development plan (the "Plan") to the City that was approved by the City on July 17, 2014. The Plan includes the construction of 79 affordable housing units to be built in four phases (collectively, the "Units"; each individually, a "Unit"). These Units include 28 townhomes on lots T1 through T28, 35 homes located on lots 1 through 35, and 5 cottage homes. The initial cottage homes identified in phase I shall be located on lots 36, 39, 42, 54, and 75. The remaining 11 cottage home lots in future phases shall be identified in a separate deed restriction.

C. The Units identified herein are subject to the terms of this Agreement. The sole purpose of the Units governed by this Agreement is to provide owner-occupied affordable housing for use by qualified applicants as their primary residence.

AGREEMENT

IN WITNESS WHEREOF, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. DEFINITIONS:

- 1.1. Domicile. The place where an individual has a fixed permanent home and principal establishment, to which the individual, if absent, intends to return, and in which the individual and his family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home for a minimum of nine months out of each calendar year.
- 1.2. Event of Default. Noncompliance with any part of this Agreement.
- 1.3. Maximum Re-Sale Price. The price above which no deed restricted unit may be sold as calculated by the Park City Finance Office based on the formula set forth in Section 3.9, below.
- 1.4. Non-Qualified Buyer. A buyer of a Unit that is not a Qualified Buyer.
- 1.5. Owner-Occupied. A Unit that is occupied by the title owner of record of the Unit as his primary residence.
- 1.6. Primary Residence. The place where a domicile has been established.
- 1.7. Qualified Buyer. A Qualified Buyer must meet the following criteria:
 - 1.7.1. Person(s) who does not own other real property; and
 - 1.7.2. A household with a minimum of one adult who meets one of the following criteria:
 - a) Full time (30 hours of employment per week) employees of entities located within the boundaries of the Park City School District; or
 - b) An owner or owner's representative of a business within the boundaries of the Park City School District.
- 1.8. Sale. The term "sale," or any derivative thereof (e.g., "sales," "sold," and "sell"), shall include any transfer of title of a Unit, regardless of whether or not any consideration is provided to the transferor in exchange. This shall include, but is not limited to, any gift, assignment, or other transfer.
- 1.9. Units. The 68 units to be built in phase I: 28 townhomes on lots T1 through T28, 35 homes located on lots 1 through 35, and 5 cottage homes including those located on lots 36, 39, 42, 54, and 75. The remaining 11 Units will be built in future phases.

- 2. COVENANT TO RESTRICT SALES TO QUALIFIED BUYERS. Except as otherwise agreed by the City and the Owner/Developer by amendment to this Agreement, Units shall only be sold to (1) Qualified Buyers who agree to use the Unit as their owner-occupied primary residence or (2) the City. If any Unit is sold to the City, the City shall also be bound by restrictions set forth in this Agreement. A Unit may be sold to a Non-Qualified Buyer only under the circumstances set forth in Section 3, below.

3. SALES.

- 3.1. INITIAL SALES. The initial sales by the Owner/Developer shall be subject to the restrictions set forth in Section 2, above and shall be priced in accordance with the Housing Mitigation Plan approved by Park City Housing Authority on July 17, 2014.
- 3.2. PRICING OF INDIVIDUAL UNITS. The final sales price for each unit will be established at the time of sale of individual units in accordance with the Housing Mitigation Plan approved by Park City Housing Authority on July 17, 2014 and documented in a separate and amended Deed Restriction to be recorded prior to the sale of individual units.
- 3.3. RESALE OF UNIT. Following the initial sale by the Owner/Developer the Unit Owner shall notify the City's housing staff by delivering to the City a written notice of such intent. The Unit Owner shall not sell his interest in the Unit unless such notice has been provided to the City and the City has had an opportunity to exercise its option pursuant to Section 3.3, below. The date the Unit Owner delivers such notice to City shall be the "Offer Date".
- 3.4. OPTION TO THE CITY. The City shall have forty-five (45) days after the Offer Date ("Option Period") to either purchase the Unit ("Option"), assign the Option to a Qualified Buyer, or decline to purchase the Unit. The City shall deliver to the Unit Owner written notice of whether or not it will exercise its Option to buy ("Exercise Notice"). City shall use its best efforts to deliver the Exercise Notice to the Unit Owner regarding the City's plans to exercise the Option as early as possible within the Option Period.
 - 3.4.1. If the City elects to exercise its Option to buy the Unit or assigns the option to a Qualified Buyer, the City or the Qualified Buyer shall complete the acquisition of the Unit within sixty (60) days after delivering the Exercise Notice.
 - 3.4.2. If the City (i) notifies the Unit Owner in writing that it will not exercise the Option, (ii) fails to deliver the Exercise Notice to the Unit Owner within the Option Period, or (iii) exercises the Option or assigns the Option to a Qualified Buyer but the transaction fails to close within sixty (60) days after delivering the Exercise Notice, the Option shall automatically terminate with respect to such sale or offering for sale, without the need for further notice or documentation.
- 3.5. SALE TO A QUALIFIED BUYER. Upon expiration or other termination of an Option with respect to a particular Unit, the selling Unit Owner shall then offer the Unit for sale to Qualified Buyers through efforts such as: (i) advertising the sale through local media outlets such as the local newspaper and radio station; (ii) providing notice of the sale to the City Housing Office; (iii) listing the Unit for sale on the Mountainlands Community Housing Trust resale list; and (iv) listing the Unit for sale on other web-based outlets.
- 3.6. SALE TO A NON-QUALIFIED BUYER. If, after using reasonable efforts to sell the Unit to a Qualified Buyer, a Unit Owner is unable to sell the Unit, the Unit Owner shall

request that (i) the City purchase the Unit at a mutually agreed price or (ii) that the City permit a Non-Qualified Buyer purchase the Unit subject to the terms of these restrictions. "Reasonable efforts" shall mean conducting a minimum of the following for no less than 120 days: (i) advertising the sale through local media outlets such as the local newspaper and radio station; (ii) providing notice of the sale to the City Housing Office; (iii) listing the Unit for sale on the Mountainlands Community Housing Trust resale list; and (iv) listing the Unit for sale on other web-based outlets.

3.7. RESALE FORMULA. Following the initial sale of the Unit by the Owner/Developer, subsequent sales of Units shall be governed by a resale formula that establishes the maximum permitted resale price of the unit ("Maximum Sales Price"). In no event shall a Unit be sold by the initial buyer and subsequent buyers for an amount in excess of the Maximum Sales Price, which is equal to the actual purchase price (i) plus an increase of three percent (3%) per year from the date of purchase to the date of Unit Owner's notice of intent to sell, (ii) plus Permitted Capital Improvements, as defined in Exhibit B (iii) minus any reductions in price pursuant to Section 3.7.1, (iv) plus the sum of \$250.00 to the City or its designee upon each transfer of ownership of a Unit. The purchaser shall pay no more than the Maximum Sales Price. Real estate commissions, seller's closing costs and capital improvements that are not Permitted Capital Improvements as defined in Exhibit B shall not be added to the Maximum Sales Price.

3.7.1. ADDING TO MAXIMUM SALES PRICE. With the prior written approval of the City, as required pursuant to Exhibit B, a Unit Owner may add Permitted Capital Improvements, as defined in Exhibit B, which add up to a maximum of seven percent (7%) of the purchase price to the resale value. Each new owner can submit an application to the City for this seven percent (7%) capital improvement maximum to the resale value. In calculating such amount, only those Permitted Capital Improvements identified in Exhibit B hereto shall qualify for inclusion.

3.7.2. OUT OF POCKET COSTS. In calculating the costs under Sections 3.7.1, only the Unit Owner's actual out-of pocket costs and expenses as evidenced by receipts shall be used to calculate sale price. Such amount shall not include an amount attributable to the Unit Owner's profit, labor ("sweat equity") or to any appreciation in the value of the improvements.

3.8. Nothing in this Agreement shall be construed to constitute a representation or a guarantee by the Owner/Developer or the City that any sale of a Unit by a Unit Owner shall obtain the Maximum Sales Price.

4. PHYSICAL CONDITION OF UNITS

4.1. CHANGES AND/OR CAPITAL IMPROVEMENTS. No substantial or non-cosmetic changes or capital improvements whatsoever may be made to any individual Unit without the prior approval of the City.

4.2. MINIMUM STANDARDS OF PHYSICAL CONDITION. A Unit Owner will be required to maintain a minimum standard of physical conditions, as set forth in

Exhibit C – Minimum Standards, for the Unit in order to receive full resale value. Prior to any sale of a Unit, the City or a designee will conduct an inspection and provide a list to the Unit Owner as to the items that need to be remedied prior to closing to bring the Unit to minimum standards and to get full resale value. If said inspection reflects items that do not meet the minimum standards for Unit Owner to receive full resale value pursuant to Exhibit C, the Unit Owner shall be required to either bring the Unit to minimum standards or an equal cost will be deducted from the Maximum Resale Price. If the Unit meets the minimum standards for Unit Owner to receive full resale value, the Unit shall be sold for the Maximum Resale Price. The City will determine the Maximum Sales Price according to the formula set forth in Section 3.7, above.

5. EVENTS OF DEFAULT

5.1. IT IS A CRIMINAL OFFENSE TO DISREGARD THE RESTRICTIONS HEREIN.

Ordinance 14-47 and Park City Municipal Code section 8-3-6 establish that it is a crime to commit affordable housing fraud. Ordinance 14-47 was ratified to “ensure that any fraud and unjust enrichment in the process is stopped and that buyers, sellers . . . and other intended beneficiaries of deed restricted affordable housing are protected from any fraudulent acts or statements.” Any violation of Ordinance 14-47 and Park City Municipal Code section 8-3-6 as amended in connection with any Unit is an Event of Default, and the responsible party is subject to criminal prosecution. The Ordinance is attached as Exhibit D.

5.2. OWNER OCCUPANCY. All Units shall be owner-occupied. Unit Owners shall occupy their Unit as their primary residence. Any exceptions to this requirement must be granted in writing by the City Housing office.

5.3. RENTAL OF UNITS. No Unit Owner may rent or lease their Unit unless the City at its sole discretion has provided prior written approval. Renting the Unit constitutes an Event of Default of the Unit Owner. If approval is granted in extenuating circumstances, it shall not total more than 12 months and the option shall not be exercised more than once. In no circumstances are nightly rentals allowed. If an owner is unable to sell after “reasonable effort” and more than 120 days of advertising, the City at its sole discretion may approve renting the unit. Reasonable effort shall constitute at minimum: advertising through the City’s Housing Office, Mountainlands Community Housing Trust, local media and other online resources.

5.4. LIMITATIONS ON REFINANCING. The Unit Owner shall not, under any circumstances, obtain any Financing or a combination of multiple rounds of Financing that, in the aggregate, exceeds the Maximum Resale Price at the time such Financing is completed. Doing so constitutes an event of default.

5.5. DEFAULT. As defined above, noncompliance with any part of this Agreement constitutes an Event of Default. Events of Default shall include but not be limited to: rental of the Unit without prior written approval of the City, obtaining Financing or a combination of multiple rounds of Financing that, in the aggregate, exceeds the Maximum Resale Price, not utilizing the Unit as an owner-occupied primary residence,

and noncompliance with any other part of this Agreement. Upon the occurrence of any Event of Default, a Unit Owner shall have 30 days to remedy the default, after which the City shall have the right to require that the Unit Owner sell the Unit in accordance with and subject to limitations of this Agreement.

5.6. PENALTIES. Upon the occurrence of any Event of Default, if the Unit Owner remains out of compliance and does not cure the default, monetary penalties shall be assessed against the Unit Owner at \$100 per day beginning on the 31st day after the Unit Owner is notified in writing of the Event of Default. The City reserves the right to seek judicial enforcement of these penalties, including seeking a judgment lien and foreclosure.

5.7. CITY'S RIGHT TO PURCHASE UNIT IN DEFAULT. If a Unit Owner is in default of or has failed to make timely payments with respect to any mortgage, deed of trust, or other financial arrangement secured by a Unit, the creditor secured by the Unit (the "Secured Creditor") shall provide the City with a written notice at least 30 days prior to initiating a trustee's sale, foreclosure proceeding, or remedy affecting title to the Unit. After receiving the notice from the Secured Creditor, the City or a designee shall have the right to purchase such Unit at a price equal to the amount of outstanding principal, accrued interest, and any other reasonable costs incurred by the Secured Creditor in connection with the Unit. The City may exercise its right to purchase the Unit by providing written notice of its intent to purchase to the Secured Creditor within 30 days after receipt of the Secured Creditor's notice. If the City or a designee does not provide the Secured Creditor notice of its intent to exercise its right to purchase within 30 days after receipt of the notice from the Secured Creditor, the City's right to purchase shall lapse. If the City's right to purchase lapses, the Secured Creditor may initiate a trustee's sale, foreclosure proceeding, or other remedy affecting the title to the Unit. If the ownership of the Unit is transferred as the result of a trustee's sale, foreclosure proceeding, or other remedy affecting the title to the Unit, all deed restrictions in this Agreement are removed with respect to that Unit.

6. OTHER MISCELLANEOUS ISSUES

6.1. TERM OF AGREEMENT. The term of this Agreement shall commence as of the date first set forth above and continue in full force and effect for a period not less than forty (40) years. Upon the expiration of the initial forty (40) year term, this Agreement shall be renewed for additional consecutive ten (10) year terms, unless the City shall determine, based on an independent market study, that the Unit is no longer necessary to satisfy the affordable or employee housing needs in of the City. The City Council of the City or its successor shall make the final determination of such continuing need.

6.2. ANNUAL COMPLIANCE REPORT. Each Unit Owner shall provide the City with an annual compliance report in a form specified by the City by November 30 of each year during the term of this Agreement. The annual compliance report shall include a signed

statement by the Unit Owner certifying that the Unit is in compliance with the terms of this Agreement.

- 6.3. WAIVERS. The Owner/Developer hereby waives any defenses, rights or remedies that it might otherwise assert against the City in connection with: (i) the application of the rule against perpetuities to this Agreement; or (ii) any claim that the covenants in this Agreement recorded against the Unit are not real covenants running with the land constituting the Unit. This waiver shall be binding upon and inure to the benefit of the successor and assigns of the Owner/Developer and the City.
- 6.4. DISCONTINUANCE OF LIABILITY AFTER CONVEYANCE. Following the recording of a deed conveying the Unit to a purchaser, the transferor of the Unit shall have no further liability under this Agreement respecting the Unit, except to the extent caused by the negligence or intentional misconduct of the transferor.
- 6.5. SALE AGAINST OWNER'S WILL. Nothing in this Agreement shall be interpreted to require a Unit Owner to sell the Unit against that Unit Owner's will unless the Unit Owner is in default pursuant to Section 5.4.
- 6.6. SEVERABLE OBLIGATIONS AND LIABILITIES. The parties understand that the Units may eventually be owned by different individuals and entities. The Unit Owner of any particular Unit, and that Unit itself, shall not be liable for, or encumbered by, the obligations or liabilities under this Agreement associated with any other Unit or Unit Owner.
- 6.7. NON-RECOURSE. The various owners, members, directors, officers, managers, employees, agents and contractors of the Owner/Developer shall have no personal liability, deficiency, or recourse liability under this Agreement. The Owner/Developer's liability under this Agreement shall be limited solely to the Owner/Developer's interest in each Unit and the proceeds therefrom.
- 6.8. NOTICES. Any and all notices and demands by any party to any other party required or desired to be given hereunder shall be in writing and shall be validly given or made if deposited in the United States mail, certified or registered, postage prepaid, return receipt requested, sent by Federal Express or other similar courier service keeping records of deliveries and attempted deliveries, or served by facsimile transmission. Service by mail or courier shall be conclusively deemed made on the first business day delivery is attempted. Facsimile transmissions received during normal business hours on a business day shall be deemed made at the time of receipt. Facsimile transmissions not received during normal business hours on a business day shall be deemed made on the next business day. The parties may change their respective addresses for the purpose of receiving notices or demands as herein provided by a written notice given in the manner aforesaid to the others, which notice of change of address, shall not become effective, however, until the actual receipt thereof by the others.

Any notice or demand to the Owner/Developer shall be addressed to the following address:

Ivory Development LLC
978 Woodoak Lane
Salt Lake City, UT 84117
Attn: President
Fax: (801) 747-7091

Any notice or demand to the City shall be addressed to the City at the following address:

Park City Municipal Corporation
P.O. Box 1480
445 Marsac Ave.
Park City, UT 84060
Attn: City Recorder and Housing Office
Fax: (435) 615-4903

- 6.9. SEVERABILITY. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law. If any provision of any of the foregoing Agreement shall be invalid or prohibited under applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions in this Agreement.
- 6.10. ATTORNEYS' FEES. If any party shall take or defend against any action for any relief against another party arising out of this Agreement, the prevailing party in such action or defense shall be entitled to reimbursement by the other party for all costs including, but not limited to, reasonable attorneys' fees and court costs incurred by the prevailing party in such action or defense and/or enforcing any judgment granted therein, all of which costs shall be deemed to have accrued upon the commencement of such action and/or defense and shall be paid whether or not such action or defense is prosecuted to judgment. Any judgment or order entered in such action or defense shall contain a specific provision providing for the recovery of attorneys' fees and costs incurred in enforcing such judgment.
- 6.11. CHOICE OF LAW. This Agreement shall be governed and construed in accordance with the laws of the State of Utah.
- 6.12. SUCCESSORS. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to and be binding upon the heirs, successors, and assigns of the parties.
- 6.13. THIRD PARTY BENEFICIARY. This Agreement is not intended to confer rights on third parties.

- 6.14. PARAGRAPH HEADINGS. Paragraph or section headings within this Agreement are inserted solely for convenience of reference and are not intended to, and shall not, govern, limit or aid in the construction of any terms or provisions contained herein.
- 6.15. GENDER AND NUMBER. Whenever the context so requires herein, the neuter and gender shall include any or all genders and vice versa and the use of the singular shall include the plural and vice versa.
- 6.16. MODIFICATIONS. The Parties agree that any modifications of this Agreement shall be effective only when made by writings signed by the parties, or their successors, hereto and recorded with the Clerk and Recorder of Summit County, Utah.
- 6.17. RECORDATION. Upon execution and delivery of this Agreement by the Owner/Developer and the City, the Owner/Developer shall cause this Agreement to be recorded and filed in the official public land deed records of Summit County, Utah, and shall pay all fees and charges incurred in connection therewith.
- 6.18. COVENANTS RUN WITH LAND. The Owner/Developer intends, declares and covenants, on behalf of itself, all future owners of the Units, and all parties that obtain any interest in any Unit that this Agreement and the covenants and restrictions set forth herein, regulating and restricting the rents, use, occupancy and transfer of the Units, shall be covenants running with the land and improvements constituting the Units, for the benefit of the City, shall encumber the Units, and shall be binding upon the Owner/Developer, all subsequent Unit Owners of the Units, and any other party with an interest in any Unit.
- 6.19. INTEGRATION. This Agreement constitutes the entire agreement between the parties with respect to the matters set forth herein.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Effective Date.

CITY:

Park City Municipal Corporation,
A political subdivision of the State of Utah

By: Jack Thomas

Name: Jack Thomas

Mayor

Attest:

Mimi Stetson
City Recorder

Approved as to Form:

[Signature]
City Attorney



OWNER/DEVELOPER:

Ivory Development LLC

By: Christopher P. Gamvroulas

Name: Christopher P. Gamvroulas

Its: President

ACKNOWLEDGEMENT

STATE OF UTAH)

)ss.

COUNTY OF SOUTH SALT LAKE)

The foregoing instrument was acknowledged before me this 22nd day of Jan. 2015,
by Christopher P. Gamvroulas, in his/her capacity as President
Ivory Development, a corporation of the State of UT.

Brooke Siddoway
NOTARY PUBLIC
Residing at: S.L. County

My Commission Expires:

12-20-17

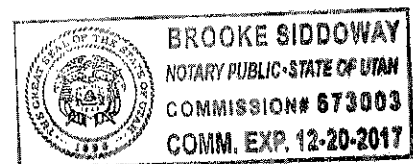


EXHIBIT A

The following described real Property is located in Summit County, Utah:

Lots T-1 through T-28, inclusive, 1 through 35, inclusive, 36, 39, 42, 54 and 75, PARK CITY HEIGHTS PHASE 1 SUBDIVISION, according to the official plat, on file and of record in the Summit County Recorder's office.

Parcel Numbers PCH-1-T1, PCH-1-T2, PCH-1-T3, PCH-1-T4, PCH-1-T5, PCH-1-T6, PCH-1-T7, PCH-1-T8, PCH-1-T9, PCH-1-T10, PCH-1-T11, PCH-1-T12, PCH-1-T13, PCH-1-T14, PCH-1-T15, PCH-1-T16, PCH-1-T17, PCH-1-T18, PCH-1-T19, PCH-1-T20, PCH-1-T21, PCH-1-T22, PCH-1-T23, PCH-1-T24, PCH-1-T25, PCH-1-T26, PCH-1-T27, PCH-1-T28, PCH-1-1, PCH-1-2, PCH-1-3, PCH-1-4, PCH-1-5, PCH-1-6, PCH-1-7, PCH-1-8, PCH-1-9, PCH-1-10, PCH-1-11, PCH-1-12, PCH-1-13, PCH-1-14, PCH-1-15, PCH-1-16, PCH-1-17, PCH-1-18, PCH-1-19, PCH-1-20, PCH-1-21, PCH-1-22, PCH-1-23, PCH-1-24, PCH-1-25, PCH-1-26, PCH-1-27, PCH-1-28, PCH-1-29, PCH-1-30, PCH-1-31, PCH-1-32, PCH-1-33, PCH-1-34, PCH-1-35, PCH-1-36, PCH-1-39, PCH-1-42, PCH-1-54, PCH-1-75

EXHIBIT B
PERMITTED CAPITAL IMPROVEMENTS

1. The term "Permitted Capital Improvement" as used in the Agreement shall only be allowed as they are consistent with the CCRs and design guidelines and shall only include the following:
 - a. Improvements or fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and/or maintenance improvements.
 - b. Improvements for energy and water conservation;
 - c. Improvements for the benefit of seniors and/or handicapped persons;
 - d. Improvements for health and safety protection devices (including radon);
 - e. Improvements to add and/or finish permanent/fixed storage space; and/or
 - f. Improvements to finish unfinished space.
2. Permitted Capital Improvements as used in this Agreement shall NOT include the following:
 - a. Jacuzzis, saunas, steam showers and other similar items;
 - b. Upgrades or addition of decorative items, including lights, window coverings and other similar items.
 - c. Upgrades of appliances, plumbing and mechanical fixtures, carpets and other similar items included as part of the original construction of a unit and/or improvements required to repair and maintain existing fixtures, appliances, plumbing and mechanical fixtures, painting, and other similar items, unless replacement is energy efficient or for safety and health reasons.
3. All Permitted Capital Improvement items and costs shall be approved by the City in writing in order to be added to the Maximum Resale Price (up to 7% of the Maximum Resale Price, not including Permitted Capital Improvements) as defined in this Agreement. In order to get credit for Permitted Capital Improvement where a building permit is required, the improvement will not be counted unless it received a final inspection and is considered completed by the City Building Department.

EXHIBIT C
MINIMUM STANDARDS FOR
SELLER TO RECEIVE FULL RESALE VALUE

- Clean unit
- Carpets steam-cleaned two or three days prior to closing
- All scratches, holes, burned marks repaired in hardwood floors, linoleum, tile, counter tops etc.
- No broken or foggy windows
- All screens in windows (if screens were originally provided)
- All doors will be in working order with no holes
- All locks on doors will work
- All keys will be provided; e.g., door, mail box, garage
- All mechanical systems shall be in working order
- Walls paint ready
- Normal wear and tear on carpet; if carpet has holes, stains, etc., the carpet and padding shall be replaced or escrow funds at current market value per square foot for a comparable product shall be held at the time of closing to be used by the new buyer
- No leaks from plumbing fixtures
- Any safety hazard remedied prior to closing
- Satisfaction of radon issue if found at time of inspection
- All light fixtures shall be in working order
- All appliances that existed in the original Unit, remain and are in good working order and good condition

DEFINITIONS:

Clean Unit: All rooms will be cleaned as stated below:

Kitchen:

- Range – Inner and outer services will be cleaned.
- Range hood and Exhaust Fan
- Refrigerator and Freezer – Inner and outer surfaces of refrigerator and freezer will be clean. Freezer will be defrosted.
- Cabinets and Countertops – Exterior and interior surfaces of cabinets and drawers will be clean. Door and drawer handles, if provided, shall be clean and in place.
- Sink and Garbage Disposal – Sink and plumbing fixtures will be clean. Garbage disposal must be in working order.
- Dishwasher – Must be in working order and inner and outer surfaces shall be clean.

Blinds, Windows, Screens:

- Mini-blinds, Venetian Blinds, Vertical Blinds, and Pull Shades – Will be clean.
- Windows – All window surfaces, inside and outside of the window glass, shall be clean.
- Screens – Screens will be clean and in place with no holes or tears.

Closets: Closets, including floors, walls, hanger rod, shelves and doors, shall be clean.

Light Fixtures: Light fixtures will be clean and shall have functioning bulbs/florescent tubes.

Bathrooms:

- Bathtub, Shower Walls, Sinks – Bathtubs, shower walls and sinks shall be clean.
- Toilet and Water Closet – Water closets, toilet bowls and toilet seats will be clean. If the toilet seat is broken or peeling, the seat shall be replaced.
- Tile – All tile and grout will be clean.
- Mirrors and Medicine Cabinets – Mirrors and medicine cabinets shall be cleaned inside and out.
- Shelves and/or Other Cabinetry – All other shelving or cabinetry shall be cleaned inside and out.

Walls, Ceilings, Painted Doors and Baseboards: Painted surfaces must be cleaned with care to ensure the surface is clean without damaging the paint.

Floors: Floor cleaning includes sweeping and mopping and could include stripping, waxing and buffing. Types of floor surfaces include bamboo and marmoleum.

Interior Storage/Utility Rooms: Storage/utility rooms shall be cleaned. Properly cleaned storage/utility rooms will be free from odors, removable stains, grease marks or accumulations.

Washer/Dryer- Must be in working order and inner and outer surfaces shall be clean

Safety Hazard: Any item that provides a safety hazard shall be fixed. This would include, but is not limited to, exposed electrical wiring, satisfaction of any radon issue found, ventilation for gas hot water system, etc.

Walls Paint-Ready: All holes shall be patched; all posters, pictures, etc., shall be removed from all walls; all nails, tacks, tape, etc., shall be removed from all walls; and all walls shall be clean and ready for the new buyer to paint. If wallpaper has been placed on the wall and in good condition, the wallpaper can remain; if the wallpaper is peeling off, the wallpaper must be removed.

Windows: If a window is broken, including the locking mechanism, the window shall be replaced. If the window has a fog residue in the inside, it shall be replaced.

EXHIBIT D
ORDINANCE 14-47

Ordinance No. 14-47

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 3 OF
THE MUNICIPAL CODE OF PARK CITY, UTAH TO INCLUDE
THE PROHIBITION OF AFFORDABLE HOUSING FRAUD**

WHEREAS, there exists, homes, deed restricted for affordability within the city limits of Park City; and

WHEREAS, Park City Municipal Corporation wishes to ensure that the deed restricted affordable housing units are meeting the needs of the target population, the homes remain viable and in good condition and remain affordable for the long term; and

WHEREAS, there have been acts in the past by owners, developers, buyers, sellers, real estate brokers and agents, appraisers, title companies, mortgage brokers and mortgage lenders, seeking to disregard the recorded deed restrictions and to sell, lease or finance said units at market value or rent a unit or not occupy a unit when owner-occupation and/or occupation as a primary residence is required; and

WHEREAS, Park City Municipal Corporation wants to ensure that any fraud and unjust enrichment in the process is stopped and that buyers, sellers, renters and other intended beneficiaries of deed restricted affordable housing are protected from any fraudulent acts or statements;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH THAT:

Section 1. Amendment. Title 8 Criminal Code of the Municipal Code of Park City is hereby amended to include Section 8-3-6, as follows:

8-3-6 AFFORDABLE HOUSING FRAUD

1. Definitions:

- a. **AFFIDAVIT OF COMPLIANCE.** Form sent annually to owners of property that is deed restricted for affordability requiring signature and notarization establishing compliance with the deed restrictions recorded against said property.
- b. **DEED RESTRICTED AFFORDABLE HOUSING UNIT.** Any housing unit that has deed restrictions recorded against the unit preserving affordability.
- c. **DOMICILE.** The place where an individual has a fixed permanent home and principal establishment; to which the individual if absent, intends to return; and in which the individual and his or her family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home for a minimum of nine months out of each calendar year.
- d. **MAXIMUM RESALE VALUE.** Maximum Resale Value is based on the resale formula established in the applicable deed restriction.

- e. **PRIMARY RESIDENCE.** The place where a domicile has been established.
2. **Affordable Housing Fraud.** A person commits the offense of Affordable Housing Fraud if the person does any of the following with the intent to defraud, mislead, receive unjust enrichment, or otherwise circumvent the proper application of recorded deed restrictions for affordable housing:
- a. Knowingly makes any material misstatement, misrepresentation, or omission during the purchase, sale, mortgage lending process, leasing, or other process involving a deed restricted affordable housing unit, intending that it be relied upon by a buyer, seller, mortgage lender, borrower, renter or any other party;
 - b. When dealing with a deed restricted affordable housing unit, knowingly:
 - i. Participates in or facilitates any contract or other agreement other than a standard Real Estate Purchase Agreement or other formal real estate contract or agreement for the real property, to sell or purchase improvements to the real property or personal property for a value in excess of the deed restricted maximum resale value;
 - ii. Obtains or facilitates financing of a deed restricted affordable housing unit at an amount greater than the deed restricted maximum resale value;
 - iii. Closes an escrow or facilitates a transfer of the property without fully complying with all requirements related to a transfer of the property;
 - iv. Leases an affordable unit without fully complying with the requirements set forth in the deed restrictions;
 - v. Fails to occupy his or her deed restricted affordable housing unit as his or her primary residence; or
 - vi. Fails to file or cause to be filed annually a signed and notarized affidavit of compliance, or provides false information on the affidavit of compliance;
 - c. Knowingly files or causes to be filed with any county recorder in Utah any document that the person knows contains a material misstatement, misrepresentation, or omission; or
 - d. Receives any proceeds or any compensation in connection with a sale, lease or financing of a deed restricted affordable housing unit that the person knows resulted from a violation of this section.
3. **Penalty.** Any person violating the provisions of this ordinance shall be guilty of a class B misdemeanor. Any person convicted of violating this section is disqualified from further participation in affordable housing programs within the city limits for a period of five (5) years following the date of such conviction; provided, however, this provision shall not be construed or interpreted to impair any existing contract to which the convicted person is a party.
4. **Enforcement.** The Park City Police Department shall have authority to investigate violations of this section and issue citations.

Section II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent

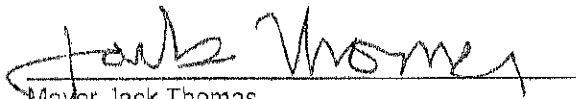
jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section IV. Effective Date. This ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE Park CITY COUNCIL this 25 day of September, 2014.

PARK CITY MUNICIPAL CORPORATION


Mayor Jack Thomas

Attest:

Marc Heil, City Recorder

Approved as to form:


Tricia S. Lake, Assistant City Attorney



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff is returning to Council with its third monthly update. This update outlines staff's current road map including philosophy, strategy, tactics, scope, and current work. Staff is seeking Council input and approval for this road map.

Respectfully:

Matthew Abbott, Enviromental Program Manager



City Council Staff Report

Subject: Monthly Energy Update: Roadmap
Author: Ann Ober, Senior Policy Advisor
Matt Abbott, Environmental Project Manager
Department: Office of Sustainability
Date: December 17, 2015
Type of Item: Work Session

Summary Recommendations:

Staff is seeking Council input and Council approval for the City's current Energy Roadmap.

Executive Summary:

Staff is returning to Council with its third monthly update. This update outlines staff's current Roadmap including philosophy, strategy, tactics, scope, and current work. Staff is seeking Council input and approval of this Roadmap.

Acronyms:

CAP	Climate Action Plan
CCA	Community Choice Aggregation
CO ₂ e	Carbon Dioxide Equivalents
PCMC	Park City Municipal Corporation
RECs	Renewable Energy Credits
SCPW	Summit Community Power Works

Background:

Topic History

At the September 3, 2015 City Council meeting Council requested that staff return with in Work Session with a report discussing the possibility of elevating Carbon Reduction and/or Energy Conservation to a Critical Priority.

At the September 24, 2015 City Council meeting staff presented *City Council Critical Priorities: Should carbon reduction and/or energy conservation be added as a third Critical Priority?*

(http://parkcityut.igam2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2067&MediaPosition=4500.751&ID=1432&CssClass=). City Council elevated Carbon Reduction and/or Energy Conservation to a Critical Priority.

At the October 29, 2015 City Council meeting staff presented *Monthly Update on New Critical Priority Carbon Reduction & Energy Conservation* (http://parkcityut.igam2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2077&MediaPosition=9927.147&ID=1462&CssClass=)

At the November 19, 2015 City Council meeting staff presented *Monthly Energy Update: Background Discussion*

(http://parkcityut.ig2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2071&MediaPosition=198.971&ID=1509&CssClass=)

This report is the third monthly update.

Analysis:

In the following section, staff will outline its current philosophy, strategy, tactics, long-term approach, and near term work plan. The whole of these parts is staff's current Energy Roadmap. Staff is seeking Council input in this section.

Philosophy

Council has elevated three priorities to “critical,” Energy, Housing, and Transportation. All three critical priorities have significantly different scopes that intersect and overlap. Functionally, staff is approaching these priorities like the Venn diagram below.

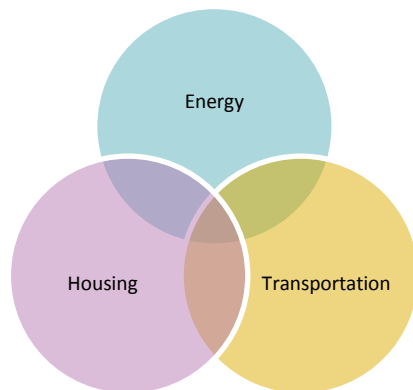


Figure 1 Scope

Philosophically, Environmental Sustainability is approaching Energy as a filter through which all priorities and programs are viewed.

Strategy

Staff is combining numerous perspectives to knit together a comprehensive strategic approach:

- Classic project management: analyze, plan, budget, implement, and measure outcomes.
- Pareto Principle,¹ otherwise known as the 80/20 rule, which states that roughly 80% of the effects can be attributed to 20% of the causes. For example, the majority of energy used by Park City Municipal is used by Public Utilities, Fleet, Transit, and Building Maintenance. With this in mind, Environmental Sustainability staff is more highly engaged with these departments. Simply stated, the Pareto Principle encourages staff to find and use leverage.

¹ Pareto Principle, Wikipedia – https://en.wikipedia.org/wiki/Pareto_principle

- Shrink the pie. The pie chart below illustrates the components of Park City Municipals approximately 22,000 ton (CO₂e) carbon footprint. Efficiency measures, including operations, management, and upgraded assets shrink the pie.

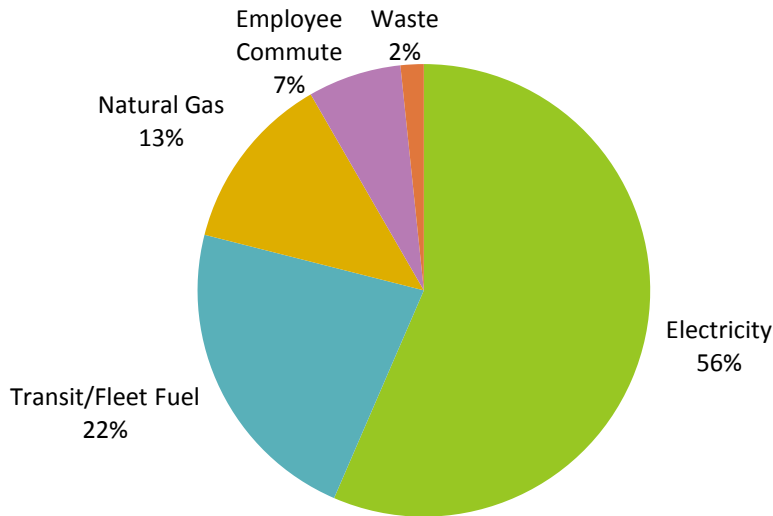


Figure 2 Park City Carbon Footprint Components

- Replace the pieces. As the pie shrinks, it becomes more cost effective to pursue fuel switching to less polluting fuel sources. Early analysis suggests that over 90% of electricity and 100% of natural gas can be renewably sourced. Similar opportunities exist with transit and fleet.
- Scale. Successful projects will be assessed for scalability and replicated. Scaling could occur internally and externally.

Tactics

Tactics represent how strategy is implemented. Staff is recommending three primary tactics:

- 1) Energy Efficiency – Staff believes that minimizing the amount of energy we need and use is crucial for a few reasons. First, is pragmatic. There are numerous known and proven ways for Park City Municipal and Parkites to reduce their total energy use. Second, renewable energy can be expensive. Energy efficiency reduces the upfront cost of renewables to homeowners and taxpayers. Third, is strategic. We live in a mountainous setting that has difficulty receiving power due to land barriers. Council and Summit County have both faced difficult decisions in recent years regarding grid and substation expansion. Population growth, business growth, and electric vehicles all increase demands to electricity grid. Energy efficiency may help to mitigate expansions to Rocky Mountain Power's grid infrastructure.

- 2) Technology – Across numerous key categories, technology is advancing at a rapid, if not exponential, rate. These advances come in the form of increased efficiencies, increased capacity, and reduced costs. For example, LED light bulbs are 80% more efficient than incandescent bulbs, last 25 times longer, and are as cheap as \$1.97. In some cases, key technologies are not yet available or reasonably affordable, such as electric buses. Our system is designed for 35-foot buses. In conversations with Blake Foncesbeck, system compatible electric buses are not in production yet but will be available in the coming years.
- 3) Renewable Energy – Operationally, Park City is dependent on electricity, natural gas, and diesel/gasoline. Energy efficiency and technology will help to minimize our dependence and the remainder will be replaced through renewables. Renewables include: hydro, wind, solar, biomass, green gas, and various alternative fuels.

Even with 100% success across all three tactics, staff anticipates that carbon offsets will be required to achieve Net Zero. Some of these offsets could be local and City owned, such as open space investments others may be Renewable Energy Credits (RECs).

Long-term Approach

Staff has formed three specific areas of focus for both the 2022 and 2032 Net Zero goals: data, Park City Municipal, and Park City. The chart below summarizes staff's current scopes and staff is confident that these scopes will shift over the coming months and years.

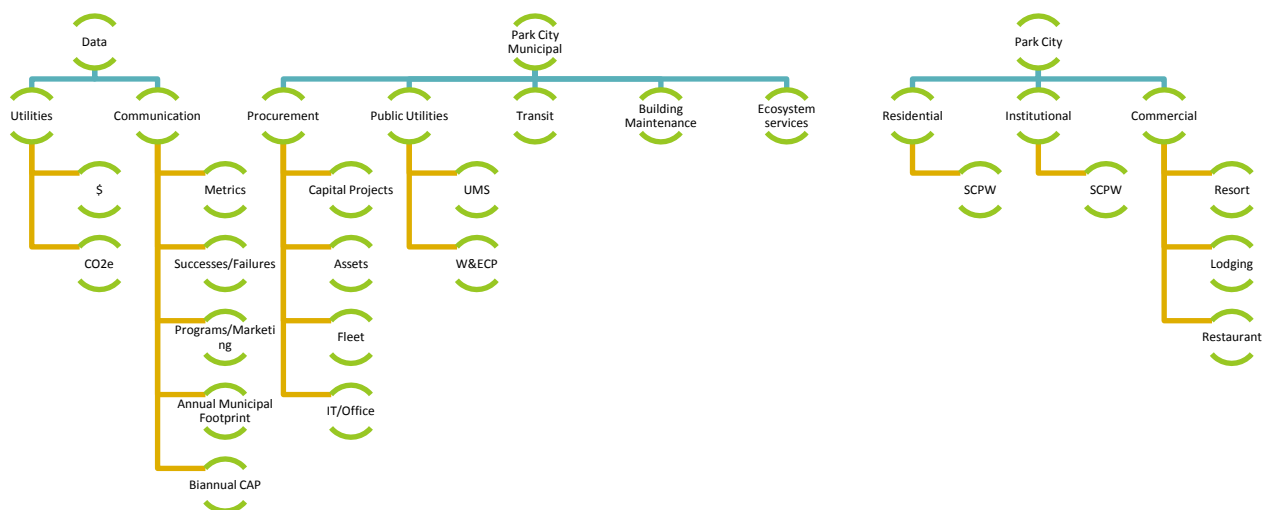
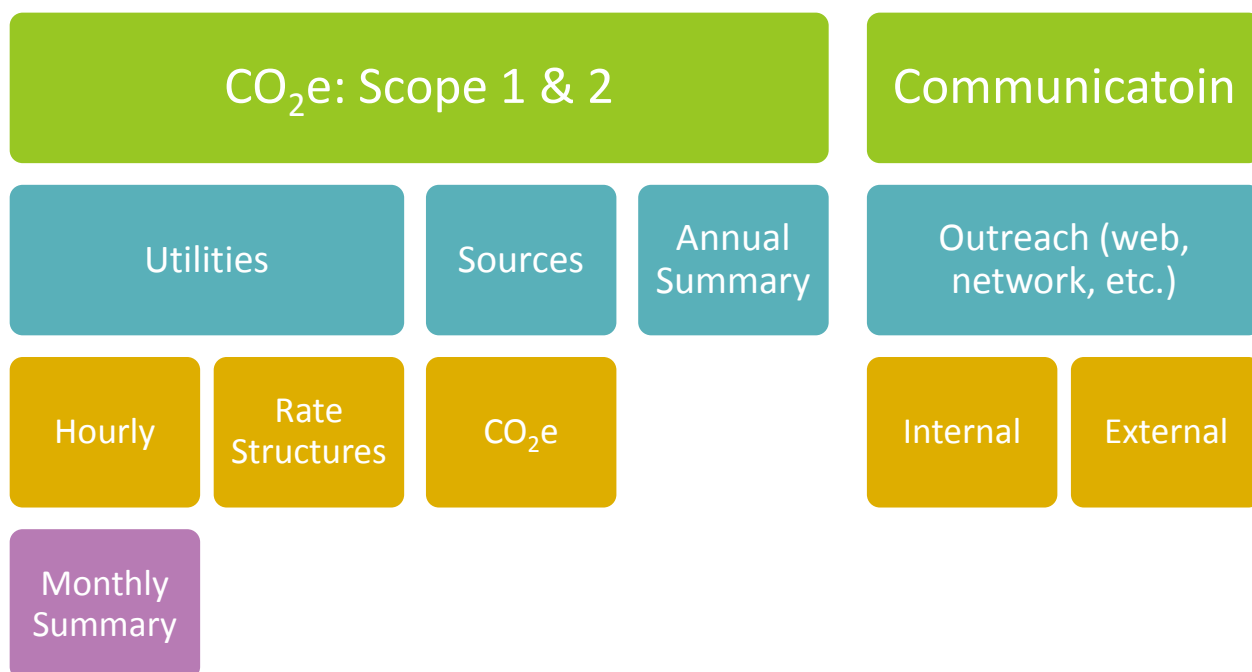


Figure 3 Scopes

Data

Data and communication are the fundamental back bone of this effort. Good data will track and drive success and support communication efforts. Transparency and third party verification will be vital to the success of these efforts.

The chart below summarizes some of the ways in which staff is scoping this work.



*Note – Scope 1 & Scope 2 summarize to greenhouse gas protocols. Scope 1 are owned emissions, like fuel consumption. Scope 2 are byproduct emissions, like where our electricity comes from. Scope 3 is more varied and incorporates everything from waste to air travel.

Park City Municipal

As stated earlier in the report, staff is approaching internal energy using the 80/20 principle. Staff has had this approach, in one form or another, since the start of the Environmental Sustainability program. Early successes include facility level energy efficiency work through Johnson Controls, efficiency investments and upgrades in the Library, the interior LED lighting replacement, the exterior lighting replacement, the MARC solar installation, and the current analysis underway with the Water Department.

Staff will continue this work with concerted efforts in Public Utilities, Transit/Fleet, and Building Maintenance.

In addition to concentrated efforts, staff is engaging all departments in creative sessions and tracking towards department level sustainability plans.

More broadly, staff will be assessing and updating procurement policies. Current approaches are diverse and include everything from large capital projects like the Park Meadows/Divide Well to fleet vehicles to office paper.

Finally, staff will be pursuing budget in FY2017 for a more thorough ecosystem services analysis. Early analysis indicated that up to 54% of Park City Municipals annual carbon footprint could be offset through our existing Open Space program.

Park City

Staff's involvement with the Georgetown University Energy Prize (www.quep.org) and Summit Community Power Works (www.scpw.org) along with previous efforts with www.parkcitygreen.org, Save Our Snow, and *The Low Carbon Diet* have been a good prelude to the 2032 Net Zero Goal. Initially, staff has scoped three broad categories: residential, institutional, and commercial. SCPW has a current role in helping the residential and institutional sectors with energy efficiency and renewable energy. As staff finalizes a data and communication strategy, staff will be better able to articulate a specific and measurable Roadmap for the 2032 Net Zero goal.

Work Planned

Foundation for a Climate Action Plan (CAP) – Staff has initiated a procurement process to establish the foundation for a future Climate Action Plan. This work will assess our previous carbon footprints and climate data, establish a consistent methodology for approaching this data in the future, and help staff structure its work plan through a scoring tool. This work is very much in parallel with the Water & Energy Conservation Program in that its primary intent is to provide staff with third party verification, a second set of eyes on a complicated program, and the tools to use independently moving forward. Staff will be using the General Plan on the test projects for the scoring tool. Staff will be seeking funding for a more robust CAP during the FY2017 budget process.

Department Specific Action Plans – Ann Ober will focus her time this year developing the internal plans, but will require some technical assistance. Those funds will come out of her existing budget.

Utility-scale renewables – At least 69% of Park City Municipal's carbon footprint and the majority of the citywide carbon footprint can be attributed to the source of our electricity and natural gas. Both Rocky Mountain Power and Questar have, or have the potential to procure, renewable energy resources. However, these goals may not align with each company's corporate goals or legal obligations. As such, staff is reviewing options for how to best assist achieve our goals without utilities. This includes assessing leverage in Franchise Agreements, enabling legislation like community choice aggregation (CCA), and basic municipalization analysis. Ann Ober will be committing time to this work.

Work Underway

In addition to the work projected above, there are a number of active projects underway across numerous departments.

Department

- Building Maintenance
 - Completing Phase I and starting Phase II of interior LED Switch
 - Mike Lennon & Building Maintenance Team
 - Bina Skordas
- Recreation
 - Ice
 - Phase II of interior LED Switch
 - Amanda Noel & Chanz Skeffington
 - Bina Skordas
 - MARC
 - MARC Solar PV Installation (complete)
 - Ken Fisher & Tate Shaw
 - Matt Abbott
 - Completing Phase II of interior LED Switch
 - Ken Fisher & Tate Shaw
 - Bina Skordas
- Police
 - Completing Phase II of interior LED Switch
 - Mike Lennon & Building Maintenance Team
 - Bina Skordas
- Public Utilities
 - Streets & Streetscapes
 - Starting Phase II of LED Streetlight Switch
 - Troy Dayley & Bruce Lee
 - Bina Skordas
 - Water Department
 - Water & Energy Conservation Program
 - Clint McAfee, Jason Christensen, Kyle MacArthur, Roger McClain, Nick Graue, & Griff Lloyd
 - Matt Abbott & Bina Skordas
 - Rocky Mountain Power Water Cohort
 - Kyle MacArthur
 - Bina Skordas
 - Quinn's Junction Water Treatment Plant Process, Capacity, and Energy Management Upgrades
 - Clint McAfee, Roger McClain, Michelle DeHaan
 - Matt Abbott
 - Park Meadows/Divide Well
 - Clint McAfee, Roger McClain, Nick Graue

- Bina Skordas
- Sustainability
 - Community
 - 1450/1460 – Net Zero New Construction
 - Rhoda Stauffer
 - Economic Development
 - Brewpub Parking Lot
 - Jonathan Weidenhamer, Matt Twombly
 - Miner’s Plaza
 - Jonathan Weidenhamer, Matt Twombly

Community Engagement

- Georgetown University Energy Prize via Summit Community Power Works
 - Mary Christa Smith, Cam Snyder, Matt Abbott

Department Review:

Office of Sustainability, Legal, and Executive.

Alternatives:

A. Approve:

Approve the City’s Energy Roadmap as proposed by staff. **[STAFF RECOMMENDATION]**

B. Deny:

Deny staff’s current Roadmap, resulting in a delay in staff level work towards this critical priority. If the Roadmap is denied, staff is seeking specific Council outcomes that would assist staff in ongoing work towards achieving the Net Zero 2022 and 2032 goals.

C. Modify:

Modify staff’s current Roadmap, possibly resulting in a delay in staff level work towards this critical priority. If the Roadmap is modified, staff is seeking specific Council outcomes that would assist staff in ongoing work towards achieving the Net Zero 2022 and 2032 goals.

D. Continue the Item:

Continue this report to a future date.

E. Do Nothing:

Do nothing, resulting in a delay in staff level work towards this critical priority.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	~ Accessible and world-class recreational facilities, parks and programs ~ Balance between tourism and local quality of life + Unique and diverse businesses + Multi-seasonal destination for recreational opportunities + Internationally recognized & respected brand	~ Managed natural resources balancing ecosystem needs + Effective water conservation program + Reduced municipal, business and community carbon footprints + Enhanced conservation efforts for new and rehabilitated buildings	+ Skilled, educated workforce + Diverse population (racially, socially, economically, geographically, etc.)	+ Fiscally and legally sound + Engaged, capable workforce + Well-maintained assets and infrastructure + Engaged and informed citizenry + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 	Positive 	Very Positive 
Comments: Successful carbon mitigation and climate adaptation will have numerous beneficial byproducts.				

Funding Source:

Staff is not requesting additional funds at this time. Executive has extended up to \$15,000 in contingency funding to support FY2016 consulting efforts.

Consequences of not taking the recommended action:

Possible delays staff's ability to make progress towards Energy, a critical Council priority.

Recommendation:

Staff is seeking Council input and Council approval for current their current Roadmap

Exhibits:

None.



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

On November 19, 2015 a preliminary design concept was presented to the City Council during a Study Session. Due to time constraints, there was no opportunity for input. This meeting is an opportunity to have a dialogue with City Council and the general public on the conceptual design generated so far for the Main Street Plaza, more specifically the possible program elements and tradeoffs associated with each aspect. The Brew Pub Plaza design team is working towards completion of concept design. Within that design there will be three schemes or alternatives that balance program and cost. In early January 2016, staff intends to come with a recommended alternative we believe best represents the balance of stakeholder input and effectuation of stated goals. At that time City Council will be asked to balance the project budget and overall goals, as initial cost estimating indicates that accomplishing all the project goals identified by stakeholders will be difficult within the current budget. Staff will bring an alternative that meets the estimated project budget of \$7M.

There will be additional opportunities to further evaluate and comment on the design, both when staff returns in January and as we further develop the specific design as we submit applications to initiate the planning approval process.

Respectfully:

Michelle Kellogg, City Recorder



City Council Staff Report

Subject: Brew Pub Plaza Project
Preliminary Discussion of Concept Design
Author: Jonathan Weidenhamer
Department: Sustainability
Date: December 17, 2015
Type of Item: Informational

Summary Recommendations:

Consider the overview from the Main Street Plaza (Brew Pub) design team on the preliminary design concept. City Council should consider taking public input related to possible program elements in the concept design.

Executive Summary:

On November 19, 2015 a preliminary design concept was presented to the City Council during a Study Session. Due to time constraints, there was no opportunity for input. This meeting is an opportunity to have a dialogue with City Council and the general public on the conceptual design generated so far for the Main Street Plaza, more specifically the possible program elements and tradeoffs associated with each aspect.

The Brew Pub Plaza design team is working towards completion of concept design. Within that design there will be three schemes or alternatives that balance program and cost. In early January 2016, staff intends to come with a recommended alternative we believe best represents the balance of stakeholder input and effectuation of stated goals. At that time City Council will be asked to balance the project budget and overall goals, as initial cost estimating indicates that accomplishing all the project goals identified by stakeholders will be difficult within the current budget. Staff will bring an alternative that meets the approximate project budget of \$7M.

There will be additional opportunities to further evaluate and comment on the design, both when staff returns in January and as we further develop the specific design as we submit applications to initiate the planning approval process.

Acronyms in this Report:

GSBS – Gillies, Stransky, Brems, Smith Architects
HPCA – Historic Park City Alliance

Background:

The Main Street Plaza (Brewpub) Design Team interviewed the City Council on August 20, 2015 to kick off a two month process of community and stakeholder input sessions which defined the goals, program and opportunity analysis (activities, elements, amenities, users, etc.) for the project ([8/20 meeting](#)). On October 22, the City Council affirmed we had the correct goals and program elements and directed staff to begin the design process ([10/22 meeting](#)). We returned again on November 19, 2019 and

presented high level design themes, key activity and elements, and specific project components ([11/19 meeting](#)). While these work sessions successfully provided the City Council with high level process confirmation and input opportunities, time constraints did not allow for public input.

Summary - Submitted by GSBS:

From the outset of this conceptual design exploration of the possible future for the Brew Pub Lot we have focused on giving Park City a flexible and vibrant place that serves its residents, visitors and partners. In order to accomplish this we focused on five goals for the plaza determined by our numerous meetings with project stakeholders.

Plaza Goals

- *Generate Daily Activity*
- *Allow and Promote Event Activity*
- *Encourage Stay and Play*
- *Combine Natural and Built Elements*
- *Be Multi Seasonal*

Our team, including the members of Park City's dedicated steering committee, has developed three conceptual schemes for a new Park City Main Street Plaza. These schemes are all based around the six basic elements for a successful plaza:

- *Park space*
- *Iconic draw*
- *Event spaces*
- *Vibrant edges*
- *Flexible center piece*
- *Circulation and parking*

The schemes themselves are similar in layout but provide different levels of architectural density which dramatically affects the character, activity, neighborhood impact, functionality, sustainability and cost. It is through these filters that the Steering Committee and Design Team are reviewing the three schemes in order to provide the City Council and Public with a recommendation in January.

Summary of the Process:

The process to reach these final schemes was essential in order to create a space that was uniquely Park City. In our discussion with different individuals and groups, including a survey of the residents, we heard some reoccurring themes related to the core values of Park City: small town, sense of community, natural setting and historic character. The priorities for the plaza were identified as activity, authenticity, adaptability, connection and scalability but above all the plaza needed to represent the spirit of Park City and enhance this unique place and its people. We summarized these

priorities into five thematic guideposts that identify the nature of the place and its experience. These will inform the design process moving forward.

Thematic Guideposts

- *Authentic*
- *Discovery*
- *Fusion*
- *Intimate*
- *Rebellious*

As design continues after conceptual scheme selection in January our team will create an authentic, scalable/adaptable, transitional place that creates an opportunity for people to connect with a uniquely local experience that is constantly changing to accommodate a new experience on Park City's Main Street.

Analysis:

Staff requests that the City Council give input and host a dialogue regarding the design concept to date, including program elements and desired priority of specific uses to consider. Staff and the design team will incorporate input received at this meeting to supplement existing (past and upcoming) public outreach to inform our January 2016 recommendation.

The attached matrix (Exhibit A) has varying levels of programming and amenities based on requests submitted by stakeholders.

Department Review:

This report has been reviewed by representatives of Sustainability, Legal, Budget and the City Manager's Office and their comments have been integrated into this report.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings ~ Accessibility during peak seasonal times + Safe community that is walkable and bike-able + Internationally recognized & respected brand + Unique and diverse businesses (+/-) (Select Desired Outcome)	- Managed natural resources balancing ecosystem needs ~ Enhanced water quality and high customer confidence - Reduced municipal, business and community carbon footprints ~ Economically and environmentally feasible soil disposal (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	~ Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors + Entire population utilizes community amenities + Community gathering spaces and places + Vibrant arts and culture offerings (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Well-maintained assets and infrastructure (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Negative 	Very Positive 	Positive 
Comments: Events may have temporary negative impacts on the residential neighborhoods and certain businesses but the improvements will result in overall positive results from an activity, amenity and economic standpoint. The carbon footprint will be greater than today. The team will have to be sensitive to the historic district guidelines as we move into design. development				

Funding Source:

The current budget adopted in the 5-year CIP has \$5 Million allocated for the Brew Pub Plaza project out of the \$14.5 M, 10 year project budget. In April 2015, City Council indicated preliminary support to increase the hard costs to approximately \$7M, which would increase the overall downtown project budget approximately \$3 - 3.5M.

Staff will return to Council in January for an in-depth discussion and evaluation of the total downtown improvement project cost estimates and an updated evaluation of the 10-Year Resort Communities Sales Tax Plan including the impacts of issuing additional debt against the revenue stream. At that time it will be necessary for Council to evaluate additional budgeted use of the sales tax in the context of all potential project costs associated with the revenue.

Recommendation:

Consider the overview from the Main Street Plaza (Brew Pub) design team on the preliminary design concept. City Council should consider taking public input related to possible program elements in the concept design.

Attachments:

Exhibit A: Program Matrix

Exhibit B: Project components

Exhibit C: November 19, 2015 Presentation to Council – overview of 3 alternatives

Essential Element	Daily Activity	Promote Events	Encourage Stay & Play	Combine Natural and Built	Multi Seasonal Use	Use	Scheme A	Scheme B	Scheme C	Notes	Park Silly	Kimball Arts Festival	Kimball Arts Center	Sundance Film	Mountain Town Stages	Park City Film	Chamber of Commerce	Olympics/USSA	HPCA	Other Event Operators	Public Survey	Plaza Operations
						Storage	866	866	866	Parking level 1												
						Support	1,350	1,875	1,366	Parking Level & Plaza - includes Zamboni storage and skate shack												
						Multi Purpose Space	950	2,000	5,350	Parking Level 1 in all schemes (except with 2 levels of parking) and on upper levels in B&C												
						Catering Kitchen	0	500	500	Daily/periodic activation												
						Restrooms	All	All	All	8 stalls (4 Men, 4 Women)												
						Coffee Shop	All	All	All	On Main and Plaza												
						Commercial	0	250	500	On Main and Plaza												
						Plaza	11,500	11,500	11,500	Flat area for event set up and staging												
						Plaza Extension	10,000	10,000	10,000	Main Street and Connector Road												
						Ice Rink	4,000	4,000	4,000	Included in Plaza SF												
						Stage	600	600	600	To include structure for lights and sound system.												
						Land Forms/Park	8,000	8,000	8,000													
						Swede Amphitheater	2,700	2,700	2,700	Transition area from Swede to Plaza Level												
						Parking Level 1	41 cars	41 cars	41 cars													
						Trash	200	200	200	One 30 CY compactor												

Adding Parking Level 2 adds 41 cars and 350 sf of storage and eliminates 950 sf multi purpose space



Park City Main Street Plaza

Conceptual Design

Cost Estimation Items

December 17th, 2015

 Scheme A

 Scheme B

 Scheme C

 Flood Plain Mitigation

 Parking Level 2

 Ice Rink

 Swede Connection

 Water Feature

 Snow melt active

 Snow melt in cut through road

 Contaminated soil

 Solar with net metering Sandridge parking

 Solar with net metering China Bridge

 Soft costs

 LEED certification cost

Park City Main Street Plaza

19 November 2015



CIVITAS

STRUCK

Activity & Elements Matrix

+ Key components:

Generate daily activity

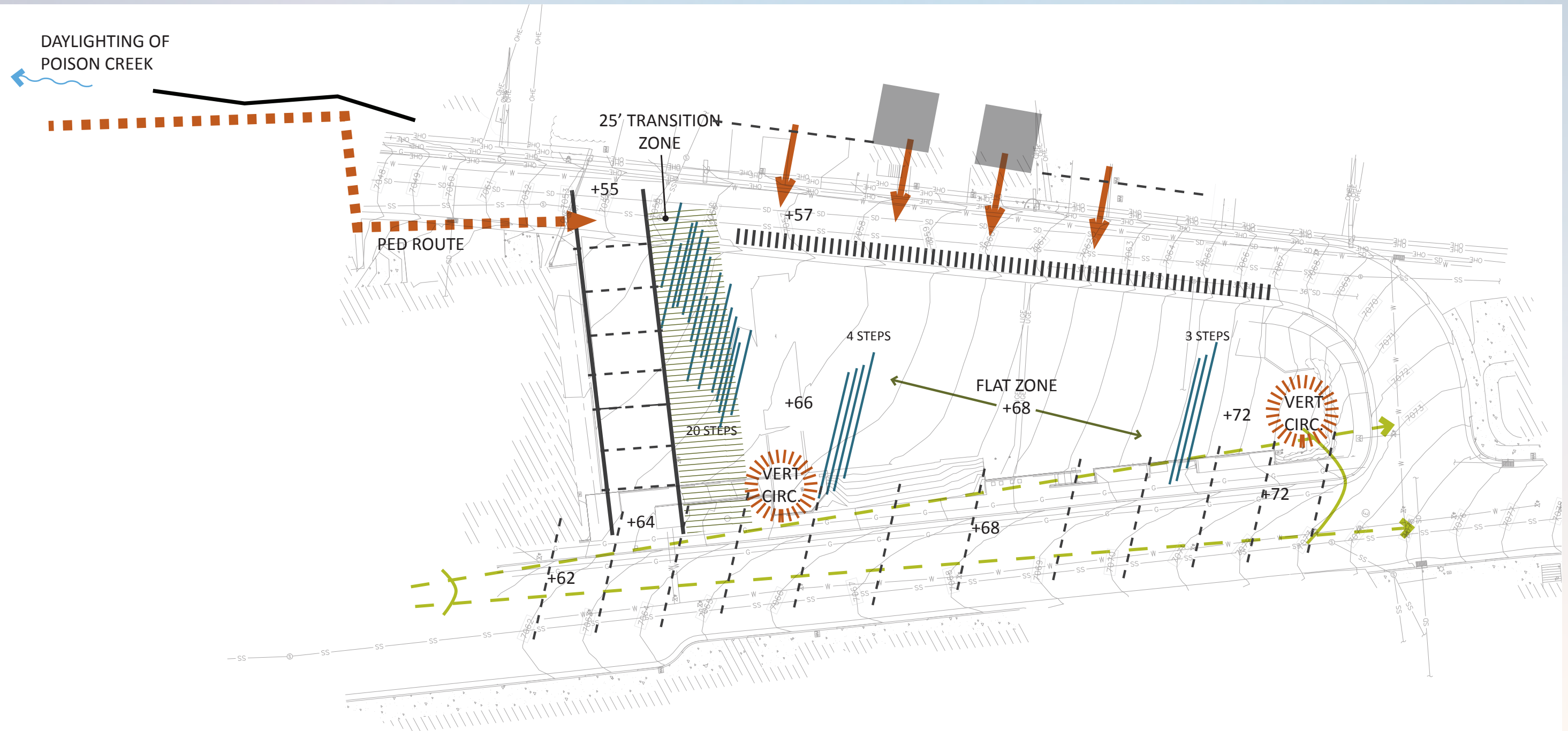
Allow and promote event activity

Encourage stay and play

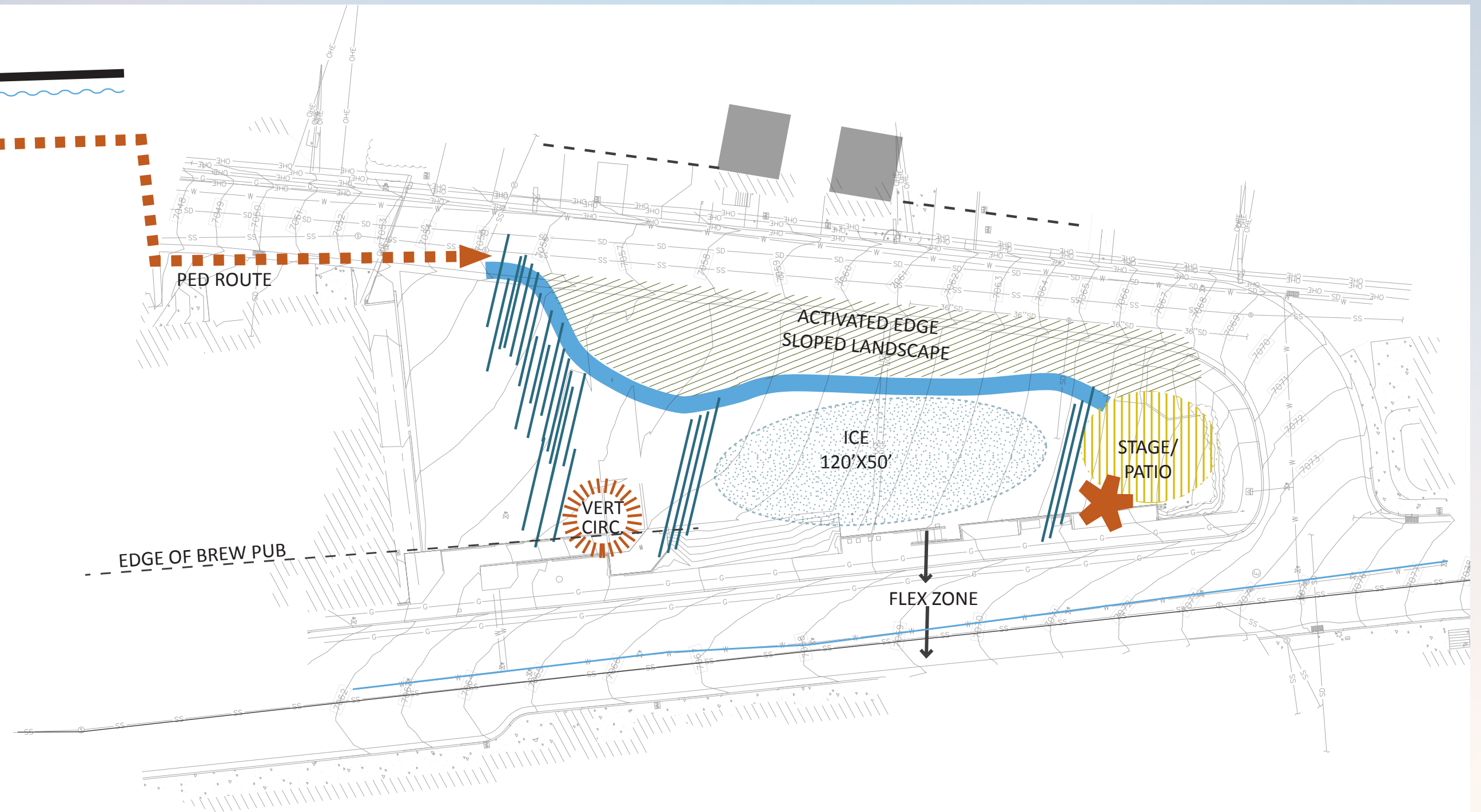
Combine natural and built elements

Be multi-season

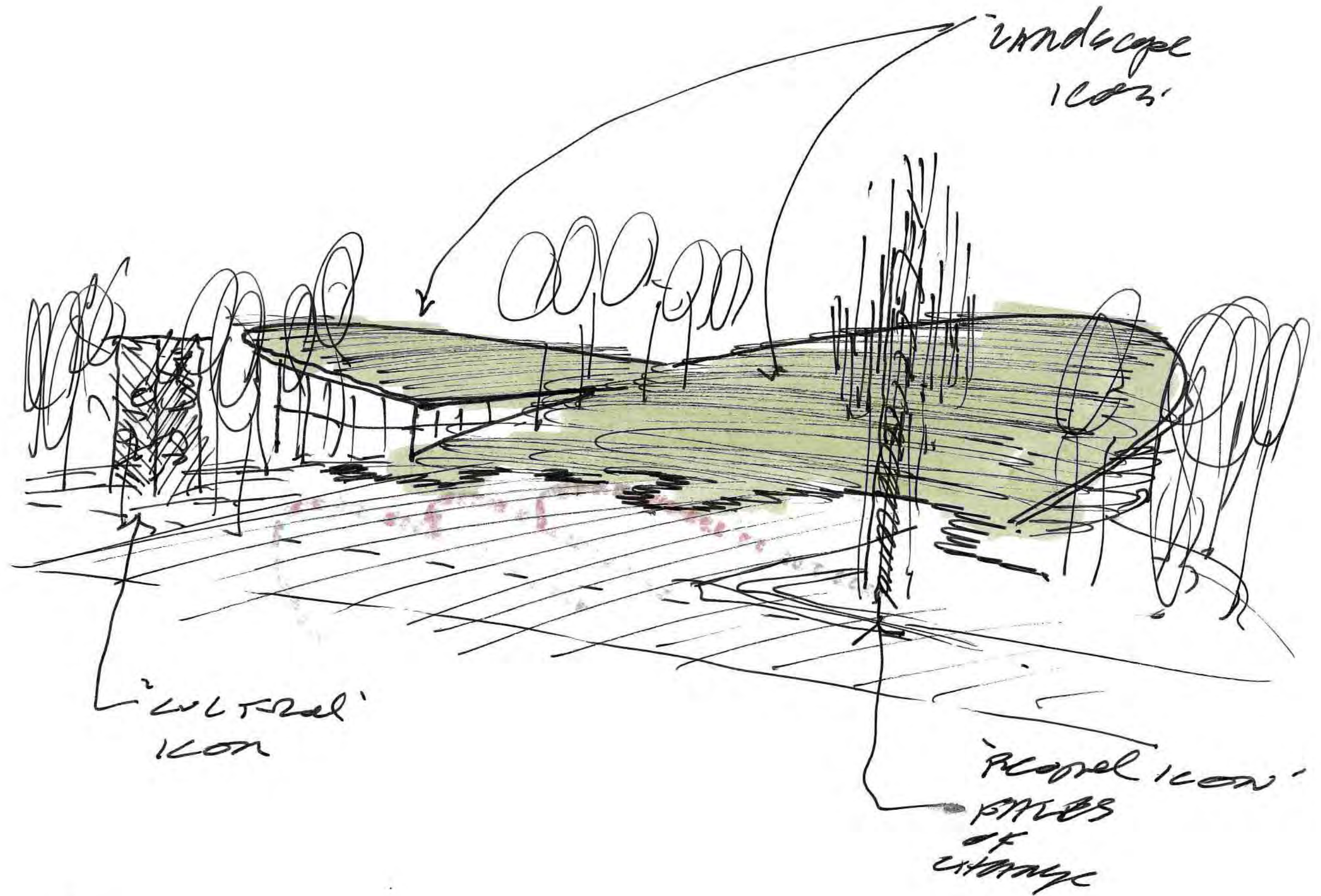
Access and Views



Activation and Enhancement





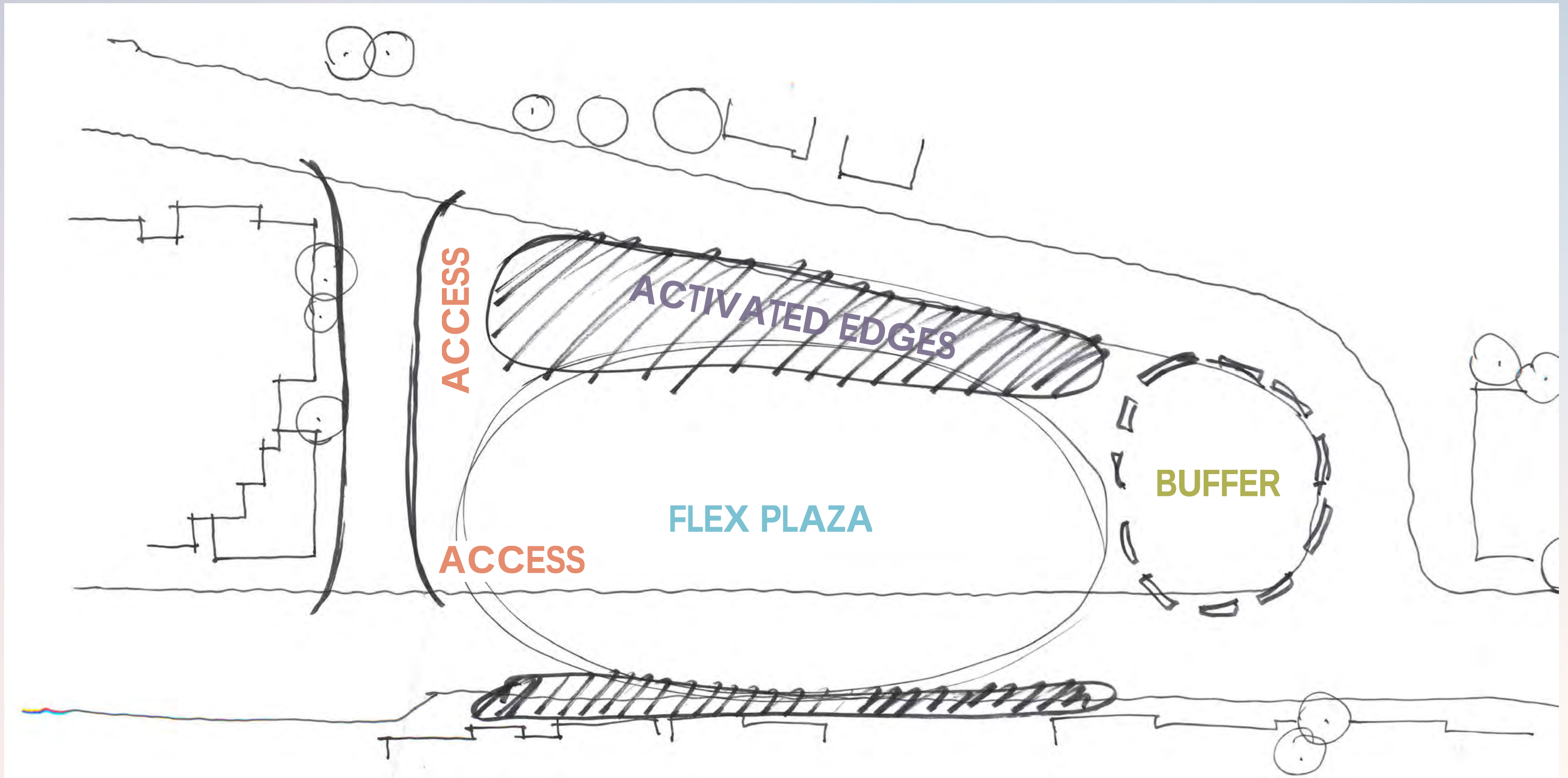


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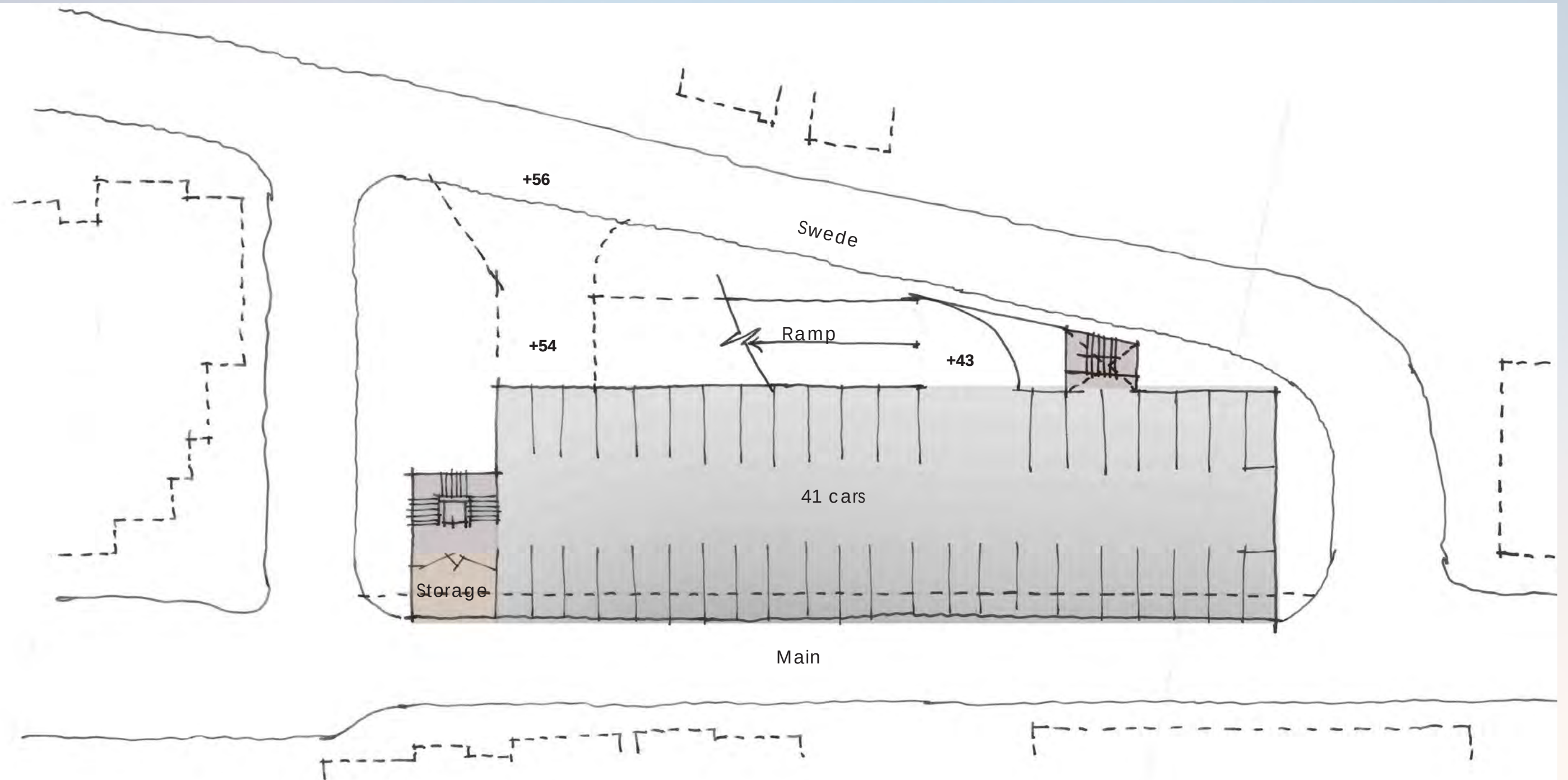
Plaza Zones



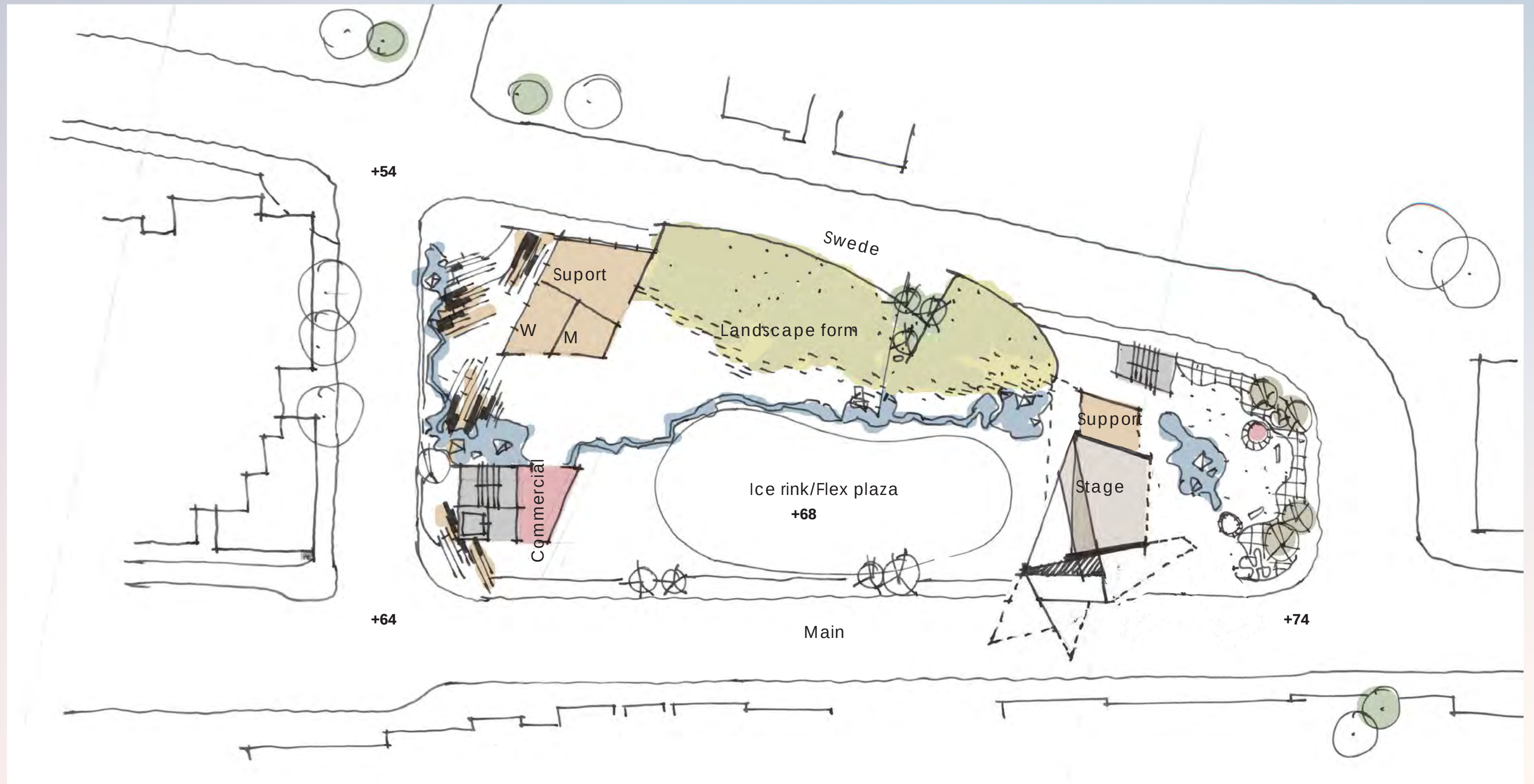
Parking: One Level



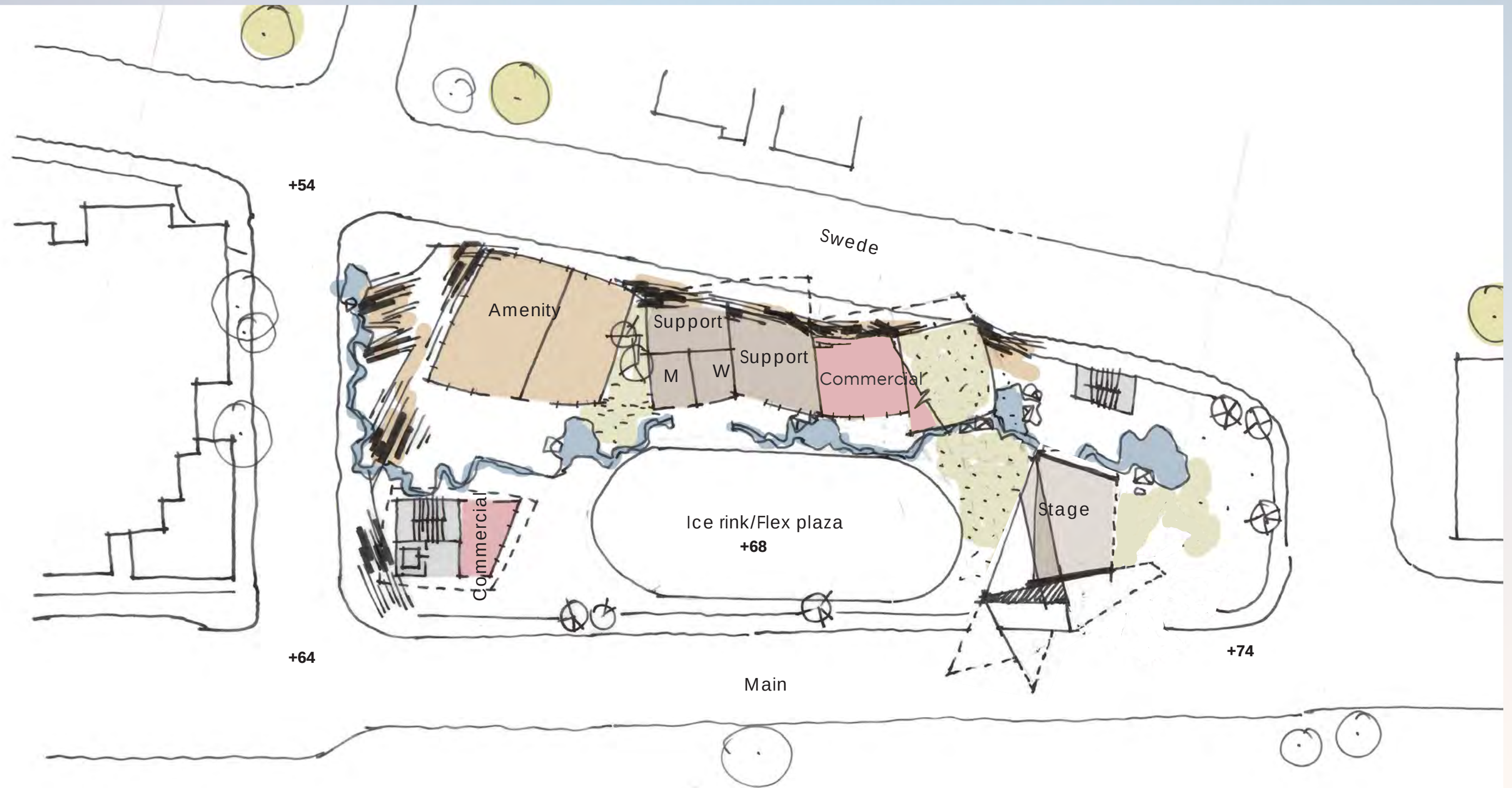
Parking: Two Levels



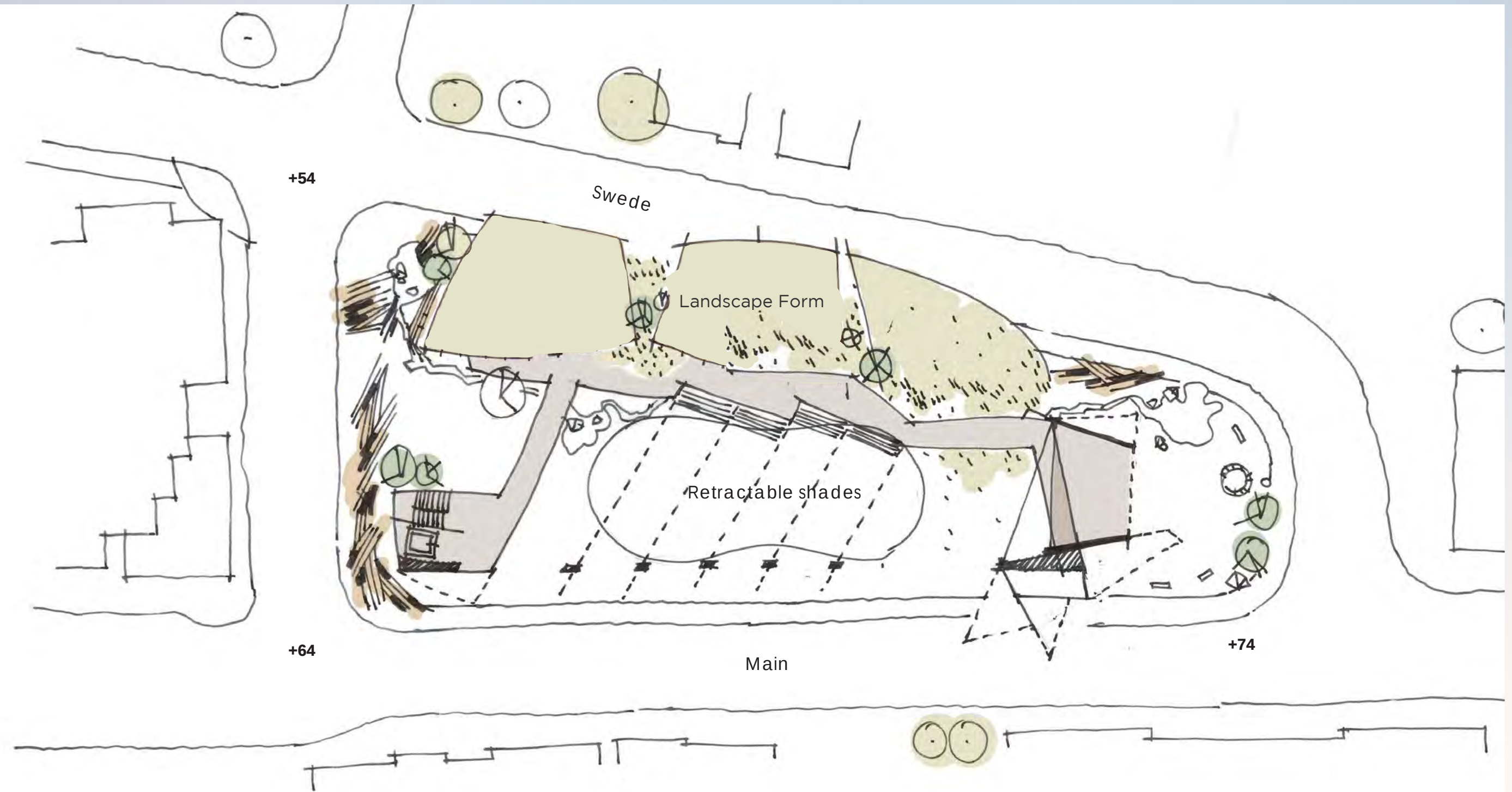
Plaza Level: Option A



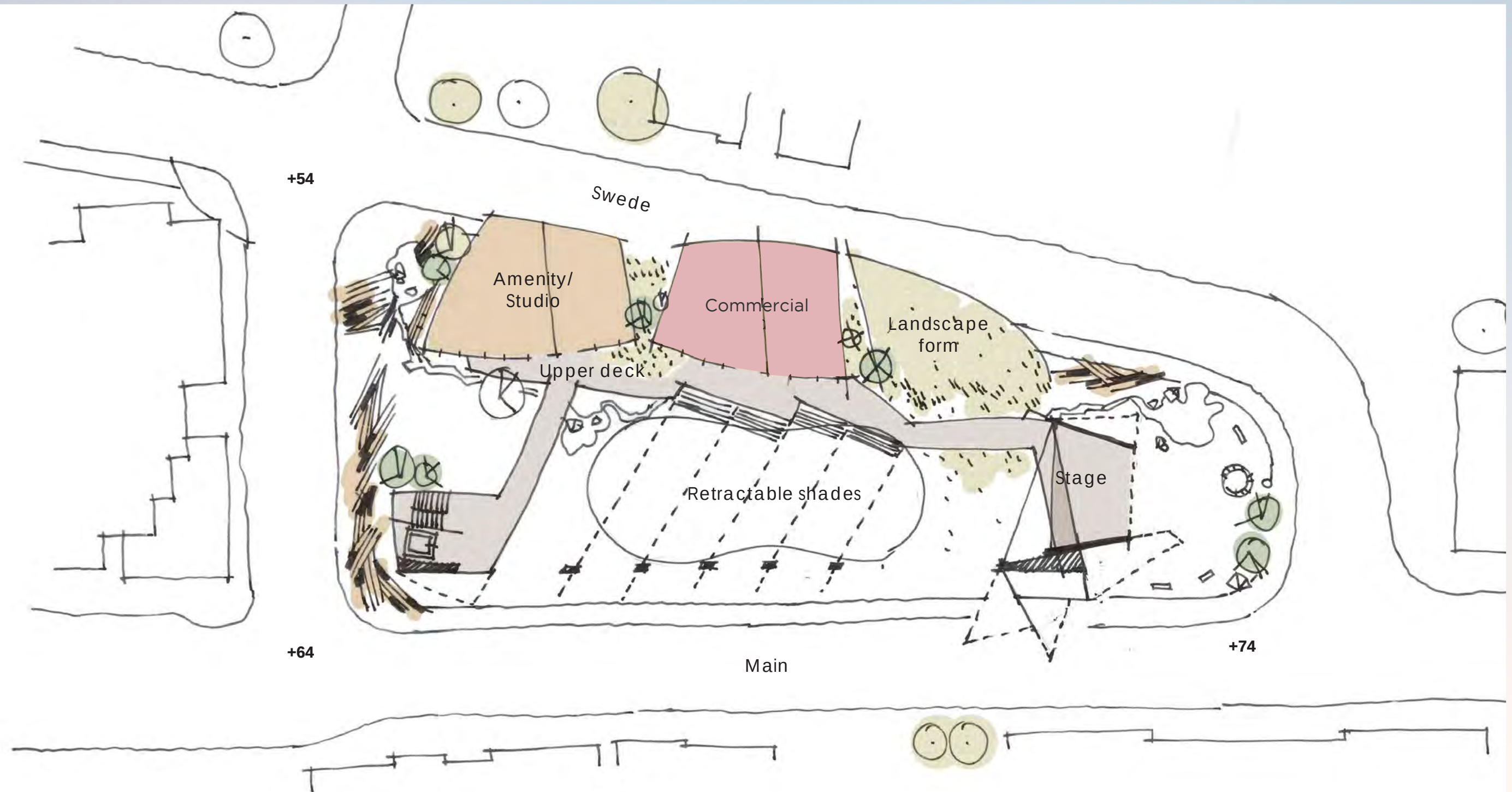
Plaza Level: Option B and C



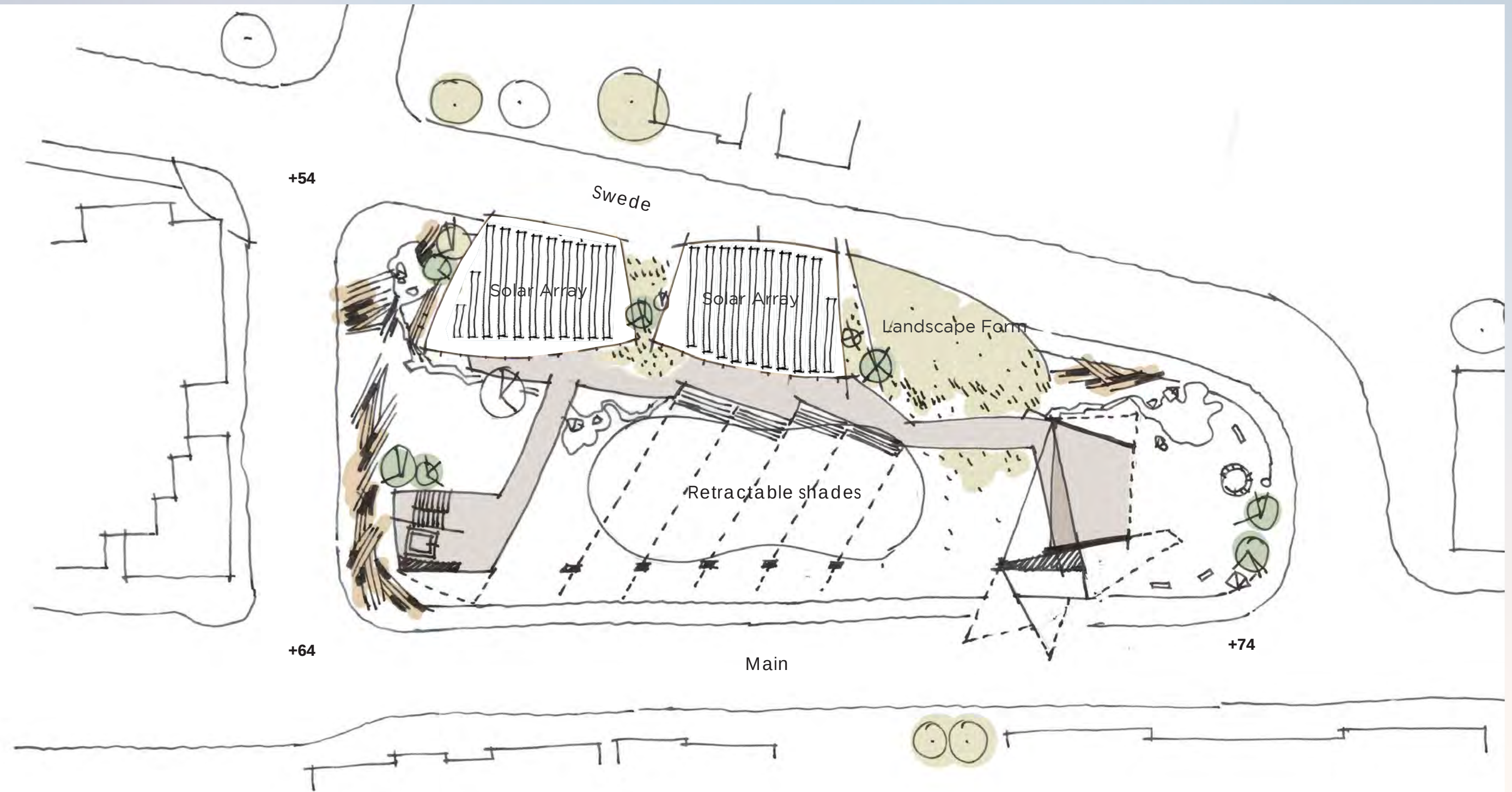
Roof Level: Option B



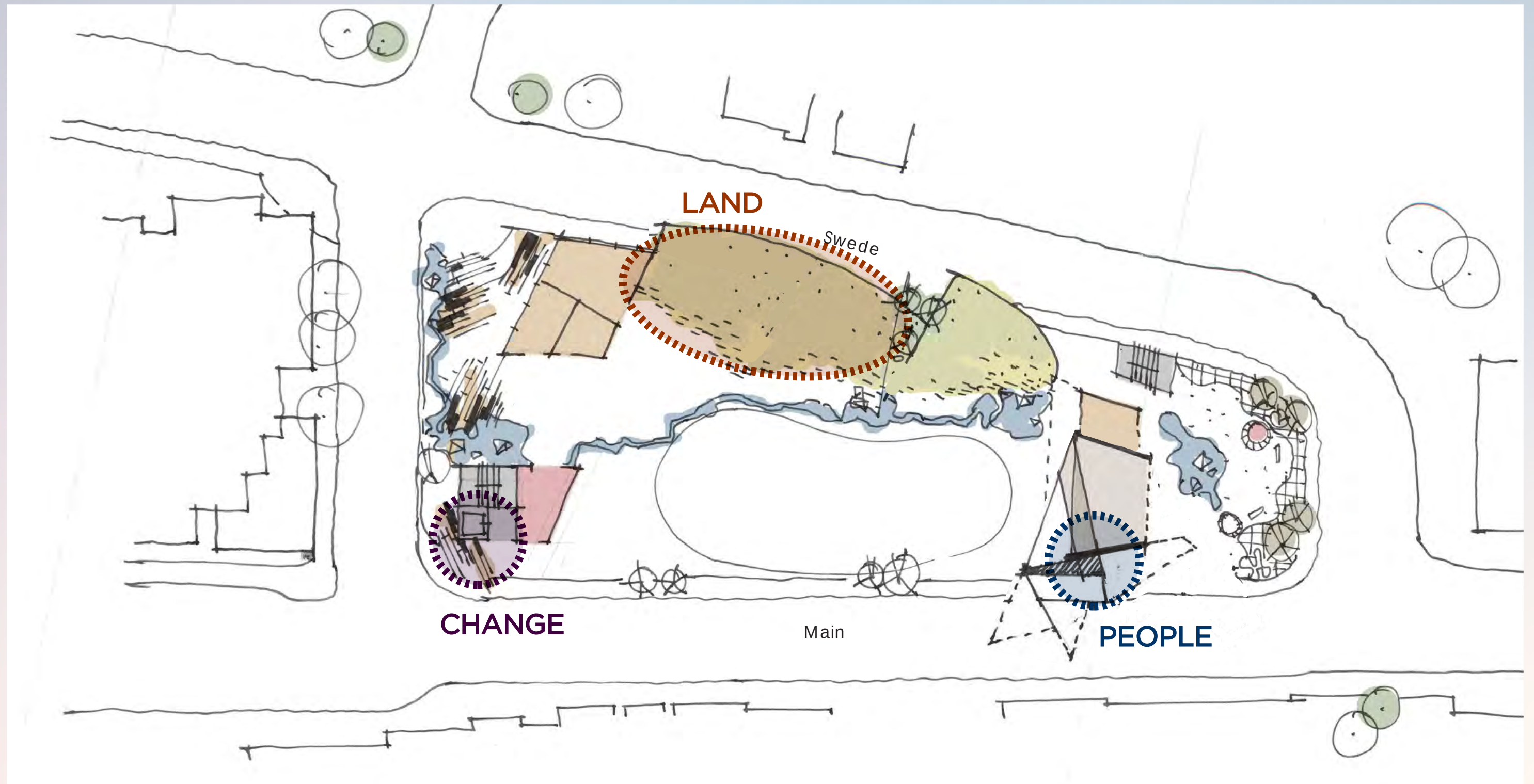
Upper Level: Option C



Roof Level: Option C



Plaza Level: Option A



Park City Main Street Plaza

November 19, 2015



CIVITAS STRUCK

A Place of Convergence

- + The plaza is the ideal place for visitors to feel connected to historic Old Town, to the community, and to each other.**
- + By combining materials, concepts and scale we can develop a combination of design elements that represent the unique blend of people, land and change that are the foundation of Park City.**

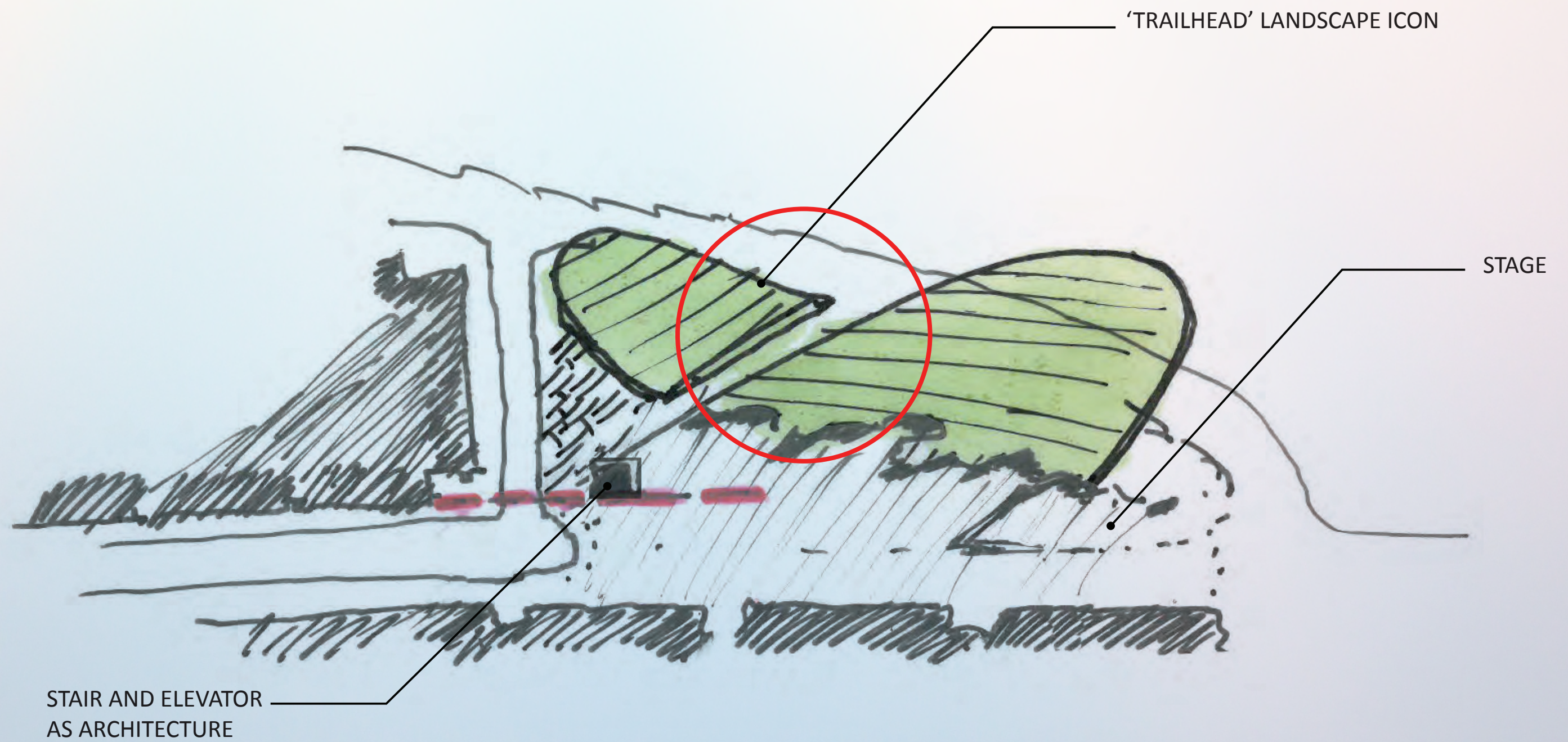
Key Design Elements

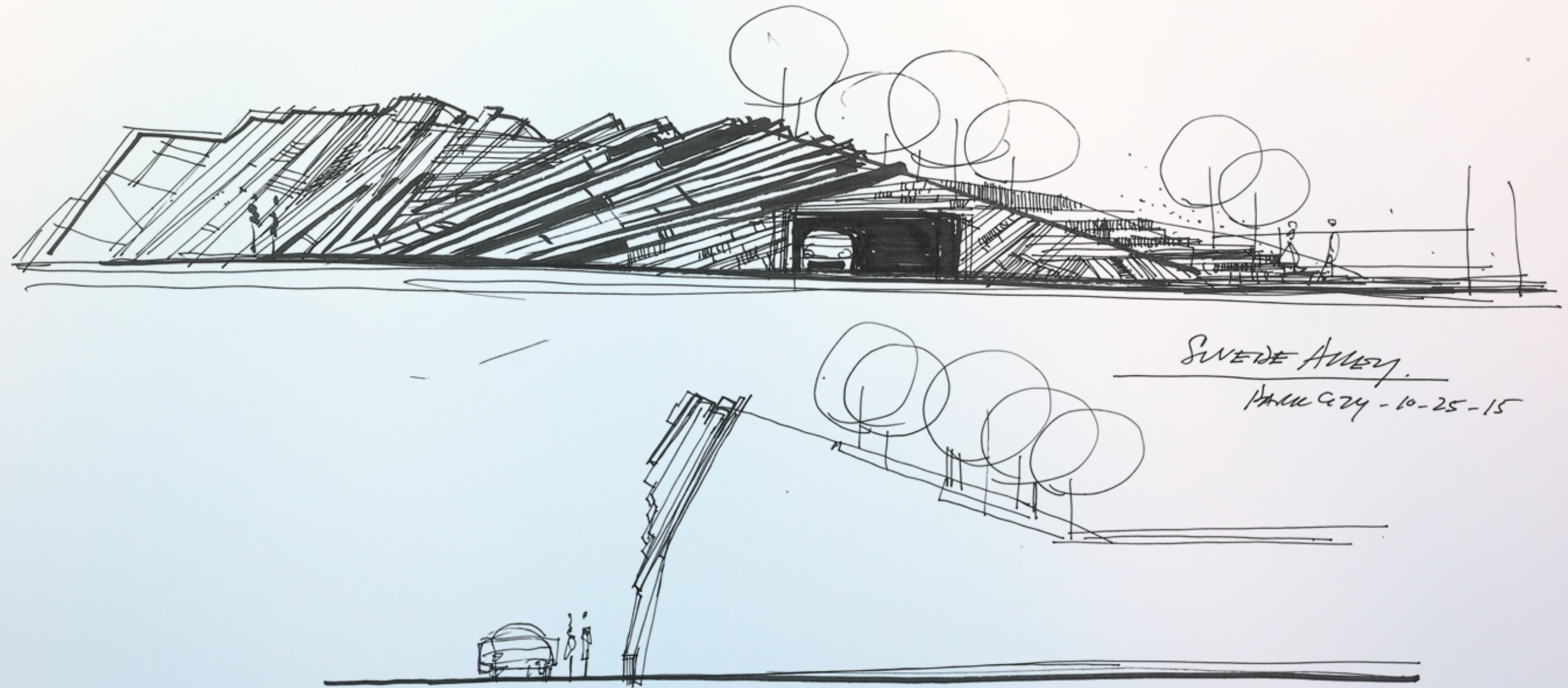
Design Themes: People, Land & Change

- + These form the framework for development of iconic elements that will drive visitation, create lasting impressions and cultivate local pride.**
- + Used in collaboration together, these elements will create a cohesive and dynamic destination that is not only representative of Park City, but is additive to the overall destination.**

Shaped by the land

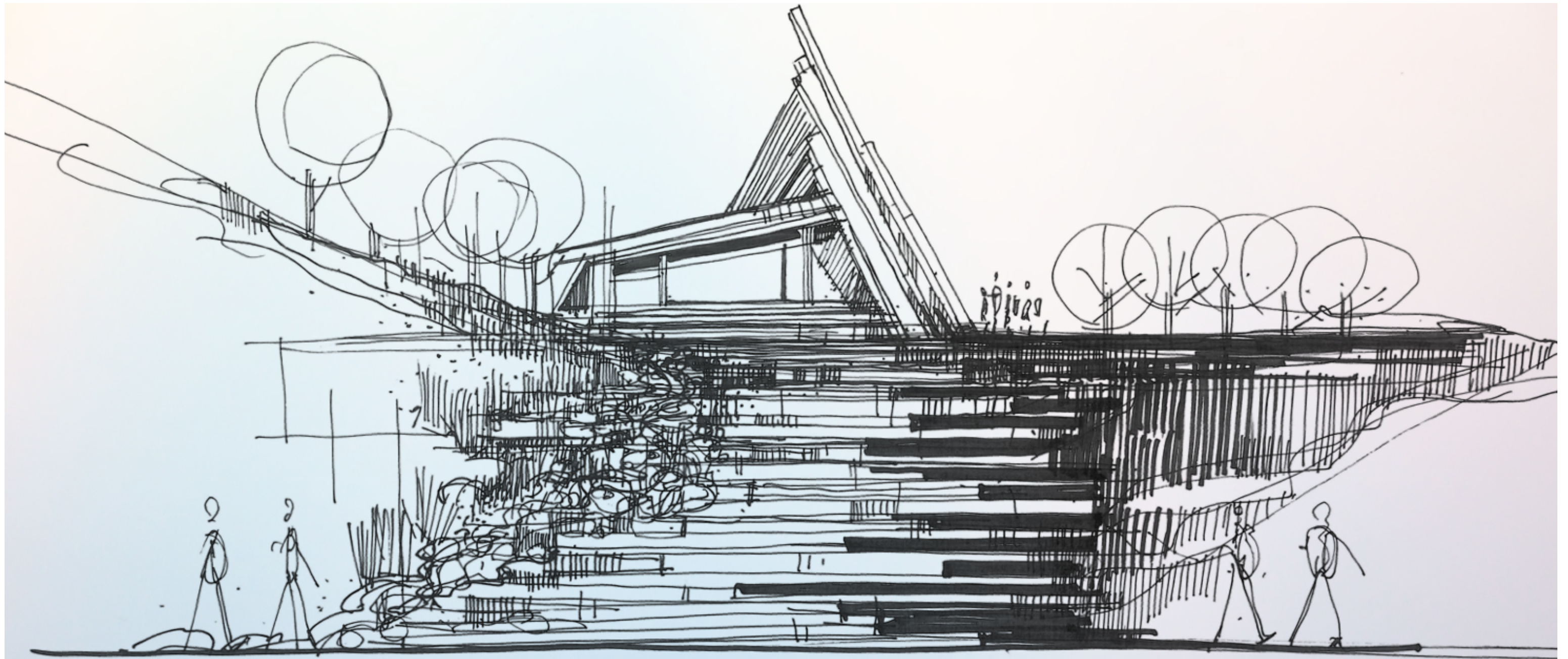
Park City serves as the ideal trailhead for discovering, connecting with, and experiencing our beautiful and inspiring natural surroundings.





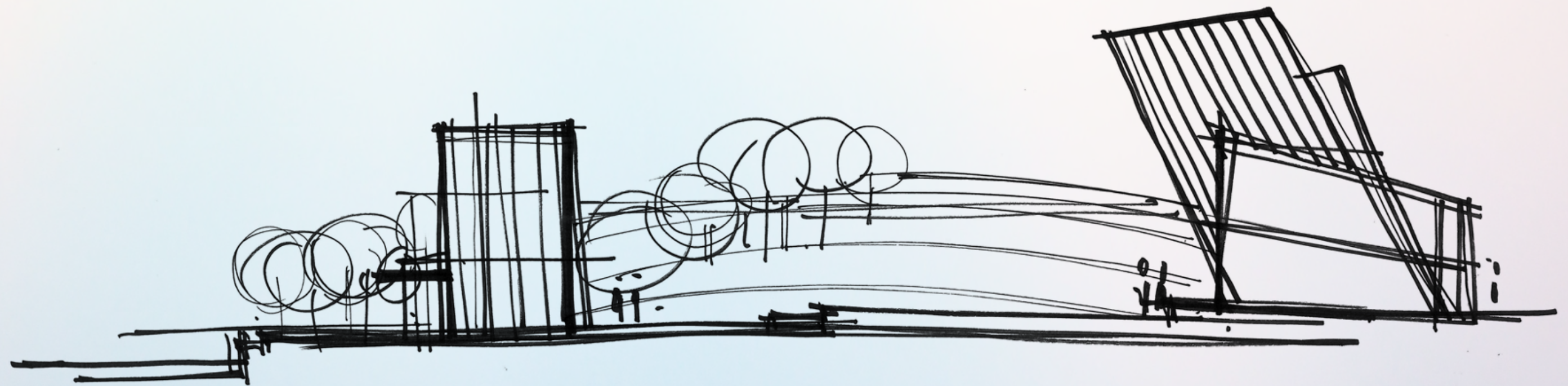
Land: The architectural design will define the graphic nature of the landscape integrated into the public space. The layers of the rock formations define the expression of the geology, depth of the area and the underground minerals that richly supplied the community. The plaza floor reminds visitors that there is an emotional connection and visual narrative that surrounds them.



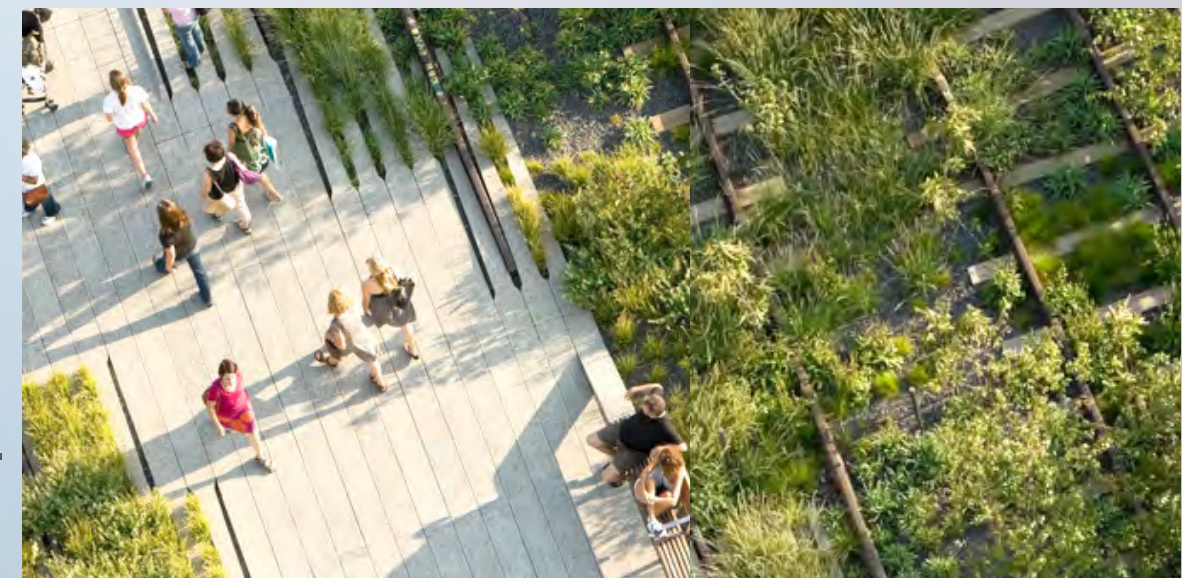


Land: Approaching the plaza from any direction encourages the visitor to engage in the layering and unfolding of the space. The core structures define the experience: the land and architecture are tightly woven together. The stepping and layering invite the viewer to participate in the variety of events happening day or night.





Land: The iconic structures on the plaza make up the natural layers of the intimate surroundings of Park City. The architectural structures on the north and south weave together the rhythm of their surroundings. The theatre on the south, with its layering forms, provides a vertical reference to the line-of-site. The icon on the south defines the street wall and encourages activation.



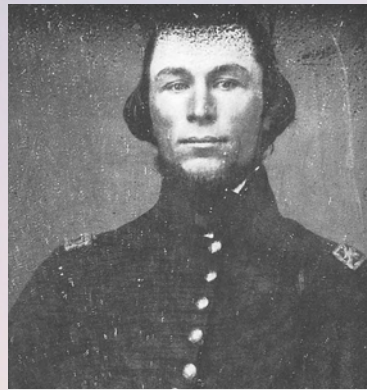
Defined by our people

Park City has always been characterized by the wide variety of faces and personalities that have made this their home and established the unique spirit of this special community.

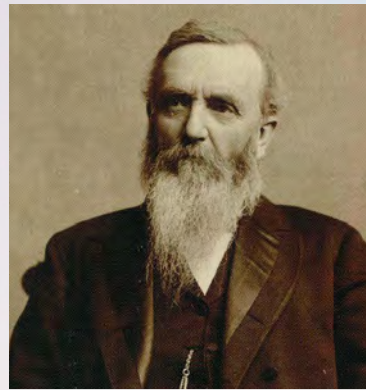
Noteable people



Col. Patrick Edward Connor
Father of Utah Mining



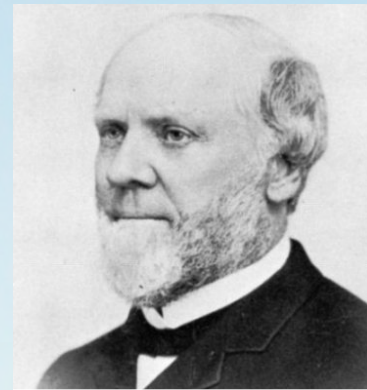
William Henry Kimball
Sprague Mine - First Coal Mine



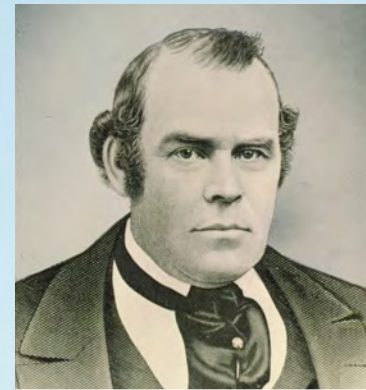
George Hearst
Hearst, Haggin, Tevis and Co.



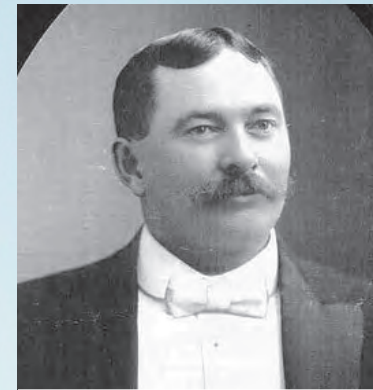
James Haggin
Hearst, Haggin, Tevis and Co.



Lloyd Tevis
Hearst, Haggin, Tevis and Co.



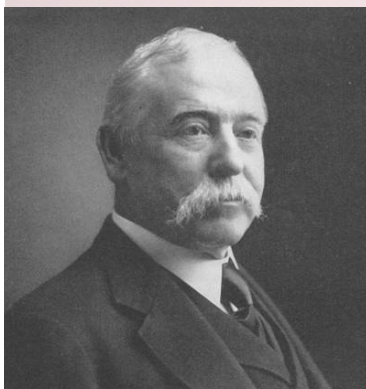
Parley Pratt
Explored Canyon/Mormon



Thomas Kearns
Silver King



David Keith
Silver King



Marcus Daly
Daly-Judge Mines



Mary Judge
Silver Queen/Daly-Judge Mines



Albion B. Emery
Silver King



Susanna Bransford Emery
Silver Queen/Wife of Al Emery



Chief Little Soldier
Weber Ute Tribe



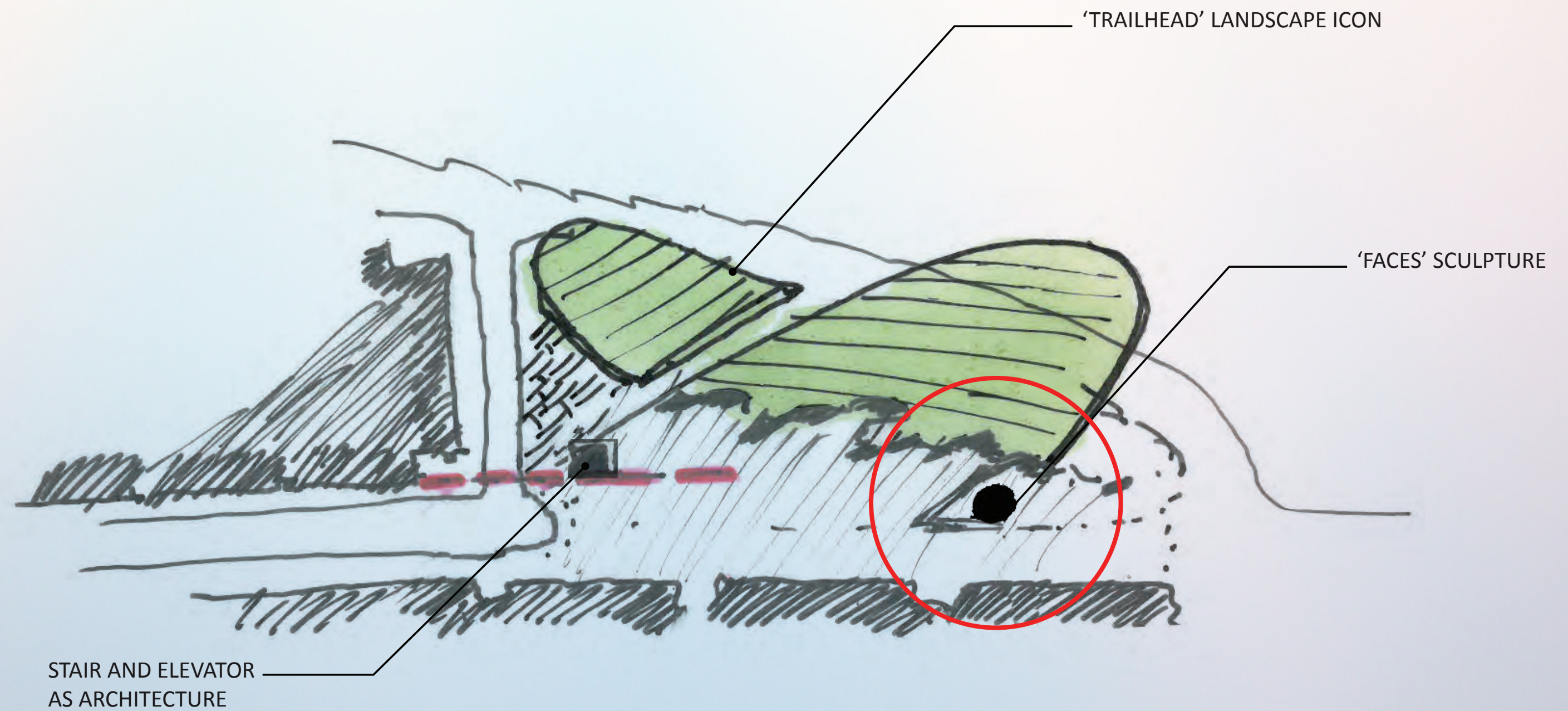
Cheif Washakie
Shoshoni Tribe

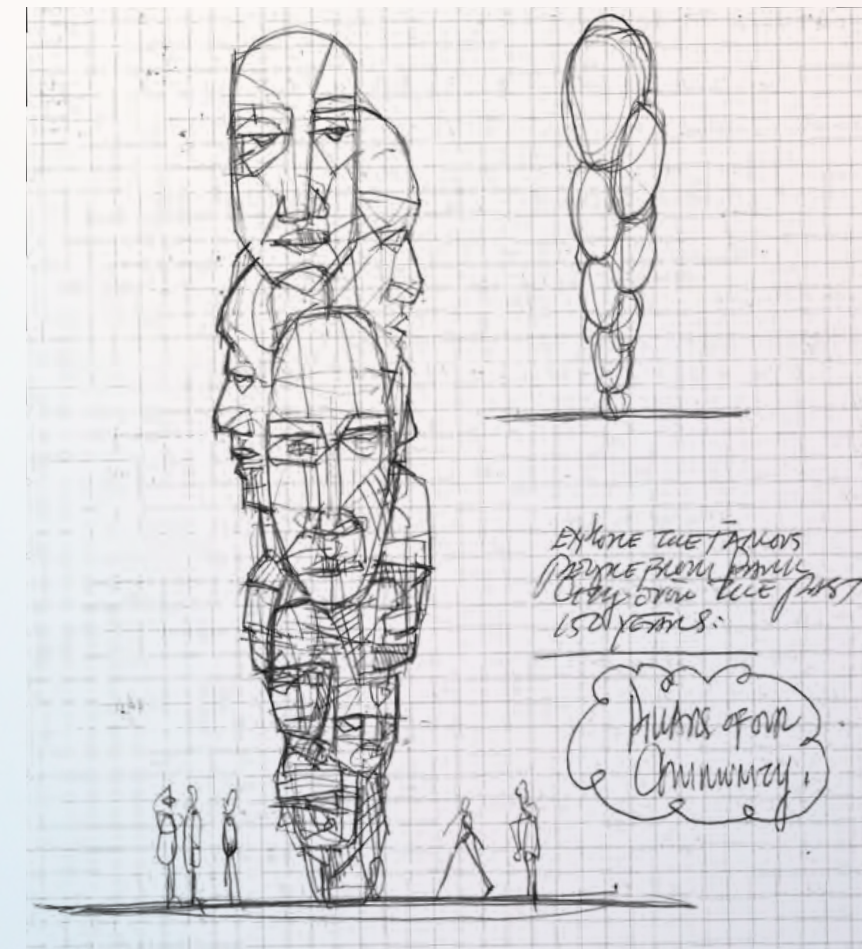
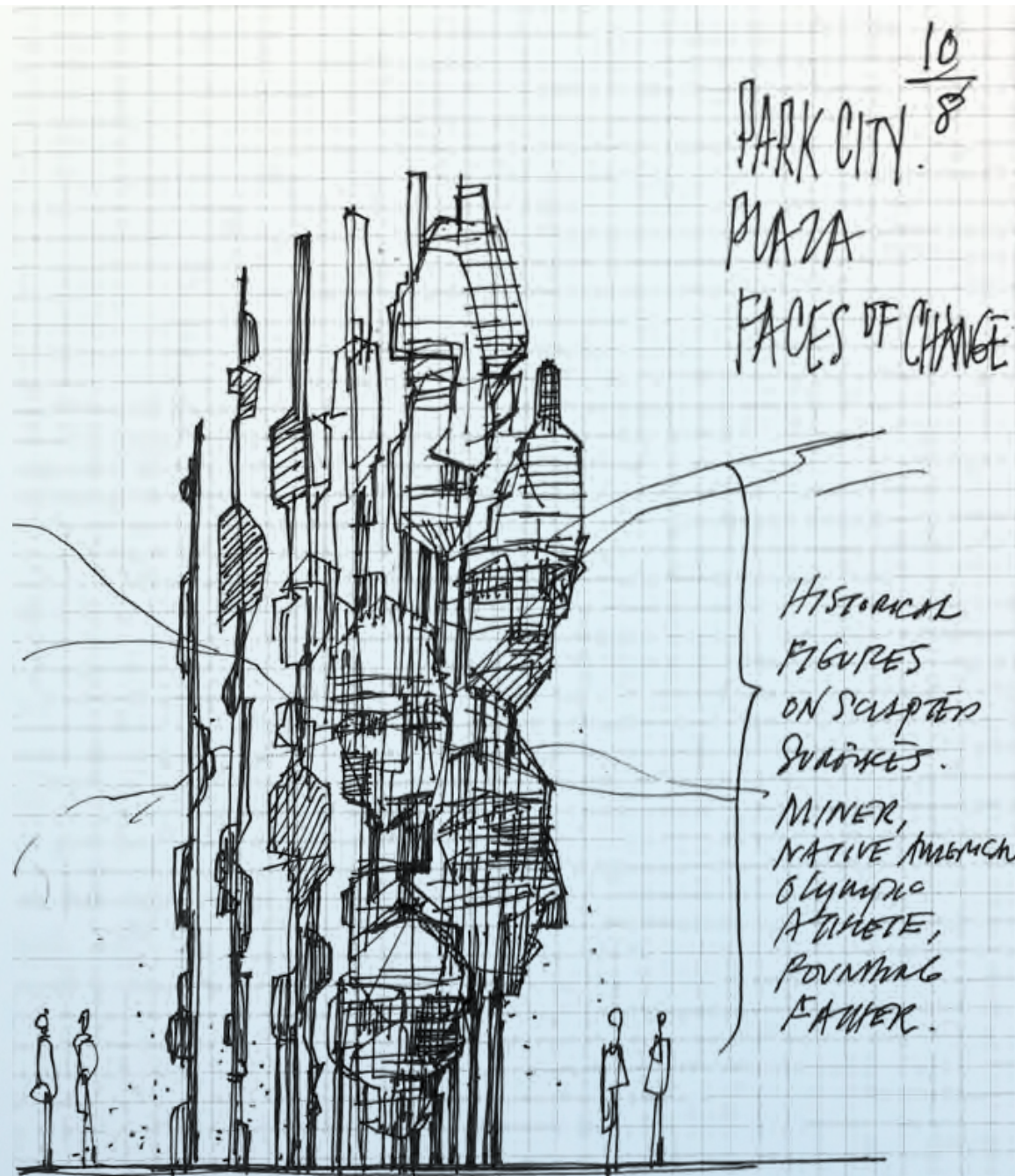


Stein Eriksen
Utah Ski King

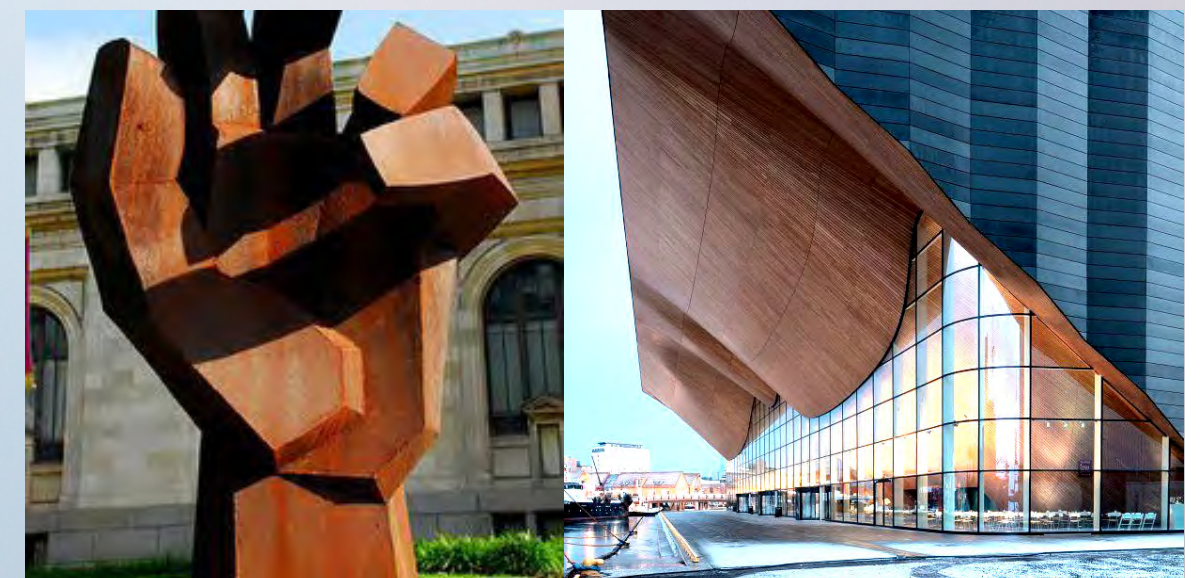


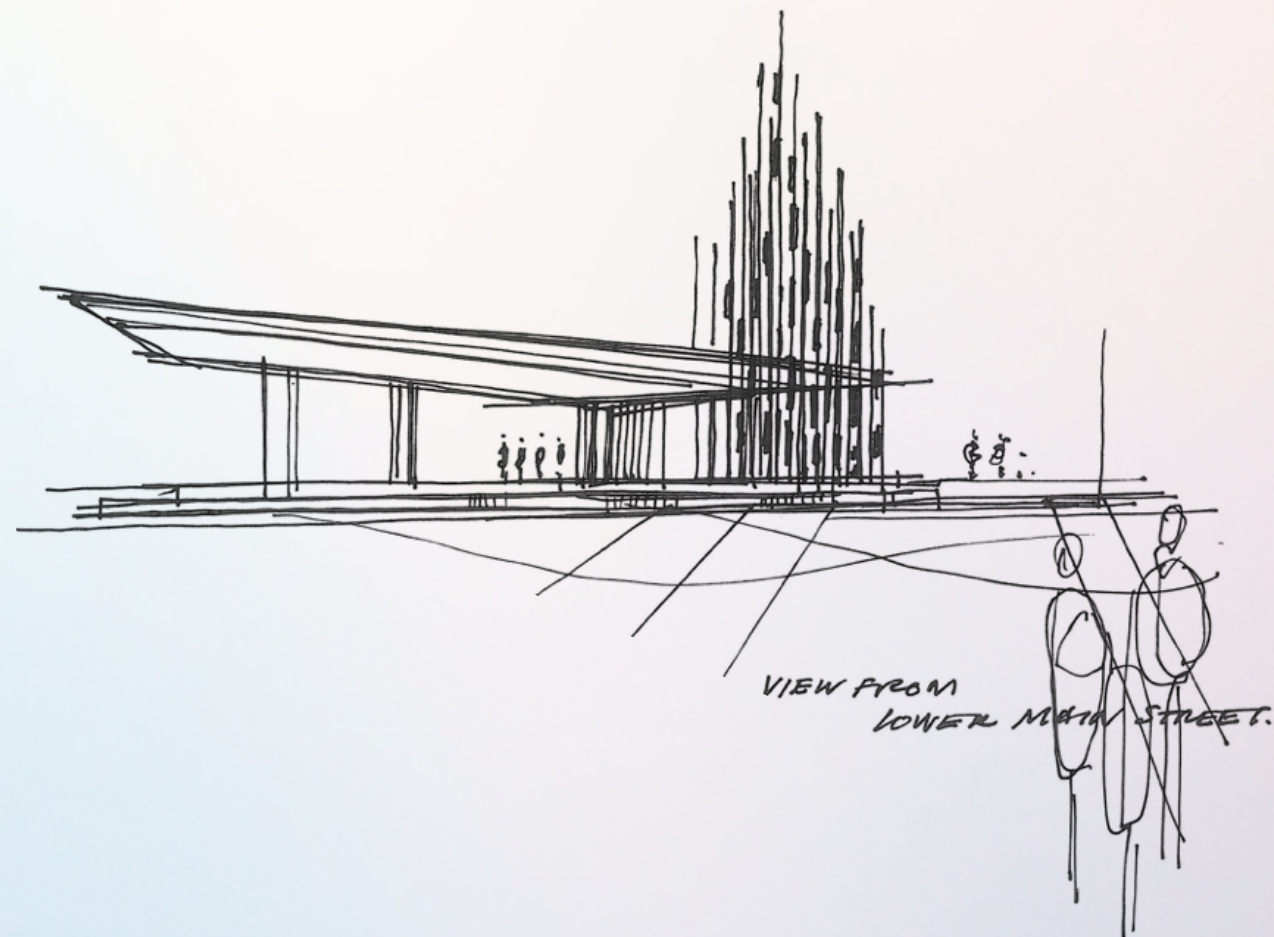
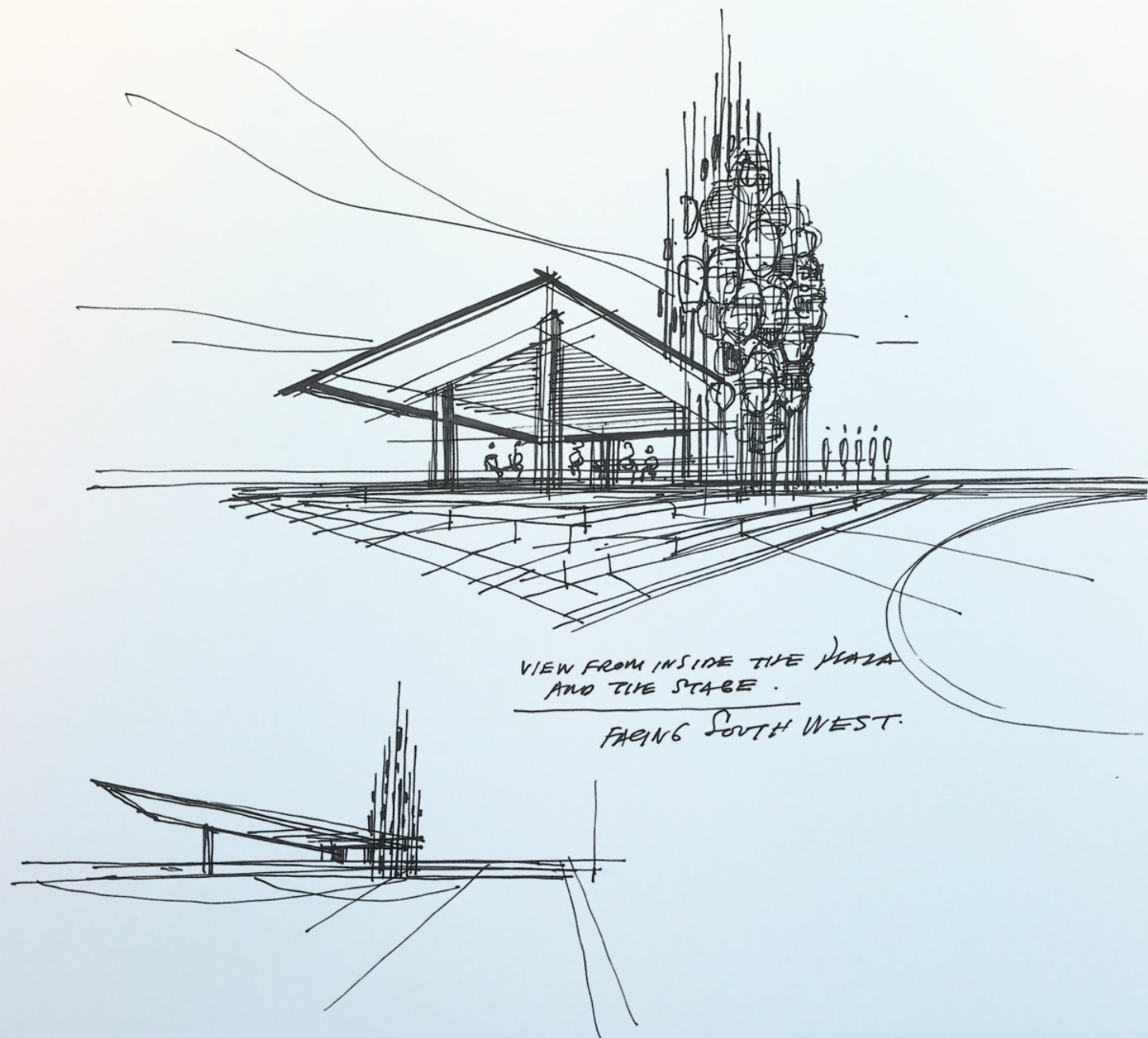
Ted Ligety
Utah Ski King



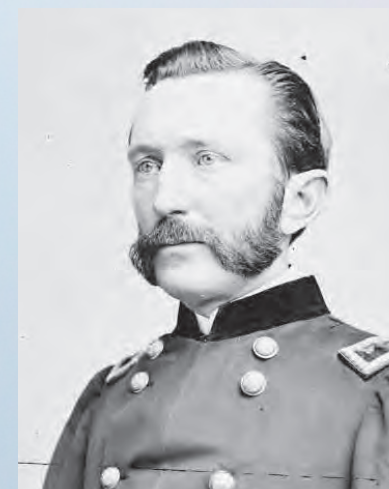


People: The iconic structure depicts the fabric of the town through stylized faces of those who shaped the community from its beginnings. In the evening hours, the public will be able to engage in the sculpture by reacting to the distorted forms on its surface.





People: Depending upon where you stand in the plaza, you'll be able to engage in the iconic representation of the people of Park City. Coming from Main Street, you'll be able to see tree-like forms with unusual patterns that align with the verticality of the sculpture. But once inside the plaza, the shapes turn to faces.



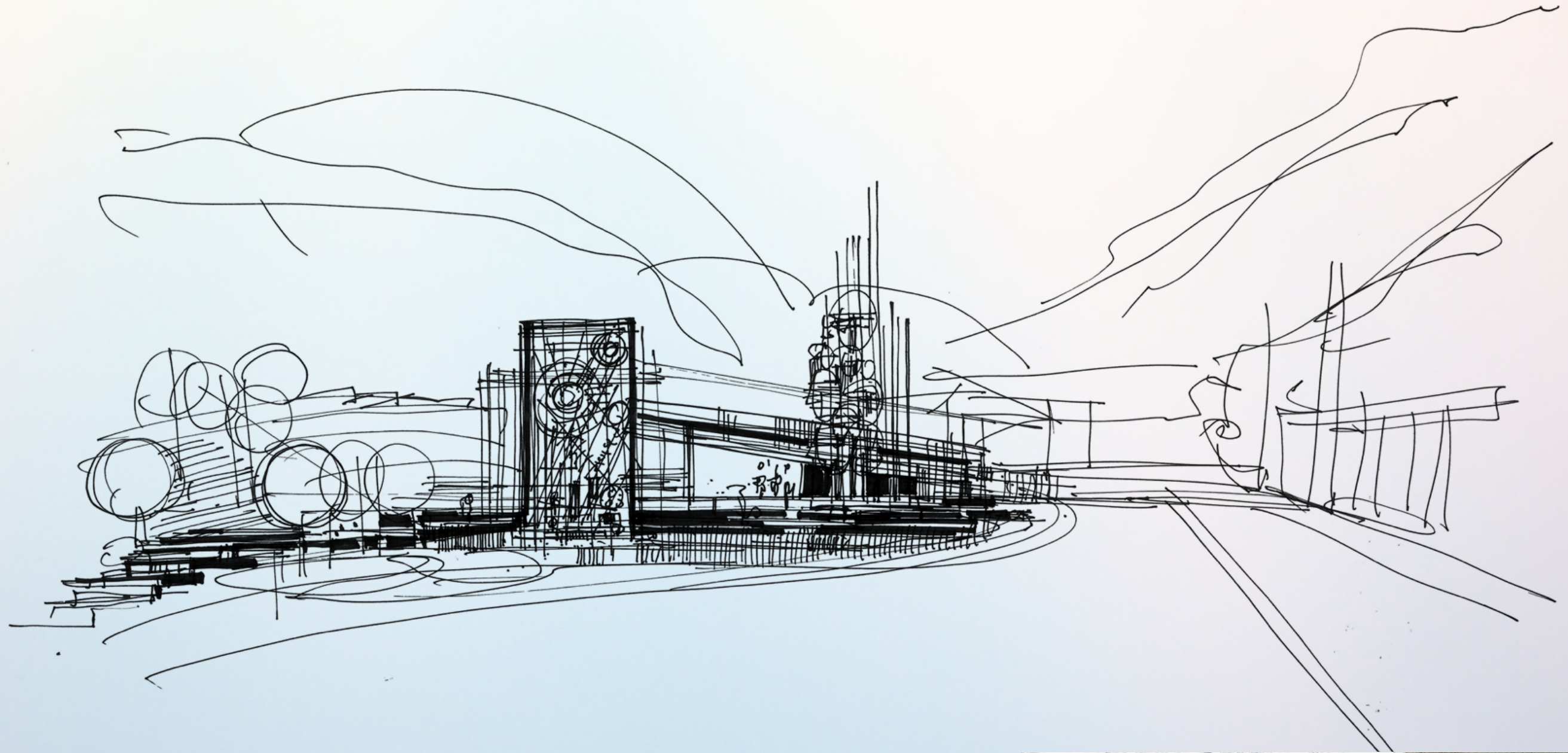
Col. Patrick Edward Connor
"Father of Utah Mining"



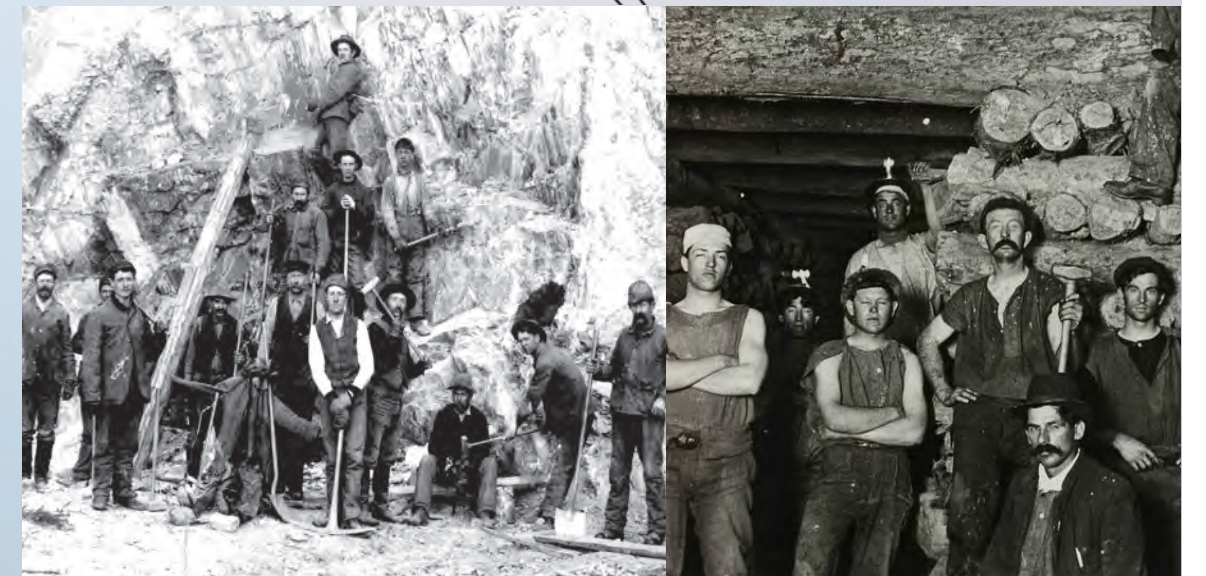
Thomas Kearns
Silver King

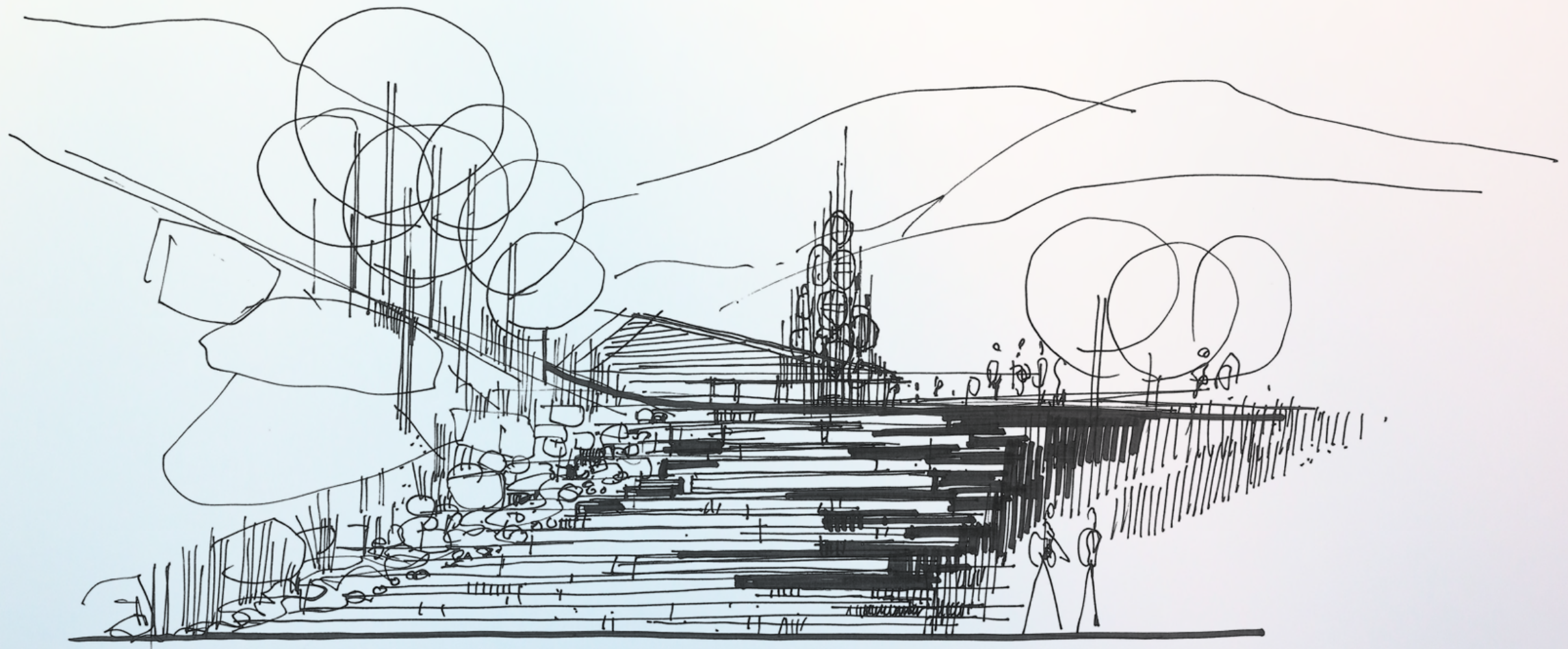


Susanna Bransford Emery
Silver Queen



People: This view of Main Street looking south unveils the pattern of change on the north structure with a partial reveal of the faces sculpture tucked inside the theater structure. Depending upon where you stand in the plaza, you'll be able to engage in the iconic treatment of the people of Park City. Once inside the plaza, the tree-like forms turn into faces.





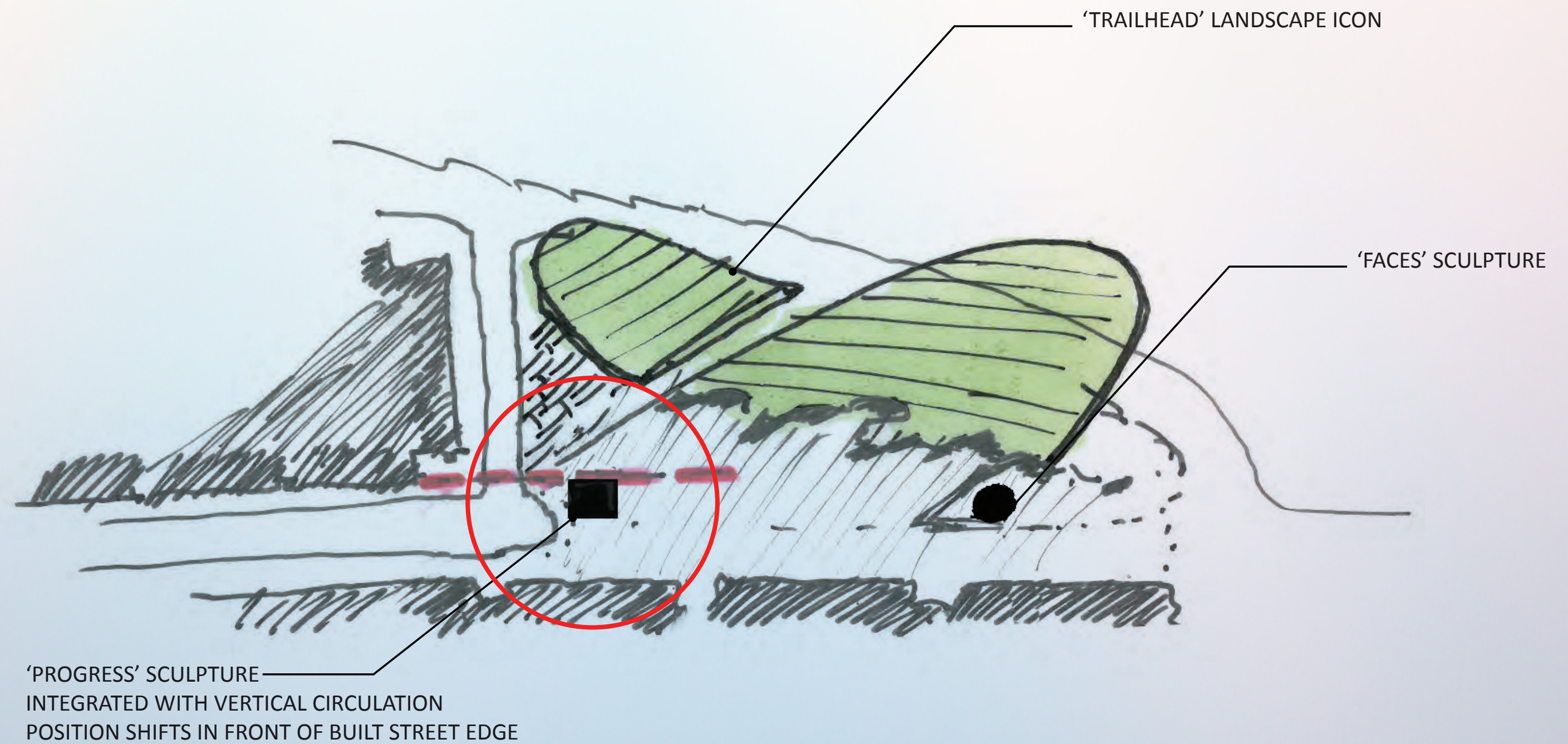
*FACES of Park City.
VIEW FROM SWEDE ALLEY.*

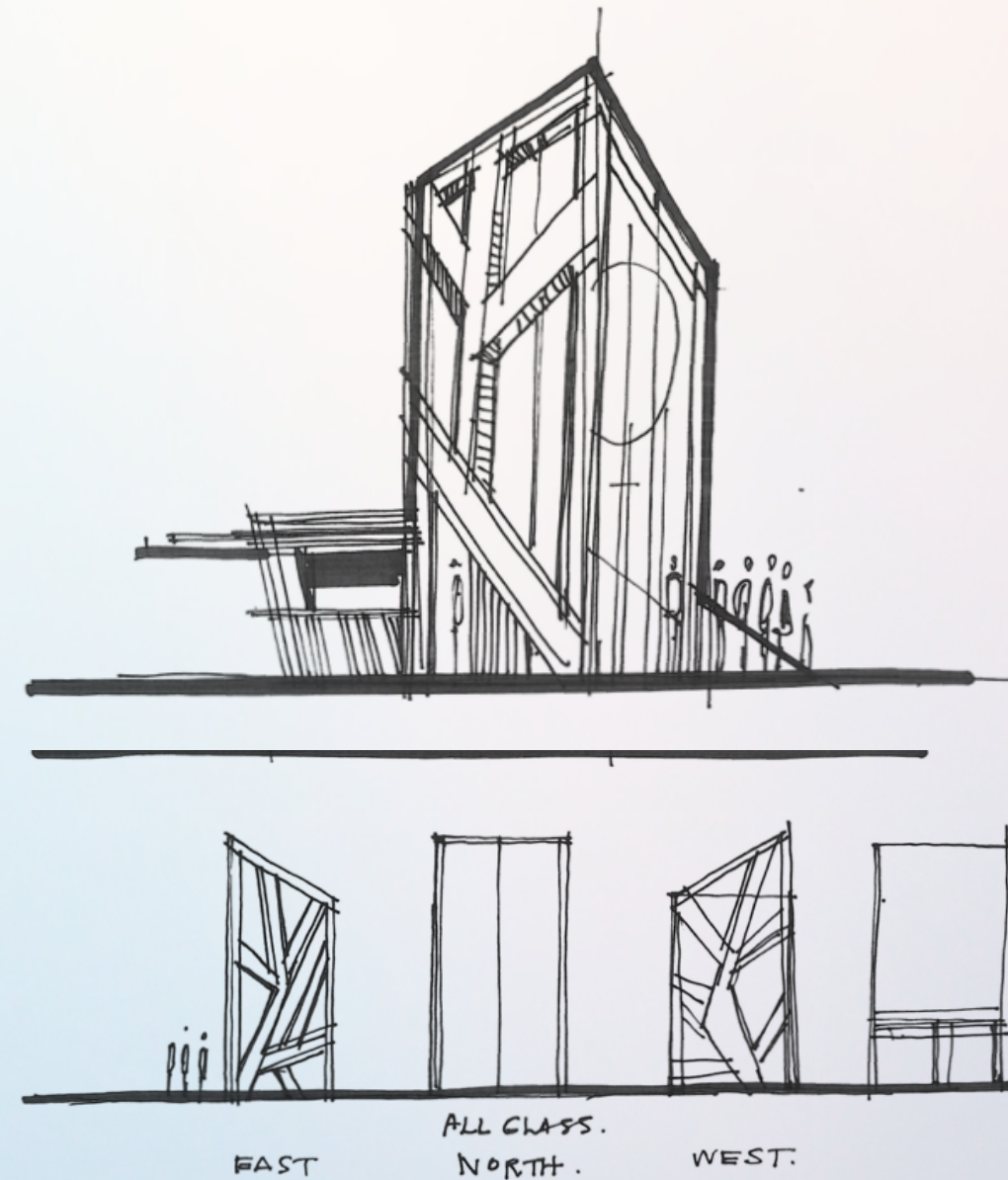
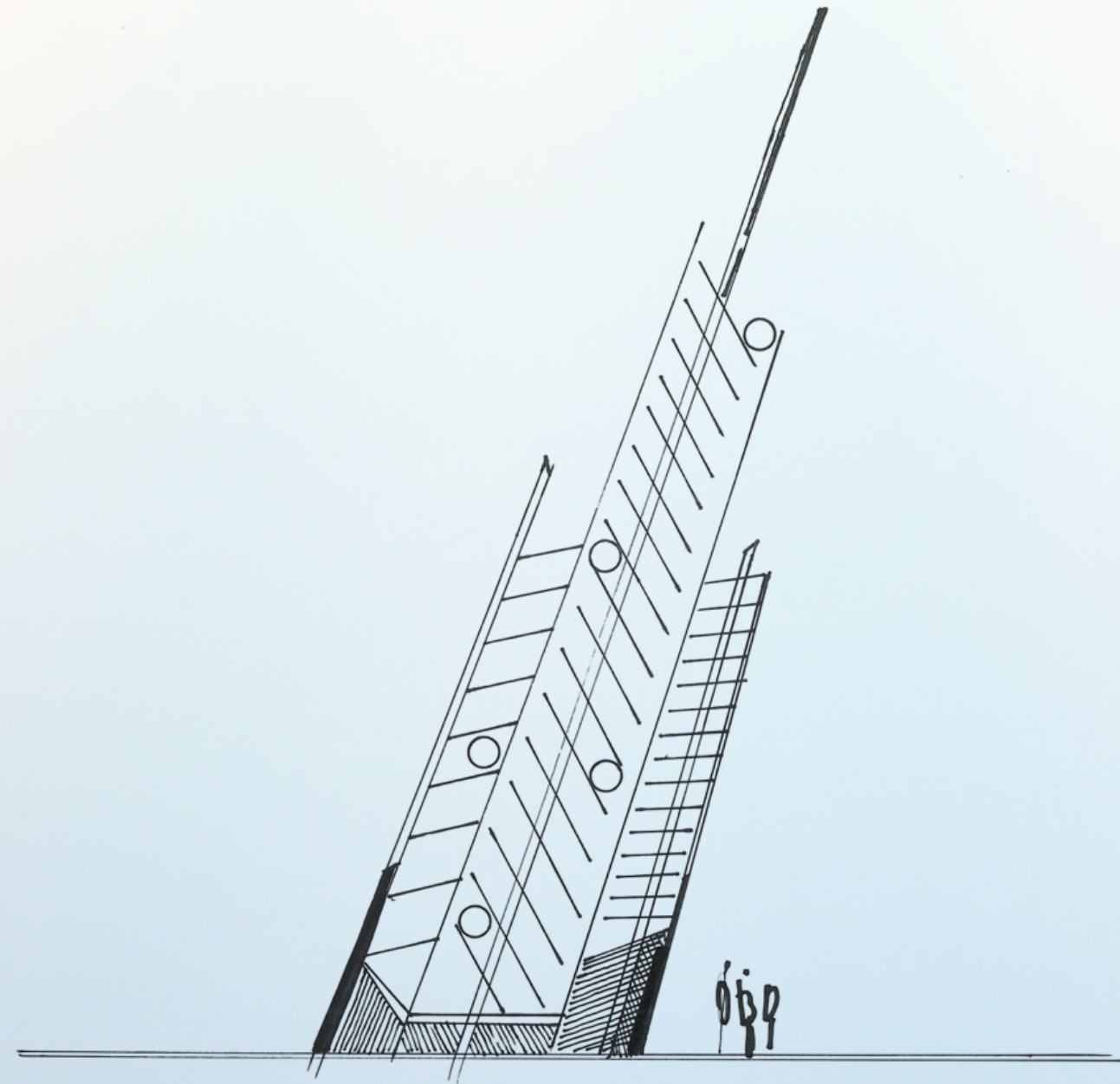
People: This view from the east steps unveils a pattern of nature and rhythm with a partial reveal of the faces sculpture tucked inside the theater structure.



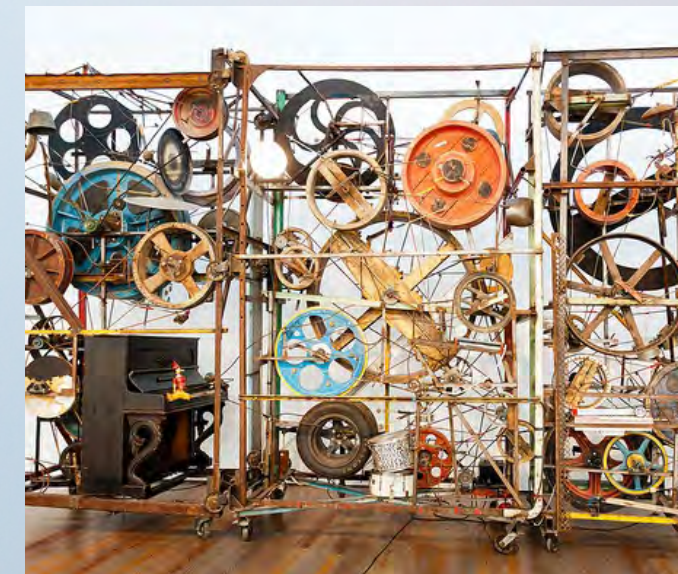
Characterized by change

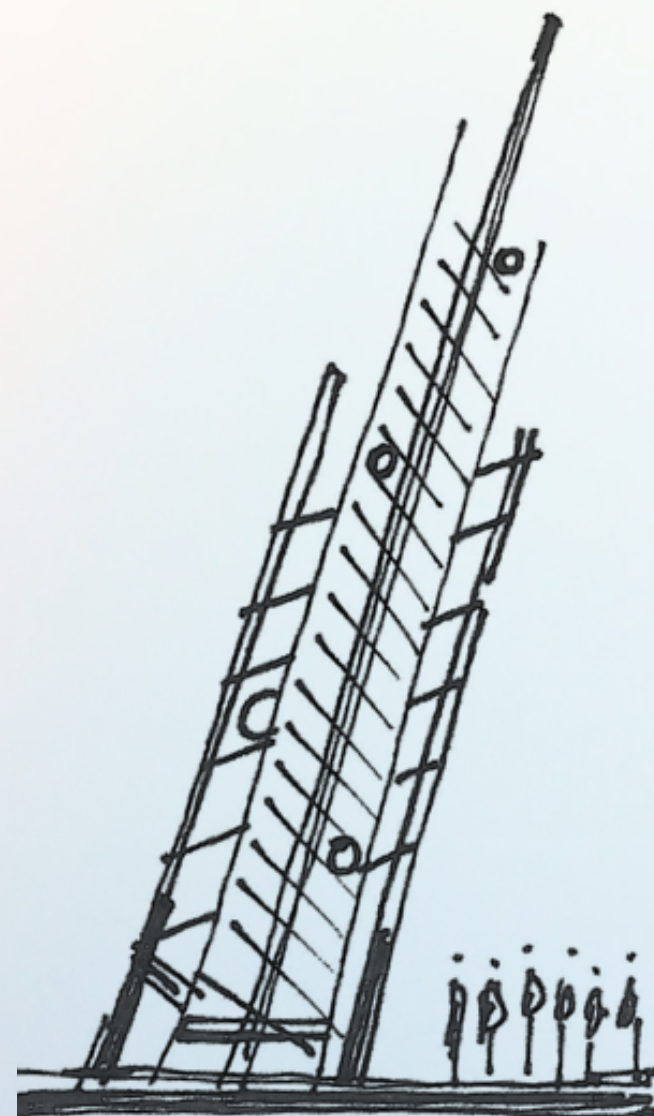
The people of Park City embrace change through invention and innovation to shape our community and drive progress.



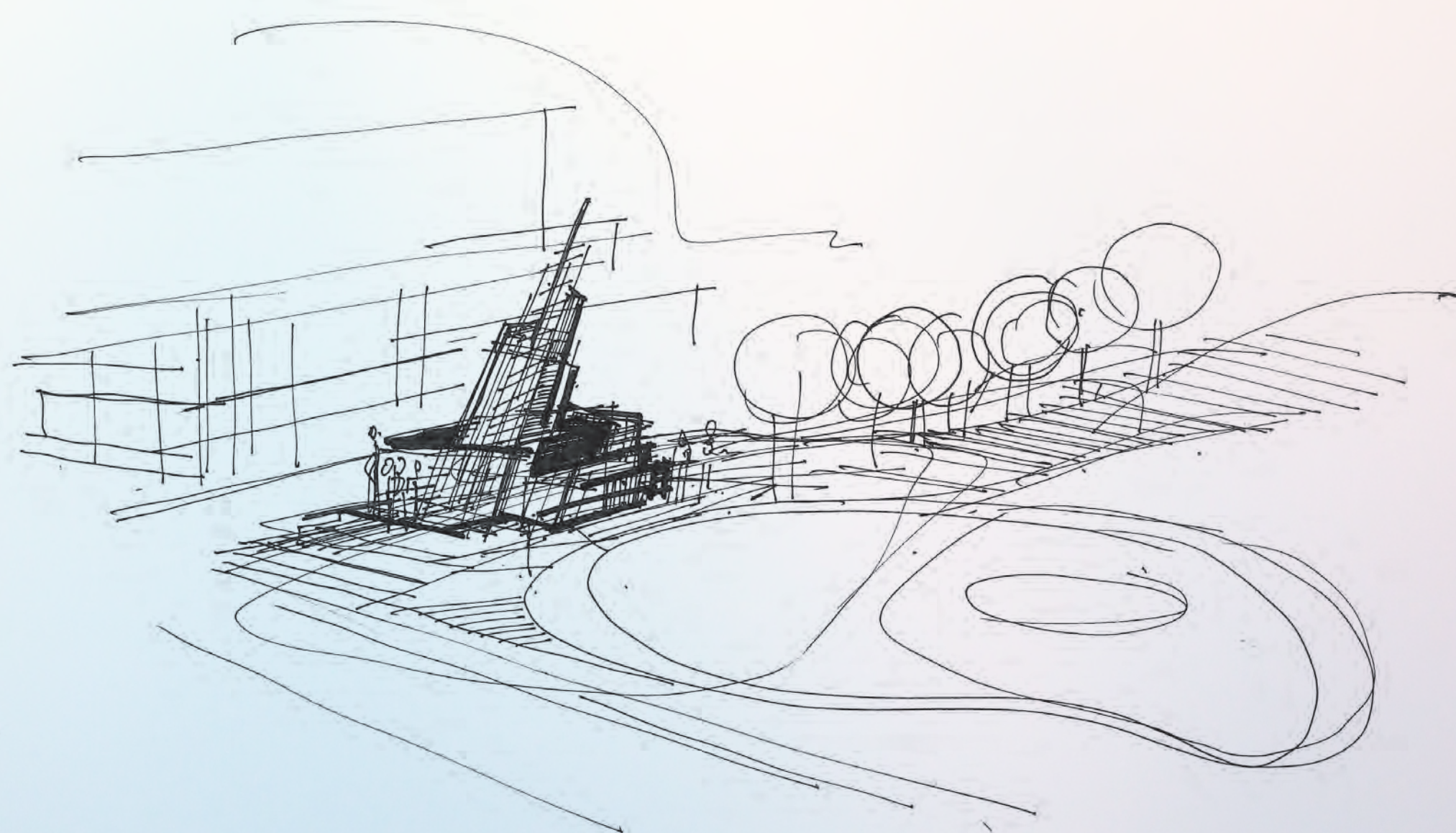


Change: Eclectic by nature, metals, repurposed woods, plastics, etc. liken back to the history of mining, early gears and motors. This will convey a sense of history in addition to having a bit of funk.

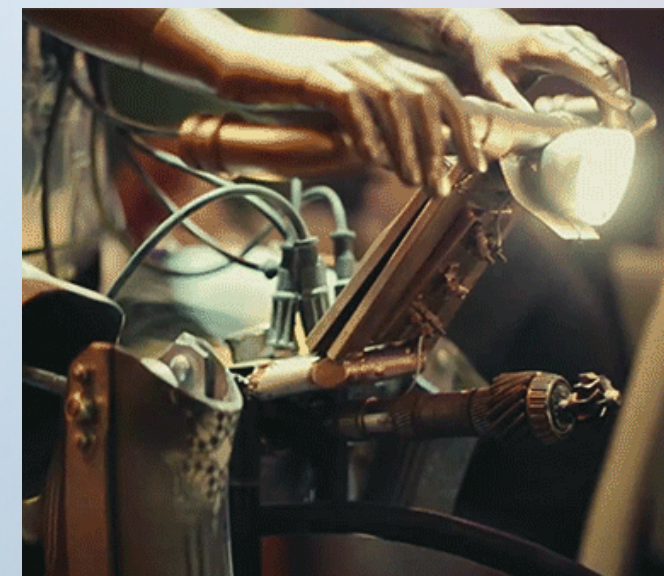


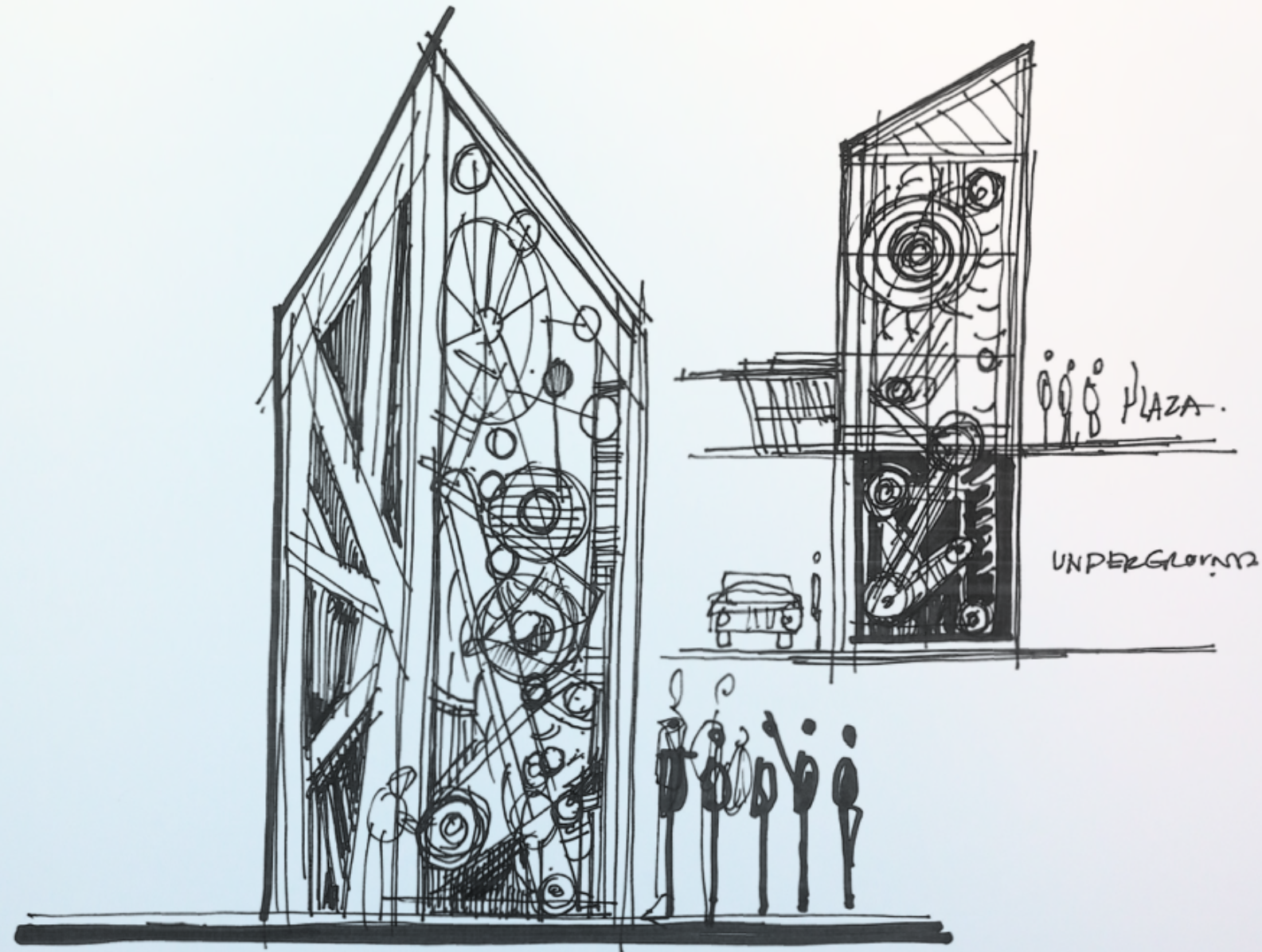


PROGRESSION.



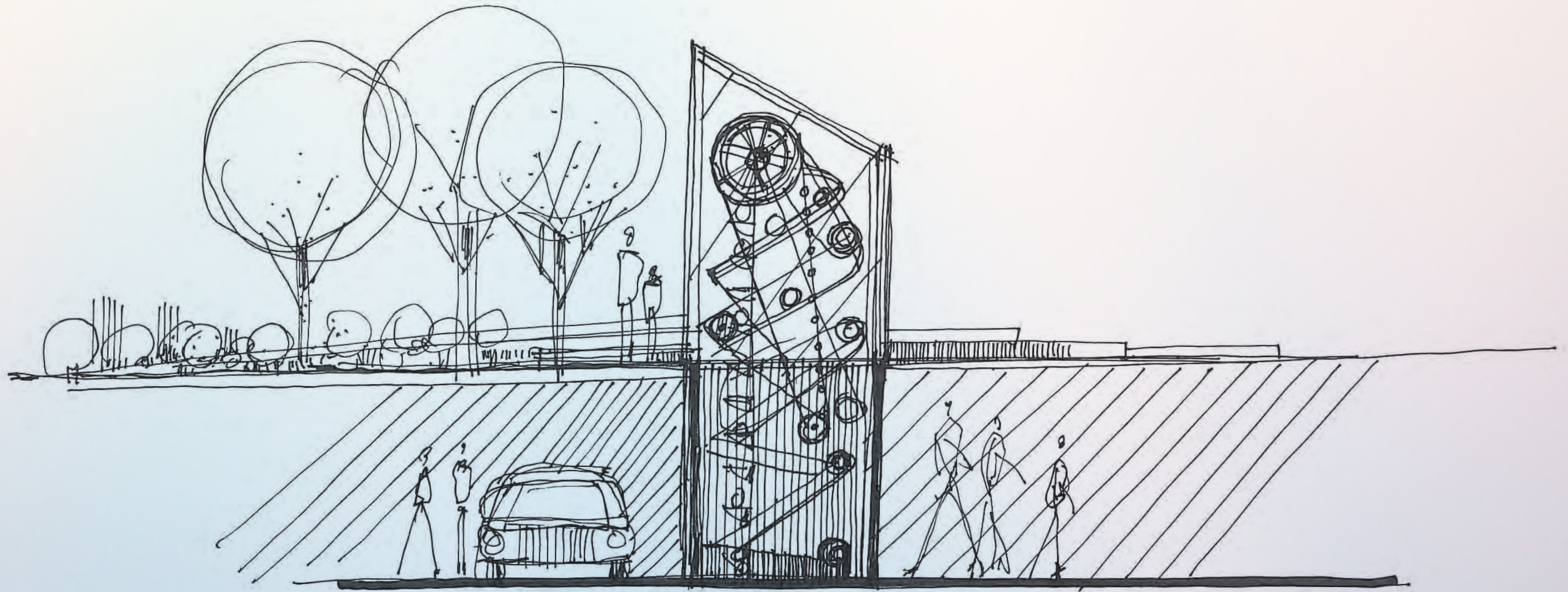
Change: With a series of auger-like forms that animate and move objects up and down the sculpture, the icon will be over 35-feet high, with moving parts in a Rube Goldberg-style construction. Kinetic forms, in conjunction with possible sounds, shift, drop and slide across platforms.



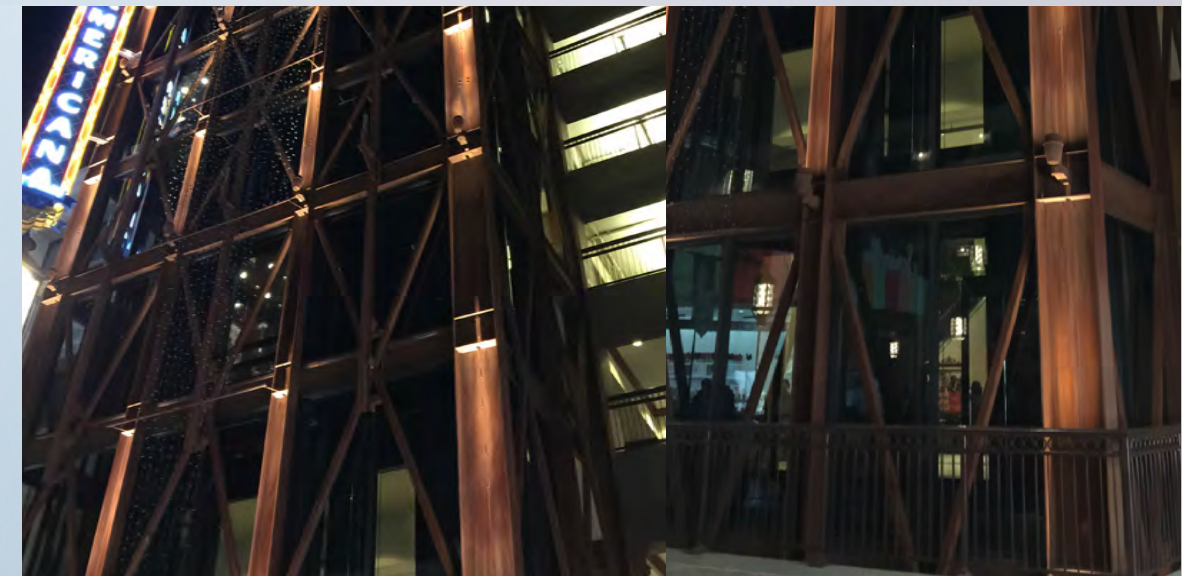


Change: In the spirit of progress, one of our icons depicts the power of innovation and how machines integrated with the land to help residents survive and thrive. The collective sculpture pays homage to the power of the machine and its relationship to man. The icon is enclosed in glass and metal frames. Shifting gears and pulleys move up and down and side to side to provide a dynamic sculpture in motion.

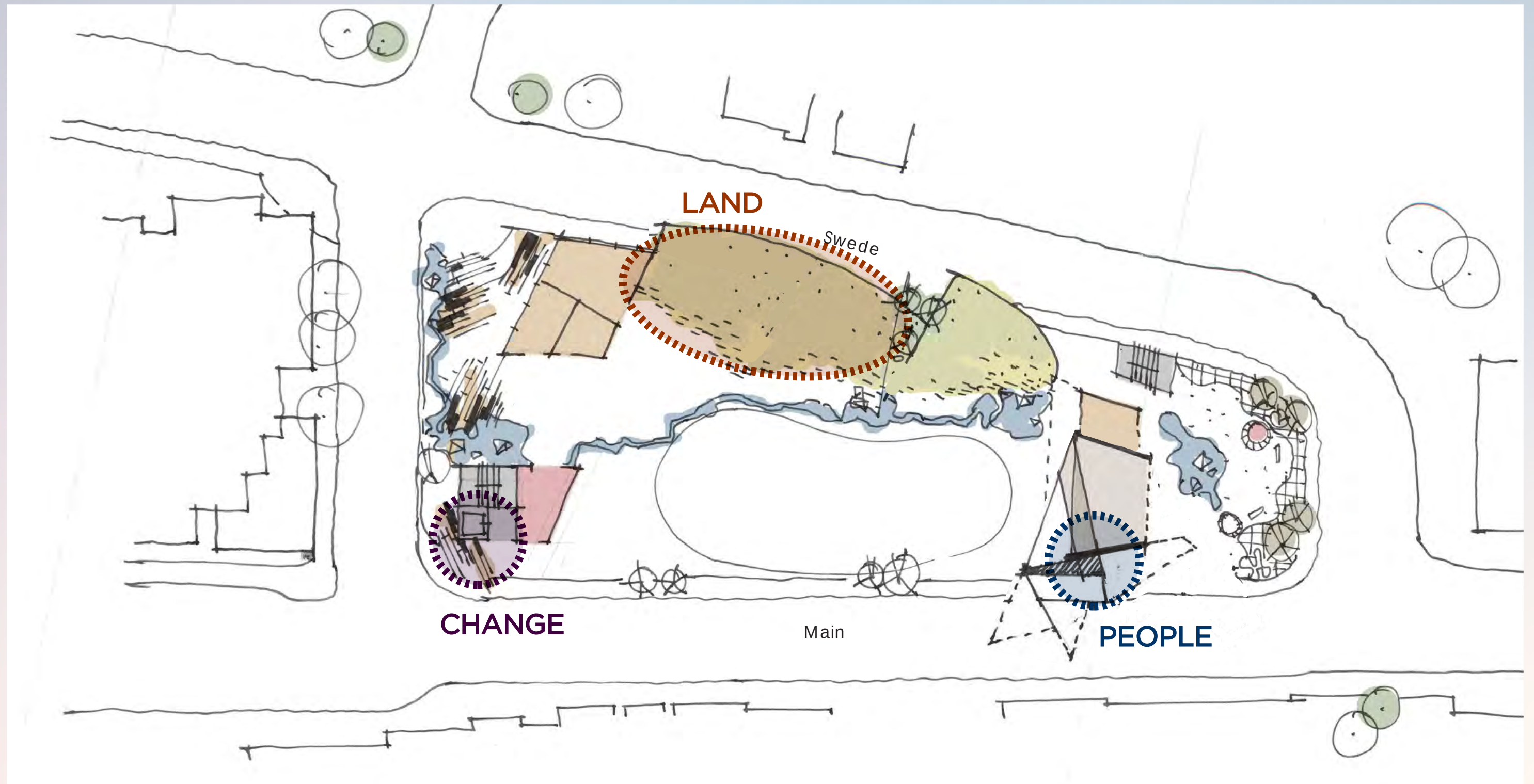




Change: Creating a two-story sculpture that parallels the access to the plaza, the installation will consist of kinetic parts. It will use a variety of materials: metal, tile, wood and fiberglass.



Park City: Main Street Plaza





DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

The City Council should review and discuss recommended amendments to the Park City Municipal Code, Title 7- Animal Control, so as to mirror recent amendments to the Summit County Animal Control Ordinance, including, the ability to designate off-leash areas within City Limits.

Respectfully:

Matt Dias, Asst City Manager



City Council Staff Report

Subject: Animal Control Ordinance
Author: Heinrich Deters
Department: Sustainability
Date: December 17, 2015
Type of Item: Legislative

Staff Recommendations:

City Council requested an opportunity to update the Animal Control Section of the Park City Municipal Code ([Title Seven](#)) to better align with Summit County's Animal Control Ordinance. Once Council direction is obtained, staff will return at a subsequent meeting to formalize recommended code changes.

Executive Summary:

The City Council should discuss and provide preliminary direction regarding a preferred stakeholder and public input process, and whether to proceed with amendments to the Park City Municipal Code, Title 7- Animal Control, so as to mirror recent amendments to the Summit County Animal Control Ordinance, including, the ability to designate off-leash areas within City Limits.

Acronyms in this Report:

PCMC- Park City Municipal Corporation
MOU- Memorandum of Understanding
RAB- Recreation Advisory Board
SLC- Summit Land Conservancy
MTF- Mountain Trails Foundation

Background:

For more than twenty years, Summit County has performed primary Animal Control enforcement for all unincorporated and incorporated areas of the County, including within Park City. Despite this, City and County codes had varying degrees of alignment until 2007.

On October 4, 2007, the City Council adopted Ordinance 07 which amended [Title 7- Animal Control](#) of the Municipal Code in order to mirror the existing [Summit County Ordinance, Title 5, and Chapter 1 –Animal Control](#). Additionally, Park City and Summit County entered into a Memorandum of Understanding (MOU), confirming the parameters by which Summit County's Animal Control Division would continue to perform enforcement, as well as clarifying the financial relationship and expectations of each jurisdiction. (**Attachment I- October 4, 2007 City Council Staff Report and Memorandum of Understanding**)

As the County has incrementally amended their code to address specific problems in the unincorporated areas, the City has not revisited the Code with the exception of the Quinn's dog park and the Library field, as detailed further below.

In April 2007, at the request of a stakeholder group, the Recreation Advisory Board (RAB) evaluated several city owned properties for the potential creation of a dog park. The recommended location was at the base of PC Hill but was not supported by Council after public input was received from the neighbors. The alternative location was evaluated at the Park City Sports Complex, which ultimately the Council authorized, and the dog park opened in September 2008.

In 2010, RAB looked at creating an off-leash dog area at the Library Field. At that time there was not support for such a facility and direction from Council was to add signage directing users to the dog park at the Park City Sports Complex.

In 2013, Summit County created a 'leash law task force' which included several members of the community and local stakeholders such as The Mountain Trails Foundation, Basin Recreation and Summit Land Conservancy, to explore options and make recommendations to the County Council on ways to address dog related incidents, such as bites and off leash complaints. Heinrich Deters, PCMC Trails and Open Space Program Manager, represented Park City on the Committee. On May 21, 2014, County Staff presented the recommendations of the task force to the County Council. **(Attachment II- County Council Staff Report- Leash Law Committee Task Force Recommendations)**

On November 22, 2014, the County Council approved Ordinance number 832, which repealed ordinances 113-133-L pertaining to the Summit County Animal Control Code and enacted language that addressed the following:

-Ability to designate areas as off leash:

- This was first and foremost to bring existing, informal dog parks within the County into compliance; and
- Provided 'off-leash' opportunities to local dog owners, modeled on policies and best practices currently in place in other states and jurisdictions.

-Ability to utilize voice and sight control measures, as defined within the off leash areas:

- A subsequent measure required as part of the off leash areas, so as to maintain an owner's responsibility.

-Update terms and conditions associated with the Animal Control Division's licensing procedures:

- In an attempt to raise compliancy percentages of vaccinations and licensing. It was recommended to marry the terms (3 years) of licensing and rabies vaccinations.

-Update recent provisions by Summit County Health Department which allows for dogs at outdoor dining facilities.

On December 3rd, due to complaints received by residents for enhanced enforcement of the leash law, several Park City Council members asked staff to provide Council with an opportunity to update to the existing Park City Animal Control Code. Specifically, Council members inquired about the possibility of creating a large 'off-leash' designated area in

the Round Valley Open Space. One Council member suggested this item be raised to a 'top priority'.

Analysis:

Over the past twenty years, no issue has split the community more so than the Animal Control Ordinance. On one hand, the Community relishes the ability to recreate with their dogs, off leash on the multitude of trails and open space, which has shaped Park City. On the other hand, residents demand that dog owners are held responsible for the actions of their pets from a health safety and welfare point of view (both socially and environmentally). Thus, staff anticipates much discussion related to this issue and proposes some specific policy questions to help the Council frame the process, timeline and objectives by providing staff with the necessary direction, so as to strike a balance between the two positions:

1. Does the Council wish to amend the City Municipal Code to simply remain consistent with Summit County?
 - If directed, staff can return to Council in a regular session with potential amendments to the current Park City Code Title 7- Animal Control, to allow for the designation of off-leash areas, updating of license and vaccination terms as well as other definitions and items applicable.
2. Does the Council wish to direct staff to propose additional areas for 'off-leash' use?
 - a. Does a majority of Council agree with the request to look at Round Valley? Any other specific areas?
3. Does the Council wish to create a special 'task force' in which to explore 'off leash' or 'prohibited/sensitive' areas OR utilize the Recreation Advisory Board (RAB) and local stakeholders consistent with past dog related requests?
4. Does the Council want a briefing from the County task force in conjunction with future public input?
5. Does Council want a specific increased level of service request discussion/analysis for the City's and/or County's budget process?
 - This request may include an updated Memorandum of Understanding (MOU) with the County.

What is an 'off-leash' area?

A designated off-leash area is an area that allows dogs off of a physical lead or leash, yet 'under restraint' utilizing voice and sight control. These areas are commonly designated on maps and with signage. In a designated 'off-leash' area, prohibitions associated with the Animal Control ordinance are still applicable. For example, **based on the current Summit County Ordinance Chapter 5-1-9.B [Summit County Animal Control Ordinance](#)**, owners must carry a physical lead or leash at all times and ensure their dogs do not:

- (a) charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;
- (b) charge, chase or otherwise display aggression toward any animal;
- (c) chase, harass or disturb wildlife or livestock: or;
- (d) Fail to come to and stay with the owner immediately upon command by such person.

Additionally, dog owners can be cited for failure to adhere to certain limitations/requirements, including:

- (a) failure of an owner of any dog within the boundaries of an off leash dog area to carry a leash or lead no longer than 6 feet in length for each dog. Electronic dog collars may not substitute for a physical leash or lead;
- (b) an owner having more than four dogs simultaneously unleashed;
- (c) failure of an owner to exercise voice and sight control at all times;
- (d) failure of an owner to properly clean up and dispose of dog waste;
- (e) bringing a female dog in season (heat) into an off leash dog area;
- (f) failure of a dog to be properly licensed and to wear a license tag;
- (g) failure to follow any other posted off leash dog area rules and regulations;

Finally, existing ordinance language associated with vicious dogs, biting of persons or animals and nuisance behavior, including dog waste and the duty to clean up and dispose, are strictly enforced in these areas.

Department Review:

This report has been reviewed by Public Safety, the City Attorney's Office and the Executive Department.

Alternatives:

A. Approve:

Council may provide direction on the timeline, process or designation of off leash areas and/or amendments to the existing Park City Animal Control Ordinance.

B. Deny:

Council may choose to not make any changes to the existing Park City Animal Control Ordinance and not establish 'off-leash' designated areas and/or update the code to mirror recent changes to the Summit County Animal Control Ordinance.

C. Modify:

Council may choose to modify the timeline, process..

D. Continue the Item:

Council may ask for more time to discuss the item prior to returning for adoption.

E. Do Nothing:

Same as Deny

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs + Balance between tourism and local quality of life	+ Abundant preserved and publicly-accessible open space + Managed natural resources balancing ecosystem needs		+ Engaged and informed citizenry
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive	Positive 	(Select from List)	Positive 
Comments: Providing for progressive management of natural and recreational facilities, while balancing health, safety and welfare concerns.				

Funding Source:

The Trails Master Plan and/or Open Space Maintenance Budget could be utilized for improvements as directed by Council.

Consequences of not taking the recommended action:

Since off-leash areas are currently not allowed by the Park City Municipal Code, off-leash recreational opportunities for the large dog owner population are not available within Park City limits. Additionally, the current Quinn's facility is non-compliant with the existing City code. On the other hand, lack of enforcement of the current leash law and issues related with dogs off leash, including concerns associated with harassment of wildlife, dog waste and bites are a significant concern for the Community and will need to be addressed concurrently with any amendments or changes to the existing ordinance.

Recommendation:

City Council requested an opportunity to update the Animal Control Section of the Park City Municipal Code ([Title Seven](#)) to better align with Summit County's Animal Control Ordinance. Once Council direction is obtained, staff will return at a subsequent meeting to formalize recommended code changes.

Attachment I- Staff Report October 4, 2007 Animal Control Ordinance and Memorandum of Understanding

**City Council
Staff Report**



Author: Chief Lloyd D. Evans, Sr.
Subject: Animal Control Ordinance
Revisions Department: Public Safety - Police
Date: October 4,
2007 Type of Item: Legislation

Summary Recommendation:

Staff requests City Council approve the resolution amending City Municipal Code, Title 7 Animal Control to be consistent with Summit County's Animal Control ordinance, 113- I and authorize the Mayor to sign the Memorandum of Understanding with Summit County for animal control services.

Topic: Animal Control Services

Background:

On September 13, 2007 staff brought before City Council a request to enter into a Memorandum of Understanding with Summit County for Animal Control Services and a revision of the City's Municipal Code, Title 7 Animal Control to conform to Summit County's animal control ordinance.

Council directed staff to revise Title 7 Animal Control and return for approval of the changes and authorization for the Mayor to sign the MOU with Summit County.

Analysis

Attached as Exhibit A is the resolution adopting the changes to Title 7 Animal Control, the amended Title 7 and as Exhibit B the Memorandum of Understanding with Summit County for provision of animal control services.

Adoption of Park City Municipal Code Title 7 making it consistent with the County's current ordinance, 113-I, and execution of the accompanying MOU will provide this Community with adequate laws to protect and govern pet owners and non-pet owners alike.

Department Review:

Legal Department, Budget and Grants, Public Works and the City Manager.

Alternatives:

Approve the Request:

Approving staff's request completes the necessary steps to complete the MOU with Summit County for animal control services provision.

Deny the Request:

Council could choose to deny staff's recommendation and choose another direction. However, this action would result in the continued inconsistent ordinances between Park City and Summit County.

Continue the Item:

Council could continue the item and direct staff to return with more information.

Do Nothing:

This would be the same as denying the request.

Significant Impacts/Consequences of not taking the recommended action:

The impacts of not taking the recommended action are not likely significant, but would maintain the status quo.

Recommendation:

Staff requests City Council approve the resolution amending City Municipal Code, Title 7 Animal Control to be consistent with Summit County's Animal Control ordinance, 113- I and authorize the Mayor to sign the Memorandum of Understanding with Summit County for animal control services.

Attachments

Exhibit A - Resolution Amending Park City Municipal Code Title 7 Animal Control and amended Title 7

Exhibit B - MOU with Summit County for Animal Control Services

Exhibit B- Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING CONCERNING ANIMAL CONTROL WITHIN SUMMIT COUNTY

This agreement is made and entered into this 4th day of October, 2007, between SUMMIT COUNTY and PARK CITY, an incorporated municipality of the State of Utah.

WHEREAS, the parties have the authority to provide animal control services to their respective citizens through the establishment and operation of an animal control department; and,

WHEREAS, Summit County has been providing animal control services to Park City; and,

WHEREAS, pursuant to U.C.A. Section 11-13-101 et. seq., the "Interlocal Cooperation Act," the parties may enter into an agreement to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage in order to provide services and facilities in a manner that will address geographic, economic, population and other factors influencing the needs and development of the local communities; and,

WHEREAS, Park City desires to use Summit County's animal control services because Summit County already has the facility and personnel;

NOW, THEREFORE, in consideration of the fulfillment of the mutual promises, terms and conditions set forth, the parties agree as follows:

1. Purpose of the Agreement. The purpose of this Memorandum of Understanding is to have a written understanding that Summit County will provide animal control services for Park City.

2. Agreement to Provide Services. Summit County will provide animal control services to Park City according to Summit County's Animal Control Ordinance, 113-I, as amended. (See Exhibit A, attached to this Memorandum of Understanding) Summit County will provide these services at no cost to Park City and Summit County will keep any money collected from any fees as described in Ordinance 113-I, as amended. Only Summit County equipment and employees will be used for animal control services. Both parties understand that, despite this agreement, Park City's law enforcement officials will still enforce the Park City Municipal Code relating to animal control and will utilize Summit County equipment and employees when deemed necessary. Summit County will provide its own insurance to cover liability for animal control services provided by the county employees.

3. Administration. Both parties agree that there is no separate entity created by this Agreement to carry out its provisions and to the extent that this Agreement requires administration as set forth herein, it shall be administered by the

governing bodies. There shall be no real or personal property acquired jointly by the parties as a result of this Agreement.

4. No Third Party Beneficiary. This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action for any cause whatsoever.

5. Entire Agreement. This Agreement contains the entire agreement between the parties and shall not be modified or changed in any manner except by an instrument in writing executed by both parties. If any term or provision of this Agreement or application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

6. Notices. All notices, demands, requests and other writings required or permitted to be given shall be deemed duly given if delivered or if mailed by registered or certified mail, postage prepaid, if addressed to the following:

Summit County
Attn: Anita Lewis
P.O. Box 128
Coalville, Utah 84017

Park City Municipal Corporation
Legal Department
P O Box 1480
Park City, Utah 84060

7. Duration. This Agreement will continue without expiration until one or both parties notify the other in writing to terminate the Agreement. If a party desires to terminate the Agreement, the party shall provide sixty days advance written notice as provided for in paragraph 6. However, pursuant to Utah Code Annotated §11-13-216, this Agreement shall not extend for a term exceeding fifty years.

SUMMIT COUNTY

Robert Richer, Chairperson
Board of County Commissioners

ATTEST:

Kent Jones, Clerk

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

ATTEST:

Janet M. Scott, City Recorder

Exhibit C-October 4, 2007 Meeting Minutes (Excerpt specific to Item)

1. Consideration of an Ordinance approving amendments to Park City Municipal Code, Title 7, Animal control, for consistency with Summit county Animal Control Ordinance 113-1 – See staff report. Chief Lloyd Evans explained that adoption will make the City's Municipal Code current and consistent with the County's ordinance. Council was introduced to the ordinance on September 13, 2007. The Mayor opened the public hearing and with no input rendered, the hearing was closed. Jim Hier, "I move we approve the Ordinance amending the Park City Municipal Code, Title 7, Animal; Control". Candace Erickson seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

Consideration of a Memorandum of Understanding with Summit County for animal control services in Park City, Utah – See staff report. Chief Lloyd Evans clarified that the MOU specifies animal control services to be provided by Summit County in Park City, which was also reviewed by the Council on September 13, 2007. The Mayor opened the public hearing and with no comments from the public closed the hearing. Candace Erickson, "I move that we approve the Memorandum of Understanding with Summit County for animal control service within Park City". Jim Hier seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

Attachment II- May 21, 2014 County Staff Report 'Task Force Recommendations'



STAFF REPORT

To: County Council
Report Date: May 21, 2014
Meeting Date: May 21, 2014
Author: Helen Strachan/Brian Bellamy
Description: Leash Law Task Force Report
Type of Item: Discussion

A. Background

On May 22, 2013 the Summit County Council created the Leash Law Task Force to study and recommend options regarding the County's Leash Law. The following individuals were members of the committee:

Kim Carson	Samantha Bednar	Neal Bowlen
Bonnie Brown	Emy Cordano	Heinrich Deters
Jonelle Fitzgerald	Kelly Franklin	Brian Hanton
Bill Humbert	Helen Strachan (Staff)	Brian Bellamy (Staff)

The Task Force met first to discuss and set the priorities of the group and then assigned tasks to each member. In subsequent meetings the members reported the information they had gathered to the group as a whole. The Task Force discussed the findings. These findings included how other jurisdictions handled off leash dogs, what other areas are doing that is working, what is working and what is not working in Summit County, what may be optimal for dog parks, among other issues. The jurisdictions discussed and reported on included:

Boise, ID	Boulder, CO	Bozeman, MT	Dane Co., WI
Marymoor, WA	Rockville, MD	Salt Lake City, UT	

Synopses of the programs in Boulder (Attachment A), Dane County (Attachment B), Marymoor (Attachment C), Rockville (Attachment D) and Salt Lake City (Attachment E) are attached.

Discussions during task force meetings were open and lively. The discussions included the possibility of trails being totally off leash, trails totally on leash, trails with odd and even days for leashes, and creating licensing and testing programs for dogs to be off leash on trails. We discussed if parks and playgrounds should be on leash areas only and issues surrounding trailheads. During the course of the

meetings the Task Force also met with and received input from various stakeholders including: Annie Elliott, Yellow Dog; Tim Fehr, Wildlife Protection Society, Kate Sattlemeier, Summit Land Conservancy; and Charlie Sturgis, Mountain Trails Foundation.

Discussions centered on the following areas:

Updating the Leash Law Ordinance

Changes to the leash law ordinance to allow dogs to be off leash in certain designated areas were a focus of discussion. The current ordinance does not allow for dog exercise areas and should be amended. The updated ordinance would include definitions for voice and sight control.

Designating Enforcement and non-Enforcement Areas

Areas for stricter enforcement of leash laws were identified. These included parks, sport playing fields (baseball, football soccer, etc.), wildlife habitat during mating and calving seasons, wildlife migratory trails, watershed areas, and trailheads as posted.

Areas for non-enforcement of leash laws were also discussed. These would be current dog parks already created by Park City Municipal and Snyderville Basin Recreation and could include designated trails and other dog exercise areas as they are created.

The desire for a large (25+) acre dog exercise area was discussed. Many jurisdictions have found these to be heavily utilized, creating an area where citizens can recreate together with their dogs or without.

Fees and Licensing

Changes have already been implemented to allow for dog licensing online. The committee liked the idea of moving to a 3-year licensing program to coincide with the 3-year rabies vaccine.

The Task Force was concerned regarding the staffing levels at Animal Control. It is felt that fees for licensing and fines associated with Animal Control violations are too low.

Active Education Campaign

The need to utilize multiple media to educate citizens on enforcement areas, off leash areas, licensing requirements, dog waste pickup, wildlife facts, and more.

Educate citizens in dog training opportunities. There are a number of good dog trainers in the county. Inform the citizens who they are and where they are located.

Creation of a dog “friends group”

This group would actively monitor both on and off leash areas, and support creation of new off leash areas. They would also provide trail and park clean-up.

B. The Task Force Made the Following Recommendations

1. Update Leash Law Ordinance

It is recommended the Council discuss and adopt, at a future date, the following code changes.

AT LARGE: Any domesticated animal, whether or not licensed, not "under restraint" as defined ~~herein~~. by Section 5-1-9.

DOMESTICATED ANIMALS: Animals accustomed to living—in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, swine, goats, and cattle.

LEASH OR LEAD: Any chain, rope, or device used to restrain an animal. (This allows for the use of electronic dog collars.)

Delete the definition of Under Restraint

5-1-9: DOGS AND PUPPIES RUNNING AT LARGE:

- A. It shall be unlawful for the owner or person having charge, care, custody, or control of any dog or puppy to allow such dog or puppy at any time to run at large. A dog or puppy shall be considered under restraint of the owner and therefore not “at large” when:
- a. on a leash or lead,
 - b. confined within a vehicle,
 - c. within the real property limits of the owner,
 - d. within the real property limits of another with the express permission of the property owner, or
 - e. within the boundaries of an off leash dog area formally approved or adopted by ordinance by the County, a municipality, or a special service district within the jurisdiction of the Division of Animal Control.
 - i. Dogs or puppies within the boundaries of a designated off leash dog area must be managed through the use of “voice and site control,” defined as control of the behavior of a dog which is not leashed or otherwise physically restrained by its owner or guardian sufficient that the dog does not, without regard to circumstances or distractions:
 - (1) Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;
 - (2) Charge, chase, or otherwise display aggression toward any dog;
 - (3) Chase, harass, or disturb wildlife or livestock; or
 - (4) Fail to come to and stay with the guardian or keeper immediately upon command by such person. Voice and site control does not exist unless the owner or guardian exercises this command authority at all times to keep the dog within the requirements of this definition.
 - ii. The owner or guardian of any dog or puppy within the boundaries of a designated off leash dog area must carry a leash or lead for each dog/puppy and may have no more than three dogs/puppies simultaneously unleashed or unrestrained.

- B. Sensitive Areas: Notwithstanding Subsection A, above, a dog or puppy shall be deemed at large if not on a leash or lead when in a public park or playground, within 300 feet of any public trailhead, in a parking lot open to the public or anywhere not designated as an off leash area.
- C. The owner or person charged with responsibility for a dog or puppy found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog or puppy and regardless of whether or not he/she knows that the dog or puppy is running at large.

2. Designate Enforcement and non-Enforcement Areas

The authority to designate Non-Enforcement Areas by the County, municipalities, HOA's, special service districts or private property owners would be outlined in Section 5-1-9-e of the County code (as drafted above). The requirements of an off-leash area would be developed by staff including: Animal Control, Planning, Health Department, Snyderville Basin Recreation, and the Attorney's Office.

It was also recommended to look at Animal Control staffing levels. Current levels are too low to effectively enforce the leash laws in parks, sport playing fields (baseball, football soccer, etc.), trails, watershed areas, and trailheads as posted.

3. Review Fees and Licensing

It is recommended to move to a 3-year licensing program to coincide with the 3-year rabies vaccine. The County will continue to offer veterinarians a portion of the cost of the dog license as they sell licenses to coincide with the rabies vaccination.

Dogs and puppies that have not been previously vaccinated with the rabies vaccine will receive a one year vaccination and would still need to purchase a one year license. After the initial vaccination and license, the three year license would be available.

It is recommended to increase fees for both licensing and for fines associated with Animal Control violations. See attachment F.

4. Develop Dog Exercise Areas

Actively seek land to create a large (25 + acre) dog exercise area. The cost and availability of parcels to be used for a large off leash area, possibly combined with open space designation, would need to be explored. Items needing to be taken into consideration in the development of these areas would be wildlife habitat and migratory patterns through the property.

Facilitate and work with municipalities, HOA's, Special Service Districts and private property owners to create additional Dog Exercise Areas.

5. Consider three options for off-leash licensing program

1. Dog is required to have a Summit County dog license (no change from current program) – Eligible for all approved off leash areas, but dog must be under sight and voice control at all times and the owner assumes any and all liability (or something to that effect).

2. At the time of dog licensure an annual “off leash tag” may be purchased. This tag makes the dog eligible for all approved off leash areas. Pet owner is required to sign a liability waiver and agree to abide by all rules and regulations associated with the use of the off leash areas.

The funds received from this tag will be used to help maintain approved off leash areas. The “off

leash tag” may be revoked if the dog misbehaves, is found to be aggressive, or is not under voice control. If a dog’s “off leash tag” has been revoked the dog and owner must successfully complete dog training sessions. The “off leash tag” may then be purchased in a subsequent year with proof of completion of an approved training program

3. At the time of licensure an “off leash tag” may be purchased if the dog has successfully passed a test for voice control and behavior. The American Kennel Club “Canine Good Citizen” or equivalent is accepted. In lieu of the AKC certification, testing may be offered through qualified local dog trainers. The test would be similar to the test administered in Rockville, Maryland (attached).

This would be a higher cost, more labor-intensive option. It should result in more highly trained dogs and owners. Community compliance is also a concern. The question is whether citizens would take the time to go through the process, and how many dogs would qualify.

If the County Council were to initiate a program to promote dog training activities or adopt an off-leash licensing program, Animal Control staffing levels would need to be addressed. Staffing levels have steadily decreased in the past 10 years and are the lowest they have been since 1994. In the past 10 years Animal Control staff has decreased 38%, at the same time Summit County population has increased by 13%.

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Position	Fulltime	Fulltime	Fulltime	Fulltime	Fulltime	Fulltime	Fulltime	Fulltime	Fulltime	Fulltime
Administrator	1	1	1	1	1	1	1			
Field Supervisor	1	1	1	1	1	1	1	1	1	1
Officers	4	5	5	5	5	5	4	3	3	3
Shelter Attendant	2						1	1	1	1
	8	7	7	7	7	7	7	5	5	5

6. *Encourage the formation of a dog “friends group” consisting of residents and stakeholders*
This group would act as part of the campaign to educate dog owners regarding trail and park etiquette, monitor on and off leash areas, promote good will between dog owners and non-dog owners, provide cleanup for parks and trails. The “friends group” could also be used to help raise funds for maintenance of off leash facilities and the possible creation of new off leash areas.

7. *Hire a consultant to conduct a survey, to review data collected and make future recommendations*

A resident survey should coincide with the biennial survey the County sends to the citizens or if Snyderville Basin Recreation creates another survey, we could participate with that survey.

8. *Create local education campaign*

Utilizing local and social media educate citizens regarding on and off leash areas, licensing and vaccination requirements, dog waste pickup, wildlife facts (including ungulate and fowl migratory patterns, calving season, etc.), and promote local dog training opportunities.



MANAGER'S REPORT – 12/17/2015

Submitted by: Matthew Abbott
Subject: Community Solar II

In 2013, Park City Municipal, Summit County, and Utah Clean Energy (<http://www.utahcleanenergy.org/>) partnered to lead Summit Community Solar (<http://mycommunitysolar.org/summit/>). This report provides an update of the most recent activities.

Respectfully:

Matthew Abbott, Environmental Program Manager



To: Honorable Mayor/Members of City Council

From: City Manager's Office

MANAGER'S REPORT – December 17, 2015

Submitted by: Matt Abbott, Environmental Project Manager

Background

In 2013, Park City Municipal, Summit County, and Utah Clean Energy (<http://www.utahcleanenergy.org/>) partnered to lead Summit Community Solar (<http://mycommunitysolar.org/summit/>). Community Solar is a citizen-led, residential solar bulk purchase program. Citizen volunteers lead an RFP process to structure the solar program, identify the price structure, and select the installer. Citizen volunteers also lead the marketing and outreach efforts. Summit Community Solar was Utah Clean Energy's second effort and resulted in a 500% increase in countywide solar installations and over 300kW of solar being installed at a 40% discount.

Since 2013, Utah Clean Energy has lead two more Community Solar programs and is in partnership with Summit Community Power Works (<http://scpw.org/>) to launch their fifth program in Summit and Wasatch County. Until the volunteer committee selects a better name, the project is being called Community Solar.

2015-2016

Summit Community Power Works (SCPW) is Park City and Summit County's team for the Georgetown University Energy Prize (<https://guep.org/>). This is a two-year competition where competitors are ranked by at-the-meter energy reduction along with the innovation, scalability, sustainability, and replicability of their programming. SCPW's four main programs are: The LED Switch, The Control Switch (smart controls), The Comfort Switch (weatherization), and The Power Switch (renewables). Community Solar represents the most scalable and replicable way to effectively accomplish The Power Switch.

Structurally, SCPW is a project of The Park City Community Foundation. Park City and Summit County have seats on SCPW's Executive Committee. SCPW is partnering with Utah Clean Energy to fund, manage, and lead Community Solar. Total program costs are projected to be \$50,000, with no financial obligation to PCMC, and the program planning started in September and is anticipated to conclude in December 2016. The scope of Community Solar is expanded to include both Summit and Wasatch County and has a goal of 1MW of solar.

Community Solar completed their third public interest meeting on December 8, 2015. Volunteers from these public interest meetings will be leading the contractor selection process and the marketing efforts with direction from Utah Clean Energy and support from Summit Community Power Works.

Get Involved

Citizens looking to participate in Community Solar can find out more at <http://mycommunitysolar.org/summit/> and at www.scpw.org or email SCPW's Project Manager, Mary Christa, at mc.smith@scpw.org. SCPW and Utah Clean Energy anticipate launching the program publicly in March/April of 2016.



MANAGER'S REPORT – 12/17/2015

Submitted by: Matt Dias
Subject: Manager's Report -- Park City Transit 2015-2016 Winter Season
Service Enhancements

Over the past year the City has sponsored several studies to create plans to mitigate and reduce congestion in the Park City region by providing alternatives to the single occupancy vehicle. Transit has been actively looking for ways to increase ridership as well as find a way to bring the Richardson Flat Park and Ride online to reduce the number of cars on State Road 248 during peak times.

Respectfully:

Matt Dias, Asst City Manager



Manager's Report

Subject: Park City Transit 2015-16 Winter Season Service Enhancements
Author: Blake Fannesbeck, Transit & Public Works Director
Date: December 17, 2015
Type of Item: Informational

Over the past year the City has sponsored several studies to create plans to mitigate and reduce congestion in the Park City region by providing alternatives to the single occupancy vehicle. Transit has been actively looking for ways to increase ridership as well as find a way to bring the Richardson Flat Park and Ride online to reduce the number of cars on State Road 248 during peak times.

Service Enhancements:

During the current Short Range Transit Demand Management Plan open houses that were held this past October a fair amount of respondents spoke to the fact that they would like earlier and later transit service on the Pink and Brown routes in the County during the upcoming winter season. The Transit Team took this seriously and decided on a proactive approach to enhance these services. The increased cost of \$83,000 to provide an earlier route in the morning as well as match the later City service in the evening was proposed to Summit County and they agreed to pay the additional cost and expand the service. Service enhancements began on November 20th. The Transit Team will monitor the data throughout the season to measure the success of these service enhancements.

When Park City Mountain Resort announced the gondola addition to connect the two resorts at the top of the mountain into one resort the Transit Team started to realize that Park City Transit may have a challenge at the end of the day when skiers returned to a different base area than where they began. The concern is that a skier will park at one base, ride the gondola, ski the resort for the day, and end up at the opposite base as their car or hotel is located. Without a change in transit service they could have either a long wait due to overcrowding of buses, take a taxi back to the other base, or have someone in their group go back and drive their car to pick up the group consequently adding more traffic into the mix. The Transit Team has been partnering with Park City Mountain Resort, The Resort Village Management Association (Canyons Base), and Summit County to create a pilot program for a BRT (Bus Rapid Transit) type service between the Canyons Village Base, Park City Base, and the Old Town Transit Center on 20 minute intervals during this winter. This express service will start at 3:25 p.m. and go until 12:00 a.m. This service not only takes care of the concern of skiers ending up at the base opposite of where they need to be but also reduces the need for guests of Canyons Village to rent a car during their stay. The cost of this pilot program is \$156,000 of which Park City Transit will proportionately share the cost with the partners listed above. We began running this service on December 4, 2015 to match with our Winter Season start and without any advertisement or promotion of the service we had 56 riders on this route from 6:00 p.m. to midnight which is very encouraging. We are

working with the hotel concierges, the resort, and other means to promote and advertise this additional service.

Traffic Reduction:

In late October the Transit Team and Transportation Planning began working with Park City Mountain Resort on a possibility of parking up to 400 employee cars at the Richardson Flats Park and Ride at various times during the Winter Season to reduce single occupancy vehicles along State Road 248 during peak times. We tossed the idea back and forth as to whether Park City would provide a commuter shuttle from the lot or if Park City Mountain Resort would provide the shuttle. As we investigated further into their needs it became clear that the transit system did not have enough equipment at this time to meet Park City Mountain Resort timing needs. It was determined that Park City Mountain Resort will direct employees to use the Park and Ride on their peak days (which are mostly weekends) and provide a private employee shuttle to the resort base. This may start as soon as December 18th.

The Transit Team has also recently moved on an agreement with Silver Lake, LLC working on the Stein Erickson project on Silver Lake Drive to park up to 150 construction employee cars (primarily on weekdays) at the park and ride lot and providing a private shuttle to the work site.

The addition of these efforts to reduce traffic congestion through enhanced service and activation of the Richardson Flats Park and Ride fit perfectly within the City Council priorities. While this may create a tight budget situation for the Transit Budget this winter season, the Transit Team will continue to work with the Budget Department to create as minimal an impact as possible. However, it is our recommendation that the timing of these enhancements is advantageous in developing future and long lasting partnerships to reduce traffic, increase transit ridership, and establish the culture of remote parking.

Staff will provide updates of the progress of these service enhancements and Pilot program during the monthly Transportation update to City Council.

Respectfully,

Blake Fonnesebeck, Transit & Public Works Director



MANAGER'S REPORT – 12/17/2015

Submitted by: Matt Dias
Subject: Sister City - Courchevel - Winter 2016 Update

This Manager's Report provides an update regarding the invitation Park City Municipal Corporation extended to Courchevel, France representatives for a Winter 2016 diplomatic exchange.

Respectfully:

Matt Dias, Asst City Manager

Sister City – Courchevel Winter 2016 Visit

As City Council is aware, staff has been working with various representatives from Deer Valley, Vail, PC School District, Chamber of Commerce, and members of the PC-Courchevel Sister City Organization in order to schedule a winter exchange with French officials the week of January 31 – February 7, 2016.

Staff is pleased to report that our invitation was recently accepted by the Courchevel Mayor, Philippe Mugnier, and the French have already begun scheduling their travel. In return, staff has formed a planning committee with representatives from the organizations mentioned above to begin the fairly extensive planning process necessary to support the delegation and their weeklong reintroduction to the Park City community.

In addition to the Mayor of Courchevel, the following officials will be included in the delegation:

- Jean-Christophe Vidoni – [Deputy Mayor, Courchevel](#) & [Hotel Manali Owner/Operator](#)
- Pascal De Thiersant – CEO, [Les Trois Valles](#) (Ski Resort)
- Adelline Roux – CEO, [Courchevel Office of Tourism](#) (Chamber)
- Nicolas Feidt – [City Manager, Courchevel](#) (Government)
- Benjamin Escama – [Director of Education, Courchevel](#) (Education)

The weeklong introduction will include a combination of public and private events, including behind the scenes tours of resort operations, municipal and school departments and facilities, and various tourism and arts related activities and venues. The inclusion of so many stakeholders, we hope, will provide a very broad and balanced perspective of the many wonderful things our community has to offer.

Please let me know if you have any additional questions or concerns.



SAINT BON COURCHEVEL

SAVOIE - FRANCE

Le Maire

PARK CITY MUNICIPAL CORPORATION
OFFICE OF THE MAYOR AND CITY COUNCIL
Mayor Jack THOMAS
P.O BOX 1480
PARK CITY
UT 84060-1480

Service instructeur : Direction Générale des Services

Affaire suivie par : Nicolas FEIDT

phone : +33 (0)4.79.08.48.88

mail : dgs@mairie-courchevel.com

Réf : NF/CC/2015

Saint-Bon, 2015 november 18th

Dear Jack,

We have received your letter of October 22nd inviting us to come visit you in Park City. It is my great pleasure to welcome and accept this invitation.

I will be leading a group including Jean-Christophe VIDONI, deputy mayor, Nicolas FEIDT, general manager of the City, Martine PARIZOT, head of Park City association exchange, Pascal DE THIERSANT, CEO of Société des 3 Vallées, Adeline ROUX, general manager of Courchevel tourism office and Benjamin ESCAMA, director of education at the City.

We will be arriving on Sunday January 31 and leaving Park City on February 7th. We are still working on the travelling details.

During this trip, we would very much like to discover your ski resort and its management, your tourism activities (promotion, sales, communication), your summer activities including the Sundance Film Festival, the school partnership and your local high school and last the general management of the city.

This trip will be for us an opportunity to further develop our relationships and to discover new way of managing and our community.

Our teams will talk to each other to organize the details of the trip.

Best regards,

Mayor,

Philippe MUGNIER



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the City Council meeting minutes for November 19, 2015. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder



PARK CITY COUNCIL MEETING MINUTES – DRAFT

**445 MARSAC AVENUE
PARK CITY, UT 84060
SUMMIT COUNTY, UTAH**

November 19, 2015

CLOSED SESSION

The City Council met in Closed Session at approximately 12:00 p.m. Council Members in attendance: Mayor Jack Thomas, Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff Members Present: Diane Foster, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Matt Dias, Assistant City Manager; Jason Glidden, Special Events Manager; Heinrich Dieters, Sustainability; Brooke Moss, Human Resources Director; Alfred Knotts, Transportation; Nate Rockwood, Budget; and Jonathan Weidenhamer, Economic Development Manager. Others in attendance included City Councilmembers-elect Nann Worel and Becca Gerber and outside consultant Stan Kozlowski.

Council Member Beerman moved to close the meeting to discuss personnel and property. Council Member Matsumoto seconded the motion. Motion carried.

Council Member Matsumoto moved to adjourn from closed meeting. Council Member Beerman seconded the motion. Motion carried.

STUDY SESSION

1. 2015 Monthly Energy Update: Background Discussion:

Ann Ober updated the Council on the progress made with regard to the Critical Energy Priority. She met with different departments and was defining an action plan, which she hoped to have ready for the City and community in a couple of months. She also stated that today she would discuss the goals of achieving net-zero carbon internally by 2025, and within the community by 2035.

Matt Abbott reviewed the history of energy use. He indicated that greenhouse gas emissions were extremely high today, with possible consequences being greater deviations between hot, cold, flood, drought, etc. These consequences could cost trillions of dollars globally, and many species on earth could become extinct. He thought there needed to be a global shift in energy production/use, travel, food production, travel, etc.

1
2 Ober stated Park City was feeling the effects of climate change already. She felt
3 planning now was the key to success for the City. She explained that the City's Office of
4 Sustainability worked on improving the economy, the community and the environment.
5 Abbott stated PCMC was rare in having a Sustainability Office because there were only
6 125 municipalities out of 39,000 that currently have this department.
7

8 Ober noted that Utah was energy conscious in offering incentives for homeowners that
9 installed solar panels on their roofs. Council Member Beerman asked if Summit County
10 could be solar subscribers with Rocky Mountain Power. Ober indicated she hadn't
11 discussed that with Rocky Mountain Power yet, but would be discussing that with them
12 at some point. She also discussed net metering and meter aggregation. Ober noted that
13 the State Building Code was set in 2006, and that was a drawback with becoming
14 energy efficient. It could be done, but not as easily as it could if the code was updated.
15 Regarding time frame, one concern was that the City needed leverage points. The City's
16 franchise agreement with Rocky Mountain Power will expire in 2022, and could then be
17 renegotiated. She also felt setting a goal of 2035 for the community was pushing the
18 envelope, but noted the City would work hard to meet it. Council Members Matsumoto
19 and Simpson asked about negotiations with Rocky Mountain Power and how soon
20 those talks could take place. Ober indicated there was an ongoing conversation with
21 Rocky Mountain Power. Council Member Simpson asked how long the negotiations
22 would last, and if the City could start negotiating now. Abbott stated the first round of
23 negotiations could start now.
24

25 Council Member Beerman felt the goals should be stretch goals, not comfortable goals,
26 and felt these were reachable goals. Even if the City came up short in 2025, it would be
27 a lot closer than if it set looser goals. Council Member Peek liked being aggressive with
28 these goals as well. Council Member Simpson suggested setting the internal goal to
29 2024, so it would be in between election cycles, and 2030 for the community goal, and
30 noted this goal would need to get buy-in from the community.
31

32 Council Member Henney indicated he would like to stretch even further because
33 technology would be changing in the next 10 years, and the City didn't know what would
34 be available in the future that could facilitate these goals. Mayor Thomas stated the date
35 was out there, and now the City needed to focus on the steps to achieve that goal. He
36 thought it was important to know that the goal was achievable. Foster noted that staff
37 had jumped onboard with the goals and thought the dates were achievable. Ober stated
38 the 2025 date would be achieved if staff stretched with everything they had. She wanted
39 City services to residents and tourists to continue to be awesome, so there were some
40 services that would not be able to go green immediately, but she hoped technologies
41 would come online in the future that would help out with these situations.
42

43 Council Member Simpson agreed with Ober that the City needed to market these goals,
44 and follow the critical path that Mayor Thomas discussed. Mayor Thomas also stated

1 that staff needed to research the cost of attaining the goal by 2020 vs. 2025. Council
2 Member Henney indicated that as more research and action was taken over time, the
3 goal would shift, and he hoped it would shift by being achieved in less time, but many
4 factors would not be known until due diligence was given to this priority.
5

2. Update from the Main Street Plaza (Brew Pub) Design Team:

6 Clio Rayner, David Brems, Craig Vickers and Brent Watts, representatives from GSBS
7 Architects, were present, and they explained there were three concept plans for Main
8 Street Plaza that they brought to present to the Council. They hoped this plaza would
9 generate daily activity, promote event activity, combine natural and built elements, serve
10 all the visitors that come to Park City, and be a multi-seasonal venue.
11

12 They displayed a concept plan and talked about the tremendous grade change in the
13 area. They hoped this plaza would be flexible enough to allow various functions. Vickers
14 suggested constructing underground parking on the north end of the site, and flattening
15 out part of the area so as to accommodate an event area. It was noted that views would
16 be important for visitors here. Possible uses for the plaza included building a stage,
17 having an intimate ice rink and/or a park, as well as other options.
18

19 Constructing one or two levels of parking was discussed. Option A had minimal shops,
20 an event area and a stage. Option B included more multi-functional event uses and land
21 forms could be created on the parking roof. Option C had the most density on the plaza,
22 with studio and/or gallery spaces, in addition to the other features previously discussed.
23 GSBS concluded by explaining ideas for design based on land formations, people that
24 shaped Park City history, and change for the future.
25

26 Council Member Simpson thought the need for a quiet park was filled with the park that
27 was located a half block up the street, so this space could be more efficiently used in
28 the concepts shown today. Council Member Peek indicated the City had a critical
29 energy priority goal, and stated an ice rink would have to comply with that goal.
30

3. Impacts of Panelization and Reconstruction on Historic Preservation:

31 Anya Grahn, Planning, stated her team had put together a design for panelization.
32 Council Member Henney stated he looked at the end product, which was a historic
33 building, and asked about the structural integrity of these buildings. Council Member
34 Peek stated the same level of structural requirements was there, but the method was
35 performed differently to reach the end product. Council Member Matsumoto stated
36 some of the historic integrity would be lost if the panels were used. She felt
37 reconstructing from the inside would better preserve the historic nature of the building.
38 Council Member Henney asked why an owner would prefer to panelize. It was indicated
39 that cost was the most common reason for the preference. Council Member Simpson
40 stated she didn't have a preference for panelization or reconstruction, since the end
41 product was the same.

1

2 **WORK SESSION**

3 **Council Questions and Comments:**

4 Council Member Henney indicated he attended the HCPA meeting. There was a lot of
5 discussion on the HUD lot and Miner's Plaza, and the group agreed with the City's
6 timeline with regard to Miner's Plaza. He had concerns with lighting on Deer Valley
7 Drive, and commented that the LED lighting there looked good. He wanted to thank
8 Matt Abbott for his efforts in installing new efficient lighting.

9

10 Council Member Matsumoto met with the Library Board, and indicated a lot was being
11 done to bring teens into the library. The Board had seen success because of all the new
12 technology. She noted managing the meeting rooms in the library/community center
13 was becoming a bigger job.

14

15 Council Member Beerman stated he attended Live PC Give PC, and it was great. He
16 also attended a Mountain Accord meeting, and noted there will be Wasatch Back
17 representation in planning Phase II. He expressed his desire for transferring funds in
18 order to help bolster bus service because the forest service was interested in charging
19 fees for the use of forest roads and ski resorts were considering charging for parking.

20

21 Council Member Peek indicated he met with Friends of Farm Animals, and stated they
22 were in the process of putting together a contract that would be brought to the City at
23 the first of the year.

24

25 Mayor Thomas noted that on Monday, a Special City Council meeting was held to ratify
26 election results. He also attended the Sewer District meeting and the Leadership
27 discussion Monday evening, and was excited to see a good turnout for that discussion.

28

29 **Manager's Reports:**

30 **1. 1450-1460 Park Avenue Property Site-Plan Review of Historic Structures:**

31 Rhoda Stauffer, Sustainability, indicated that new construction on this property would be
32 \$175 per square foot and to rehabilitate would be more than \$400 per square foot. The
33 Council was in favor of rehabilitation for this project. Stauffer displayed the site plan
34 options, and noted the differences between the site plans, such as parking
35 configurations and differences within the units, with one option that included a three
36 bedroom unit. It was noted that none of the units were one bedroom units. Stauffer
37 indicated her recommendation was Option Five, which included a powder room,
38 although with this option, a CUP would need to go to the Planning Commission.

38

39 Council Member Simpson stated it was desirable to have some units for seniors who
40 wanted to downsize, so she liked the inclusion of a powder room. Council Member
41 Henney preferred Option Five because of the parking scheme. Council Member

1 Matsumoto liked Option Five, and asked if the two historic driveways could be pulled to
2 the outside. It was indicated that the scheme might be able to change with a code
3 amendment. Council Member Beerman also liked Option Five, and asked if a carport
4 could be constructed over the parking area. Council Member Peek favored Option Five
5 as well, and felt applying with HDDR as soon as possible would be wise.
6

**2. Lower Park Avenue Next Steps for the Use of City-Owned Property to Meet
Housing and Community Needs:**

7 Jonathan Weidenhamer, Community Development, stated the recommendation to the
8 Council was to proceed with the RFP for a community center, and the timeline for
9 construction would be in the spring of 2017. He noted the City had engaged with the
10 community seeking feedback with regard to location options, and he felt confident that
11 the recommendation reflected the desires of the community. He also indicated the RFP
12 would primarily divide the project into phases. He thought this would be a shift into
13 implementation.
14

15 Kimberly Clark, Community Engagement Liaison, stated various buildings and parking
16 lots were being considered. The Fire Station lot, Option Two, was the best location for a
17 community center campus, and she thought that was a huge benefit. The concern with
18 Option One, the Library parking lot, was the lack of open space, but it would be close to
19 transit and would be visible to the community. Option Three was the Mawhinney lot,
20 which had received many supportive comments. It was located next to the library, and it
21 could also be combined with the Miners' Hospital location as a possible addition. Option
22 Four was using the Miners' Hospital with an addition, but there were concerns about
23 taking away from the historic nature of the building.
24

25 Council Member Beerman asked why there wasn't public feedback on having the
26 community center surrounded by housing. Clark stated having the location upfront
27 would be more visible. Council Member Beerman also asked if there was a need for a
28 community center since the library had been renovated. Clark responded that the library
29 could hold approximately 80 people, but there was a need for a space that could
30 accommodate up to 200 people plus some class space or space for birthday parties.
31 Foster acknowledged the library did not have enough meeting rooms.
32

33 Council Member Peek asked if the Miners' Hospital could project out to the east, and
34 noted this building needed to be ADA accessible to improve functionality. He also
35 expressed that he did not want the area in front of the library left alone. Council Member
36 Simpson stated she was excited to see this project move forward. Clark noted the
37 Mawhinney lot and Miners' Hospital would both be looked at in the RFP. Council
38 Member Henney thought the public input was narrow. Foster stated public input would
39 continue through the RFP process.
40

41 Mayor Thomas asked how the Council felt about the senior/community center being in

1 close proximity to the rest of the community and to the library. Council Member Simpson
2 stated either location would provide a vibrant location for seniors. Council Member
3 Henney agreed. Council Member Matsumoto liked Henney's idea of extending the
4 street through a residential area and having a mixed-use plan. She suggested the RFP
5 include a note on how often those library rooms were used. She wanted functionality but
6 did not want to overbuild. Council Member Beerman favored having housing in
7 whatever development was agreed upon. He favored the Mawhinney lot, but wanted to
8 see the numbers justifying a new senior center, and wanted to hear from the seniors to
9 see what they wanted. Council Member Peek thought the Mawhinney parcel was ideal
10 for housing since it was a flat area. Matt Twombly stated the property north of the
11 Mawhinney lot was City-owned and could be included in the RFP if the Council so
12 desired.

13
14 Mayor Thomas stated the consensus from the Council was for more housing.
15 Weidenhamer indicated the east/west corridor could still be a thoroughfare without
16 being a road, such as a pedestrian path. Mayor Thomas stated that he didn't know how
17 Miners' Hospital could have an addition without messing it up. Further discussion on
18 Miners' Hospital ensued. Council Member Beerman noted that the Council all favored
19 the Mawhinney lot as the community center site, and that the rec center be demolished.
20 The Council requested that the RFP not include Miners' Hospital as an option.
21

**3. 2015 Monthly Transportation Update; Accelerated Traffic and Transportation
Master Plan (TTMP) Goal Achievement and Annual Report Card:**

22 Alfred Knotts, Blake Fannesbeck, and Brooks Robinson gave the annual transportation
23 update to the Council. Knotts stated these measurements were a good way to evaluate
24 transportation effectiveness over the years. Robinson referred to the packet and
25 reviewed the annual report card. Council Member Beerman asked if future reports could
26 include short-term goals as well as the 2040 goals. Robinson measured drive times,
27 single occupancy vehicles, and transit from Salt Lake City, from the basin, and
28 employee shuttles.

29
30 Knott indicated his team was considering expanding transit hours to accommodate work
31 schedules. Fannesbeck explained they presented a plan to the county a few weeks ago
32 to extend transit hours and service for a cost of \$83,000. He noted the county agreed to
33 fund that cost in order to provide transit service for its residents. Other things being
34 considered was transit from the ski resorts to the skiers' parked vehicles and an
35 employee park-and-ride at Richardson Flat.

36
37 Council Member Matsumoto was excused at 5:45 p.m.
38
39
40
41

REGULAR MEETING

ROLL CALL

Attendee Name	Title	Status	Arrived
Jack Thomas	Mayor	Present	
Andy Beerman	Council Member	Present	
Tim Henney	Council Member	Present	
Cindy Matsumoto	Council Member	Excused	
Dick Peek	Council Member	Present	
Liza Simpson	Council Member	Present	
Diane Foster	City Manager	Present	
Mark Harrington	City Attorney	Present	
Matt Dias	Assistant City Manager	Present	
Michelle Kellogg	City Recorder	Present	
Karen Anderson	Deputy City Recorder	Present	

IV. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. 2015 Season Public Construction Project Summary:

2. Park City Heights Water Storage Tank Status:

3. Managing Construction in the Historic District and on Historic Structures:

Council Member Beerman complimented Bruce Erickson, Planning Director, on the time limit for allowing historic structures to be elevated, and asked if the City should limit elevation to a seasonal timeframe. Erickson indicated the excavation of structures would be restricted between October and April, and noted the sooner that structures were lowered back down on their foundations, the safer they would be. Council Member Peek asked if engineer-shored excavations would mitigate the impacts to the point where they could continue construction, to which Erickson stated they would not.

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

Randy Barton, Egyptian Theatre, spoke to the Council with regard to putting an emphasis on the arts and culture in Park City. His objective was to advocate for planning and dialogue in order to create and secure cultural stability and growth within our nonprofit arts and culture organizations. He asked for a Blue Ribbon Committee to

1 be appointed that could evaluate priorities regarding the arts.

2
3
4 Larry Warren, KCPW, stated he was an advocate for the arts. Although KCPW was in
5 broadcast arts, there were many performances aired over the radio. He indicated that
6 like recreation, the arts programs stimulated economic benefit and provided wages for
7 employees. He noted the quality of life for residents was also benefitted because of
8 these programs.

9
10 Matt Hutchinson, President, Mountain Town Music, stated his group organized 200 live
11 performances a year. He thought this initiative would bring awareness to the monetary
12 needs of arts programs and fund sources that businesses had.

13
14 Kate Boyd and Kimberly Kuehn, Park Silly Market, stated they thought these nonprofits
15 were at the height of bringing arts to the community. They noted the economic impact
16 the market brought to the state and community through sales tax revenue. Kuehn
17 indicated she had a list of ideas for Park City, but they needed funding. She knew in the
18 next 10 years, Park City would grow even more and these programs would benefit the
19 City greatly.

20
21 Sandra Morrison, Park City Museum, noted the museum was well attended and
22 attendance increased yearly. She endorsed this initiative.

23
24 Lorraine Stuecken also agreed with the need for this committee. She stated Randy
25 Barton brought back the Egyptian Theatre, to which Barton summarized that the theatre
26 was astounding all the artists that came here. Stuecken also indicated she thought
27 these events contributed greatly to the economy.

28
29 Leslie Harlow, Park City Chamber Music Society, wanted to add her name in support of
30 the initiative as well.

31
32 Mayor Thomas championed these people coming to the meeting and asserted the arts
33 and cultural activities were a great component of the community. This item was
34 tentatively scheduled for a study session on December 10th.

35
36
VI. CONSENT AGENDA

1. Consideration of a Request to Approve a Contract to Complete the Recreation Facilities Master Plan:

2. Request to Authorize the City Manager To: 1) Enter an Encroachment Agreement, in a Form Approved by the City Attorney, with Jack R. Mayer Trustee for the Encroachment of a Structure at 416 Park Avenue Onto City

Property, at 415 Main Street (Miner's Plaza); and 2) Dedicate a 5' Private Sewer Lateral Easement on the Miner's Plaza Subdivision Plat to the Benefit of 416 Park Avenue, 424 Park Avenue, and 419 Main Street:

3. Approve the Attached Contract and Appoint, Subject to MCPC § 2-4-6, Michelle Kellogg to the Position of City Recorder from October 21, 2015, to June 30, 2016:

4. Consideration of a Resolution Proclaiming November 28, 2015, "Small Business Saturday" in Park City, Utah:

5. Consideration of a Request to Approve Two Leases with the Egyptian Theatre Co. to Conduct YouTheatre:

RESULT: CONSENT AGENDA APPROVED

MOVER: Council Member Andy Beerman

SECONDER: Council Member Liza Simpson,

AYES: Council Members Beerman, Henney, Peek, Simpson

EXCUSED: Council Member Matsumoto

VII. NEW BUSINESS

1. Request to Approve the Sundance Film Festival 2016 Supplemental Plan:

Tommy Youngblood and Dave Gustafson, Sustainability, along with Sarah Pearce and Tina Graham with Sundance Film Festival, spoke about the Festival Supplemental Plan. Gustafson stated the supplementals would stay with the program. He noted he needed approval for the use of the historic wall lot for the festival base camp presented by Canada Goose in the Bob Wells Plaza for Sundance programming. The historic wall would be an installation from the new frontier. He discussed traffic patterns during the event, and requested that half of the Mawhinney lot be reserved for part of the festival. The Council asked clarifying questions on restrooms, pathways, and the propane tank.

RESULT: APPROVED

MOVER: Council Member Liza Simpson

SECONDER: Council Member Dick Peek

AYES: Council Members Beerman, Henney, Peek, Simpson

EXCUSED: Council Member Matsumoto

2. Request to Amend the Ice Interlocal Agreement:

1 Amanda Angeline requested approval for the Addendum to the 2004 Interlocal
2 Agreement, and to enter into a new Letter of Consent.
3

4 **RESULT: APPROVED WITH THE LETTER OF CONSENT**

5 **MOVER:** Council Member Andy Beerman

6 **SECONDER:** Council Member Liza Simpson

7 **AYES:** Council Members Beerman, Henney, Peek, Simpson

8 **EXCUSED:** Council Member Matsumoto

3. Consideration of a Request to Amend the PCMC For-Hire Vehicle License Requirements:

9 Beth Roberts, Business License Specialist, and Rebecca Gillis, Finance, asked that the
10 for-hire operator (i.e. taxis, Uber) requirements be aligned with state requirements. She
11 noted a background check would be required for operators offering rides to the airport.
12 A driver history report would also be required.
13

14 Mayor Thomas asked for questions or comments from the public. Rob O'Brien indicated
15 he owned 649-Taxi, and felt the City lowered the bar to align with the state. He stated
16 transportation such as Uber and Lift was the wave of the future, but it didn't seem right
17 to lower bar so they could come into town. He worried about enforcement issues that
18 would arise from the regulations, and gave examples of different requirements for taxis
19 vs. Uber vehicles. He asked the City to regulate for-hire vehicles. Gillis stated that
20 according to the state, the City could not regulate this industry.
21

22 Michael Faulk, Karaoke Cabs, agreed with O'Brien, and expressed his frustration with
23 the difference in requirements for taxis vs. Uber vehicles. He suggested looking at other
24 cities, and noted Boise, Idaho, required a level playing field for the for-hire vehicles.
25

26 Council Member Simpson asked if for-hire operators could register as a Transportation
27 Network Company (TNC), to which Gillis stated there was a definition of TNC, and
28 those that met the definition would be able to register.
29

30 Sam Rubin stated he was the first legally permitted Uber driver and owned an Uber
31 company. He indicated the discussion should be focused on having the same
32 requirements for all for-hire vehicles. He noted differences in the requirements of Salt
33 Lake City compared to Park City. He asked that Park City increase the requirements to
34 equal the Salt Lake City requirements.
35

36 Council Member Beerman stated he didn't see a way to make the requirements more
37 equal at this time. Faulk stated these local companies would love to have discussions
38 with the City Council. Council Member Simpson liked the idea of meeting with these
39 companies. Council Member Henney stated this was an opportunity to bring in a
40 stakeholder group, and it would make sense to have a group meeting. Gillis stated there

1 was a time constraint for passing this ordinance, with the Sundance Festival coming in
2 January, so if the item was continued, the requirements would stand with the current
3 code. Council Member Beerman was in favor of moving forward today, but continuing
4 this discussion for future seasons. Mayor Thomas agreed. Gillis stated she could
5 schedule a discussion for February, 2016. Rubin again expressed his frustration, and
6 was in favor of having new rules moving forward.
7

8 **RESULT: APPROVED**

9 **MOVER:** Council Member Andy Beerman

10 **SECONDER:** Council Member Dick Peek

11 **AYES:** Council Members Beerman, Henney, Peek, Simpson

12 **EXCUSED:** Council Member Matsumoto

ADJOURNMENT

13
14 With no further business, the meeting was adjourned.



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the City Council meeting minutes for December 3, 2015. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder



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

December 3, 2015

CLOSED SESSION

The City Council met in Closed Session at approximately 2:45 p.m. Council Members in attendance: Mayor Jack Thomas, Andy Beerman, Tim Henney, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff Members Present: Diane Foster, City Manager; Tom Daley, Deputy City Attorney; Matt Dias, Assistant City Manager; Jonathan Weidenhamer, Economic Development Manager, Bruce Erickson, Planning Director; Anya Grahn and Kirsten Whetstone, Planning; Wade Carpenter, Police Chief; and Ann Laurent, Community Development Director. Others in attendance included Council Members-Elect Nann Worel and Becca Gerber.

Council Member Beerman moved to close the meeting to discuss property. Council Member Henney seconded the motion. Motion carried.

Council Member Henney moved to adjourn from closed meeting. Council Member Simpson seconded the motion. Motion carried.

STUDY SESSION

Library Board Update 2015:

The Board members expressed excitement from the success seen in teenage engagement at the library. Board Member Griffiths spoke about the programs for teens at the library, and felt it was a nice development. He noted there were other areas of the community that were under-served and he hoped to develop programs for these groups as well. Council Member Simpson was impressed that the Board reached out to this demographic to seek input on how to attract others within that demographic. Mayor Thomas was pleased with the success of these programs and thought many possibilities would come as a result. There was discussion on different features that attract people to the library. Council Member Beerman asked what programs were in place that would attract seniors to the library. It was indicated that the library focused on toddlers, teens and seniors because these groups were not as easily reached as other groups of people.

Council Member Matsumoto asked what programs other libraries offered to seniors. It was indicated that in some libraries there were senior centers attached, which offered reading clubs, speakers and other events. The Board members felt the library should be "the community center" and the proposed senior center should be subordinate to it.

There was discussion on the meeting room use at the library. It was noted that there was a lot of interest in the auditorium, and many private businesses used the other meeting rooms. Council Member Simpson thought the intent for the meeting rooms was for boards and other non-profit entities. Council Member Peek liked the fact that people would want to have birthday parties and family gatherings at the library. It was indicated that the Board was looking at software that would help the library staff manage the meeting room scheduling. It was also noted that some groups had to be turned away because the activity was not appropriate for the library. A meeting room rental price list was distributed.

Council Member Beerman was interested in seeing the report that was being worked on that would give statistics on meeting room use. Mayor Thomas stated he would like to see community uses for those rooms. He also thought it was important to reach out to the Latino community as well. Discussion ensued on attendance at the library, and it was noted that the board and staff were anxious to participate in the City's goal for reduction in energy use.

WORK SESSION

Council Questions and Comments:

Council Member Henney stated there had been many questions from citizens with regard to the leash law. He listened to KCPW as the new animal control officer was interviewed, and indicated the officer covered a lot of animal control issues, including the direction for officers to give citations, not warnings, for those not complying with leash laws. Council Member Matsumoto asked that Round Valley be considered as an off-leash dog park. The other Council members were supportive of having a dog park as well. Foster thought a work session on that issue could be scheduled for late January or early February. Council Member Matsumoto asked if the Park City officers were given the directive to give citations. Foster indicated that the officers were directed to talk to the citizens.

Council Member Matsumoto related she had attended the school board meeting, and expressed that she wanted to further define how the City and School District recreation programs could work together. She also attended the Historic Preservation Board where the issue of what constituted a historic structure was discussed.

Council Member Beerman noted he also attended the joint school board meeting. He attended the Mountain Accord meeting and indicated there would be a push for bus solutions by Winter of 2017, which would include enhanced bus service and charges for parking. He asked staff for reports on garbage can toters and vehicle idling enforcement.

Council Member Simpson indicated she liked the school board meeting. She attended the Fire Board meeting, and stated the budget was approved at the board level. She also attended the Lodging Association meeting, and noted this was the 53rd year of the Torch Light Parade. She indicated that she had visited Scott Simons, Streets Department, at the hospital, and wanted to encourage staff to email him greetings. Council Member Simpson noted she toured the Children's Justice Center (CJC) and would encourage the Council to take that tour. The CJC was looking for a new site, and she hoped the City might help them find a temporary site while they obtained sufficient funds to build. She spoke that this year the number of children's cases was doubled from the previous year. Council Member Peek asked that Heinrich Deters send the Council an email to set up a tour.

Mayor Thomas stated he attended the Electric Parade. The Best in Show was a car decorated as a gingerbread house. Ramp Skiis won the Entrepreneur Award, and the Mayors Award was a 1960s Dodge with a tree coming out of the back. He indicated that he also attended the school board meeting, Park City Historical Society meeting and the University of Utah vs. Brigham Young University basketball game, of which Utah won.

Park Meadows Well Filtration Site Planning Discussion:

Roger McClain, Public Utilities, introduced Nick Graue, Alison Butz and Michelle DeHaan. Graue stated the issue concerned two wells. Because of new federal regulations, new filtration equipment needed to be added. Since there was not enough space in the well house, and addition was needed. It was noted the empty space in the drawing shown to the Council was for vehicle entry. Butz stated the current buildings were non-conforming, and that would be an issue for building expansion. Because of these issues, new structures would need to be constructed. She indicated the buildings would have solar panels in an effort to support the City's critical energy priority. She asked if the Council supported construction on the proposed site, and if an interpreted trail would be supported by the Council as well.

Council Member Peek asked if the vehicle space was necessary. McClain stated having the vehicle backing into the building would facilitate the work of changing filters. There was also piping in the building that would need to be accessed. Other items not shown in the drawing were other work spaces. Council Member Peek wanted the new building to be built to its essential functional size.

Council Member Matsumoto was in favor with the location and building. Council Member Beerman was in favor as well, and thanked the group for supporting the City's sustainability goal. Council Member Simpson thanked McClain for his report on the wetland area. She felt screening from the road would be a priority. Mayor Thomas supported the site as well. He asked what materials would be used in construction. McClain stated he had looked at a couple different scenarios with different window sizes. Mayor Thomas suggested a flatter roof might make a lower profile building.

Council Member Matsumoto indicated she was not in favor the interpretive trail. Council Member Peek was in favor of screening the building from the public, and suggested a sidewalk might be helpful as well. Council Member Henney stated he was in favor of the trail if it was cost effective. Council Members Beerman and Simpson were in favor and pushed for water conservation.

Graue asked if they could proceed to the planning phase. The Council members indicated they were in favor of proceeding with this project. Graue outlined the next steps for this project and indicated staff would reach out to the community for input.

Utility Mitigation Surcharge: Funding Discussion:

Matt Abbott, Sustainability, and Jason Christensen, Public Utilities, gave a presentation on their analysis of utility rates. Abbott indicated they had three options for the Council's consideration: Option One called for a rate increase across the board. Option Two would modify the existing elevation-based surcharge. Option Three would modify the water user rate structure, which was a combination of Options One and Two. They recommended Option Three for further analysis, and noted they needed to evaluate what would happen to

revenue if water use was greatly reduced. Council Members Simpson, Matsumoto and Beerman were in favor of Option Three. Council Member Henney supported Option Three as well, but expressed concern about making the fear that water conservation would reduce the City's revenue stream a consideration in this analysis. He indicated the City was shifting from secondary homeownership to primary homeownership and there was also an increased need for snow making, so the need for water was increasing and conserving water should be rewarded. Council Member Peek stated water conservation was critical, but he felt an analysis to keep the City whole would not be time wasted. Council Member Matsumoto noted the new EPA requirements, so budget analysis was necessary to fund those required upgrades. Mayor Thomas stated the City needed to conserve its natural resources, but it would be important to know what it would cost.

ElevateHER Challenge Update:

Ann Ober, Sustainability, introduced Trish Hatch and Pat Jones with Women's Leadership Institute, and indicated there were women in the audience involved in the ad hoc committee, who she asked to stand up and be recognized. Ober indicated a group of ten people discussed what the City wanted to do with women's leadership, and noted that in January there would be three women serving on the City Council. Ober noted that the City wanted to associate with the ElevateHer challenge, and asked if the Council could support this challenge. Council Member Matsumoto asserted many non-profits were headed by women, the City had a female City Manager, and there were many strong leaders within the City that were women, so she supported this effort. Council Member Simpson was in favor of the initiative, and felt this challenge would be a springboard for asking other entities within the community to sign on as well. Mayor Thomas agreed with both comments and noted that women in the Wasatch Front had, and continue to have, a battle getting equal pay for equal work, so he was anxious to have the City lead this effort.

Council Member Beerman stated he was in favor of this endeavor. Council Member Simpson recommended that the City pay plan be analyzed by an outside firm because benchmarking with other ski towns might be skewed. She also thought having an outside firm perform the analysis would give the City objectivity. Council Member Henney stated he didn't believe in gender bias, so he was in favor of this venture. He indicated he was also open to discussing the outside pay analysis. Council Member Peek agreed and also expressed that he didn't want to ignore the Latino demographic in the process.

Brooke Moss, Director of Human Resources, asked if the study would include an analysis within the City only, to which Council Member Simpson affirmed and noted she didn't want to study other cities. Foster stated it would be difficult to overcome societal bias.

Jones stated businesses were leading this initiative. She indicated that the Women's Leadership Institute looked at men as allies in the effort to lift women into leadership roles. She thought this effort had been very positive and successful thus far, and asserted the ElevateHer challenge has six commitments. She asked that all organizations look internally to see if they meet those commitments. Hatch stated she appreciated that the City was taking this initiative seriously, and thanked the Council for their support. Mayor Thomas asked for public comments. Bill Humbert stated he worked for RecruiterGuy.com, where the CFO was a woman. He also talked about the successful women in his family, and noted he supported women in their careers.

Mayor Thomas thanked those who were involved in this initiative for coming tonight.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Title	Status	Arrived
Jack Thomas	Mayor	Present	
Andy Beerman	Council Member	Present	
Tim Henney	Council Member	Present	
Cindy Matsumoto	Council Member	Present	
Dick Peek	Council Member	Present	
Liza Simpson	Council Member	Present	
Diane Foster	City Manager	Present	
Matt Dias	Assistant City Manager	Present	
Tom Daley	Deputy City Attorney	Present	
Michelle Kellogg	City Recorder	Present	

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Manager's Report – Neighborhood Traffic Management Program (NTMP) Update:

Council Member Matsumoto asked if any of the sidewalks along Deer Valley Drive were plowed. It was indicated the south side of Deer Valley Drive would be plowed regularly, but the north side would not be plowed. Council Member Beerman stated there were complaints on lighting and asked if the Old Town's lights would be removed. It was indicated that the cobra light was removed on Woodside and other locations would be looked at so there wouldn't be redundant lighting.

Council Member Henney asked if the community was aware of the process of coming to the City to voice their concerns. Steve Reese, Transit Department, talked about the process of approving and denying complaints. Foster asserted the community didn't know about NTMP in particular, but they did know that if they have issues, they can come to the City. Council Member Simpson noted that when she referred people to this program, they came away pleased with the results.

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

Bill Humbert apologized for his bullying comment that was made in a previous meeting, and noted Council Member Simpson was essential in helping him resolve his concern. He thanked the Council for their efforts. He liked Council Member Matsumoto because she was quiet, but when she spoke, people listened. He liked watching Council Member Beerman grow as a public servant over the last couple of years. He liked Council Member Henney because he took many data points and created a plan. He liked Mayor Thomas because following in the footsteps of Mayor Williams was a difficult task, and Mayor Thomas did an excellent job filling those shoes. He liked that Council Member Peek was a contractor and had that perspective. He liked that Council Member Simpson could take a discussion and get it on point. He liked watching Foster grow in her position as well.

Bob Wheaton, Deer Valley Resort General Manager, stated this was a stressful time of year for ski resorts and he wanted to thank Clint McAfee and Matt Cassel with their efforts in the beautification project with landscaping and street lights, etc. and water.

IV. CONSIDERATION OF MINUTES

Consideration of a Request to Approve the City Council Meeting Minutes from September 3, 2015, October 22, 2015, October 29, 2015, November 5, 2015, and November 16, 2015:

Council Member Henney requested that the minutes be clarified to reflect his statement in the September 3rd minutes, Page Five in the fourth paragraph. The statement was incorrectly attributed to Council Member Beerman.

RESULT: APPROVED WITH AFOREMENTIONED CHANGES

MOVER: Council Member Andy Beerman

SECONDER: Council Member Dick Peek

AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

V. CONSENT AGENDA

1. Approve Avatech's Economic Development Grant in Fiscal Year 2016 in the amount of \$10,000, and an additional \$10,000 per year over the next two years Totalling \$30,000:

2. Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen Collins & Associates for Engineering Services for Upper Swede Alley Utility Replacement Project for an Amount Not to Exceed \$37,900:

3. Approve Local Consent for Special Event Temporary Alcoholic Beverage Licenses During the Sundance Festival:

4. Approve Type 2 Convention Sales Licenses:

Council Member Simpson asked where the Type 2 Convention license would be located. It was indicated that it was in the historic building next to High West.

RESULT: CONSENT AGENDA APPROVED

MOVER: Council Member Liza Simpson

SECONDER: Council Member Andy Beerman

AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

V. NEW BUSINESS

1. Consideration of Ordinance 15-50, an Ordinance Approving the 1114 Park Avenue Plat Amendment Located at 1114 Park Avenue, Park City, Utah Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney:

Hannah Turpen, Planning Department, stated the applicant requested to combine lots. There was a historic home on this parcel, and the amendment would remove existing interior lot lines. She noted the Planning Commission had recommended approval.

Mayor Thomas opened the public hearing for those in the audience. No comments were given. Mayor Thomas closed the public hearing.

RESULT: APPROVED
MOVER: Council Member Dick Peek
SECONDER: Council Member Andy Beerman
AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

2. Consideration of Ordinance 15-51, an Ordinance Approving the 217 & 221 Park Avenue Plat Amendment Located at 217 & 221 Park Avenue, Park City, Utah Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney:

Hannah Turpen, Planning Department, explained this amendment would combine lots and the lot line would be moved to the south. This amendment would bring the lot into compliance with the zone, and would create two legal lots of record. Bruce Erickson clarified the lot dimensions.

Mayor Thomas opened the public hearing for those in the audience. No comments were given. Mayor Thomas closed the public hearing.

RESULT: APPROVED
MOVER: Council Member Cindy Matsumoto
SECONDER: Council Member Dick Peek
AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

3. Consideration of Ordinance 15-52, and Ordinance Approving the Sorensen Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Mayor Thomas congratulated Francisco Astorga, Planning Department, on passing his American Institute of Certified Planners (AICP) certification test. Astorga indicated that with this plat amendment, there were two lot lines going through the structure and the amendment would meet all City requirements. Council Member Peek asked if this would be recorded as the Sorenson Plat Amendment to which Astorga indicated in the affirmative.

Mayor Thomas opened the public hearing for those in the audience. No comments were given. Mayor Thomas closed the public hearing.

RESULT: **APPROVED**
MOVER: Council Member Dick Peek
SECONDER: Council Member Liza Simpson
AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

4. Approve the 2016 Park City Municipal Insurance Placements:

Matt Dias stated the City was taking measures to reduce claims in order to reduce costs, but at the same time new facilities and more employees were contributing to an increase in the insurance premium.

RESULT: **APPROVED**
MOVER: Council Member Andy Beerman
SECONDER: Council Member Liza Simpson
AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

5. Amend the 2007 Master Festival License and Park City Services Agreement and Letter of Intent Between the Kimball Art Center (KAC) and Park City Municipal Corporation, as Approved by the City Attorney:

Jonathan Weidenhamer, Sustainability, explained the 2016 dates for this event would conflict with the Tour of Utah. He requested that the contract be amended to avoid the conflict with the Tour of Utah date and amend some financial terms. He also indicated the Letter of Intent reiterates that the festival would stay long term, have a free locals night, etc.

RESULT: **APPROVED**
MOVER: Council Member Tim Henney
SECONDER: Council Member Liza Simpson
AYES: Council Member Beerman, Henney, Matsumoto, Peek, and Simpson

6. Authorize the City Manager to Enter into an Agreement, in a Form Approved by the City Attorney, with the Brendle Group for Consulting Services for the Water and Energy Program, for an Amount not to exceed \$37,175:

Jenny Dierson, Sustainability, stated the City desired to hire the Brendle Group to help with the Water and Energy Program by figuring out baselines and metrics so the program can get up and running. Foster indicated City staff was very impressed with Brendle Group's performance record.

RESULT: APPROVED

MOVER: Council Member Liza Simpson

SECONDER: Council Member Andy Beerman

AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

7. Consideration of Ordinance 15-48, an Ordinance of Park City, Utah Amending Title 12-Sign Code, of the Municipal Code of Park City:

Tricia Lake, Legal Department, and Makena Hawley, Planning Department, spoke regarding this ordinance. Lake stated the proposed amendments would bring the code into compliance with the Reed vs. Gilbert, Arizona Supreme Court ruling.

Erin Sullivan, Legal Intern, spoke about the sign code in Gilbert, Arizona, and explained that governments can restrict speech as long as it does not restrict the content of speech. There were general restrictions in Gilbert, much like in Park City, with regard to language on signs. The Supreme Court stated there were three types of signs: political signs, ideological signs (noncommercial messages) and temporary direction signs. The code restrictions for these categories of signs were making reference to the content, so the Supreme Court struck down the code restrictions.

Council Member Beerman asked if requiring LED lighting in the signs could be included with the other amendments. Council Member Peek stated language could be added to say "the most energy efficient" signs. Sullivan noted the lighting requirements in Section 12-4-9. Tom Daley, Deputy City Attorney, stated the legal department could make those changes without bringing the code back to the Council for approval.

Hawley stated she appreciated the work legal did with the code. She explained Deer Valley came to the City in hopes of constructing a freestanding sign. The code would need to be modified to allow this request. She indicated the Planning Commission did not recommend the developer's request, and noted that the request could still go through the administrative process to get the permit for the sign. Council Member Matsumoto was certain Deer Valley would do an excellent job with designing a sign, but she was not sure the next requestor would do the same. Bruce Erickson stated all signs were reviewed and there was a Master Design Plan, with standards that the sign would need to meet.

Council Member Peek clarified that the requirement for this particular request was acceptable because of the land requirement (2500 acre minimum). Council Member Simpson stated she disagreed with Planning Commission's recommendation. Council Member Beerman asked if this would affect the City golf courses, etc. He was concerned about the approval process, and asked staff their thoughts. Erickson spoke to the Master Design Plan and the requirements. Mayor Thomas felt staff was qualified to handle the approval process. It was indicated the sign had to be on the resort's property.

Mayor Thomas opened the public hearing for those in the audience. Bob Wheaton with Deer Valley stated Erickson and City staff were very helpful in this process and noted that the proposed sign was part of the Deer Valley beautification project. Mayor Thomas closed the public hearing.

Council Member Henney asked what the disagreement was with the Planning Commission recommendation. Mayor Thomas explained that the Planning Commission dealt with the Land Management Code (LMC) definition and not so much the policy. Council Member Simpson stated the primary concern was size and that they might be setting a precedent with requests for bigger signs. Council Member Peek stated his concern was that it might set a precedent for electronic boards, but the land that was tied to the approval was good.

RESULT: **APPROVED**
MOVER: Council Member Liza Simpson
SECONDER: Council Member Tim Henney
AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

8. Consideration of Ordinance 15-49, an Ordinance of Park City, Utah Repealing Section 4-3-7, Street Musicians, of the Municipal Code of Park City:

Tricia Lake, Legal Department, stated that staff recommended that this section of the code be repealed because it involved street musicians, and the concern was for the First Amendment rights of those performers.

Mayor Thomas opened the public hearing for those in the audience. No comments were given. Mayor Thomas closed the public hearing.

RESULT: **APPROVED**
MOVER: Council Member Liza Simpson
SECONDER: Council Member Tim Henney
AYES: Council Members Beerman, Henney, Matsumoto, Peek, and Simpson

VII. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

The attached Exhibit A lists all License applicants to date pending approval. These applicants have completed all requirements for application, including background checks, insurance requirements and paid the applicable license fee. Staff is requesting approval of the attached applicants to conduct business during the 2016 Festival.

Respectfully:

Beth Roberts, Business License Specialist



City Council Staff Report

Subject: Local Consent for Special Event Temporary Alcoholic Beverage Licenses during the 2016 Sundance Film Festival
Author: Beth Roberts, Business License Specialist
Department: Finance
Date: December 17, 2015
Type of Item: Legislative

Recommendation:

Approval of the Special Event Temporary Alcoholic Beverage License (License) applications listed in Exhibit A for operation during the 2016 Sundance Film Festival (Festival).

Executive Summary:

The attached Exhibit A lists all License applicants to date pending approval. These applicants have completed all requirements for application, including background checks, insurance requirements and paid the applicable license fee. Staff is requesting approval of the attached applicants to conduct business during the 2016 Festival.

Acronyms:

City – Park City Municipal Corporation
DABC - Utah Department of Alcoholic Beverage Control
License – Special Event Temporary Alcoholic Beverage License
Festival – Sundance Film Festival
MFL – Master Festival License

Topic/Description:

To request approval of Licenses listed in Exhibit A during the Festival.

Background:

On June 6, 2013, Council passed amendments to the requirement for a License during the time period of the Festival. One of those amendments requires City Council approval of all applications no later than the last regularly scheduled meeting in the preceding month of December. This is consistent with the Utah Department of Alcoholic Beverage Control (DABC) process. The last meeting with the DABC prior to the Festival will be on December 15, 2015. Any Licenses approved by City Council after December 10, 2015 will be up to DABC discretion for State approval. However, there are instances in which the Park City Municipal (City) requires a License and the DABC does not (i.e. private parties). Under City Municipal Code 4-4-2(B)(2) Council may hold an emergency meeting to hear no more than twelve (12) applications for late approval. All applications must be complete and submitted no later than the first Friday in January (January 8, 2016) to be heard no later than the second Thursday in January (January 14, 2016). No more than the first twelve complete applications to be submitted will be heard. A higher

fee, pursuant to the fee schedule, may be required due to the expedited nature of the emergency meeting.

Analysis:

The changes to the City's Municipal Code for the Licenses allows the City to address issues related to adverse impacts or carrying capacity issues due to licensed activity and volume as well as coordinating with a DABC hearing as necessary. It also allows service departments, event staff, and public safety to obtain a more accurate picture of the total public service demands for the Festival and respond as necessary. State Code gives the City discretion on whether to provide Local Consent for Licenses. As a benefit to applicants it provides them enough time to address issues that may otherwise delay or result in denial of their event. Staff has reviewed all 17 applicants listed on Exhibit A for 10 separate locations and recommends that Council reviews and approves the Licenses for the listed applicants.

Department Review:

Finance, Legal, Police, Planning, Building, Special Events, and Executive have reviewed this report

Alternatives:

A. Approve:

The recommended action would be to approve all applicants for the Licenses. This is staff's recommendation

B. Deny:

Council could deny all License applicants listed. This would require applicants to reapply or disallow them from serving alcoholic beverages at their event during the Festival.

C. Modify:

Council could deny some of the License applicants listed. This would require applicants to reapply or disallow them from serving alcoholic beverages at their event during the Festival.

D. Continue the Item:

Council could ask for a continuation of these License applicants listed. The applicants may not make deadlines for the Festival.

E. Do Nothing:

Council could do nothing on this request. This may have the same effect as denying or continuing the item. Staff does not recommend.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	(+/-) Unique and diverse businesses (+/-) Balance between tourism and local quality of life (+/-) Varied and extensive event offerings	(+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) Shared use of Main Street by locals and visitors (+/-) Vibrant arts and culture offerings (+/-) (Select Desired Outcome)	(+/-) Fiscally and legally sound (+/-) Engaged and informed citizenry (+/-) Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Neutral	Positive 	Very Positive 
Comments:				

Funding Source:

N/A

Consequences of not taking the recommended action:

If no action is taken at this time applicants will not be allowed to hold a Special Event Temporary Alcoholic Beverage License. Applicants will be unable to serve alcohol at their event during the Festival.

Recommendation:

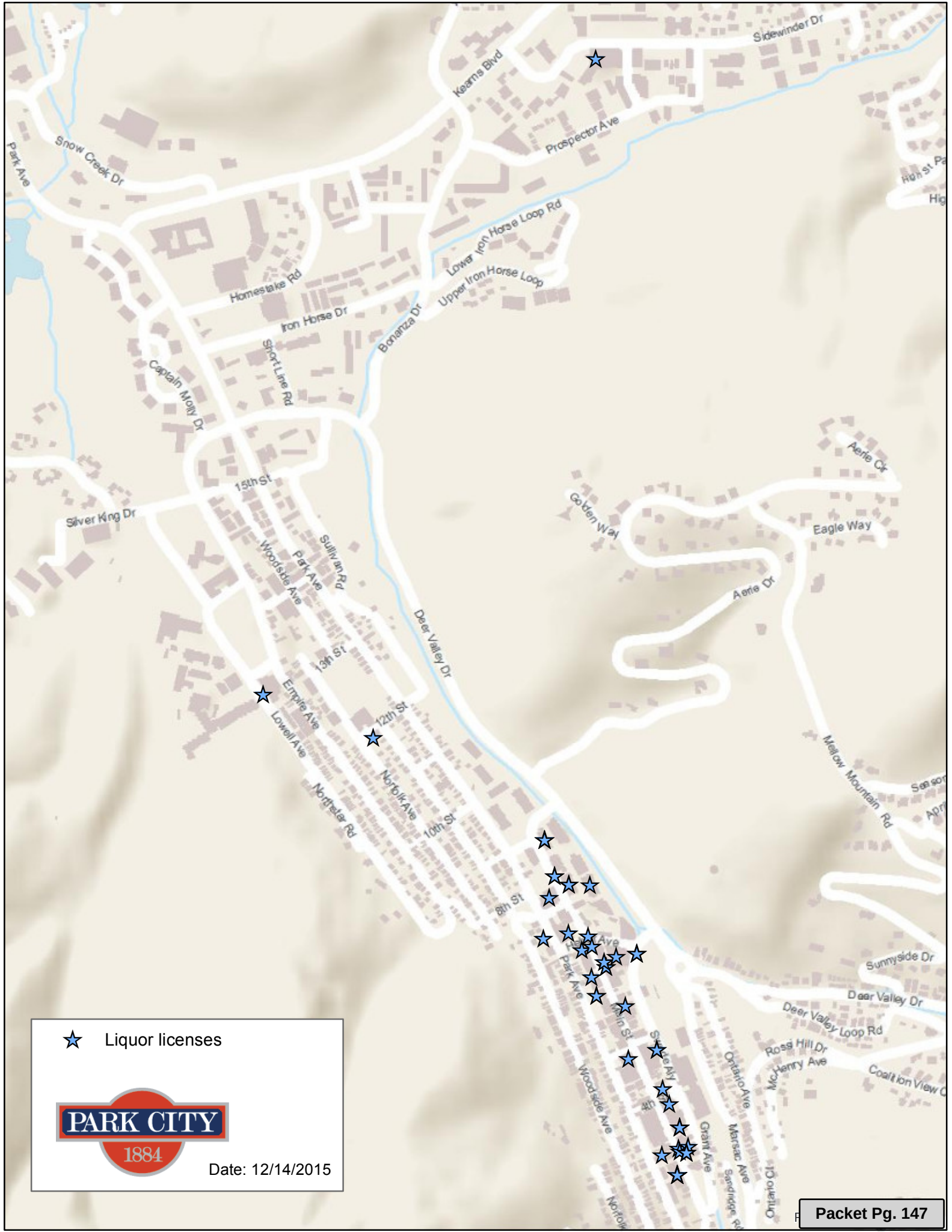
Approval of the License applications listed in Exhibit A for operation during the 2016 Festival.

Exhibit A – List of applicants

Exhibit B – Map of locations

	Applicant Name	Location Address
TO BE APPROVED		
1	Slamdance (1/22-1/26)	255 Main Street
2	Slamdance (1/27-1/28)	255 Main Street
3	Church & State Spirits-Airbnb (MFL) (1/21-1/25)	596 Main Street
4	Church & State Spirits-Airbnb (MFL) (1/25-1/30)	596 Main Street
5	Blended Table	638 Main Street
6	Precious Entertainment (1/22-1/26)	780 Main Street #D & E
7	Precious Entertainment (1/27-1/30)	780 Main Street #D & E
8	Precious Entertainment (1/22-1/26)	738 Main Street
9	Precious Entertainment (1/27-1/30)	738 Main Street
10	Old Town Cellars (1/21-1/25)	890 Main Street
11	Old Town Cellars (1/25-1/30)	890 Main Street
12	Luxe Marketing, LLC (1/21-1/25)	314 Main Street
13	Penske Business Media, LLC (1/23-1/26)	625 Main Street
14	Park City Film Studios Development Co (1/23-1/27)	4001 Kearns Boulevard
15	Raiser, LLC (1/20-1/25)-UBER Rider Lounge	626 Swede
16	Raiser, LLC (1/25-1/29)-UBER Rider Lounge	626 Swede
17	Raiser, LLC (1/29-1/31)-UBER Rider Lounge	626 Swede
PREVIOUSLY APPROVED		
18	Errol Roussel (MFL)	573 Main Street
19	Miriam Benezra (Sundance)	308 Main Street
20	Miriam Benezra (Sundance)	1310 Lowell Ave
21	Miriam Benezra (Sundance)	608 Main Street
22	Miriam Benezra (Sundance)	895 Sidewinder
23	Miriam Benezra (Sundance)	1167 Woodside
24	Miriam Benezra (Sundance)	550 Main Street
25	Miriam Benezra (Sundance)	475 Swede Alley
26	Pamela Alford	657 Park Ave
27	Egyptian Theatre (MFL)	328 Main Street

28	Egyptian Theatre (MFL)	328 Main Street
29	Egyptian Theatre (MFL)	328 Main Street
30	628 Park Ave LLC	628 Main Street
31	The Blended Table - Samsung (MFL)	638 Park Ave
32	Kickstarter (MFL)	591 Main Street
33	Talent Resources (MFL)	890 Main Street
34	Top Shelf - Base Camp (MFL)	475 Swede
35	A-List	306 Main Street
36	Beyond Cinema - AFCI	305 Main Street
37	Indie Lounge	710 Main Street
38	Brillant Consulting	449 Main Street
39	FilmUtah (MFL)	255 Main Steet #C
40	FilmUtah (MFL)	255 Main Street #A
41	FilmUtah (MFL)	255 Main Steet #C
42	FilmUtah (MFL)	255 Main Street #A
43	Done to Your Taste Catering (MFL)	268 Main Street
44	Done to Your Taste Catering (MFL)	268 Main Street
45	Done to Your Taste Catering (MFL)	268 Main Street
46	Durkin Entertainment	255 Main Street
47	BMF Media	364 Main Street
48	Top Shelf - Gateway Virtual Reality (MFL)	136 Heber Ave
49	Top Shelf - New Frontier (MFL)	573 Main Street
50	Top Shelf - Ascaph (MFL)	751 Main Street
51	NA Collective (MFL)	408 Main Street



★ Liquor licenses



Date: 12/14/2015



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

The attached Exhibit A lists all Type 2 Convention Sales License applicants to date pending approval. These applicants have obtained a pre-inspection prior to application (PIPA), provided a site/floor plan stamped by a design professional with occupant load and paid the applicable license fee. Staff is requesting approval of the attached applicants to conduct business during the 2016 Sundance Film Festival (Festival).

Respectfully:

Rebecca Gillis, Accounting Manager

City Council Staff Report



Subject: Council Approval of Type 2 Convention Sales Licenses
Author: Beth Roberts, Business License Specialist
Department: Finance
Date: December 17, 2015
Type of Item: Legislative

Recommendations:

Approval of the Type 2 CSL applications listed in Exhibit A subject to final inspection post application (FIPA)

Executive Summary:

The attached Exhibit A lists all Type 2 Convention Sales License applicants to date pending approval. These applicants have obtained a pre-inspection prior to application (PIPA), provided a site/floor plan stamped by a design professional with occupant load and paid the applicable license fee. Staff is requesting approval of the attached applicants to conduct business during the 2016 Sundance Film Festival (Festival).

Acronyms:

City – Park City Municipal Corporation
CSL – Convention Sales License
Festival – Sundance Film Festival
FIPA – Final inspection post application
MFL – Master Festival License
PIPA – Pre-inspection prior to application
Type 2 – A type of CSL for operation during the Festival

Topic/Description:

To approve Type 2 CSL applications listed in Exhibit A during the Festival.

Background:

The Sundance Film Festival brings with it an increasing number of non-Master Festival License (MFL) affiliated businesses to conduct business within the Park City (City) limits on a short-term basis. The increase has created health, safety and wellness concerns for the City and its residents, including the City's ability to provide basic Police, safety and emergency services. The numbers of various non-MFL affiliated licenses being applied for inundates the Finance Department with license applications in the final days just before the Festival starts.

Municipal Code 4-3-9(D)(2) retains Council authority to approve Type 2 CSL licenses. Prior to Council's consideration of the Type 2 CSL license application, the applicant must have a pre-inspection prior to application (PIPA). This inspection will highlight any issues related to the space prior to their final inspection. The inspection must

accompany the license application along with accurate floor plans stamped by a design professional including the occupant load.

The process for a Type 2 CLS is as follows:

1. Obtain floor plans stamped by a design professional
2. Obtain a PIPA
3. Make application with site plan, PIPA, and pay the appropriate fee
4. Finance requests approval from City Council
5. Obtain Council approval
6. Obtain a FIPA
7. Issue license

Analysis:

The Municipal Code for Type 2 CSL's allows the City to address issues related to adverse impacts or carrying capacity issues related to the licensed activity and volume. It also allows service departments, event staff and public safety to obtain a more accurate picture of the total public service demands for the Festival in a timeframe that provides for service level and cost adjustments. Staff has reviewed all of the listed applications for accuracy and completeness. Staff recommends that Council reviews and approves the attached list of CSL applicants (Exhibit A). All 13 applicants listed have received a PIPA and if approved by Council will receive a FIPA prior to the license being issued.

Department Review:

Finance, Legal, Police, Planning, Building, Special Events, and Executive have reviewed this report

Alternatives:

A. Approve:

This is the recommended action and would approve all applicants listed for Type 2 CSL licenses subject to a FIPA.

B. Deny:

Council could deny all Type 2 CSL applicants listed. This would require the applicants to reapply or disallow them from conducting business during the Festival.

C. Modify:

Council could deny some of the Type 2 CSL applicants listed. This would require the applicants to reapply or disallow them from conducting business during the Festival.

D. Continue the Item:

Council could ask for a continuation of these Type 2 CSL applicants listed. The applicants may not make the deadlines for the Festival.

E. Do Nothing:

Council could do nothing on this request. This may have the same effect as denying or continuing the item. Staff does not recommend.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	(+/-) Unique and diverse businesses (+/-) Balance between tourism and local quality of life (+/-) Varied and extensive event offerings (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) Shared use of Main Street by locals and visitors (+/-) Vibrant arts and culture offerings (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) Fiscally and legally sound (+/-) Engaged and informed citizenry (+/-) Streamlined and flexible operating processes (+/-) Ease of access to desired information for citizens and visitors (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Neutral 	Positive 	Very Positive 
Comments:				

Funding Source:

N/A

Consequences of not taking the recommended action:

If no action is taken at this time applicants will not be allowed to hold a Type 2 CSL and will be unable to conduct business during the Festival

Recommendation:

Approval of the Type 2 CSL applicants listed in Exhibit A subject to FIPA.

Exhibit A – List of applicants

Exhibit B – Map of applicant locations

	Applicant Name	Location Address
	TO BE APPROVED	
1	Slamdance	255 Main Street
2	Wasatch Brew Pub	250 Main Street
3	Broadway Media, LLC	250 Main Street
4	Precious Entertainment	780 Main Street
5	Earth Day Network	780 Main Street
6	Toyota Motor Sales	780 Main Street
7	Members Only	780 Main Street
8	Precious Entertainment	738 Main Street
9	Old Town Cellars	890 Main Street
10	Luxe Marketing, LLC	314 Main Street
11	David Beavis Gallery	314 Main Street
12	Variety Media LLC	625 Main Street
13	Riverhorse Partners LLC	540 Main Street
	PREVIOUSLY APPROVED	
14	Pamela Alford	657 Park Ave
15	628 Park Ave LLC	628 Main Street
16	A-List	306 Main Street
17	Beyond Cinema - AFCI	305 Main Street
18	Indie Lounge	710 Main Street
19	Kari Feinstein Public Relations	580 Main Street
20	Brillant Consulting	449 Main Street
21	Durkin Entertainment	255 Main Street
22	BMF Media	364 Main Street
23	Talent Resources	890 Main Street
24	NA Collective	408 Main Street



★ Convention Sales Licenses



Date: 12/14/2015



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

As part of the on-going Judge and Spiro Tunnel M-I-W Evaluation Phase I Project, the Phase IB segment of the project addresses pilot-scale testing to validate bench-testing and further evaluate the preferred treatment process. The piloting equipment lease facilitates pilot-scale testing.

Respectfully:

Roger McClain, Water Engineer



City Council Staff Report

Subject: Judge and Spiro Tunnels Mining-Influenced-Water Treatment Evaluation – Phase IB-2
Lease Equipment Agreement, Intuitech, Inc.

Author: Roger McClain, Public Utilities Engineer

Department: Public Utilities

Date: December 17, 2015

Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute a Lease Equipment Agreement, in a form approved by the City Attorney, with Intuitech, Inc., for Judge and Spiro Tunnels Mining-Influenced-Water Treatment Evaluation Phase IB-2 pilot-scale testing equipment in an amount not to exceed \$93,600.

Executive Summary:

This project is a progressive engineering study to develop alternatives to meet the Utah Pollutant Discharge Elimination Systems (UPDES) permits for water draining from the Judge and Spiro Tunnels. Based on prior Phase IA evaluations (Desktop Analysis) and the outcome of current Phase IB-1 evaluations (Bench-Scale Testing) by CH2M Hill Engineers (CH2M), the project consultant, CH2M has provided recommendations regarding the treatment process alternatives to be integrated into Phase IB-2 (Pilot Testing) evaluation.

Piloting equipment is specialized equipment requiring a long-lead time for preparation, configuration, and delivery of the item. To meet project schedules, staff is recommending leasing the pilot-scale testing equipment at this time. Staff anticipates bringing to City Council in January 2016 an addendum to CH2M's professional services agreement (PSA) addendum for the operation of the piloting equipment and evaluation of the testing.

Acronyms and Abbreviations in this Report:

The following acronyms and abbreviations have been used in this report:

CIP	Capital Improvement Project
City	Park City Municipal Corporation
CH2M	CH2M Hill Engineers, Inc.
DWQ	Utah Division of Water Quality
EPA	Environmental Protection Agency
M-I-W	Mining-Influenced-Water
PCMC	Park City Municipal Corporation
PSA	Professional Services Agreement
SCO	Stipulated Compliance Order

Background:

In 2009, EPA Region 8 and the Utah Division of Water Quality (DWQ) directed Park City to obtain UPDES permits for the Judge Tunnel and Spiro Tunnel. Concurrent with the issuance of discharge permits for the tunnels DWQ and PCMC entered into a Stipulated Compliance Order (SCO). The SCO requires Park City to develop and implement a plan under an Integrated Framework, generally, by first addressing discharges at the Judge Tunnel, followed by Spiro Tunnel discharges at a later date.

To address the requirements of the SCO, Water staff developed a draft project charter which includes goals and guiding principles to meet the requirements outlined in the SCO. To achieve these goals and guiding principles, the project has been undertaken in multiple phases with each progressive phase more clearly defining the next.

PHASE I (Treatment Process Evaluation)

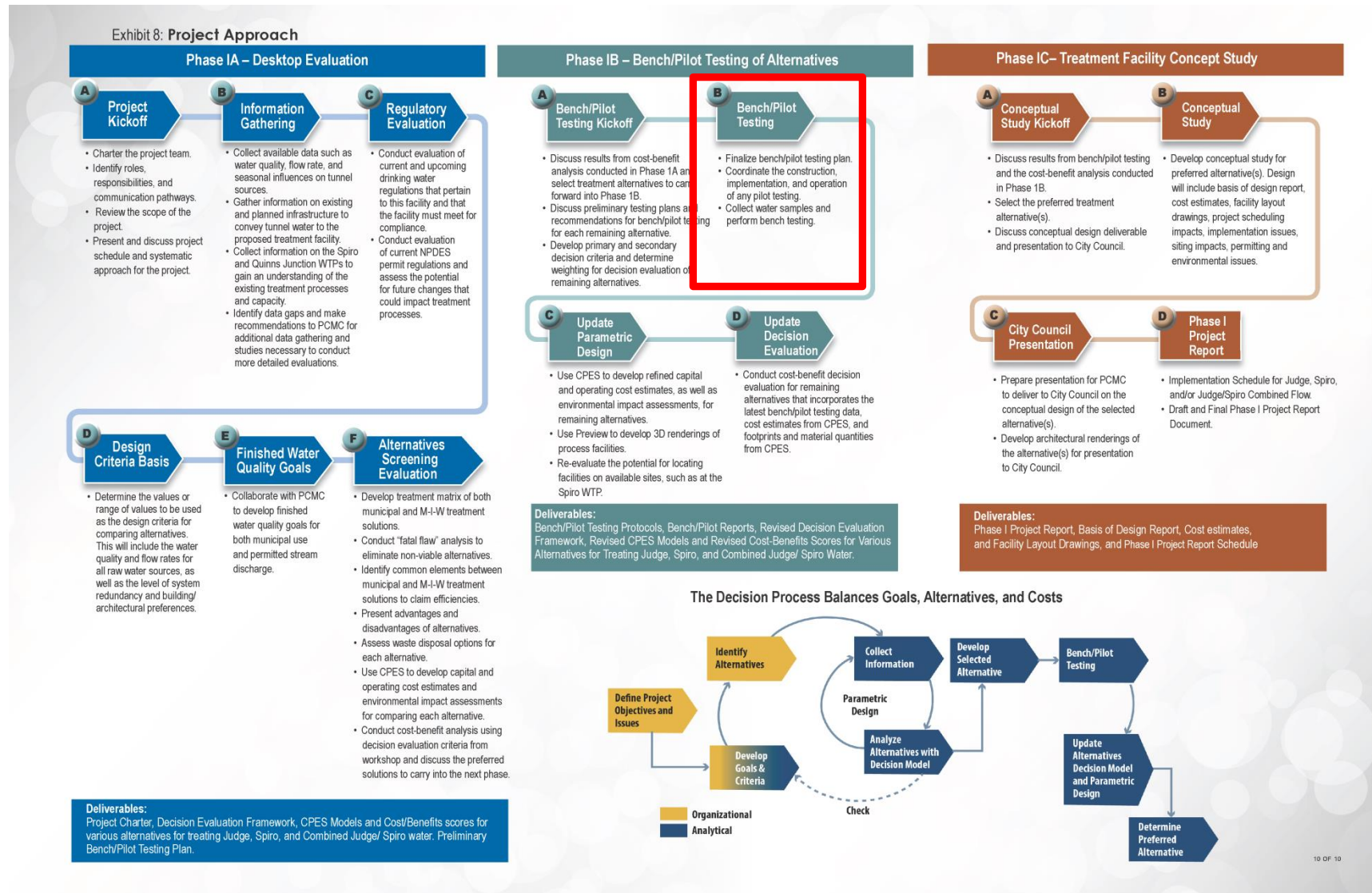
Phase I of the Judge and Spiro Tunnels M-I-W Treatment Project has been identified as having the primary goal of; *Identify Viable Treatment Alternatives that reliably meet the UPDES permit limits and drinking water regulations for Judge, Spiro, and combined Judge/Spiro Mining-Influenced Waters.* The purpose of Phase I is to identify viable treatment process alternatives, identify 2 to 3 preferred alternatives, and advance the preferred alternatives to Phase II (Treatment Location and Siting Evaluation).

Phase I has been further divided into three segments, each of which is to be more completely defined by the previous segment. The segments: Phase IA – Desktop Evaluation; Phase IB – Bench/Pilot Testing of Alternatives; and Phase IC – Treatment Facility Concept Study are briefly described in the following graphical illustration.

Phase IA (Desktop Analysis) work has been completed and the consultant recommended treatment process alternatives have been under evaluation as the Bench-Scale Testing part of Phase IB (Bench/Pilot Testing). The Bench-Scale Testing evaluation is now nearing completion and sufficient analysis has been performed to enable CH2M to render a preferred treatment process recommendation.

To further validate the bench-scale testing findings, to evaluate the preferred treatment process, and to address process related issues such as: comparison of alternative filter and adsorption media suitability and performance; long-term adsorption media performance analysis; and refinement of associated treatment operational and maintenance costs, Pilot-Scale testing is required. Staff has reviewed CH2M's findings and recommendations and is recommending advancing the M-I-W Project to pilot-scale testing.

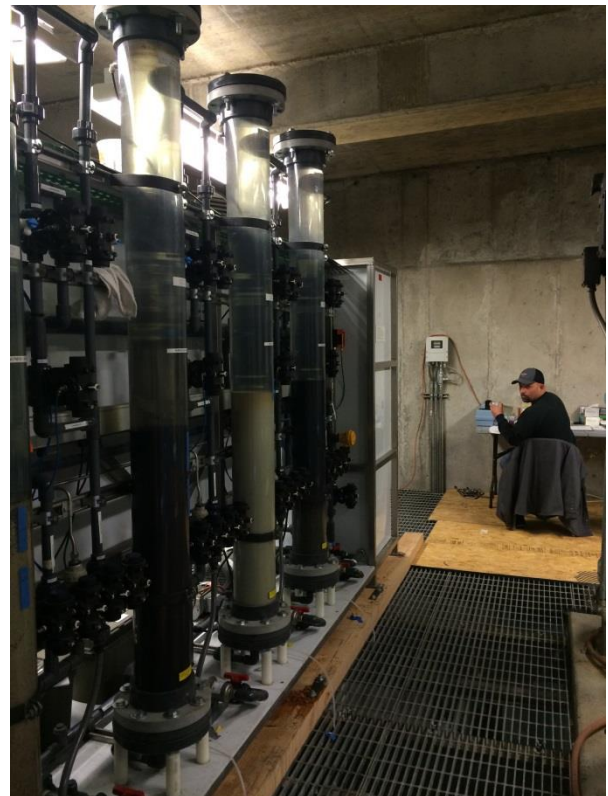
The following illustration represents Phase I of the M-I-W Treatment Project and indicates the current project status.



Proposed Phase IB-2 Pilot-Scale Testing - Equipment Acquisition

Phase IB-2 – Pilot Testing of Alternatives requires specialized equipment and operational protocols as well as significant consultant and City staff time and commitment. CH2M is finalizing these protocols and developing a scope of services associated with the pilot-scale testing effort. However, to facilitate the long-lead time associated with the configuration and preparation of specialized piloting equipment and to maintain the project schedule, specific portions of the required piloting equipment will need to be leased in advance.

Pilot-scale treatment equipment is available from very few companies nation-wide. Intuitech has been selected to provide the pilot-scale testing equipment through a quality based selection process conducted by CH2M and based on CH2M's recommendation. Intuitech is a local, Salt Lake City, company and is the same firm that provided previously leased pilot-scale equipment for the initial 2014 Judge Tunnel piloting. Staff has reviewed purchase or lease options for the acquisition of this M-I-W Treatment Project equipment and is recommending a lease acquisition for this portion of piloting equipment. It is anticipated the equipment will be required for a period of 32 weeks starting March 1, 2016. This schedule is consistent with the City's ability to meet the milestones outlined in the SCO.



Example of Pilot-Scale Testing Equipment (photos of 2014 Judge Tunnel Piloting Equipment)

Other Phase IB-2 (Pilot-Scale Testing) Project Costs

In addition to the lease of the majority of piloting equipment, the following project related items will be required. Approximate costs are also presented below for each item:

- Purchase of adsorption skid pilot-testing equipment from Intuitech, \$35k;
- Certified laboratory testing during piloting, paid for directly by the City, \$60k;
- Outfitting of on-site lab related equipment and utility connections for the pilot equipment, procured and paid for directly by the City \$30k;
- Purchasing of chemicals and supplies for the duration of the pilot testing, by the City \$60k;
- CH2M consultant fees associated with the operation of the pilot equipment and related treatment process evaluations will be provided through an addendum to the existing PSA. This addendum is anticipated to be brought to City Council in January 2016, \$325k - \$425k; and
- City staff time and potential contract employee.

Most of the costs above would be reduced if the full 32 week pilot period is not used.

Project Management

The City's project manager will continue to be Roger McClain working under the guidance of the Public Utilities Director.

Department Review:

This report has been reviewed by representatives of Public Utilities, Legal, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve:

Council could approve staff's recommendation.

B. Deny:

Council could deny staff's recommendation. Staff has developed an approach to studying, designing, and constructing a system that will ensure compliance with the UPDES permits for water draining from the Judge and Spiro Tunnels. Denying this request would require staff to move forward into design using only bench testing validation of filter media, filter and adsorption media bed volumes, and process trains. This would likely result in either a very conservative design or a design that would result future infrastructure modifications once operational data was obtained. The cost of both of these alternatives would likely greatly exceed the cost of the piloting work proposed in this staff report.

C. Modify:

Council could modify the request for the lease agreement approach. Modifying the request could result in a delay to the project as the impacts of the requested modifications on the planning, engineering and/or testing elements are evaluated.

D. Continue the Item:

Council could continue the request for the lease agreement. Continuing the request for the agreement could result in a delay to the project until key elements can be addressed.

E. Do Nothing:

Staff does not recommend this alternative. Doing nothing would delay treatment evaluations for the time-critical project and create a potential inability to meet existing water obligations, future water quality requirements, and compliance with the SCO.

Significant Impacts:

	Preserving & Enhancing the Natural Environment (Environmental Impact)	Responsive, Cutting- Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Managed natural resources balancing ecosystem needs + Enhanced water quality and high customer confidence + Adequate and reliable water supply - Reduced municipal, business and community carbon footprints	+ Fiscally and legally sound + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 

Funding Source:

The funding for the project is water service fees and is included in the approved 5-year Water CIP and long term costs of this project are included in the Water Department's long term comprehensive financial model.

Consequences of not taking the recommended action:

Delays in the treatment process evaluation will potentially impact the ability to meet the requirements of the Clean Water Act and/or deadlines related to the SCO for the Judge and Spiro Tunnel source water. This could potentially result in the inability to meet compliance obligations and/or result in fines.

Recommendation:

Staff recommends Council authorize the City Manager to execute a Lease Equipment Agreement, in a form approved by the City Attorney, with Intuitech, Inc., for Judge and

Spiro Tunnels Mining-Influenced-Water Treatment Evaluation Phase IB-2 pilot-scale testing equipment in an amount not to exceed \$93,600.

Exhibits:

EXHIBIT A: Judge and Spiro Tunnels Mining-Influenced-Water Treatment Evaluation – Phase IB-2 Lease Equipment Agreement, Intuitech, Inc., Scope

|

EXHIBIT A

Judge and Spiro Tunnels Mining-Influenced-Water Treatment Evaluation – Phase IB-2 Lease Equipment Agreement, Intuitech, Inc., Lease Scope

Provide equipment in accordance with the terms of the agreement. Equipment is to include:

Equipment 1: Floc/Sed Module S200

Equipment 2: Filtration Module F300

Equipment 3: Remote Access Module XN00

Lease period: 32-weeks

Equipment delivery: Round trip to-from designated site



DATE: December 17, 2015

TO HONORABLE MAYOR AND COUNCIL

On August 6, 2015, City Council directed the Planning Department to move forward with a pending ordinance (Exhibit A). Staff is proposing modifications to 15-1-8, Appeal process in 15-1-18, the Notice Matrix, as outlined in LMC Chapter 15-1-21, as well as the Purposes of the Historic Preservation Board (HPB), Park City Historic Sites Inventory, Relocation and/or Reorientation of a Historic Building or Historic Structure, Disassembly and Reassembly of a Historic Building or Historic Structure, Reconstruction of an Existing Historic Building or Historic Structure and adding a material deconstruction review process as outlined in LMC Chapter 15-11 and definitions in Chapter 15-15. Amendments to the Land Management Code require City Council adoption.

Respectfully:

Anya Grahn, Planner II



City Council Staff Report

Subject: LMC Amendment Park City Historic Sites Inventory Criteria & Demolition Permits
Author: Anya Grahn, Historic Preservation Planner
Hannah Turpen, Planner
Bruce Erickson, AICP, Planning Director
Department: Planning Department
Date: December 17, 2015
Type of Item: Legislative — LMC Amendment

Summary Recommendations:

Staff recommends that the City Council review proposed amendments to Land Management Code (LMC) regarding the allowed use matrix in 15-1-8, Appeal process in 15-1-18, the Notice Matrix, as outlined in LMC Chapter 15-1-21, as well as the Purposes of the Historic Preservation Board (HPB), Park City Historic Sites Inventory, Relocation and/or Reorientation of a Historic Building or Historic Structure, Disassembly and Reassembly of a Historic Building or Historic Structure, Reconstruction of an Existing Historic Building or Historic Structure and adding a material deconstruction review process as outlined in LMC Chapter 15-11 and definitions in Chapter 15-15. Staff recommends City Council conduct a public hearing, consider public input, review the request, and consider approving the proposed changes as proposed in this Report.

Executive Summary:

On August 6, 2015, City Council directed the Planning Department to move forward with a pending ordinance (Exhibit A). Staff is proposing amendments to Land Management Code (LMC) regarding the allowed use matrix in 15-1-8, Appeal process in 15-1-18, the Notice Matrix, as outlined in LMC Chapter 15-1-21, as well as the Purposes of the Historic Preservation Board (HPB), Park City Historic Sites Inventory, Relocation and/or Reorientation of a Historic Building or Historic Structure, Disassembly and Reassembly of a Historic Building or Historic Structure, Reconstruction of an Existing Historic Building or Historic Structure and adding a material deconstruction review process as outlined in LMC Chapter 15-11 and definitions in Chapter 15-15. Amendments to the Land Management Code require City Council adoption.

Description:

Project Name: LMC Amendment regarding Historic Sites Inventory criteria and demolition permits in the Historic District
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Acronyms in this Report:

Certificate of Appropriateness for Demolition	CAD
Chief Building Official	CBO

Community Development Director	CDD
Determination of Significance	DOS
Historic District Commission	HDC
Historic District Design Review	HDDR
Historic Preservation Board	HPB
Historic Preservation Board Review	HPBR
Historic Site Inventory	HSI
International Building Code	IBC
Land Management Code	LMC
Request for Proposals	RFP

Background:

History of Park City's Preservation Movement

The development of the ski resorts (Snow Park Ski Area, 1946; Treasure Mountain, 1963; Park City West /Canyons Resort, 1968; and Deer Valley Resort, 1981) played a major role in transforming Park City from a mining ghost town into a year-round resort destination. Greater real estate demands and increased development spurred the historic preservation movement in Park City, which largely began in 1978 with the Main Street nomination for the National Register of Historic Places. A second thematic National Register nomination recognized the historic significance of the Mining Boom Era residences in 1984. These two (2) districts were focused on preserving historic buildings within Old Town.

Early on, the City recognized the need to assist property owners in order to encourage historic preservation. Initially, the City placed 180-day stay on demolition that provided an opportunity for the City to purchase or find a buyer for a historic property threatened by demolition. Further, the City purchased the Watts House and National Garage, put out a Request for Proposals (RFP) to rehabilitate the site, and then lobbied the Department of the Interior to keep the National Garage on the National Register of Historic Places after it had been panelized. Today, High West is one of the best examples of a historic rehabilitation project in Park City. The City's grant program, established in 1987, incentivized preservation efforts using RDA funds. Design Guidelines and the Land Management Code (LMC) also allowed the City to maintain the historic look and feel of its historic districts.

The City has been successful at developing regulations favoring historic preservation. We have created opportunities for mixed-use development, eliminated parking requirements for historic structures, and adopted provisions in the LMC and Design Guidelines all in an effort to encourage and make feasible historic preservation.

Historic preservation code provisions date back to approximately 1982. In the early 1990s, the City expanded regulations governing demolition of commercial properties, primarily on Main Street, and soon after extended protections to residential properties on the initial survey or over 50 years old, subject to a Determination of Significance (DOS) hearing.

In 2007, the City contracted with Preservation Solutions to conduct a reconnaissance level, or “windshield,” survey of the historic district. This increased our current preservation program in which some 400 sites and structures were designated as historic on the City’s Historic Sites Inventory (HSI) and the adoption of the 2009 *Design Guidelines for Historic Districts and Historic Sites*. Owners of properties on the HSI may not demolish buildings or structures designated as historic unless warranted by economic hardship through the Certificate of Appropriateness for Demolition (CAD) process; however, reconstruction and panelization may be deemed necessary and approved by the Chief Building Official (CBO) and Planning Director if specified criteria are met as defined in the LMC. The City has been successful in encouraging historic preservation through a “carrot and stick” approach, which includes the Historic District Grant Program and LMC exceptions benefitting historic properties.

Until 2002, the LMC gave the Community Development Department the authority to “review and approve or deny all applications for Building permits to build, locate, demolish, construct, remodel, alter, or modify any façade on any structure or building or other visible element...located within the Park City Historic District.” The Historic District Commission (HDC) had the ability to review and approve design review applications in those cases where the Community Development Director (CDD) found the proposal did not comply or the CDD was unable to make a determination at all; however, past preservation planners’ practice was to take nearly all applications to the HDC. In 2002, the HDC also reviewed demolition permits for locally designated historic buildings.

The City Council initiated amendments changing from a Historic District Commission (HDC) to a Historic Preservation Board (HPB) in 2003. The proponents put forth two primary reasons:

- a) The HDC had authority over several properties outside the official historic zoning districts, so the name was technically inaccurate; and
- b) Consistent with an overall approach that emphasized streamlined customer service for licensing, Building, Planning and Engineering, the Council decided to primarily confirm the HPB’s role as an appeal body.

As part of a stakeholder process leading up to the 2003 amendments, several designers requested that the Planning Department either follow the code and make the initial determination, using the Historic Preservation Board (HPB) primarily an appeal authority, or change the LMC to reflect the actual practice to take all applications to the HPB. The Council chose to refine the LMC process but left staff as the primary design review authority.

Since 2006, the LMC and practice have been aligned in that staff makes a decision on Historic District Design Reviews and the HPB serves as the appeal body for such determinations. Any appeal after the HPB goes directly to the District Court. The HPB’s purpose is to review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City’s Historic Districts and Historic Sites, designate sites to the Historic Site Inventory (HSI), and participate in the

design review of any City-owned projects located within the Historic District at Council's direction, as outlined in the Land Management Code per LMC 15-11-5.

Prior to the pending ordinance, all Historic District Design Review (HDDR) applications were reviewed by staff. If, as part of the Design Review, a demolition of a structure was proposed and the property was not designated as historic on the City's Historic Sites Inventory (HSI) as Landmark or Significant, the planner would sign off on the Building Department's demolition permit. Further, staff reviewed and determined the historical significance of additions to historic structures as well as the historical significance of modifications to ensure that these alterations had not gained historical significance in their own right. Panelization or reconstruction of any historic structures were reviewed and approved by the Planning Director and Chief Building Official, per LMC 15-11-14. Further, relocating and reorientation, per LMC 15-11-13 were also approved by a Planning Director and Chief Building Official determination.

Pending Ordinance:

The criteria for Landmark and Significant historic designations are outlined in Land Management Code (LMC) 15-11-10(A). Due to concerns regarding the historic designation of certain properties in the Historic District which contained historic materials but were not on the Historic Site Inventory (HSI), City Council adopted the attached pending ordinance (Exhibit A) on August 6, 2015. The pending ordinance modifies the criteria for historic designation as well as requires additional review for all structures constructed in or before 1975. Furthermore, the ordinance requires that the Historic Preservation Board (HPB) review any request for demolition as defined by the International Building Code (IBC). The HPB has been reviewing applications on a bi-monthly basis for compliance with this ordinance. The IBC manner of defining demolition will not work long term because it refers to the removal of any portions of a structure as well as demolishing the entire building. The existing, current LMC provides a definition of demolition that is used in HPB reviews. New language for consideration is proposed in Section 8 of this Staff Report.

Following the adoption of the pending ordinance, the Historic Preservation Board discussed and took public comment on the pending ordinance on August 13, September 2, September 16, October 7, October 21, and November 18, 2015; staff held robust discussions regarding redlining the Land Management Code on October 7 and November 18. Similarly, the Planning Commission discussed and took public comment on the pending ordinance on September 9, October 14, and November 11, 2015.

The proposed redlines to the Land Management Code outlined in the Analysis section of this staff report reflect staff's discussions with the Planning Commission and Historic Preservation Board as well as public comment regarding the pending ordinance.

Intent behind proposed LMC amendments

The intent of the pending ordinance is to expand the protection of Park City's Historic Districts through amendments and additions to the Land Management Code. The goal of the pending ordinance is to:

- Expand the Historic Preservation Board's role in demolition determinations;
- Expand the Historic Sites Inventory criteria;
- Modify the process for designation to the Historic Sites Inventory;
- Modify the criteria for relocation and/or reorientation of Historic Building(s), disassembly and reassembly (panelization) of Historic Buildings, or reconstruction of Historic Buildings;
- Modify the noticing requirements for demolition permits; and
- Expand the definitions in the Land Management Code.

Research We've Conducted

The research that staff has conducted in order to craft the pending ordinance includes researching other jurisdiction's ordinances, comparing definitions, and analyzing the existing regulations in the Land Management Code. Input received from the Historic Preservation Board and Planning Commission has helped guide staff's research and areas requiring analysis. Staff's proposed amendments reflect this research and input.

Why we are making these recommendations

Staff received direction from City Council on August 6, 2015, to move forward with the pending ordinance in order to increase the protection of Park City's Historic Districts. Staff brought the pending ordinance to the Historic Preservation Board and Planning Commission for review and input. After receiving direction from the Historic Preservation Board and Planning Commission, staff has brought back possible amendments and/or clarifications to the pending ordinance.

The HPB has reviewed the pending ordinance on August 13, September 2, September 16, October 7, October 21, and November 18, 2015 (See 10.7.15 Historic Preservation Board Minutes, Exhibit B; 11.18.15 Historic Preservation Board Minutes, Exhibit C).

Thus far, we have heard from the HPB that:

- They are interested in reviewing requests for panelization and reconstruction projects, as well as those projects that include lifting the historic structure to add a new foundation; and
- As they have been reviewing minor maintenance and construction projects that include an aspect of demolition, they prefer to review larger projects related more to the HDDR process than over-the-counter building permits.

The Planning Commission has also reviewed the pending ordinance. The Planning Commission completed a review of the first draft of the proposed LMC changes on September 9th. Public input on September 9th was in support of the new ordinance and reducing potential loss of historic structures through demolition (see 9.9.15 Planning Commission Minutes, Exhibit D). Staff followed up with the Planning Commission to propose changes to the pending ordinance on October 14 and November 11, 2015; Comments from this meeting provided the following direction (see 10.14.15 Planning Commission Minutes, Exhibit E; 11.11.15 Planning Commission Minutes, Exhibit F):

- The Planning Commission also expressed concern about the need for greater public communication and accountability on panelization and reconstruction projects to prevent decisions being made solely in the field. Staff's proposal of a

third historic designation—Contributory—was concerning as the Planning Commission found that evaluating structures at the age of forty (40) years was a moving target and the definition of contributing to the streetscape was too vague.

- The Planning Commission was also very concerned that the Historic Preservation Board (HPB) would be too arbitrary and capricious in their demolition review. The Commission recommended that staff develop a checklist for reviewing demolitions, as defined by the IBC.
- The Planning Commission found that the HPB's demolition review was onerous on property owners as it extended the timeframe for completing construction projects.

We also reviewed the proposed LMC changes with the Planning Commission on November 11th and the Historic Preservation Board on November 18th. They expressed the following comments:

- Planning Commission was concerned about the 40 year designation as 40 years could be perceived as a moving target. They found that it would make it difficult for owners; however, staff clarified that the 40 year mark was intended to aid staff in inventorying these properties.
- The Planning Commission wanted to streamline the process as much as possible for applicants.
- Both the Planning Commission and the Historic Preservation Board requested a demolition review checklist for the new Historic Preservation Board Review (HPBR) for demolition applications.
- The Historic Preservation Board requested that staff find a way to work with property owners before a determination was made on historic designations.
- Both were supportive of the Board of Adjustment serving as the appeal body for HPB determinations.

Both forwarded a positive recommendation to City Council. Comments from the Planning Commission and HPB have been incorporated into the Land Management Code redlines outlined in the Analysis section of this report.

Analysis:

1. Noticing for Demolitions and Designations of Sites

Staff has heard from the Historic Preservation Board, Planning Commission, City Council, and public that there needs to be greater public communication regarding demolitions and historic designations. LMC 15-1-21 currently requires the following noticing for Designation of sites to the Historic Sites Inventory and Historic District Design Review (HDDR) applications:

Notice Matrix			
Action:	Property Posting:	Courtesy Mailing:	Published:
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a	First Mailing: To Owners within 100 feet once a Complete	If appealed, then once 7 days before the date set for the appeal

	Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required. Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated. Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.	
Certificate of Appropriateness for Demolition	45 days on the Property upon refusal of the City	14 days prior to the hearing before the Historic	Once 14 days prior to the hearing before the Historic

(CAD)	to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board <u>CAD Hearing Board</u>	Preservation Board, to Owners within 300 ft.	Preservation Board.
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There currently is no requirement for staff to post notifications of the HPB's demolition reviews as this is a new process; however, staff recommends amending the LMC to require a 14-day property posting, courtesy mailing, and published public notice Consistent with the HDDR and CAD processes. Staff suggests changing the terminology in the matrix from "Designation of Sites to the Historic Sites Inventory" to "Determination of Significance" as the Determination of Significance application is used for nominating historic structures to the Historic Site Inventory, modifying historic designations, and removing designations. Also, there was a typo in the matrix. Per the LMC, CAD hearings are before a CAD hearing board and not the HPB.

Proposed Changes:

15-1-21 Notice Matrix

Notice Matrix			
Action:	Property Posting:	Courtesy Mailing:	Published:
<u>Historic Preservation Board Review for Material Deconstruction</u>	<u>14 days prior to hearing before the Historic Preservation Board</u>	<u>14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet.</u>	<u>Once 14 days prior to the hearing before the Historic Preservation Board</u>
Designation of Sites to the Historic Sites Inventory Determination of Significance	7 14 days prior to hearing before the Historic Preservation Board	<u>—14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet.</u>	Once 7 14 days prior to the hearing before the Historic Preservation Board
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board <u>CAD Hearing Board</u>	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.

2. Purposes of the Historic Preservation Board (HPB)

As part of the pending ordinance, City Council requested that the HPB review demolition permits. The HPB is not currently authorized to serve as a design review board, and City Council has asked that staff return to City Council with a discussion on providing HPB with design review authority in the future. Staff plans on addressing this after the pending ordinance is passed.

Proposed Changes:

15-11-5. PURPOSES.

The purposes of the HPB are:

- (A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;*
- (B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;*
- (C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;*
- (D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;*
- (E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;*
- (F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;*
- (G) To administer all City-sponsored preservation incentive programs;*
- (H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites; ~~and~~*
- (I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City-; ~~and~~*
- (J) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.*

3. Historic Designations

On January 22, 2009, the City Council, at a public hearing, discussed proposed amendments and approved a resolution adopting LMC amendments to Land Management Code, Section 15-11-12 to establish the Park City Historic Sites Inventory (HSI). The Land Management Code, Section 15-11-12: Park City Historic Sites Inventory specifies that the Planning Department shall maintain an inventory of Historic Sites located with Park City.

Research and development of the Historic Sites Inventory (HSI) was conducted by the City's Historic Preservation Consultant, Dina Blaes and her staff at Preservation Solutions using criteria set forth in Land Management Code, Section 15-11-12(A): Criteria for Designating Sites to the Park City Historic Sites Inventory. Four hundred five (405) sites—with a total of five-hundred twenty-five (525) buildings, accessory buildings, and/or structures—were identified as meeting the criteria for designation

to the Historic Sites Inventory (HSI). Of these sites, one hundred ninety-two (192) sites meet the criteria for designation as “Landmark” Sites and two hundred thirteen (213) sites meet the criteria for designation as “Significant” Sites. The HSI was adopted on February 4, 2009.

Of the four hundred five (405) sites adopted as part of the original Historic Site Inventory, two hundred thirteen (213) sites met the criteria for designation as Significant Sites. Staff's evaluation of these sites was based on the criteria set forth in Title 15-11-10 and the subsequent recommendation to the HPB to include these sites on the Historic Sites Inventory as Significant Sites was based on the information gathered during fieldwork and from secondary sources.

Following the initial adoption of the 2009 HSI, sites and structures were removed from the HSI as more information was discovered and the site or structure was found not to meet the designation criteria. Most of these sites were previously on the HSI but removed due to additional analysis of non-historic alterations to their form. The purpose of these changes is to safeguard those structures forty (40) years old or older that have had significant alterations yet continue to contribute to the rhythm and pattern of the streetscape within the H-Districts, and may return to the HSI if future restoration efforts comply with adopted standards.

Staff is not recommending any changes to the criteria for Landmark listing on the HSI except to make the language consistent in each of the three (3) designations. Staff's intent in modifying the “Significant” designation is to expand the criteria in order to capture those structures that continue to contribute to the historical significance and integrity of the historic district due to their form, mass, scale, or historical features, though they may have had past alterations that have caused them to be removed from the Historic Sites Inventory in the past. The intent is not to dilute to the Historic District with severely altered structures, but rather provide greater opportunities for these structures to be recognized for contributing to the historical integrity of the district as a whole as well as allow greater opportunities for restoration.

Staff also proposes modifying the LMC to incorporate a new designation to LMC 15-11-10(A). The “Contributory” designation will include those structures forty (40) years old or older that are compatible with historic structures and the streetscape in the district due to their mass, scale, composition, materials, treatment, and/or other architectural features that are Visually Compatible to the Mining Era Residences National Register District based on the criteria defined later in this report. A 50 year criteria exists for the designation of Historic sites. The forty (40) year requirement is designed to:

1. Assist in managing inventories of structures that contribute to neighborhood character;
2. Potentially allow structures on this to be eligible for the Historic District Grant program- however, they will not be automatically designated to the Historic Sites Inventory (HSI); and

3. Providing a data (non-regulatory) background for other historical eras in the City for future reference.

Contributory sites will be identified through a survey (not yet completed). These sites will not be designated on the Historic Sites Inventory (HSI) and will have no additional restriction beyond what all property is subject to in the Historic Districts. Contributory sites will not be protected from demolition. Contributory sites will be eligible for grants. Those properties that receive grants will not be eligible for demolition; grant recipients are required to enter into a preservation easement with the City that runs in perpetuity with the land and prevents demolition.

Proposed Changes:

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

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

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

(1) LANDMARK SITE. *Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:*

(a) It is at least fifty (50) years old or has achieved Significance ~~in the past fifty (50) years~~ or if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) SIGNIFICANT SITE. *Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:*

(a) It is at least fifty (50) years old (this includes buildings not historic to Park City that were relocated to prevent demolition) or ~~has achieved Significance in the past fifty (50) years if~~ the Site is of exceptional importance to the community; and

(b) It retains its ~~Essential~~ Historical Form, ~~meaning there are no major alterations that have destroyed the Essential Historical Form as may be demonstrated but not limited by any of the following:~~

- ~~(i) It previously received a historic grant from the City; or~~
- ~~(ii) It was previously listed on the Historic Sites Inventory; or~~
- ~~(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or~~

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Essential Historical Form even if it has non-historic additions; and ~~Major alterations that destroy the Essential Historical Form include:~~

~~(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or~~

~~(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or~~

~~(iii) Moving it from its original location to a Dissimilar Location, or~~

~~(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.~~

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

(d) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(3) CONTRIBUTORY SITE. Any site, including Buildings (main, attached, detached, or public), Accessory Building, and/or Structure may be designated to the Historic Sites Inventory as a Contributory Site if the Planning Department finds it meets the criteria listed below:

(a) The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and

(b) Meets one of the following:

(i) Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or

(ii) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(a) An era of Historic importance to the community, or

(b) Lives of Persons who were of Historic importance to the community, or

(c) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(c) Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.

(4) Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant. ~~and shall be listed as a Significant Site.~~

4. Designating Sites to the Historic Site Inventory

Currently, the LMC dictates that only Planning Department staff or the property owner may nominate sites to the Historic Sites Inventory (HSI). Staff policy will continue be to accept and review nominations from other interested parties for consideration and determination whether to move forward to the HPB for decision. The nominations will then be reviewed by the HPB, which then determines whether the nomination meets the criteria to designate the site as Landmark or Significant.

Proposed Changes:

None

5. Historic District or Historic Site Design for Material Deconstruction

Staff recommends adding language to the LMC for the Historic Preservation Board Review (HPBR) for material deconstruction. Staff is using the term material deconstruction instead of demolition as it addresses the systematic removal of materials for reuse and selective disposal. The National Trust for Historic Preservation differentiates deconstruction from demolition in that deconstruction is more selective in its material removal, can be used to remove and salvage specific materials, and is more systematic in its approach than demolition, which is generally considered to be the total scrape or loss of the historic building. HPB shall review all material deconstruction permits for any structure listed on the Historic Sites Inventory except for Routine Maintenance as defined by Section 15-11-12 (A)(3). Further, staff recommends amending Section 15-11-12(A)(3) to allow the Planning Director to issue a Historic District Design Review (HDDR) waiver letter for those projects requiring emergency repair work. Staff also proposes adding a section to LMC 15-11-12 outlining the application process for Historic Preservation Board Review for material deconstruction.

Proposed Changes:

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

(A) PRE-APPLICATION CONFERENCE.

...

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

Applications that may be exempt from the Historic Design Review process, include, but are not limited to the following:

...

(d) For Significant and Landmark Historic Structures and Sites, the Planning Director may determine that the proposed work is Emergency Repair Work having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District.

15-11-12.5. HISTORIC PRESERVATION BOARD REVIEW FOR MATERIAL DECONSTRUCTION.

The Historic Preservation Board shall review and approve, approve with conditions, or deny, all Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public), Accessory Buildings and/or Structures designated to the Historic Sites Inventory as Landmark or Significant.

Prior to issuance of a Building Permit for any material deconstruction work, the Historic Preservation Board shall review the proposed plans for compliance with the Land Management Code. Planning staff shall review material deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

(A) **COMPLETE APPLICATION.** The Owner and/or Applicant for any Property shall be required to submit a Historic Preservation Board Review For Material Deconstruction for proposed work requiring a Building Permit in order to complete the work.

(B) **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic Preservation Board Review for Material Deconstruction

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 Historic Preservation Board shall hold a public hearing and make 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.

6. Relocation and/or Reorientation/Disassembly and Reassembly/Reconstruction

Currently, projects that involve the relocation or reorientation of Historic Building(s) and or Structures, disassembly and reassembly (panelization) of Historic Building(s) and or Structures, or reconstruction of Historic Building(s) and or Structures is reviewed by the Chief Building Official and Planning Director before approval. Staff recommends modifying these sections of the Land Management Code to require Historic Preservation Board review of these modifications.

Proposed Changes:

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board ~~Planning Department~~ shall find the project complies with at least one of the following criteria:

(1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(2) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or

(3) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, Planning Director and the Chief Building Official ~~determines~~ that unique conditions warrant the proposed relocation and/or reorientation to a different Site, which include but are not limited to:

(i) The historic context of the building has been so radically altered that the present setting does not appropriately convey its history and the proposed relocation may be considered to enhance the ability to interpret the historic character of the building and the district; or

(ii) The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or

- (iii) The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; or
(4) All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:
(i) Restoring the building at its present site; or
(ii) Relocating the building within its original site; or
(iii) Stabilizing the building from deterioration and retaining it at its present site for future use; or
(iv) Incorporating the building into a new development on the existing site

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board Planning Department pursuant to Section 15-11-12 of this Code.

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE. In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board Planning Department shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; ~~or and~~
- (2) at least one of the following:
 - (a) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
 - (b) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
 - (c) The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly; unique conditions include but are not limited to:
 - (i) If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or

(ii) If the physical conditions of the existing materials prevent temporarily lifting or moving a building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or
(iii) all other alternatives have been shown to result in additional damage or loss of historic materials.

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and the Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Historic Preservation Board Planning Department pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.

(A) CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board Planning Department shall find the project complies with the following criteria:

- (1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and
- (2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and
- (3) The form, features, detailing, placement, orientation, and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

(B) PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be

reviewed by the ~~Historic Preservation Board Planning Department~~ pursuant to Section 15-11-12 of this Code. If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

7. Appeal Process

Currently, staff determinations on Historic District Design Review applications may be appealed to the Historic Preservation Board (HPB). Following an appeal hearing with the HPB, the applicant may petition the District Court in Summit County for a review of the HPB's decision.

The proposed changes to the LMC require that an appeal body be identified for the review of HPB determinations for those actions described above. All decisions made by the HPB may be appealed to Board of Adjustment subject to LMC 15-1-18.

Staff did not review the appeal process with Planning Commission and Historic Preservation Board as part of their review of these LMC changes. Currently, the LMC has all appeals of HPB action going to the Board of Adjustment. These proposed amendments continue that process, and expand it slightly to include all HDDR appeals since now the HPB will be reviewing portions of HDDRs either by review of material deconstruction or for the additional review proposed. Even though the HPB won't reviewing all HDDRs, having the BOA review any HDDR appeals allows the appeals to all go to one body. Staff recommends City Council move forward with adopting the LMC changes, but request staff to return to Planning Commission and Historic Preservation Board for their input on the appeal process. In addition, Staff recommends streamlining the language in the Code and only having the appeal process outlined in Chapter 1.

Proposed Changes:

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic (HDDR)	X	z	z		
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X			z	
MPD				X	z
Change of Non-			X		

Conforming Use					
<u>Historic Preservation Board Review for Material Deconstruction (HPBR)</u>		<u>X</u>	<u>Z</u>		
Plat Amendment				y Recommendation to CC	X
Variance			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) STAFF. 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. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment ~~Historic Preservation Board~~ as described in 15-11-12(E). ~~unless the Historic Preservation Board participated in the Design Review of a City Development project, pursuant to 15-11-6, in which case any appeal of the decision shall be reviewed by the Board of Adjustment. The Board of Adjustment in such an appeal will have the same scope of authority and standard of review as the Historic Preservation Board would have in such an appeal.~~

(B) HISTORIC PRESERVATION BOARD (HPB). The City or any Person with standing adversely affected by any decision of the Historic Preservation Board ~~regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision. Appeal of all other Final Action by the Historic Preservation Board~~ may be appealed to the Board of Adjustment.

8. Updating H-District Architectural Review Criteria

Each of the H-Districts—Historic Residential Low-Density (HRL), Historic Residential (HR-1), Historic Residential (HR-2), Historic Residential Medium Density (HRM), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) include a provision regarding Architectural Review Criteria. The language currently recommends that all appeals regarding compliance with the Design Guidelines for Historic Districts and Historic Sites be reviewed by the Historic Preservation Board. Staff recommends updating this for consistency with the revised appeal process.

Proposed Changes:
ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11 and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the ~~Historic Preservation Board~~ Board of Adjustment as outlined in Section 15-1-18 of the Code.

9. Definitions

Staff is proposing to modify and add several definitions to the Land Management Code 15-15 Defined Terms in response to these code changes.

Proposed Changes:

Modifications to Existing Definitions:

1.57 COMPATIBLE OR COMPATIBILITY. *Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.*

(A) Visual Compatibility. *Characteristics of different architectural designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. In addition to the elements effecting Compatibility which include, but are not limited to Height, scale, mass, and bulk of Building. Other factors that dictate compatibility include proportion of building's front facade, proportion of openings within the facility, rhythm of solids to voids in front facades; rhythm of entrance or porch projections; relationship of materials and textures; roof shapes; scale of building.*

1.66 CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT. *A Building (main, attached, detached, or pubic), Accessory Building, Structure, Site, of or Object that is determined by the Historic Preservation Board to meet specific criteria set forth in LMC 15-11-10. reflects the Historical or architectural character of the district as designated by the Historic Preservation Board. A portion of an*

existing building, an Accessory Building, Structure, or object may also be considered contributory to the historical significance of a Building or Site if it reflects the Historical or architectural character of the site or district as designated by the Historic Preservation Board.

1.73 DEMOLISH OR DEMOLITION. Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed Building(s) or Structure(s). Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or 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.

(A) In terms of visual compatibility, Density refers to the pattern of clustering residential or commercial structures within a neighborhood and/or District. The pattern is established by the overall mass (length, height, and width) of the structure visible from the Right-of-Way, size of the lot(s), width between structures, and orientation of structures on the site.

New Definitions:

CONTINUITY: The state or quality of being continuous, as a line, edge, or direction. Factors that dictate continuity within a streetscape include, but are not limited to, mass , scale, and height of buildings; streetscape elements such as sidewalks, curbs, and paving patterns; and development patterns such as setbacks, orientation of buildings, repetition of porches and entryways.

DECONSTRUCTION OR DISMANTLING: The disassembly of structures for the purpose of salvaging and reusing as many of the construction materials or building components. In some cases, deconstruction or dismantling may be used to remove non-historic materials from a historic site or structure or to remove those historic construction materials or building components that are beyond repair.

EMERGENCY REPAIR WORK: Work requiring prompt approval because of an imminent threat to the safety or welfare of the public or to the structure or site. The scope of the approval for emergency repair work shall only be to the extent related to stabilizing or repairing the emergency situation. Staff shall give a verbal report regarding the emergency repairs at the next Historic Preservation Board meeting.

RHYTHM AND PATTERN: The development patterns established by factors including, but not limited to, the siting of existing structures, including their mass, scale, and height; the spacing of buildings along a streetscape, including setbacks and building sizes; spacing, size and proportion of façade openings, including windows and doors.

10. Demolition Review Checklist

Both the Historic Preservation Board and Planning Commission have directed staff to develop a material deconstruction review checklist. The criterion in this checklist is intended to aid the Historic Preservation Board in their review material deconstruction permits to promote consistency and prevent arbitrary and capricious determinations. These criteria will not be codified, but rather a policy that can be modified as the HPB continues their demolition reviews.

Further, it allows the Planning Director to continue to review and approve work through an HDDR waiver if the work is deemed to be minor routine maintenance, minor routine construction, minor alterations, and emergency repair work having little or no negative impact on the historic character of the surrounding neighborhood, or Historic District.

Proposed Changes:

Staff recommends creating and including the following criterion as part of the HPB's Material Deconstruction Review Checklist:

Historic Preservation Board Material Deconstruction Review Checklist:

- a. *Routine Maintenance (including repair or replacement where there is no change in the design, materials, or general appearance of the elements of the structure or grounds) does not require Historic Preservation Board Review (HPBR).*
- b. *The material deconstruction is required for the renovation, restoration, or rehabilitation of the building, structure, or object.*
- c. *Proposed exterior changes shall not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site and are not included in the proposed scope of work.*
- d. *The proposed scope of work mitigates any impacts that will occur to the visual character of the neighborhood where material deconstruction is proposed to occur; any impacts that will occur to the historical significance of the buildings, structures, or objects located on the property; any impact that will occur to the architectural integrity of the buildings, structures, or objects located on the property; and any impact that will compromise the structural stability of the historic building.*
- e. *The proposed scope of work mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and on adjacent parcels.*
- f. *Any addition to a Historic Building, Site, or Structure has been found to be non-contributory to the historic integrity or historical significance of the structure or site.*

Department Review:

This report has been reviewed by the Legal and Executive Departments.

Alternatives:

- A. Approve:** The City Council may approve the proposed Land Management Code amendments as presented.
- B. Deny:** The City Council may deny the proposed amendments.
- C. Modify:** The City Council may deny the proposed amendments.
- D. Continue the Item:** The City Council may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to take final action
- E. Do Nothing:** The City Council may choose to do nothing; however, the pending ordinance will expire on February 6, 2016, if no action is taken.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	~ Accessible and world-class recreational facilities, parks and programs ~ Balance between tourism and local quality of life ~ Internationally recognized & respected brand	+ Enhanced conservation efforts for new and rehabilitated buildings	+ Preserved and celebrated history; protected National Historic District	+ Well-maintained assets and infrastructure ~ Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Neutral 	Very Positive 	Very Positive 	Neutral 
Comments:				

Consequences of not taking the recommended action:

No changes will be made to the existing Land Management Code. The Historic Preservation Board will not be given the right to conduct material deconstruction reviews, historic designations will not be modified and there will be no changes to the HSI.

Recommendation:

Staff recommends that the City Council review proposed amendments to Land Management Code (LMC) regarding the allowed use matrix in 15-1-8, Appeal process in 15-1-18, the Notice Matrix, as outlined in LMC Chapter 15-1-21, as well as the

Purposes of the Historic Preservation Board (HPB), Park City Historic Sites Inventory, Relocation and/or Reorientation of a Historic Building or Historic Structure, Disassembly and Reassembly of a Historic Building or Historic Structure, Reconstruction of an Existing Historic Building or Historic Structure and adding a material deconstruction review process as outlined in LMC Chapter 15-11 and definitions in Chapter 15-15. Staff recommends City Council conduct a public hearing, consider public input, review the request, and consider approving the proposed changes as proposed in this Report.

Exhibits:

Exhibit A – Pending Ordinance

Exhibit B—10.7.15 HPB Minutes

Exhibit C—11.18.15 Draft HPB Minutes

Exhibit D—9.9.15 Planning Commission Minutes

Exhibit E—10.14.15 Planning Commission Minutes

Exhibit F—Land Management Code Revisions as discussed in this report.

Ordinance No. _____

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE
HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC
PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT**

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 of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic);

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings;

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the demolition of potentially historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, individual members of the Historic Preservation Board, ("HPB") the official body to review matters concerning the historical designation and design of buildings within the City, and several members of the public have requested that the Council reconsider the sufficiency of the Historic Building Inventory;

WHEREAS, the pending amendments to the Land Management Code ("LMC") and the Historic District Guidelines and any revisions to the Historic Building Inventory are expected to be completed within the next six months;

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

SECTION 1. AMENDMENTS. The recitals above are incorporated herein as findings of fact. The Land Management Code, Title 15 of the Municipal Code of Park City, is hereby amended as follows:

- A. Amendment to Section 15-11-10(A) (2): **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures

may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
- (b) It retains its ~~Essential~~ Historical Form, ~~meaning there are no major alterations that have destroyed the Essential Historical Form~~ as demonstrated by any of the following: it previously received a historic grant from the City; or it has previously been listed on the Historic Site Inventory; or it was listed as Significant or Contributory on any reconnaissance or other historic survey; or despite non-historic additions it retains its historic scale, context, materials in a manner and degree which can reasonably be restored to Essential Historical Form. ~~Major alterations that destroy the Essential Historical Form include:~~
 - (i) ~~Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or~~
 - (ii) ~~Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or~~
 - (iii) ~~Moving it from its original location to a Dissimilar Location, or~~
 - (iv) ~~Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right of Way.~~
- (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic importance to the community, or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
- (3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

B. New Section. The following section shall be added to Land Management

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Code Title 15, all Historic Zoning Districts Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and Chapter 11:

Final Review by Historic Preservation Board. Any application for any demolition permit as defined by the IBC, which includes reconstruction, disassembly, and panelization for demolition of any Building (main, attached, detached, or public), Accessory Building, and/or Structure in which any part of the structure was constructed before 1975 in a Historic District zone must be reviewed by the Historic Preservation Board. Nothing in this section adds any additional criteria or standards to existing Land Management Code or International Building Code sections governing the issuance of such permit. Review by the Board is limited to determination that demolition of such Building (main, attached, detached, or public), Accessory Building, and/or Structure is in conformance with applicable code. If non-compliance is determined, the application shall be remanded to the applicable authority. Planning staff shall review demolition applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

SECTION 3. EFFECT ON EXISTING APPLICATIONS/PERMITS. Any Complete Application for any demolition permit or CAD received prior to Friday, August 7, 2015, shall not be affected by this amendment. Any currently valid permits or CAD which have been issued by the Building and Planning Departments prior to the adoption of this Ordinance shall not be affected by this amendment.

PASSED AND ADOPTED this ____ day of September, 2015.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

City Recorder's Office

Approved as to form:

Mark D. Harrington, City Attorney

Historic Preservation Board Meeting
October 7, 2015

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Board Member Stephens announced that he would be leaving the meeting at 6:30 this evening.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

CONSIDERATION OF AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT AND ASSOCIATED DEFINITIONS IN CHAPTER 15-15.

Director Bruce Erickson thought the Staff report reflected the progress the Planning Staff was making on the Ordinance. The ultimately goal is achieve a recommendation from the Historic Preservation Board to the Planning Commission, who was the next review body. The Planning Commission would eventually forward a recommendation to the City Council to adopt the Ordinance. Director Erickson anticipated that the process would move forward into December.

Director Erickson noted that some parts of the Ordinance were complicated and other parts were straightforward. He stated that the Staff had done extensive benchmarking against other Historic Preservation Codes from Crested Butte, a location in Indiana, Breckenridge, Salt Lake City and Denver.

Planner Grahn reported on five items for discussion:

- 1) The Staff was recommending a third category for Historic preservation. In addition to the existing Significant and Landmark status, the third category would be Contributory. Buildings that would be considered Contributory would be 40 years old. They would be compatible to the streetscape due to mass and scale, architectural design or other features or materials. The building might have had substantial alterations, but the overall form would still be intact and they contribute to the rhythm and pattern of the streetscape.
- 2) Redefining the definition of demolition. The LMC currently provides a demolition definition; however, they want to include the ANSI definition so it is expanded to include dismantling, razing or wrecking of any fixed building or structure.
- 3) Demolition Permit Review. At previous meetings the Staff heard from the HPB regarding the amount of demolition reviews they would like to do. The Staff was proposing that a full Historic District Design Review application would still

come to the HPB. Smaller items such as a dryer vent would be approved through a Historic Preservation Boards waiver letter.

4) Noticing. Currently, there the City does not have a noticing requirement for items that come before the HPB for demolition review. The Staff was proposing to include in the LMC Amendment a requirement for a 14 day mailing notice and property notice sign, which is consistent with the Historic District requirement for an HDDR application.

5) Demolition by Neglect. The City currently does not have a Demolition by Neglect Ordinance. Other cities in Utah, including Ogden and Salt Lake, have that ordinance. It requires a minimum standard of maintenance, as well as a policy that would allow the Staff to enforce demolition by neglect and identify it when it is occurring. A Demolition by Neglect Ordinance in Park City would also include mothballing, which means securing the building so it would be rehabbed at a later date. The primary intent of the ordinance would be to create a minimum standard of maintenance to keep the structures from falling into disrepair. It would also prevent so many panelization projects from occurring because they would be maintained throughout their life rather than falling into neglect and decline.

Board Member Melville asked how a new status of Contributory Site would tie into the Code. Planner Grahm replied that Landmark and Significant designations would still be determined based on the current criteria. Contributory structures would have a lesser amount of integrity but there would still be historic materials and it would contribute to the streetscape overall. Director Erickson stated that the purpose of the third category allows the City to keep the integrity of the designation list, but also inventory structures that are important in the neighborhood and possibly make them eligible in the future for grants. Director Erickson noted that a proper inventory would help them do a much job of dealing with neighborhood compatibility because the structure would be identified and reviewed under the guideline. Director Erickson remarked that the Contributory category is consistent with the other locations they benchmarked against.

Director Erickson pointed out that at this point the Contributory structure would not impose additional regulatory requirements on the owner; however, that could change if they wanted more regulation.

Board Member Melville asked how adding the Contributory sites would affect the pending ordinance. Mr. Erickson stated that once it is included in the language, the Contributory sites would be regulated as they currently regulate under the pending ordinance. Ms. Melville asked if making changes to the pending ordinance would change the effective date of this ordinance from when it was first announced.

Assistant City Attorney McLean replied that it would not change the date. She explained that a provision under State law states that an applicant is entitled to approval if their application meets the requirements of the Code, except if the Municipality has introduced an ordinance which changes those requirements prior to submitting their complete application. Ms. McLean remarked that the trigger date is effective for 180 days and everything is put on hold during that time to give the Staff the opportunity to create the ordinance without having applicants try to rush through applications before the ordinance is adopted.

Board Member Melville wanted to make sure that things would not fall through the cracks if the pending ordinance was changed. Ms. McLean stated that the pending ordinance would still be in effect and anything that was captured under the original pending ordinance should continue. However, if additional items are added after the pending ordinance was introduced, that would then become the pending ordinance and the public would be noticed. Ms. Melville clarified that the changes would not affect the requirements and the effective date of the pending ordinance, and that the pending ordinance would not be affected by a proposed change such as the Contributory language. Ms. McLean replied that she was correct.

Board Member Beatlebrox liked the Contributory category because it anticipates that these particular buildings will be 50 years old and would probably be on the HSI. It also puts them on the HSI ten years earlier as a Contributory structure. Ms. Beatlebrox pointed out that many of the old A-frame ski chalets would automatically be placed in the Contributory category and she wanted to know how that might affect those owners. On one hand it could help the owners pursue grants, but it could also put a burden on the owners if they could not expand an A-frame structure. She asked if the Staff had looked at the number of A-frames that would become contributory and what affect it would have on the owners.

Planner Grahn noted that approximately three to five A-frames were demolished this year. She recalled that there were approximately nine A-frames left. Planner Grahn stated that this was an opportunity for A-frame owners and other ski era architecture to come forward and be considered contributory. The Staff had discussed the issue and it was a challenging question in terms of whether those structures contribute to the look of the Mining Era or the Ski Era. Planner Grahn believed the language as drafted would allow the Staff to identify the structures. If any of the structures receive grant funds they would move into the Significant category. If the owner chose not to receive grant funds or wanted to demolish the structure, they would still have some flexibility to do so.

Director Erickson clarified that a Contributing classification was an inventory and a record but it was not an automatic nomination to the Historic Sites Inventory.

The nomination would still come from the Staff. Board Member Beatlebrox was comfortable with that clarification.

Board Member Hodgkins asked for clarification on whether it was 40 years or 1975. Planner Grahn replied that the goal is 40 years. Director Erickson explained that 1975 was written in the original pending ordinance to make sure there was a hard date. When the ordinance is modified the 1975 date would be changed to 40 years when they make the LMC changes.

Director Erickson had asked the Staff to provide the LMC changes in text form before they come back with the redlined form. For that reason, the Board would not see redlined changes until the Staff makes sure that all of the points and comments by the HPB and the Planning Commission are correct. The HPB would not see the redlined update until the Planning Commission has at least one meeting to discuss the ordinance. He hoped to have recommendations from the HPB this evening to carry forward to the Planning Commission meeting on October 14th.

Board Member Melville noted that the information the Staff heard from the experts, including the group from Denver, was not included. The HPB had some knowledge of those discussions, but she questioned whether the Planning Commission would have enough background to consider Contributory status based only on the small paragraph written in the language. Director Erickson stated that the Planning Commission was looking to the Historic Preservation Board and the expertise of the Planning Staff for the needed information. He did not believe the Commissioners were willing to drill down into historic preservation. Director Erickson noted that the Planning Commission is responsible for looking out to the greater community to see what implications the contributory sites would have on the historic districts and throughout town.

Board Member Melville asked the Staff to explain a little more about Contributory Sites and how other jurisdictions consider contributory sites and why.

Planner Grahn thought it was important to note that other historic districts might have Landmark or Significant sites, but most jurisdictions base their designation off of the National Register surveys. For example, most of the homes in the Avenues area or the Sugar House area in Salt Lake are bungalows. If the bungalow has had a lot of modifications it would probably be considered Contributory. Planner Grahn stated that the Staff looked at San Francisco's categories because they had more than a typical city. In San Francisco, Contributory was similar to how it was explained for Park City in that it contributes to the look and feel of the streetscape and contributes to the neighborhood's historic integrity. Board Member Melville understood that it was typical in other areas to have the Contributory designation. Planner Grahn answered yes. Ms. Melville asked if Park City has ever had a Contributory

category. Planner Grahn was unsure whether there were designations for structures in Park City beyond the National Register sites until they established the Landmark and Significant categories for the HSI in 2009. Assistant City Attorney McLean replied that Park City did have building designations prior to the Historic Sites Inventory.

Board Member Stephens believed that Contributory was a way to explain and describe a class of inventory in town without adding additional regulations aside from the review of demolitions. Director Erickson replied that he was correct. It would give the City an inventory and a means of a voluntary look. It also provides the opportunity to extend grants. He noted that it may eventually extend to the ski era homes, and the owner is not obligated on any changes to the LMC. Mr. Erickson remarked that its true purpose inside the Code is a reinforcement of the visual guidelines. He noted that the neighborhood compatibility guidelines are much more rigorous in this ordinance and the Contributory classification defines it.

Board Member Hewett asked if the Contributory category was an encouragement to keep some smaller homes. Mr. Erickson answered yes. Chair White assumed the Contributory designation would primarily refer to buildings with a smaller mass and scale that contribute to the feeling of the neighborhood. Mr. Erickson stated that during the HDDR review the Staff attempts to look at neighborhood compatibility and requests to see a couple of surrounding structures. Contributory would greatly enhance their ability to regulate for neighborhood compatibility.

Board Member Hodgkins asked if the Contributory category would encompass everything that is 40 years old or whether it would meet specific criteria in order to be considered. Planner Grahn replied that being 40 years old definitely helps; but if the mass and scale of the structure was greatly altered it may not contribute to the look and feel of the streetscape. Mr. Hodgkins asked if the Staff had done an inventory to get a sense of the number of buildings that would be included. Planner Grahn replied that the Staff planned to do an inventory but it had not yet been done.

Planner Grahn stated that the second point was Defining Demolition. The current definition in the LMC was written on page 41 of the Staff report. The Staff was proposing to add **dismantling, raising or wrecking of any fixed building or structure or any part therein** to the existing language. The added language was taken from the ANSI definition. The Board was comfortable with the language.

The third point was the Demolition Permit Review. Planner Grahn noted that the most of the HDDR applications would be reviewed by the Historic Preservation Board as outlined on page 4 of the Staff report. However, if a structure is eligible

for a Historic District Design Review waiver because it is a minor alteration or minor construction that has little to no impact on the historic district, the Staff would retain the right to give administrative approval.

Board Member Melville thought the Board should still review an alteration when it involves historic materials, regardless of whether it is major or minor. Planner Grahm suggested adding language stating that if the building is on the Historic Sites Inventory or the materials are older than 1975, it could require an HPB review. Board Member Stephens thought that issue needed to be addressed. He pointed out that the demolitions the HPB has reviewed in the past few meetings were non-historic structures. He believed it was better to let the HPB review all historic structures even if it is minor as opposed to putting that burden on the Staff. Ms. Melville agreed. She noted that the process could be modified if the Staff and the HPB later realize that an HPB review is not necessary for all historic structures or the historic portion of structures.

Director Erickson was comfortable bringing anything historic to the HPB and to make sure the public knows what applications have been made for historic structures. He thought it was important to update the HPB on the number of permits that were currently in the application process and how many have been issued. The Staff was not allowing a number of permits currently in process to proceed because it may result in demolition, which is a violation of the pending ordinance. Mr. Erickson stated that he and Ms. McLean were still working through how the ordinance works. He anticipated a dozen permits currently in the pipeline in some form or another.

Director Erickson referred to the agenda for this evening and noted that 222 Sandridge had vested rights to move forward and it would not be reviewed by the HPB. Mr. Erickson clarified that the HPB was only seeing minor alterations now because the Staff was withholding other applications while the pending ordinance controls. Board Member Melville emphasized that her preference would be for the HPB to review any application that involves historic materials on a historic building.

Director Erickson was not opposed to placing that requirement on the HSI Landmark and Significant structures, but not for Contributory structures. Board Member Holmgren understood that they were only talking about historic materials and not Design Review. Director Erickson replied that the topic was demolition as defined, which would be altering any of the historic materials and form. He noted that the regulatory powers would also be extended to mining structures and not just homes.

Board Member Melville asked if it was possible for the HPB to see a list of the waivers. She was not against appropriate waivers and thought it would be helpful to have a list. Director Erickson stated that the Staff had that discussion

and he thought it would be an appropriate update for the Manager's report at each meeting. Ms. Melville was comfortable with that approach because it would keep the HPB and the public informed, and they would be able to track the process to make sure the waivers were appropriate.

Board Member Stephens assumed that there would not be a noticing requirement on waiver issues. Planner Grahn replied that he was correct.

Board Member Hodgkins understood that the current LMC definition talks about the exclusion of structures that are being relocated or reoriented. He asked if that would still be an exclusion in the new definition. Planner Grahn explained that currently when a building is relocated or reoriented is it not considered demolition because the majority of the building is picked up and moved. The only demolition would be the foundation if there was one. The same applies to reorientation because it only changes the direction of the structure. She explained that one reason the City does not use demolition and scraping the lot is because the owner is required to either panelize or reconstruct the building, which are forms of preservation. Some of the buildings are so deteriorated that they could not uphold a lifting or some have so many alterations that it cannot be structurally stabilized because of the condition of the materials. Instead of being able to demo the structure, scrape the lot and build something new as infill, the owner is required to reconstruct the building.

Board Member Melville thought the HPB should definitely look at the structures that are being moved or reoriented. Planner Grahn replied that currently those projects do not come before the HPB, but it was one of the proposed Code changes. Mr. Erickson clarified that the Staff had written the language with the intent that relocation or reorientation were not necessarily definitions of demolition; however they are reviewable acts. He noted that relocation and reorientation were currently reviewed under the HDDR process.

Planner Grahn referred to page 45, Item 2, which outline change to the LMC. She read, "All HDDRs will require an HPBR grants by the HPB for the following work...." She noted that panelization, reconstruction, and rotation were included. Relocation was not listed but it could be added. Director Erickson clarified that HPBR was a new acronym for Historic Preservation Board Review.

Assistant City Attorney McLean stated that the challenging part of definitions of demolition is that if a demolition requires a CAD it has to meet a higher threshold, including demonstrating economic hardship. The City has always tried to distinguish demolition related to a CAD from preservation, which could include reconstruction. Ms. McLean remarked that it was actually some wordplay and a difficult way to express what they were trying to do. That was the reason for having two competing definitions. Demolition can be tearing down a wall, but when the public hears demolition they think the house is gone. If a structure is

demolished and reconstructed, that is considered a preservation method and not demolition to remove a structure.

Board Member Melville understood that any site on the Historic Sites Inventory could not be approved for demolition without being reconstructed. Planner Grahm replied that HSI sites could not be approved for permanent demolition without a CAD. Ms. Melville asked when it would ever be appropriate. Planner Grahm explained that if it meets the hardship criteria then a special review board would have the ability to approve the CAD. Ms. McLean pointed out that the CAD review board has that purview but a CAD is rarely granted. Director Erickson remarked that the thresholds are very high, particularly the economic threshold. Ms. McLean thought it was important to distinguish that kind of demolition from what they were trying to accomplish with the ordinance in order to help preserve these historic houses.

Chair White asked where the HPB Demolition Review should come into the process. He asked if their review was slowing down the process and whether it should be part of the HDDR review or even the building permit process. Chair White was concerned that projects were being held up waiting for the HPB review. Director Erickson stated that a formal permit application would need to be submitted in order to trigger an HDDR review or a building permit. Mr. Erickson believed the HPB should make a determination on "demolition" early in the process before the applicant incurs the time and expense of an HDDR process. He explained that the Staff has been bringing the demolitions to the HPB with an HDDR waiver. They want to make sure that the Historic Preservation Board sees the possibility of the alteration of a building before it goes through the HDDR; because if it goes through the HDDR and the HPB decides it is not appropriate, the applicant has to start over. Director Erickson stated that the Staff was trying to make the HPB review the first step and they needed to create a new application in order to vest that step. Chair White accepted that explanation. He clarified that he was trying to be prudent but he did not want to slow down the process. Director Erickson stated that it would not slow the process. He believed that having the HPB look at the more questionable potential alterations to buildings would make the Staff's job a little easier.

Planner Grahm understood that there was agreement among the Board for the HPBR process. Planner Grahm summarized that all Historic District Design Reviews would require the HPB review the HPBR, which would include demolition of existing structures, panelization and reconstruction, rotation, relocation, new foundations and any other work involved in the HDDR process. She noted that if someone comes in for an HDDR waiver and it is affecting the historic material on a site listed on the HSI, those would also be reviewed by the HPB.

Planner Grahm asked if there were questions regarding the proposed noticing requirements. Director Erickson stated that the noticing requirement was set to be within 100 feet of the property; and anyone within that 100 feet radius would receive a mailed notice. Planner Grahm noted that 100 feet is consistent with the requirement for the HDDR applications. The mailed notice would be in addition to posting the property.

Board Member Beatlebrox asked if there only needed to be consensus from the Board and not a motion. Mr. Erickson replied that the HPB was not authorized to vote, but they were being asked to give the Planning Commission some guidance.

Planner Grahm commented on the next point which was Demolition by Neglect. She noted that pages 45 and 46 of the Staff report contained an explanation of what the Staff determined to be a minimum standard of maintenance. Page 46-47 summarized the intent of the ordinance.

Board Member Stephens believed they all knew what demolition by neglect looked like, but the question was how to define it. He commented on the number of homes that were currently lived in that were structurally inadequate. Mr. Stephens assumed that the intention was to preserve the buildings that are occupied and being neglected. He pointed out that the owner's definition of neglect might be different. Planner Grahm agreed that most of the buildings that have not been renovated do not meet structural codes. However, there is a difference between a structure that someone lives in and does what they can to keep the structure intact versus an abandoned structure that the owner hopes will fall down.

Board Member Hodgkins asked how they would enforce demolition by neglect and if there were consequences. Planner Grahm replied that if the Building Department determined that demolition by neglect was occurring, the City could fine the owner for every day that the deficiencies are not corrected. Assistant City Attorney stated that currently, the only methodology the City has is an Order to Repair, which can be a lengthy process. Ms. Melville asked if the City could board up or reinforce a structure. Ms. McLean explained that the City could abate, but it is a long process. The City issues an Order and Notice of Repairs that are needed and the owner has a specified time to appeal. She understood that part of the reason for addressing demolition by neglect as part of the Statute is to keep the houses from reaching such a deteriorated state. Under the International Building Code, the only way the City can require repairs is when it becomes a dangerous situation. Having it in the ordinance allows the City to enforce day to day maintenance to keep it from becoming a danger to people.

Board Member Beatlebrox asked if there were exceptions for people who were disabled or indisposed and could not do that type of work. Planner Grahm

believed it would need to be reviewed on a case by case basis. There have been situations where the owner lived out of town and the structure posed a dangerous situation. Usually when the Building Department contacts the owner they are unaware of the problem. They are willing to have the Building Department lien the property and make the repairs or they hire someone to do it. However, there are situations where the owner hopes the structure falls down undocumented because they believe the City would not require the structure to be reconstructed. Planner Grahn stated that the intent of the language was to address the owners who are purposely being negligent.

Board Member Melville asked if grants would be available for people who financially could not afford to repair the structure. Planner Grahn stated that when the Building Department issues an Order to Repair, they sit down with the owner to explain their options, including the possibility of grant funds. Many times the owner chooses not to work with the City. Director Erickson explained the process for finding and identifying structures that would be considered demolition by neglect.

Board Melville liked the process because it was proactive.

Director Erickson noted that the Staff would be taking their suggested Code changes to the Planning Commission on October 14th and the additional review by the HPB would be included as part of their recommendation to the Planning Commission.

COMPABILITY STUDY– Staff recommends that the Historic Preservation Board review and discuss current weaknesses of the 2009 Design Guidelines and provide input to staff to address these issues.

Director Erickson reported that both Anya Grahn and Hannah Turpen have a master's degree in Historic Preservation. He noted that it is rare for a municipality the size of Park City to have that expertise. Planners Grahn and Turpen had researched other jurisdictions and Mr. Erickson believed their work would help the Staff legally define visual compatibility in the neighborhood.

Planner Grahn stated that she and Planner Turpen looked at Park City's design guidelines and they reviewed the General Plan for guidance. She and Planner Turpen had researched cities from San Francisco to the Midwest. When they went on City tour this year they also learned a lot from the Breckenridge historic district. They pulled all their research together to determine the best approach for infill and compatible additions to historic structures.

Planner Grahn pointed out that the Staff has also heard mixed opinions from the Planning Commission, the HPB and the City Council in terms of how different is too different for the Historic District. Obviously they want new construction to be

differentiated from historic structures, but the question is how much. Planner Grahn thought that Breckenridge had done a good job based on what they call the Breckenridge Vernacular, which picks out character defining features. The Breckenridge historic district looks similar to Park City in terms of types of structures and design. Planner Grahn noted that specific designs carried outside of their historic district throughout the town and that was influenced more by the Breckenridge Vernacular than the Design Guidelines.

Planner Grahn requested that the HPB comment on a list of questions outlined on page 56 of the Staff report. As they begin to discuss the Design Guidelines they need to think about whether they want more traditional design in Old Town or if there is a place for modern design, particularly in transitional zones.

Board Member Melville remarked that looking at pictures of houses was helpful. She suggested that the Staff give their presentation before they have that discussion so the Board has a better idea of what fits or does not fit.

Board Member Beatlebrox had looked up Vernacular on the Internet. She believed that the vernacular defines Park City's sense of place and with that sense of place comes a lot of pride and connection. Ms. Beatlebrox would not want to see that eliminated with a lot of ultra-modern construction. She thought the examples in the exhibits showing modern construction were extreme and jarring. Ms. Beatlebrox believed they should do whatever is necessary to avoid that from occurring in Park City. Ms. Beatlebrox agreed that some areas were appropriate to separate the old from the new with more modern design. She also like the idea of making the additions to historic homes look different to make the historic portion stand out.

Board Member Stephens thought it was more about mass and scale. He believed a creative architect would bring in the Park City vernacular to enhance their design. Mr. Stephens was cautious about directing the architectural style of what is built and remodeled in Park City and holding it to a specific style because it would become boring. He preferred to allow architecture to be more creative; however it would need to reflect the history of the built environment.

Board Member Hewett agreed that mass and scale were important. She favored making the more modern features less visible and less distracting. Ms. Hewett was unsure why they would relax that preference on the boundaries. Old Town is already small and she preferred to make it more impactful to achieve more continuity so you have the same feeling as you drive through all of old Town. Ms. Hewett suggested repairing what has occurred on the fringes that take away from the vernacular of Old Town.

Board Member Melville referred to the photo of 535 Woodside on page 72 of the Staff report. She believed the building was not consistent with Old Town in terms

of mass and scale and the elements. The wording on page 72 states that the applicant had a modern interpretation of the Design Guidelines. Ms. Melville questioned why it was put in the hands of the applicant and not the Staff. Planner Grahn remarked that the applicant had a modern interpretation of a chosen style and they obviously pushed modern to the brink and a lot further than some of the other examples in the Staff report. It was a question the Staff wanted to discuss with the Board in terms of how modern is too modern. Board Member Melville thought it was important to not only look at the building as it stands alone, but also the impact it has on surrounding structures and the District itself. The Staff had included good examples, but she had pictures of other structures that she would like the Staff to include in their overall review of whether or not the designs enhance the District. Ms. Melville suggested that they also look at renovations of historic buildings to make sure it remains a historic building. She noted that 41 Sampson was a Landmark structure and after the recent renovation she thought it was difficult to identify the historic building. She had the same difficulty finding the historic building at 124 Daly. The garage at 109 Woodside was another example of a historic building that was renovated into a structure that no longer looks historic or contributes to the District.

Ms. Melville suggested that the Board have another meeting to discuss compatibility and to visit various sites to get a visual sense of compatibility.

Planner Turpen noted that some buildings being constructed today were approved under the old guidelines and the projects were delayed for various reasons. She stated that the Staff would cross-reference Ms. Melville's list to make sure her examples were approved under the current guidelines. Ms. Melville pointed out that they needed to make sure the Guidelines would prevent that type of construction in the future.

Director Erickson suggested that the Board review the compatibility questions on page 60 of the Staff report so the Staff would know if the recommendations were on the right track and what they should bring back for discussion at the next meeting. He stated that the Staff would be crafting the compatibility guidelines based on comments by the HPB in an effort to achieve more consistency.

Planner Grahn noted that the Staff looked at compatibility as outlined on pages 60 and 61 of the Staff report. They were proposing to modify Design Guideline #6, which was a Universal Guideline, so it would have more influence on the overall streetscape of the neighborhood as opposed to just the neighboring structures. The Staff also talked about breaking up new additions into modules. Planner Turpen would explain that further when they discuss transitional elements. The modules would allow differentiation between the pieces. It would also help to break up the large volumes on new additions and new construction for more articulation. The Staff also talked about ways to make rear additions and accessory buildings subordinate to the historic buildings. Another issue was

to avoid large expanses of glass, which they have seen a lot in Old Town recently. Planner Grahm stated that Madison, Indiana does an excellent job of preservation and the Staff looked at how Madison defines compatibility. They incorporate things such as height, ratio of siding to windows, different materials, roof shapes, and other elements that contribute to the look and feel of the streetscape to cut down on the mass and volume of large box structures that do not fit with the neighborhood.

Director Erickson noted that the Staff was proposing to limit the amount of glass allowed in a garage door and generally finding that a glass garage door is not appropriate in the district. They were looking at amending the Guidelines specifically for garage doors and for control of night light to protect the night sky in the Historic District. The Staff was also looking at regulations related to glazing. Ms. Melville suggested that the Staff also consider lighting fixtures around garage doors because some light up the entire street. She thought the City had dark sky restrictions. Mr. Erickson stated that the lights are supposed to be downlighted and shielded with no light coming off-site. Planner Turpen remarked that lighting is regulated; however, Code Enforcement is typically not out at night and the City is not always aware of the problems.

Board Member Holmgren stated that there is a lot of traffic in Old Town and she leaves her porch light on all night. She has had things taken off her porch in the past and she does not want people coming on to her porch. Her light is bright and for good reason. She thought it was important for the Staff and the Board to consider both sides of the issue.

Board Member Beatlebrox understood that the list of compatibility for new construction infill on Page 60 was the proposed list. Planner Grahm replied that it was the current Guidelines in place to enforce compatibility. Ms. Beatlebrox asked if the Staff was comfortable with those Guidelines or if they were proposing to change them. Planner Grahm clarified that the only one they were proposing to change was Universal Guideline #6, which they would like to revise to read, "Scale and height of new structure should follow the predominant pattern established by historic structures on the same block or within the immediate neighborhood". Ms. Beatlebrox stated that it would personally help her to understand the Guidelines and how they are viewed by Staff, if they could look at each guideline and compare it to the examples that were provided. It would help the Board see how the Guideline was applied, whether it conforms. Whether or not they liked the design was immaterial if it meets the guidelines. Planner Grahm agreed that it would be a helpful exercise for both the Staff and the Board.

Board Member Bealtebrox read from page 60, Item 1, New buildings should reflect the historic character—simple building forms, unadorned materials, restrained ornamentation—of Park City's Historic Sites. She noted that all three examples were different but they all met the Guideline. Planner Grahm replied

that she was correct. Ms. Beatlebrox thought the example on the right was very modern. To answer the question by Staff regarding how modern is too modern, Ms. Beatlebrox did not believe the example on the right fit with the vernacular.

Planner Grahn stated that based on what the Staff was proposing for this meeting, the example on the right would be broken further into modules that reflect more the size of historic structures. Board Member Beatlebrox clarified that the structure could still be extremely modern but it would be more modular to reduce the visual size and scale. Director Erickson pointed out that the example on the right was not restrained in its architectural approach and that was something the Staff needed to consider. He thought they needed to put more emphasis on the word "restrained". Board Member Beatlebrox stated that restrained was not a precise word. Director Erickson explained that it was not a one line review. The design is reviewed against a ten bullet point review model. He thought the middle example showed more restraint. Ms. Beatlebrox noted that the middle example meets Bullet Point #2 because it does not directly imitate any existing historic structure. However, she questioned whether it met Point #3. Planner Turpen explained that #3 talks about specific style. Board Member Melville remarked that the example on the right would not comply with #3 because it was never a type of style in Park City.

Chair White believed that size was the primary objection to the example on the right. He thought a different mass and scale might make the style fit in better. Chair White thought the mass and scale of the middle example was acceptable. The issue was the glaring garage door.

Planner Grahn stated that the Staff would be coming back to hone in on details such as windows, doors and garage doors. She suggested that if they included mass and scale and volume it would help with the discussion. Director Erickson clarified that the discussion regarding the guidelines was bifurcated from the pending ordinance discussion. The Staff was proposing changes to the Design Guidelines in an effort to be more consistent and thorough and to take a more regulatory approach. He noted that the HPB would have the opportunity to discuss the Guidelines over time because it was not on a time frame like the pending ordinance. Director Erickson agreed that site visits are worthy and it may help to guide their discussion with the City Council in terms of how they feel about applying the Guidelines if they were to become a design review board rather than a preservation board.

Chair White stated that when he inquired about the example on the right, he was told that the original structure was a very large four-plex. However, he believed the new structure could have been scaled down. Mr. Erickson thought it was important to note that the building in the background was the same size. Woodside also has some of the large 1970s condo. Mr. Erickson believed the result of the building in the example was an overreach, which is why there were

reviewing the Guidelines. Director Erickson was pleased with the general recommendation and he was interested in working with the HPB to make sure the Staff was interpreting the Guidelines correctly.

Board Member Hewett was not in full agreement with the comment on glazing. She would keep an open mind, but in her opinion letting in the sun should be a personal choice. Board Member Beatlebrox pointed to the glazing on the Park City Museum. She also noted that there was no differentiation between the old and the new with the Park City Museum. In fact, the back of the building covered up the old back of the Park City Museum Building which was City Hall. She believed that certain things allowed on Main Street due to the density, location and the cost per square foot may not be allowable in a neighborhood. Planner Grahm thought it was something the Staff could look into further as they move forward with the discussion.

Board Member Stephens referred to #6, the Universal Guideline that the Staff was proposing to amend. He thought the language as written addressed mass and scale, but he questioned whether an appropriate mass and scale would still result in a product that would add to the historic community. He suggested revising the language to say, "Scale and height of new structures should follow the predominant pattern **and respect the architecture of the** neighborhood with special consideration given to Historic Sites". It would give the architect the opportunity and the obligation to reflect on what they were building in between the other buildings. Planner Grahm agreed and offered make the change.

Board Member Hodgkins if there were floor area ratios to regulate a building size for the lot. Planner Grahm stated that there is a building footprint but the size depends on the number of lots. A traditional Old Town lot is 25' x 75'. However, in some situations people may own 1-1/2 lots or two lots or more. As the lots grow the footprint grows. Planner Grahm noted that there is a 27' height requirement regardless of the topography of the lot. Within that 27', at 23-feet on the downhill side they are required to step it 10 feet before it could go back up. She explained that there was no restriction on the number of floors within the 27' above existing grade; however, they only have 35 feet from the top of the tallest wall plate to the lowest floor plate. Planner Grahm believed this would be a worthwhile discussion to have with the HPB because it requires diagrams to show how buildings can step down the hill and how the 35 feet is measured. Director Erickson encouraged the Board members to read the Architectural Section in the LMC to better understand the explanation. He clarified that structures are limited in size, but structures in Old Town were more difficult to regulate because of the steepness of the topography. A lot of the volume works uphill or downhill, which makes a structure appear larger, particularly on smaller lots. Board Member Melville stated that one problem with combining lots is that the setback is reduced. She thought that should be addressed at some point because the total amount of setback on two combined lots is less than it would

have been on one single lot. Director Erickson explained that the Planning Commission's rationale for combining lots was to reduce the number of cars and people in the District by having one house instead of two. He commented on a number of scenarios that defies that rationale. Board Member Hodgkins believed that combining lots also changes the nature of the neighborhood. Board Member Melville noted that one large house blocks more light than two smaller homes. Board Member Hewett thought requiring a module design for larger structures would help with the light issue.

Planner Turpen referred to Item #2, Transitional elements. She stated that transitional elements are very important for historic structures and new additions. The goal is to reduce the loss of historic material and to also distinguish between old and new. Planner Turpen stated that the Staff has been successful in requiring transitional elements, but the mass and scale of transitional elements vary between projects because they have not quantified what a transitional element should be. She noted that Breckenridge had relied heavily on modules to define the size and components of an addition. The result is an addition with smaller components that reflect the mass and scale of the historic structure. Staff was proposing to require modules so if the addition is larger than the existing historic structure addition be broken up into components that reflect the existing size of the modules of the historic structure. She asked if the Board was interested in having the Staff proceed with defining criteria for the Design Guidelines.

Board Member Melville asked if Planner Turpen had examples of a module addition. She remarked that when the new addition and the old structure are different colors it helps to make that differentiation. She understood that the City does not regulate color and suggested that maybe they should for that type of situation. Planner Turpen understood that the decision not to regulate color was made after significant discussion by the HPB at the time, and it was removed from the guidelines. Ms. Melville pointed out that in the example where two colors were used, the mass and scale appears to be broken down to look more compatible.

Board Member Stephens stated that restricting the size of the addition to 50% of the historic home without restricting the footprint would not be possible on a 25' x 75' lot. Planner Turpen explained that if the addition is less than 50% of the historic structure a transitional element would not be required because the addition would naturally be smaller. If the addition is larger than 50% of the historic structure a transitional element would be required, and she was prepared to explain how they would quantify the size. Planner Turpen referred to the Bullet Point #3 and noted that the Staff was proposing that the width of the transition element shall not exceed two-thirds of the width of the connecting elevation. The Staff believed it would preserve historic material and still allow the

owner to have usable space in the transitional element. It would also create clear delineation between what is old and what is new.

Board Member Hodgkins wanted to know what happens to the original historic exterior wall and whether there were limitations on how much could be removed. Planner Turpen stated that in theory they could remove two-thirds of the exterior wall that would then become interior space. Planner Grahm noted that the City does not regulate interior space. Board Member Beatlebrox pointed out that it would be a demolition that would be reviewed by the HPB.

Assistant City Attorney McLean felt that was a good point. She believed it would be more defensible if it was quantifiable rather than subjective. She suggested that the language should specify the amount of the wall that could be removed. Board Member Melville thought it would be ideal if the historic materials removed from the back wall of the historic house could be reused on the house. Planner Grahm replied that it was a good detail to discuss further when they reached that point in the Guidelines. She noted that currently the Staff encourages the reuse of historic materials whenever possible. Chair White pointed out that in some historic homes the back wall was already removed by previous additions.

Assistant City Attorney noted that the current Code talks about viewpoint from rights-of-way. She was unsure whether something visible from the right-of-way would have a different standard than something not visible from the right-of-way.

Director Erickson noted that the Staff was halfway through their presentation. He asked if the Board wanted to continue this evening or wait until their next meeting. In the interest of time and due to the number of items remaining on the agenda, Chair White suggested that they continue their discussion at the next meeting. Board Member Bealtebrox thought it would also give the Board members time to look at more examples of structures in town.

Planner Grahm noted that the last item was character zones. She noted that currently every location in the Historic District is treated the same. However, different neighborhoods within the Historic District have a different look and feel. The Staff discussed whether or not there should be different guidelines for different specific character zones. Planner Grahm pointed out that guidelines for character zones currently do not exist and she asked if the HPB thought it was something the Staff should look into. She suggested that the HPB think about it for the next meeting, at which time she would have examples to help with the discussion. Chair White thought Daly Avenue definitely merited some discussion.

MOTION: Board Member Beatlebrox moved to CONTINUE the discussion on the Compatibility Study to the next meeting. Board Member Melville seconded the motion.

VOTE: The motion passed unanimously.

Review of demolition permits for the following Buildings and Structures to be considered under the pending ordinance:

1. 1328 Park Avenue - Demolition Determination – The applicant is requesting to remove a minor section of exterior siding, two windows, and window trim on the south elevation of the non-historic rear addition to the historic structure.
(Application PL-15-02932)

Planner Turpen reviewed the project located at 1328 Park Avenue. The applicant was proposing to remove two non-historic windows and non-historic siding on the southern façade of an addition. The Building Department issued a building permit for that addition in 1995, which was how the Staff determined that it was non-historic.

The Staff recommended that the Board approve this demolition based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Board Member Melville noted that Finding of Fact #4 refers to the south façade and Finding of Fact #7 says north façade. Planner Turpen stated that Finding #7 should be corrected to south façade. Ms. Melville noted that the discrepancy also took place in the body of the report. She asked if it should be changed to south whenever north was referenced. Planner Turpen clarified that it should always be south and she apologized for the mistake.

Board Member Beatlebrox clarified that none of the material being removed was historic. Planner Turpen answered yes, and that it would not impact the historic structure in any way. Ms. Beatlebrox asked if they were just proposing to repair the water damage. Planner Grahn stated that when the project is completed it would look similar to what exists now.

Chair White understood that the applicant was proposing to remove the windows. Planner Turpen stated that there was extensive water damage and the windows would be replaced.

MOTION: Board Member Melville moved to APPROVE the demolition of non-historic horizontal wood siding and two windows on the south facade of the non-historic garage addition at 1328 Park Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report and as amended. Board Member Beatlebrox seconded the motion.

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Board Member Melville remarked that whatever the City does is what others would expect to be able to do. If the City is allowed to do panelization, they would have to allow it for everyone else. Planner Grahn understood from the last City Council meeting that as the owner of those properties they were deciding whether or not they wanted to suggest panelizing. Since that City Council meeting several Council members toured the site so they could have a more robust discussion to make that determination.

City Attorney, Mark Harrington, clarified that the decision was not whether or not to panelize. It was whether to authorize the Staff project manager to apply just like everyone else. He thought there was some disagreement among the Staff as to whether or not that should or should not proceed given that different standards were incorporated in the past as other projects were put forth on that property. As the owner, should the Council authorize the Staff to proceed with an application. Mr. Harrington stated that it would not be appropriate for any of the Board Members to provide input at the City Council meeting because the application could come before them at a later date and they needed to preserve their objectivity and ability to hear it. The Board was welcome to attend the City Council meeting to hear the discussion, but he recommended that they avoid making comments on the record.

Assistant City Attorney McLean stated that under the pending ordinance any panelization would come before the HPB for the initial review. The City Council could also ask the HPB for their input on City-owned project. Therefore, it could come back to the Board in two different ways.

Chair Pro Tem Stephens pointed out that this discussion was not scheduled on the agenda this evening and he suggested that they move forward with the agenda items. He asked if the Board was willing to rearrange the agenda as he previously suggested.

MOTION: Board Member Beatlebrox moved to reverse the order of the agenda and address the legislative issues first. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. Legislative - Consideration of an ordinance amending the land management code section 15, chapter 11 and all historic zones to expand the historic sites inventory and require review by the historic preservation board of any demolition permit in a historic district and associated definitions in chapter 15-15. (Application PL-15-02895)

Planner Grahm assumed the Board had read the Staff report and understood the concepts that were proposed earlier in October. She requested that the HPB move through the document section by section and provide input.

Planner Grahm referred noted that the first change at the bottom of page 111 of the Staff report was basically expanding the purposes of the HPB to review and take action on demolition permit applications. She noted that the HPB has been doing this since the pending ordinance was passed in September.

The Board supported the proposed change.

Planner Grahm referred to page 113 and noted that they were changing the language of all the historic site designations to remove, "that it has achieved significance in the past 50 years". This change was being proposed for the Landmark designation to keep the language consistent throughout all of the designations.

The Board supported the proposed change.

Planner Grahm referred to page 114 and noted that the Staff had modified the criteria for a Significant site. Director Erickson clarified that the modification expands coverage from what the previous ordinance required for Significant sites. By eliminating "it's essential historical form" and some of the other criteria, more site could be listed as Significant.

Board Member Beatlebrox noticed from the minutes of the Planning Commission meeting that the Commissioners were concerned about the idea of Contributory. She had no concerns because it is a good idea to know what is in the 10 year lead-up to 50 years and to keep that in mind. Ms. Beatlebrox stated that she would vote for the Contributory site.

Planner Grahm asked if there were any comments regarding Significant sites before they moved on to Contributory. The Board supported the proposed change.

Board Member Melville referred to the comments regarding Contributory and assumed that since the Planning Commission had forwarded a positive recommendation that their concerns had been addressed.

Planner Grahm explained that Contributory Sites would not be listed on the Historic Sites Inventory unless the Historic Preservation Board approves a grant. If a property receives a grant or the owner voluntarily designates the property as Contributory, it would go on the HSI and the HPB would review the demolition permit. If the property did not receive grant money and it was not on the

Contributory list, the owner would be asked to document the site before demolishing it.

Assistant City Attorney McLean understood that if someone received a grant, a new requirement is to put a preservation easement on the property. In addition, within the Code they would basically be treated as if they were on the HSI in terms of demolition. Ms. McLean pointed out that an owner could not voluntarily put their property on the Significant list unless they meet the required criteria for Significant designation. She noted that someone could choose to abide by the rules, but there was no mechanism under the Contributory status to preserve the structure more than anything else that is not on the list. Planner Grahn replied that she was correct.

Chair Pro Tem asked about process if a site was placed on the Contributory list and the owner wanted a demolition permit. Planner Grahn stated that it would be approved through the Historic District Design Review process and it would not come before the HPB. Mr. Stephens asked if the Staff was comfortable going in that direction. Planner Grahn answered yes, and noted that it was based on the feedback they received from the Planning Commission. Mr. Stephens asked if the Staff would have the ability to bring an item to the HPB if they were uncomfortable making the decision. Ms. McLean stated that there is no statutory limitation or prohibition on demolishing items on the Contributory List, unless they were given a grant. Being Contributory allows the owner to obtain a grant, but there is no mechanism for the HPB to review differently than Staff.

Assistant City Attorney McLean stated that another change was to broaden the definition of Significant to capture more of the older structures.

Board Member Melville asked for an explanation on the Staff policy for nominating a site to the inventory. Assistant City Attorney McLean stated that the Staff report reflected the policy that the Planning Department or the owner are the only parties that have standing to nominate a structure to be added or removed from the HIS. However, the Staff wanted it clear that members from the Museum or members from the public could contact the Planning Department and request that houses be considered for the inventory. The Staff would review the request and determine whether or not to take it before the HPB for a Determination of Significance.

Board Member Hodgkins asked if the structure could be of any age. Ms. McLean stated that in order to be Significant, the structure would either have to be 50 years old or of historical importance. Mr. Hodgkins understood that it would not include Contributory structures. Ms. McLean replied that he was correct.

Director Erickson provided an example of when a Contributory building might be considered. A member of the public could nominate a Contributory structure and

request that the Staff consider whether it would meet the criteria to be determined Significant and protected under the Significant designation. Mr. Erickson stated that in terms of the character neighborhood studies, Contributory buildings will be used as a more formal way of determining neighborhood compatibility in design reviews and in looking at the neighborhood character zones. Mr. Erickson believed it would help the Staff do a better job regulating the Historic Districts.

Chair Pro Tem Stephens commented on the policy where a third party could request that the Planning Department nominate a specific structure for listing on the Sites Inventory. He could not recall how the property owner was involved. Ms. McLean stated that the property owner could request that their structure be considered for Determination of Significance. Mr. Stephens asked whether the LMC addresses that issue. He felt that if a third party has the right to bring this to the Planning Department, the owner should be brought into the administrative discussion at the same time. Planner Grahm stated that when the City was looking at adding additional sites to the HSI in the Spring, once the property was reviewed and a date was scheduled for Determination of Significance before the HPB, the property owners of those specific sites were notified through mail and email and they had the opportunity to discuss it with the Staff. Mr. Stephens clarified that his thinking was to involve the owner in the administrative process at the beginning to possibly educate the owner on the benefits and value of having the designation of Significance. He thought it was unfair to bring in the owner after an action had already been decided. Planner Grahm was willing to look at how they could notify the owner earlier in the process. Mr. Stephens understood the noticing process, and it was more a matter of promoting goodwill.

Director Erickson stated that the Staff would do their best to establish a policy for immediately notifying the owner when their property has been requested for nomination. He thought Mr. Stephens had made a good point.

Planner Grahm referred to page 116, the relocation and/or reorientation/disassembly and reassembly and reconstruction. The proposed change would be for relocation and reorientation requests to come before the HPB for approval, rather than being approved by the Planning Department through the HDDR process. However, the Planning Director and the Chief Building Official would still weigh in on the decision. The Staff had also outlined potentially unique conditions that could warrant relocating or re-orienting buildings on different sites.

Board Member Beatlebrox thought the proposed change was logical. Board Member Melville agreed that it was important because it would relocation and reorientation significantly affects historic structures. Mr. Erickson pointed out that it also affects the character of the neighborhood. That was the reason for being overly-protective and having it reviewed by the HPB.

Chair Pro Tem Stephens commented on situations where relocation or reorientation would be appropriate. He wanted to make sure that the criteria allowed flexibility for those circumstances to occur. Assistant City Attorney McLean noted that there is language in the Code that identifies unique conditions in relation to reconstruction. The Staff had talked internally about better defining unique conditions for reorientation. Planner Grahm recalled that the Staff had discussed defining unique conditions for panelizations and disassemblies. Ms. McLean stated that "unique conditions" was a nebulous term and she recommended that the Staff should define it for clarity so an owner would know the expectations for their property.

Planner Grahm referred to the next section on pages 116 and 117 of the Staff report, disassembly/reassembly, which is panelization. Once again the change would remove the role from the Planning Department and require review and approval by the HPB. Another significant change was that prior to the pending ordinance the language said, "A licensed structural engineer had certified historic building and/or structures could not reasonably be removed intact or...". She noted that the change would be to replace **or** with **and**. They would like a structural engineer's opinion on all building that are being proposed to be panelized.

Board Member Melville asked if the applicant hires the structural engineer. Planner Grahm answered yes. Ms. Melville asked if anyone else would verify the engineer's report. Planner Grahm stated that the Building Department, the Chief Building Official, the Planning Director, and the planner would all read the substance of the report. Planner Turpen noted that the report is stamped by a licensed certified structural engineer and it is truthful in the sense that it is produced by a professional in the field. Ms. Melville pointed out that engineer would still be hired by the applicant. Director Erickson did not believe there was a problem with the accuracy of reports from engineers hired by the applicants because their license is on the line. In addition, the Chief Building Official is good at looking for holes in these reports.

Planner Grahm noted that unique conditions for panelizations may include any three of the following: 1) if the site itself is problematic or the structural conditions preclude temporarily lifting or moving the building as a single unit; 2) if the physical conditions of the existing materials prevent temporarily lifting or moving a building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic materials; 3) all other alternatives have been shown to result in additional damage or loss of historic materials.

The Staff would work with Assistant City Attorney McLean to make sure the language was correct and could be codified.

Board Member Melville wanted to know the criteria for reinforcing the building on the inside before it is moved. Planner Grahm stated that it was something that the Staff prefers that the applicant do, but they did not necessarily want it codified. If they can build a stud wall or bracing when the house is lifted, that would be preferable to panelizing. The problem is that some of the structures suffered such severe fire damage that poking a nail in the wood means the nail can go all the way through. They have to be cognizant of those situations as well. Chair Pro Tem Stephens believed that was covered under the third criteria. Planner Grahm stated that they try to discourage panelization as much as possible, but they still have to recognize that it is a form of preservation and sometimes it is necessary due to the historic fabric of the structure. Mr. Erickson noted that the bracing Ms. Melville mentioned becomes part of the preservation Plan that he and the Chief Building Official signs off based on the engineer's report.

Planner Grahm stated that Part B was again changing Planning Department to Historic Preservation Board.

Planner Grahm stated that for the reconstruction section, the language was changed to say that the Historic Preservation Board has to make that determination and not the Planning Department. She provided an example of when what would be considered reconstruction. If a house is in such poor condition it could not be panelized and the most they could do would be to salvage some historic materials that would be a reconstruction because they would be completely rebuilding the historic shape and using whatever historic materials were salvaged.

Assistant City Attorney McLean reminded the Board that these were the criteria that the HPB would be applying to applications if the Code changes are approved by the City Council. The Board needs to feel comfortable that the criteria is clear enough to help with their review.

Planner Grahm referred to the definitions on page 118 of the Staff report. She noted that the Staff had defined visual compatibility and what contributing means. They altered the definitions for demolition, demolish, and density, and also added to new definitions, which are continuity, rhythm and pattern.

Mr. Beatlebrox understood that they had not codified "vernacular" in the Guidelines; however, if they move towards the direction of defining neighborhood vernaculars she thought it should be referenced in the definitions. Planner Grahm stated that if the Board felt that it needed to be codified and that the definition of vernacular architecture is not sufficient just being in the Guidelines, they could discuss it when they discuss the Design Guidelines. Director Erickson stated that the Staff was working on drafting another round of LMC changes for the historic district that he anticipated would be presented the first quarter of 2016.

Planner Grahm referred to page 119 of the Staff report which talked about noticing for demolitions and designations. The Staff report outlined the noticing process for HDDR applications, as well as noticing for Certificate of Appropriateness for Demolition. Planner Grahm stated that when the HPB has to conduct a demolition review, it would be noticed the same as the HDDR applications. The property would be posted 14 days in advance and a courtesy notice would be mailed to the neighbors 14 days in advance.

Planner Grahm stated that currently noticing for a Determination of Significance only requires that a sign be posted on the property for seven day. The Staff was proposing to change that to 14 days and to also add a courtesy mailing notice to alert the neighbors.

Planner Grahm referred to page 121 and noted that both the HPB and the Planning Commission had requested a demolition review checklist. Items a) through f) were what the Staff was proposing.

The Board was comfortable with what was proposed.

Unless the Board had further concerns, Planner Grahm requested that the HPB make a motion to forward a positive recommendation to the City Council regarding the LMC changes.

Assistant City Attorney noted that during the Planning Commission meeting it was decided that since the HPB would be reviewing items that the Staff has reviewed in the past and the HPB had acted as the appeal body, that there needed to be an appeal body for HPB decisions. The Staff had recommended the Board of Adjustment since the Board of Adjustment currently hears HPB appeals on Determinations of Significance. Ms. McLean pointed out that there was not language to that effect in the redlines.

Director Erickson stated that if the HPB chooses to make a positive recommendation to the City Council, the recommendation should include adding notice to property owners upon request that a property be nominated for Significance. Ms. McLean questioned whether that should be codified. Mr. Erickson preferred to include it in the recommendation and let the Staff sort it out.

Director Erickson noted that the recommendation should also include that the appeal body for a determination of the HPB is heard by the Board of Adjustment.

Assistant City Attorney McLean pointed out that the pending ordinance attached to the Staff report as Exhibit A was the old pending ordinance. That was done intentionally. The Staff had not added what was in the body of the Staff report to the end because this would be the first time the City Council would review it, and

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SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT AND ASSOCIATED DEFINITIONS IN CHAPTER 15-15. (Application PL-15-02895)

Interim Planning Director Erickson noted that this item was noticed for a public hearing this evening.

Mr. Erickson commented on the draft Staff reports for possible additions to the means and methods for addressing historic structures that are contributory to the District but do not meet the level of Significant or Landmark Sites. He reiterated that he had also received the list of agreed on mine sites that are in need of protection. The Staff was crafting new language within the ordinance to make sure that mine sites are identified in subdivisions and MPDs. Mr. Erickson noted that this Item was being continued to October 14th, at which time the Staff would come back with additional information and details. He commented on the importance of hearing from the public this evening and again on October 14th.

Chair Strachan noted that the agenda indicated a continuance to September 23rd, and the Staff report indicated October 14th. Mr. Erickson replied that the correct date was October 14th.

Chair Strachan opened the public hearing.

John Plunkett voiced his support for this legislation. He and his wife moved to Park City 24 years ago. They live at 557 Park Avenue, and over that time they have redone four historic houses in town. Mr. Plunkett understood the difficulties involved in preserving historic structures, but he found it to be worthwhile. Mr. Plunkett stated that he was also speaking on behalf of two neighboring friends and property owners on Park Avenue; John Browning and Linda Cox. They wanted to thank the City for swinging the pendulum back in favor of preservation and being more careful about demolition in particular. Mr. Plunkett noted that Mr. Browning had sent in a letter that he hoped would be included in the next Staff report. Mr. Plunkett read one paragraph from the letter that he thought was important and useful. "Given the economic pressures in a resort town, regulation only of individual buildings will be corrosive. Each year a few of the least architecturally significant houses will be demolished or transformed beyond recognition. Their neighborhood will no longer look as charming or picturesque. Eventually, after some years of erosion Park City's essence could be lost." Mr. Plunkett believed the community shared the concern of not letting that happen. He appreciated the efforts of the City on this matter.

Andy Bern, a 33 year resident of Park City stated that 31 of those years have been in Old Town. Mr. Bern expressed his support for the expansion of the Historic Sites Inventory in

Old Town. He is against demolition of Historic Properties such as 569 Park Avenue. As a neighbor he knows many people who put a lot of time, money and their hearts into preserving these historic houses. Mr. Bern noted that many of his neighbors, including Mr. Plunkett, are primary residences. They were not secondary homeowners who purchased the home with the idea of maximizing their square footage for financial gain by demolishing the house and putting two buildings in its place. Mr. Bern stated that he was just a neighbor looking out for his neighbors. He appreciated the City for the Ordinance to preserve Historic Buildings and for being against demolition.

Sandra Morrison with the Park City Historical Society and Museum, offered support from the Historic Society and Museum and the Board of Trustees, and thanked the Staff and City Council for taking the step of broadening the definition of historic districts and the Historic Sites Inventory, and also for allowing the Historic Preservation Board to review all of the requests for demolition, especially the panelizations and deconstructions.

Mr. Erickson stated that Anya Grahn and Hannah Turpen were the Planners who had done the real work on this project. Neither of them was in attendance this evening, but they both deserved all the credit.

Mike Sweeney had read the Staff report and he thought it was well-written, pithy and right to the point, and it was easy to understand. It was one of the best Staff reports he has read. Mr. Sweeney wanted to express that comment and he assumed it would be passed on to Anya and Hannah because they had done a great job.

Chair Strachan closed the public hearing.

Commissioner Thimm noted that the Staff report mentioned a concern regarding the definition of demolition. He asked if there was a proposed new definition for demolition. Mr. Erickson replied that it was a convoluted situation. The question of the definition of demolition came up during a joint meeting between the City Council and the HPB. The Planning Staff proposed using the definition of demolition from the International Building Code, which is the document used by the Building Department. That proposal failed because the IBC does not have a definition of demolition. The Staff then reached out to OSHA and ANSI, the American National Standards Institute. OSHA recommended the ANSI definition of demolition. It is a broad sweeping, more rigorous definition and the City will use it in the LMC update. It covers many of the elements being covered under the ordinance regarding historic structures.

Chair Strachan suggested that the Staff also look at the definition of demolition used by other jurisdictions. Mr. Erickson stated that they were currently looking at Truckee, California, Edgartown, Massachusetts, Monroe, Ohio, Denver, Colorado, and Aspen,

Colorado. Chair Strachan suggested that they add Crested Butte to the list. Mr. Erickson remarked that they were pulling resources from the locations he named and they would also look at Crested Butte.

Commissioner Joyce asked if the ordinance had any impact on the issue of demolition by neglect. Mr. Erickson replied that they were re-writing the Demolition by Neglect section of the ordinance to make it broader and more affirmative. Currently, there is a theoretic prohibition of demolition in the LMC Historic District section. The language is badly written and they have taken language from other jurisdictions to improve Demolition by Neglect. Commissioner Joyce asked if it would apply to the broader inventory. Mr. Erickson stated that it would apply to the homes that are considered contributory, as well as the listing of mine structures that would be added to the List of Historic Sites.

Commissioner Phillips asked if a property owner would have to submit a plan for demolition and panelization when they go before the Historic Preservation Board. Mr. Erickson replied that it was a change in the making. Currently, the owner is not required to submit a plan for the first determination by the HPB because they have no idea what is inside the building. He believed that was a weak spot and the change would require a preliminary plan for demolition when it first goes to the HPB. It would give the HPB an idea of what could happen and it would make it easier to notify the public on potential options such as panelization or removal of exterior materials.

Mr. Erickson stated that giving more "demolition" authority to the HPB would give them a better knowledge of what to expect. However, with the HPB also sitting as an appeal body, it is not a good idea to have the HPB review final designs.

Commissioner Phillips remarked that in the past he has made comments that it would be helpful if there was more predictability when panelizations are approved to keep people informed. Mr. Erickson stated that demolition plans are vigorously reviewed during the HDDR process, but it is still based on the caveat that a structural engineer was willing to stamp the drawings. A second factor is not having knowledge of what is inside the walls. Mr. Erickson assumed the Planning Director would have the authority to authorize minor demolitions and exploratory work inside the building that would not affect the interior or structural integrity. For example, an exploratory could not be done around a window, but they could do it from inside the building to look for steel in the masonry.

Chair Strachan stated that once a historic structure is torn down its gone. He understood that the City makes people post a bond, but he wanted to know if they were exploring other preventative options to address those who disregard the law and the community and are willing to forfeit their bond to demolish a structure. Mr. Erickson noted that the City is allowed to charge a fine. Chair Strachan remarked that a fine does not replace the historic

structure. Mr. Erickson agreed, and noted that another drawback is that the fine could not be any higher than the State fine, which is not significant. He stated that the Staff was exploring the issue and the Legal Department was also working on other options.

City Attorney Harrington stated that it was a balancing act. Traditional criminal and civil penalties can do as much harm as good because they are more imbedded in a strict weighing of the Building Code and Dangerous Building Code. They typically do not want those options invoked in this situation. Mr. Harrington remarked that the City is limited in what they can do affirmatively. He commented on one property was in the process until the City successfully prosecuted an administrative enforcement action. However, it still had implementation problems and the owner would lose part of their bond because of it; but it was still better than where it was prior to that. Mr. Harrington remarked that each situation is very specific and it is not always a developer trying to take advantage and maximizing. Some issues are truly discovered during exploratory demolition and legitimate modifications have to be made. Mr. Harrington believed they would eventually see those field adjustments get a higher public review. It is appropriate and they would see proposals to that effect.

Mr. Harrington stated that the discussion has not focused on the deliberate decisions that the former Planning Director and Preservation Consultant made in evoking amendments to the second tier of historic significant structures. It was increased at that time with the idea that they would be more encouraging of more significant alterations as part of the balance. Mr. Harrington remarked that the phrase "bringing the pendulum back" is accurate and they were seeing a reaction to that permissiveness that was not supported at a policy level. How far back they should go must be weighed carefully. The biggest challenge has been keeping things fair given the surrounding development. Mr. Harrington believed the City Council, the Planning Commission and the HPB were aware of the problem. As much as they want to hold everyone now to the same restrictions that were put in place in the past, they faced new challenges in terms of how far they could go due to State restrictions. Mr. Harrington stated that the Staff was drafting proposals and he hoped they could be evaluated without indicting the former Staff, because what was done in the past was a deliberate attempt that just missed the mark.

Mr. Harrington believed they would see an equally important discussion with the City Council for an increased incentive in terms of funding. It must be a dual approach. It cannot just be done at the regulatory level.

Chair Strachan asked if there was criminal liability currently. Mr. Harrington stated that there could be, but it is a misdemeanor and the burden is difficult because most cases are evidentiary. The ordinance could be amended, but it would not solve the problem. Mr. Harrington believed that the City taking control of the materials at the outset, having more

oversight and dedicating the resources necessary to make sure that the approval given is implemented will be more effective; however, it will also require large resource allocations. One question will be whether to designate a City holding facility for materials. He noted that it was the approach used for High West. In order to secure the Department of Interior approval to keep the building on the list, the City had to commit to being the holding facility. He suggested that the City might have to do that more broadly, but it would come with a big price tag for the public. The flip side is how much to subsidize private developments. Mr. Harrington believed subsidies are necessary, and additional tax abatements and other things could be considered to further subsidize. The challenge is finding the balancing point.

Commissioner Campbell commented on the reference to tax abatement. He recalled that the Planning Commission had discussed that approach on another project and former Planning Director Eddington had said that it was difficult to do in Utah. That was an issue he wanted to learn more about in the future because if it is a tool they would be able to propose it. Mr. Harrington explained that tax credits have not been used or implemented in Utah as they have in other states. However, in terms of local property taxes he believed there was some latitude to do that, but it is a step that faced policy opposition in the past. Mr. Harrington remarked that the Grants are easier to administer because it is an affirmative way to enable the desired end result. Commissioner Campbell understood that it was a decision for the City Council, but he would like to know in general if there were positive incentive aspects and whether it was a tool they could recommend. He personally favored offering an incentive to help achieve the end result as opposed to threatening jail if it is done wrong.

Mr. Erickson stated that the pending ordinance has a time frame and the Staff was pushing to meet the deadline. In addition, they were also working with the City Finance Department to devise a mechanism of funding and financing and looking at the budget for Fiscal 2017. There were RDA funds and other opportunities to help subsidize.

Commissioner Phillips stated that he was having a hard time understanding the 1975 date. Mr. Erickson explained that the year 1975 was established in the pending ordinance to fix a date that was 40 years previous. Historic structures are 50 years, and the Staff wanted a 10 year window to make sure they catch every potential historic structure or structures that had modifications after the 50 year threshold but before the 40 year threshold. Mr. Erickson stated that it has been revised to a 40 year floating threshold from current date. He pointed out that the 1975 date would eventually be replaced with a 40 year threshold to see if it meets the test of being a historic site.

Commissioner Thimm asked what would be meaningful to a particular structure during the 40 to 50 year period. Mr. Erickson was unsure specifically; however, the direction in the

ordinance was to be rigorous and cast a wide net to catch something that may be historic in a home that had been reconstructed in that period. There may be historic features or a historic foundation that meets the test of history. Mine structures could also slide into that realm. Commissioner Thimm asked if a person could be limited to what they could do to a building on their property within that ten year period. Mr. Erickson answered no; not unless something is determined to be historic consistent with the City regulations. He explained that the 40 year threshold is the identification criteria that alert the Staff to make sure there are no historic elements.

Planner Whetstone noted that there were three criteria. Some of the qualifying criteria are the ones they were proposing to revise, especially the one about retaining historic form. There is also criteria on whether or not it is important to the historic era. Mr. Erickson stated that it was a policy question they were still wrestling with. Mr. Harrington remarked that it was a temporary catch-all. The second component is public information and review, and making sure there is a second set of eyes on these determinations rather than just having one person in the Planning Department make the determination. Everything goes to the HPB pending these revisions. The only change to the criteria is the increase in eligibility.

Commissioner Campbell stated that because of the publicity he has been stopped at the store and other places by people wanting to comment on the ordinance. He thought a lot of people misunderstood the intent and believed that no structure could ever be torn down if it was older than 1975. The reality is that structures must be reviewed by the HPB to determine whether or not they could be torn down. Mr. Erickson clarified that the criteria had not changed for demolitions or tearing down, but the net for looking at demolitions had grown. No one would be restricted from tearing down anything older than 40 years to the 50 year threshold, but it must be looked at first. The main philosophy is to make sure an additional Board of educated eyes is watching over the Historic District in addition to the Staff and the Planning Commission. Commissioner Campbell thought it was important to make sure the public has that understanding when this is noticed. He believed they would get less pushback if the public understood that demolitions would not be prohibited; but it would require a mandatory review.

MOTION: Commissioner Joyce moved to CONTINUE the ordinance amending the Land Management Code, Section 15, Chapter 11 in all Historic Zones to expand the Historic Sites Inventory to October 14th, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

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Director Erickson stated that this District is under constant review by the Historic Main Street Business Alliance and the two organizations managed by the City Council. It is an ongoing, constant review. Director Erickson noted that the three to five year period would allow enough time to gather evidence without being too long. Commissioner Phillips agreed with the comments made by his fellow Commissioners. He believed the amendment was in line with the intention of the General Plan.

Commissioner Worel echoed the comments of her fellow Commissioners. She thought it would be helpful to get more strategic information on why this all came to be the way it is. Commissioner Worel appreciated the comment by Mike Sweeney in regards to needing more definitions. She noted that page 96 of the Staff report talks about abandonment of buildings. She asked if someone has a business license and only open three months a year, whether the remainder of the year would be considered abandonment. Assistant City Attorney McLean stated that it would depend on the use. However, if the owner has an active business license for three weeks of the year it would not be considered abandonment. Commissioner Worel noted that it would not protect from all the dark spaces on the street. Ms. McLean stated that dark spaces would be a separate conversation. Commissioner Worel was still not clear on what would constitute abandonment. Chair Strachan believed that abandonment would be the intent to abandon the use. Ms. McLean remarked that abandonment has to do with being grandfathered in. An existing non-conforming use is allowed to continue until it is abandoned for 12 months. She pointed out that there is no way to equate that an empty building was not a use. Ms. McLean stated that the question has been raised in the past and there is a large concern by the Main Street Merchants regarding those dark spaces. She was unsure how a City could tell someone that they must have an active business inside of their building. Commissioner Worel thought there could be a way but this was not the time to discuss it.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2, Chapter 15-2.6-2 and the associated definitions in Chapter 15-15 to November 11, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

7. **Consideration of an ordinance amending the Land Management Code Section 15, Chapter 11 and all historic zones to expand the Historic Sites Inventory and require review by the Historic Preservation Board of any demolition permit in a historic district and associated definitions in Chapter 1515.**
(Application PL-15-02895)

Director Erickson reported that the information the Planning Commission was seeing for the first time was reviewed by the City Council and the Historic Preservation Board in a joint meeting a month ago. It was also reviewed in detail at the last HPB meeting.

Planner Grahn requested that the Planning Commission provide input and direction on what was being proposed. She noted that redlines have not been proposed to the LMC but the Staff would come back with those redlines.

Planner Grahn commented on six topics for discussion as outlined in the Staff report.

- 1) Historic Designations. The Staff was proposing to add a third category called Contributory and it would be for building over years old.
- 2) Define Demolition and modify the LMC definition to include the ANSI definition, which also includes dismantling, razing or wrecking.
- 3) Demolition Permit Review. The HPB has been reviewing demolition requests.
- 4) Noticing requirement for demolition reviews. Currently there is no noticing requirement and the Staff was proposing to be consistent with the requirements for the Historic District Design Review in that 14 days prior to the hearing they would post a property notice on the site, as well as send a mailing notice.
- 5) Demolition by Neglect.
- 6) Criteria for Visual Compatibility.

Following the discussion this evening, Planner Grahn requested that the Planning Commission continue this item to November 11th.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Director Erickson clarified that there was a distinction between the LMC changes and the Historic District Design Guideline changes. The distinction was in the visual compatibility section. If the Planning Commission chose to bifurcate due to time constraints, he preferred that they focus on the Land Management Code amendments since those were under the pending ordinance.

Planner Grahn commented on the change under Historic Designation to add the third category of "Contributory". The criteria for Contributory was defined on page 166 of the Staff report.

Commissioner Phillips noted that the Staff report indicated that Contributory sites would be identified through a survey that was not yet completed. He asked when that survey would be completed. Planner Grahn replied that the Staff would set the criteria and the categories. CRSA was currently conducting an intensive level survey of Old Town and the City was looking at hiring another firm to do a reconnaissance level survey of buildings that were identified as contributory. The Staff believed that approximately 113 buildings need to be surveyed. Once they have the survey results the Staff will determine whether they fall under Landmark, Significant or Contributory. Planner Grahn explained that Contributory sites would be listed on a separate list and would not be designated to the Historic Sites Inventory. If an owner receives grant funds for a Contributory building, it would be moved over and protected on the Historic Sites Inventory.

Commissioner Joyce understood that someone interesting in purchasing a historic house would know that the house was considered Contributory before buying it rather than finding out when they want to remodel or do an addition. Planner Grahn replied that he was correct. However, the challenging part is that the 40 year mark keeps moving and the list would be updated periodically to make sure everything is captured.

Chair Strachan asked if it was incumbent upon the owner to find out if the structure is on the list or whether it would show on a title report. Director Erickson stated that it would not come up on a title report. He believed it would be part of the normal due diligence that anyone should do when purchasing property.

Commissioner Band assumed that the Board of Realtors would create a form for it. She had sent the information to the Board of Realtors so they would be aware of what to expect. She thought it would be similar to the addendum that was done for soils.

Director Erickson stated that at a minimum they want to make sure they have an Inventory. The City was not interested in regulating unless a component of a historic building can be redone or a grant is awarded. They also want to make sure they have a record of history after the mining area to present day. That was the reason for the floating 40 year mark. Director Erickson remarked that the types of structures that are Contributory provide the opportunity to a better job of defining neighborhood character because they contribute to the neighborhood.

Commissioner Joyce thought the term “Contributory” was vague. He noted that A-frames are part of the ski culture in Park City and pre-1975, but there is no interest in preserving them. Director Erickson explained that the ski era buildings are contributory in terms of mass and scale, but not particularly for the A-frame design. For example, if someone was looking for a new home in and they see five homes in the neighborhood that are the same size, that would be the neighborhood compatibility for how large the new home could be. Director Erickson clarified that at this point they were not regulating ski era homes, but they want to be able to tell that story 30 years from now. If A-frames go away at least they would be documented.

Commissioner Joyce stated that his question was more about the limitations of what they will allow people to do with Contributory structures. He gave the example of owning an A-frame that was on the list. Planner Grahn explained that the A-frame structure would be evaluated by Staff and reviewed by the HPB. Commissioner Joyce was concerned about going down the path of preserving structures that were previously determined not worth saving.

Commissioner Band asked if the HPB could prohibit someone from tearing down their A-frame structure. Commissioner Phillips pointed out that just like the Planning Commission the HPB Board changes over time and in five or ten years they might be trying to decipher what was intended. Commissioner Phillips was concerned that the process left the door open for more opinionate discretion.

Planner Grahn stated that the Staff intends to create demolition review criteria that the HPB could apply so everyone is treated equally. The Staff would be working with the HPB to define specific criteria to make sure it is a fair review process.

Commissioner Band wanted to know if the HPB would have the purview to deny demolition of a Contributory home. She noted that the Planning Commission was being asked to discuss this issue, but it was difficult without seeing the criteria to understand what could or could not be done. Commissioner Band stated that the process of going through the City for anything is extremely onerous and she was concerned about adding another layer. She agreed with most of what was in the pending ordinance, but she struggled with the idea of Contributory structures because it was very vague.

Commissioner Worel concurred. She was bothered by the vagueness when she read the Staff report. Commissioner Joyce thought the language, “rhythm and pattern of the streetscape” was particularly vague. Commissioner Band was not in favor of leaving anything vague or arbitrary. The HPB review should not be a subjective process. If they establish that the HPB could not keep someone from demolishing a Contributory structure, she questioned why it would go before the HPB. Director Erickson stated that it would be

the same reason that someone would go before the HPB for a Landmark or Significant Site. It is a public decision-making process that is not left to the Staff.

Director Erickson stated that the Staff did not intend to make the language vague; however rhythm, scale and compatibility are terms of art in their profession. The Staff would come back with greater definition on those terms, along with a proper set of criteria. Director Erickson noted that there were only 113 homes to be evaluated and if they do not meet the established criteria they would not be listed.

Commissioner Campbell pointed out that the list would grow every year because of the floating 40 year mark. Commissioner Phillips stated that the citizens should not have to worry from year to year whether their structure might be listed as Contributory.

Assistant City Attorney McLean stated that from a legal standpoint it would be helpful for the Staff to address the Contributory Site. She pointed out that in order to qualify the site would have to meet items A through E on page 166 of the Staff report. She read from Item B, which states that it has to be contributing to the Mining Era Residences National Register District. She interprets that to mean that it would not be just any house. It must be contributing. She asked the Staff to clarify that statement. Ms. McLean felt it was important to recognize that what was being proposed would not prevent demolition of any contributory structure unless it received a grant from the City.

Commissioner Thimm asked if the category of contributory lined up with the contributory definitions that are part of SHPO and part of the National Register. Planner Grahn replied that the answer was yes and no. She explained that SHPO is based on the National Register. The Landmark buildings in Park City are National Register eligible or considered National Register eligible because they are located within the District and contribute. Significant buildings would most likely fall into the Contributory category based on a Reconnaissance level survey. The new Contributory category was more in response to the pending ordinance in trying to review and capture some of the buildings that are not clearly defined by Landmark and Significant.

Director Erickson stated that this was benchmarked across other Districts ranging from Breckenridge to Crested Butte to Denver to San Francisco to Salt Lake City. In most cases they have a category like Contributory. He clarified that the Park City Staff did not invent this category.

Commissioner Thimm pointed out that every year another building becomes 40 or 50 years old. He assumed there would be a survey to actually establish that and he wanted to know how often surveys would be conducted. Planner Grahn replied that currently they only looked at buildings that were 1975 and younger. She noted that in ten years those building

would be 50 years old and some may be National Register eligible. The question is whether they want to save the 40 year old buildings that were built in the 1980s. That is a decision that the community will have to make.

Commissioner Campbell questioned how something that was built in the 1980s would contribute to the Mining Era. Planner Grahm replied that it would depend on how the structure was designed. Commissioner Band stated that it was more about the story of the town. Director Erickson remarked that a replicate building could be contributory to the District and not be eligible for demolition because it received grants. Planner Grahm pointed out that if a Landmark or Significant structure was not allowed to be demolished but the City allowed reconstruction or panelization, it would remain on the Historic Sites Inventory rather than be listed Contributory. Director Erickson stated that if someone wanted to build a structure in 2015 to match a miner's home, it would probably be designated as Contributory 40 years from now.

Commissioner Joyce read from page 167 of the Staff report under Demolition Permit Review, "The purpose behind this provision is to create a vehicle for reviewing and approving the demolition (as defined above), panelization, reconstruction, rotation....of structures that are 40 years or older that are in the H District or identified as historic." He understood that any structure that was already historic would have gone through this review without the pending ordinance. The only new piece is the Contributory designation. Planner Grahm replied that he was correct. She explained that prior to this pending ordinance a panelization or reconstruction project on a Landmark or Significant structure would have been reviewed and approved by Staff. Under this pending ordinance the HPB would make that determination rather than the Chief Building Official or the Planning Director. Commissioner Joyce originally understood that nothing in the process would prevent someone from demolishing a contributory building. However, from Planner Grahm's explanation it appears that the HPB would approve or deny demolition, which means the HPB could prevent a demolition. Director Erickson agreed that the HPB could deny a demolition; however, they would have to work harder to deny at the contributory level.

Commissioner Joyce thought it was important to be clear to the public that under this ordinance a new category of buildings will be required to go through an approval process. Commissioner Band noted that one change with the ordinance is that panelization is considered demolition. Planner Grahm replied that panelization has always been considered demolition, but what is new is that the pending ordinance states that any demolition as defined by the International Building Code requires HPB review. She explained that under the IBC demolition can mean scraping the lot, panelizing or reconstruction. It can also mean cutting a 4" square for a dryer vent because the wood in that 4" square is being demolished.

Director Erickson offered to come back with additional clarification. Commissioner Campbell stated that if the HPB has to work harder to prevent a demolition of a contributory building, he wanted to know what “work harder” means. Commissioner Thimm concurred.

Commissioner Thimm stated that based on his work he was familiar with designations at the 50 year mark. He wanted to know how demolition from 40 to 49 years was different from the year 50. Planner Grahn felt the Staff needed to work on clarification because most of the Landmark and Significant structures are 100 years old. She offered to come back with suggestions to help clarify that process. Commissioner Joyce wanted to know what happens to a 40 year old building that is listed when it becomes 50 years old. Commissioner Worel asked if it would be reviewed again at the 50 year mark. Commissioner Thimm assumed that at the 50 year mark there would be a new survey that might change the designation of a Contributory building to Significant. He thought the process was nebulous as currently proposed. Commissioner Thimm recalled from how it was presented at a previous meeting that there was no change in what happened to a building from year 40 to 49, other than to identify it. He thought it now sounded like the HPB would be reviewing those structures and that review could allow a provision for denial. He believed that was a significant change from what was originally discussed. Commissioner Thimm could not say whether it was right or wrong because it was not clear.

Assistant City Attorney stated that the Staff purposely decided not to put in the redlines because they did not want to spend time redlining Code without knowing what the Commissioners would or would not support. She suggested that Planner Grahn ask questions that would help her bring back the redlines to the Planning Commission.

Planner Grahn commented on the Demolition Permit Review. She stated that currently under the pending ordinance, if a structure is 40 years or older, the HPB was reviewing any materials being removed from a structure, as well as scraping the lot, panelizing, or reconstructing. The Staff met with the HPB to hear their input. Planner Grahn stated that the HPB would like to continue reviewing items that are 40 years or older, but they do not want to review demolition of materials that are not on the historic portion of the structure such as materials from a newer addition.

Commissioner Band was not opposed, but she felt that once an addition goes through the Historic Design Review and is added to the historic structure, the entire structure then becomes historic and should be looked at as a whole. Commissioner Thimm that Commissioner Band’s thinking was consistent with SHIPO in that once a building is designated the changes are the evolution of that building.

Planner Grahn noted that the Historic Preservation Board does not do Design Review. Therefore, the HPB only looks at removal of materials and they do not have a say in what material goes back in its place.

Commissioner Joyce could not understand why the HPB would look at everything over 40 years old regardless of whether it was on the Contributory list or the HSI. He wanted to know the reason for adding the extra step on buildings that were already determined to be historically insignificant. Planner Grahn stated that buildings that were potentially historic were slipping through the cracks, which is one reason for the pending ordinance. The Staff will be relooking at strengthening the Design Guidelines to make sure the HPB has something to compare a demolition to. Director Erickson explained that the HPB has other roles and responsibilities, including preservation of historic neighborhoods. The reaction from the City Council and the public was that neighborhoods were being destroyed because buildings were being demolished, and even the non-historic buildings contributed to the neighborhood. For that reason the City tasked the HPB with protecting the neighborhood in conjunction with other LMC designated authorities.

Chair Strachan used the example of a house that goes through the analysis because it is 41 years old and it is deemed not contributory and completely insignificant. Two years later the owner decides to tear it down he then has to go through another process before the HPB and risk that the HPB could make a different determination. Chair Strachan could not understand why they needed the second process when the structure was already determined to be insignificant and a non-issue.

Chair Strachan stated they should either review all the demolition requests or create criteria for a Contributory structure, but it should not be both. An owner should not have to go through the process twice. Commissioner Band concurred. If the concern was structures slipping through the cracks then every demolition in the Historic District should go through a review process and they should eliminate the Contributory survey. Commissioner Worel agreed.

Chair Strachan was concerned about a slippery slope where the HPB could arbitrarily decide what was contributory because it would be impossible to define the criteria as specifically as they would like without using subjective terms. Commissioner Campbell agreed because what the HPB understands now could be interpreted differently by another HPB Board ten years from now. Commissioner Phillips reiterated that it was one of his biggest concerns.

Planner Grahn thought the Planning Commission had raised good questions and it was something the Staff needed to keep working through.

Commissioner Thimm asked if he was correct in assuming that there was still no definition for demolition. Planner Grahn stated that page 166 of the Staff report contained the definition from the LMC. However, the Staff was proposing to modify that definition to include more about dismantling, raising and wrecking, and to also make clear that it is not part of the CAD process. The revised definition would come back as part of the redlines.

Planner Grahn summarized that the Planning Commission wanted the Staff to clear up the vagueness, provide clarification on the 40 to 50 year process, and to create clear criteria. Chair Strachan also wanted them to revisit the idea of making someone goes through an HPB review twice.

Commissioner Band commented on Demolition by Neglect. She was in favor of strengthening the language, but she questioned how peeling handrails and trim contribute to demolition by neglect. Commissioner Joyce stated that he was trying to figure out how he would apply Demolition by Neglect in terms of what they were asking people to do to the mine sites. He asked for clarification at the next meeting regarding how this affects the mine sites and what Talisker or Vail would be required to do and what the penalty would be if they did not comply.

Director Erickson stated that a topic for another meeting would be Certificates of Appropriateness for Demolition versus Demolition by Neglect versus Building Abatement.

Commissioner Campbell commented on the fact that so many people are not aware of this ordinance and what it means. He asked if it was possible to create publicly searchable registry on the Park City website where a current homeowner or a perspective buyer could quickly find out where their house or potential purchase falls on the list. He thought it was important to publicize the new Contributory category and have the criteria easily displayed.

MOTION: Commissioner Thimm moved to CONTINUE the LMC Amendments concerning Historic Preservation to November 11, 2015. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:55 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CODE

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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

Chapter adopted by Ordinance No. 00-25

**CHAPTER 1 - GENERAL PROVISIONS
AND PROCEDURES.**

15-1 -1. SHORT TITLE.

This Title shall be known as the Park City
Land Management Code (LMC).

**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 scenic
vistas, environmentally sensitive lands,
Historic Structures, the integrity of Historic
Districts, and the unique urban scale of
original Park City,

(F) To provide for well-planned
commercial and residential centers, safe and
efficient traffic and pedestrian circulation,
preservation of night skies and efficient
delivery of municipal services,

(G) To prevent Development that adds to
existing Geologic Hazards, erosion, flooding,
degradation of air quality, wildfire danger or
other conditions that create potential dangers
to life and safety in the community or that
detracts from the quality of life in the
community,

(H) To protect and ensure access to
sunlight for solar energy devices, and

(I) To protect or promote moderate
income housing.

It is the intention of the City in adopting this
LMC to fully exercise all of the powers
granted to the City by the provisions of the

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.

(Amended by Ord. No. 06-22)

15-1 -3. CONFLICT.

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

15-1 -4. DEFINITIONS.

All capitalized proper nouns in the text of the LMC are defined terms. Defined terms are located in LMC Chapter 15-15.

15-1 -5. ZONING MAP ADOPTED.

The zoning map for Park City as adopted by the City Council and executed by the Mayor is the Official Zoning Map for Park City. Upon amendment to the Official Zoning Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

15-1 -6. ZONE DISTRICTS AND ZONE MAP.

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

(A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.

(B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

(C) There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District nor the number of landowners within the district may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.

(Amended by Ord. No. 06-22)

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

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

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

(B) **HEARINGS BEFORE PLANNING COMMISSION**. The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission shall be given by posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

(C) **ACTION BY PLANNING COMMISSION**. Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL**. The City Council must hold a public hearing on all amendments to the LMC. Notice of the hearings shall be given

by providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

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

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

- (1) The City Council makes a finding of compelling, countervailing public interest; or
- (2) The area is unregulated.

Those temporary zoning regulations may prohibit or regulate the erection,

construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

(Amended by Ord. No. 06-22)

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

(A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.

(B) No new Use shall be valid on any Property within the City unless the Use is allowed.

(C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.

(D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application per type, per Property, will be accepted and processed at a time.

(E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments, Administrative Permits, and Administrative Conditional Use permits.

(F) Projects in the Historic Districts and Historic Sites outside the Historic Districts are subject to design review under the Design Guidelines for Historic Districts and Historic Sites.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.

(H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.

(I) Variances, Special Exceptions, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

(J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other fees including engineering fees have been paid, and following applicable staff review.

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning	HPB	Board of	Planning	City

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures

15-1-5

	Department		Adjustment	Commission	Council
Allowed	X				
Allowed-Historic (HDDR)	X	<u>z</u>	<u>z</u>		
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X			z	
MPD				X	z
Change of Non-Conforming Use			X		
<u>Historic Preservation Board Review for Material Deconstruction (HPBR)</u>		<u>X</u>	<u>z</u>		
Plat Amendment				y Recommendation to CC	X
Variance			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

*All Applications shall be filed with the Planning Department. Planning Department staff makes a recommendation to the appropriate decision making body (X).

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 11-05; 12-37)

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, and Lot coverage;
 - (3) respects Lot Lines of a legally subdivided Lot;
 - (4) meets the applicable parking requirements;
 - (5) conforms to the Park City Architectural Design Guidelines and/or the Design Guidelines for Historic Districts and Historic Sites, and the architectural review process established for that zone;
 - (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and
 - (7) pertains to land in which all tax assessments have been paid.
- (B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the

issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section have not been met.

(Amended by Ord. Nos. 06-22; 09-23; 11-05)

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably

anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

(A) **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-Application conference with the Planning Department to discuss the proposed Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts.

(B) **THE APPLICATION.** An Applicant must file a Complete Application on forms provided by the Planning Department for Conditional Uses.

(C) **NOTICE/POSTING.** Upon receipt of a Complete Application, the Planning Department shall provide published notice and posting per Section 15-1 -12. NOTICE.

The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit Application and shall either approve, deny, or modify and approve the permit.

(D) **STANDARDS FOR REVIEW.**

The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

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

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

- (1) size and location of the Site;
- (2) traffic considerations including capacity of the existing Streets in the Area;
- (3) utility capacity, including Storm Water run-off;
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;

(6) internal vehicular and pedestrian circulation system;

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

(9) usable Open Space;

(10) signs and lighting;

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

(15) within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic

Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.

(F) **TRANSFERABILITY**. A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not Transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION**. Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditional Use has commenced on the project or a Building Permit for the Use has been issued.

The Planning Director may grant an extension of a Conditional Use permit for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted prior to the expiration of the Conditional Use permit.

The Planning Commission may grant an additional one (1) year extension when the

Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1.12. Extension requests must be submitted prior to the expiration of the Conditional Use permit.

(H) **APPEALS**. Appeals must be pursuant to Section 15-1 -18 herein.

(Amended by Ord. No. 06-22; 11-05; 12-37)

15-1 -11. SPECIAL APPLICATIONS.

(A) **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS**. Applications for MPDs shall be reviewed according to LMC Chapter 15-6.

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES**. The Board of Adjustment must review Applications for Variances, Special Exceptions and Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior to the issuance of any Conditional Use permit or Master Planned Development, or other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the

determination that a Board of Adjustment approval is required.

(C) **PLAT AMENDMENTS/ SUBDIVISION**. Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS**. The Planning Director, or his or her designee, shall review and take Final Action on Administrative Conditional Use permits. Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

(E) **ADMINISTRATIVE PERMITS**. The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and temporary change of occupancy permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

(Amended by Ord. Nos. 06-22; 09-10; 12-37)

15-1 -12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic Preservation Board must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter. 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 on the City's official website or in at least three (3) public locations within the municipality.

(B) **PUBLISHED NOTICE**. Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) **COURTESY NOTICE**. As a courtesy to adjacent Property Owners, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. Courtesy notice is not a legal requirement, and any defect in courtesy 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.

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

(F) **OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION**.

(1) **REGISTRATION**. Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00). The registration must consist of a copy of the Owners association's Utah State Business or corporate registration and the name(s), addresses including post office box numbers, and telephone numbers of at least three (3) authorized representatives of the Owners association and a notarized

statement certifying that these individuals are the authorized representatives of said association.

Associations not registered with the City will not be included in the published list of Owners associations and do not receive notice of Building Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the Building Department within ten (10) days of the change.

(2) **NOTICE.** Prior to, or at the time of Application for a permit for any Development, the Applicant must file with the City evidence of notification to the appropriate registered Owners association(s). Acceptable evidence of notification shall be the following:

- (a) the properly executed notice form, as approved by the City; or
- (b) a signed return receipt from a certified letter posted to the registered association representative, with a copy of the notice form approved by the City.

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an Applicant and an Owners association. Nothing herein shall be interpreted to require Owners

association consent prior to City Final Action.

(Amended by Ord. Nos. 02-57; 06-22; 09-10; 11-05; 12-37)

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) **POLICY.**

(1) **GUARANTEE REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site or Public Improvements on construction projects, it is the policy of the City to require that Developers either complete all Site or Public Improvements prior to occupancy, or if that is not possible, that adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until an adequate financial Guarantee is posted in accordance with this section. It is also the policy of the City to require Developers to post a financial Guarantee to ensure compliance with a Historic Preservation Plan whenever a Building project affects a Historic Building, Structure, Site or Object, as defined by this Title.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial Guarantee given by the Developer is limited to a contract between the City and the Developer for the express purposes of providing for the protection of City facilities, eliminating conditions which could become public nuisances, and ensuring compliance with a Historic Preservation Plan. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects, which are the fault of the Developer.

(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.** All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site and Public Improvements shown on the Site plan. Where applicable, the approved plans shall also include a Historic Preservation Plan. For purposes of this Code, the term "Site Improvement" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. The term "Public Improvement" is defined in Chapter 15 of this Title. The term "Historic Preservation Plan" means a plan approved by the Planning Director and Chief Building

Official, or their designees that specifies the Historic character of a Historic Building Structure, Site or Object, and the methods and means a Developer will use to preserve that Historic character during the Building project. Deviations from the approved plans must be approved in advance by the Chief Building Official.

(C) **GUARANTEE FOR COMPLETION.** No Certificate of Occupancy will be issued, nor any plat approved when plats are required by this Code, unless the Building and all required Site or Public Improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site or Public Improvements. When the Site or Public Improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

- (1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site or Public Improvement work remains unfinished; and
- (2) The Building Official determines that occupancy of the Buildings, or portions thereof, prior

to completion of required Site or Public Improvements is safe and that Access for emergency vehicles is adequate with the Site or Public Improvements unfinished; and

(3) The Developer posts an adequate Guarantee for the benefit of the City to insure completion of the Site or Public Improvements in full compliance with the approved plans within one (1) year from the date of plat approval, if required, or issuance of the Certificate of Occupancy, whichever occurs first.

(D) AMOUNT OF GUARANTEE FOR SITE OR PUBLIC IMPROVEMENTS.

The amount of the Guarantee for Site or Public Improvements to be posted by the Developer, shall be equal to 125% of the amount reasonably estimated by the City Engineer, or his designee, as being necessary to complete remaining Site or Public Improvements as shown on the approved plans. In the event that the Developer disputes the City's cost estimate, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in

such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF GUARANTEE.** The terms of any Guarantee arrangement offered to the City shall state a date by which the Developer agrees to have Site or Public Improvement work completed in accordance with the plans, and shall further provide that in the event that the Developer has not completed the required Site or Public Improvements work by that date, the City may at its option and on its schedule, draw on the Guarantee by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Guarantee.

(F) **FORM OF GUARANTEE.** Guarantee arrangements offered in lieu of simultaneous completion of Buildings and Site or Public Improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

(1) An irrevocable letter of credit issued by a bank authorized to do Business in the State of Utah or an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or

(2) A deposit of cash with a third party Escrow, or

(3) A deposit of cash with the City, or

(4) Some combination of the above as approved by the City or an approved equal.

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than ten percent (10%) of the lesser of the engineer's original estimated cost of completion or the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the

amount of the fees is not contested by the Developer.

(Amended by Ord. No. 14-35)

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site or Public Improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer a Guarantee for the performance of the Site or Public Improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other Guarantee held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site or Public Improvements, additional Guarantee must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST.** The City shall not be required to pay interest to the Developer on any funds in escrow or on cash held by the City as a Guarantee.

(J) **DETAILED SITE PLANS.** A detailed Site plan shall be presented, showing the location and nature of drainage works, Grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

(K) **SINGLE FAMILY HOMES.** This provision shall apply to all construction in

Park City, including single family homes, provided, however, that the amount of Guarantee required for single family homes shall be the reasonably estimated cost to complete construction of any Site or Public Improvements on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) **PHASED PROJECTS.** Site or Public Improvements applicable to each phase of a phased project or Development shall be completed or Guarantee for completion provided as each phase is constructed and either platted or occupied. Site or Public Improvements on other phases of the project shall be completed or Guarantee offered as those phases are completed.

(Amended by Ord. Nos. 02-07; 06-22; 09-09; 11-05)

15-1 -14. TERMINATION OF APPLICATIONS FOR INACTION.

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their Applications either to approval or to denial in a reasonably expeditious manner. The Planning Director may formally deny Applications, which remain inactive for a period of 180 days, or longer, due to acts or omissions of the Applicant.

(A) **TERMINATION OF APPLICATIONS.** When the Planning Director finds an Application to be inactive, the Planning Director may deny the

Application and close the files with respect to that project. No Application shall be denied on the basis of Inaction without giving fourteen (14) days written notice to the Applicant. Such notice must state the intent of the Planning Director to have the Application denied because of Inaction and the right to contest said denial to the Planning Commission.

Delays occasioned by the City shall not constitute cause for terminating an Application.

(B) **REINSTATEMENT.** An Applicant may appeal the Planning Director's denial of an Application for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate said Application subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

(Amended by Ord. No. 06-22; 11-05)

15-1 -15. PENALTIES.

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring a

civil action to enjoin and/or abate the continuation of the violation.

Private citizens of Park City or Property Owners have the right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. LICENSING.

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. VESTING.

(A) An Applicant is entitled to approval of a land Use Application if the Application conforms to the requirements of an applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

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

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

(B) The municipality shall process an Application without regard to proceedings

initiated to amend the municipality's ordinances if:

(1) 180 days have passed since the proceedings were initiated; and

(2) the proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.

(C) An Application for a land Use approval is considered submitted and complete when the Application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

(D) The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.

(B) A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

(Amended by Ord. No. 06-22)

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF.** 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. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the ~~Board of Adjustment~~ **Historic Preservation Board** as described in 15-11-

~~12(E) unless the Historic Preservation Board participated in the Design Review of a City Development project, pursuant to 15-11-6, in which case any appeal of the decision shall be reviewed by the Board of Adjustment. The Board of Adjustment in such an appeal will have the same scope of authority and standard of review as the Historic Preservation Board would have in such an appeal.~~

(B) **HISTORIC PRESERVATION BOARD (HPB)**. The City or any Person with standing adversely affected by any decision of the ~~Historic Preservation Board regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision. Historic Preservation Board may be appealed to the Board of Adjustment. Appeal of all other Final Action by the Historic Preservation Board may be appealed to the Board of Adjustment.~~

(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). 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.

(Amended by Ord. No. 10-15; 12-37; 14-37)

(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. 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 relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. The appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance.

Exception. For appeals to the Board of Adjustment, the Board shall review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority.

Exception. For appeals to the Board of Adjustment regarding Design Guidelines for Historic Districts and Historic Sites involving City Development projects, the Board shall review factual matters de novo and it shall determine the correctness of the Planning Director or Planning Staff decision in the interpretation and application of the Historic District Design Guidelines for Historic Districts and Historic Sites.

(H) **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

(I) **CITY COUNCIL ACTION ON APPEALS.**

(1) The City Council, with the consultation of the appellant, shall set a date for the appeal.

(2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.

(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) **CITY COUNCIL CALL-UP.** Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request.

The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1 -12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

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

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

- (1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City;
- (2) By mailing courtesy notice at least seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action. The City Recorder shall provide noticing for Council call-ups; and

- (3) By posting the property at least seven (7) days prior to the hearing.

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

- (1) Publishing the matter once at least fourteen (14) days prior to the hearing in a newspaper having a general circulation in Park City;
- (2) By mailing courtesy notice at least fourteen (14) days prior to the hearing to all parties who received mailed courtesy notice for the original action; and
- (3) By posting the property at least fourteen (14) days prior to the hearing.

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL.** Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

(M) **APPEAL FROM THE CITY COUNCIL.** The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an

interlocutory or final order modifying the decision.

(N) **RECONSIDERATION.** The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(O) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 10-15; 14-37)

15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE.** Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed

action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES.** The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

(C) **APPEAL.** Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and

remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) TAKINGS APPEAL BOARD.

There is hereby created a three (3) member Takings Appeal Board. The City Manager shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection (C), the City Manager shall appoint a member or sufficient members to fill the vacancies.

15-1 -20. EXACTIONS.

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

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

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

(Created by Ord. No. 06-22)

15-1 -21. NOTICE MATRIX.

(See following pages)

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.
Conditional Use Permit	14 days prior to the hearing before the	14 days prior to the hearing before the Planning	Once 14 days prior to the hearing before the

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
	Planning Commission.	Commission, to Owners within 300 ft.	Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board. <u>CAD Hearing Board.</u>	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Designation of Sites to the Historic Sites Inventory <u>Determination of Significance</u>	7 14 days prior to hearing before the Historic Preservation Board.	<u>14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet</u>	Once 7 14 days prior to hearing before the Historic Preservation Board.

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<u>Historic Preservation Board Review for Material Deconstruction</u>	<u>14 days prior to hearing before the Historic Preservation Board</u>	<u>14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet</u>	<u>Once 14 days prior to the hearing before the Historic Preservation Board</u>
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required. Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated. Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.	If appealed, then once 7 days before the date set for the appeal

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	-----	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	-----
Lot Line Adjustments: Between 2 Lots without a plat amendment.	10 days prior to Final Action on the Property. Other posted legal notice not required.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	-----
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Vacating or Changing a Street	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.
Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application. Appendix A – Official Zoning Map (Refer to the Planning Department)			

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 11-05; 12-37)

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.1-1. PURPOSE.

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) provide an Area of lower density Residential Use within the old portion of Park City,
- (C) preserve the character of Historic residential Development in Park City,
- (D) encourage the preservation of Historic Structures,
- (E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and

- (G) define Development parameters that are consistent with the General Plan policies for the Historic core.

(Amended by Ord. No. 09-14)

15-2.1-2. USES.

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family¹
- (5) Child Care, Family Group¹
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Nightly Rentals
- (2) Lockout Unit
- (3) Accessory Apartment²

¹See LMC Chapter 15-4-9 for Child Care Regulations

²See LMC Chapter 15-4-7,

- (4) Child Care Center¹
- (5) Essential Municipal and Public Utility Use, facility, service, and Building
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility⁶
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
- (12) Recreation Facility, Private
- (13) Fences greater than six feet (6') in height from Final Grade^{5,7}

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

(Amended by Ord. Nos. 06-56; 09-10)

Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

⁶ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷ See LMC Chapter 15-4-2, Fences and Walls

15-2.1-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a City Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

(B) **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(C).

(C) **BUILDING PAD (HRL DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear and Side Yard Areas.

- (1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.1. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

(D) **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of any Structure shall be located

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.1.

Lot Depth </= ft. **	Lot Width, ft. up to:	Side Yards Min. Total		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75 ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

* for existing 25' wide lots, Use HR-1 standards.

** for lots > 75' in depth use Footprint formula and Table 15-2.1a for Front and Rear Setbacks.



- (E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.1a

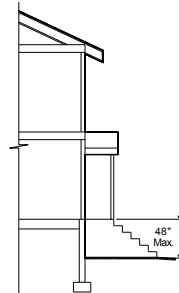
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

- (F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) Fences and walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and 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.



← →
Front Yard

(3) Decks, porches, or Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front Yard.

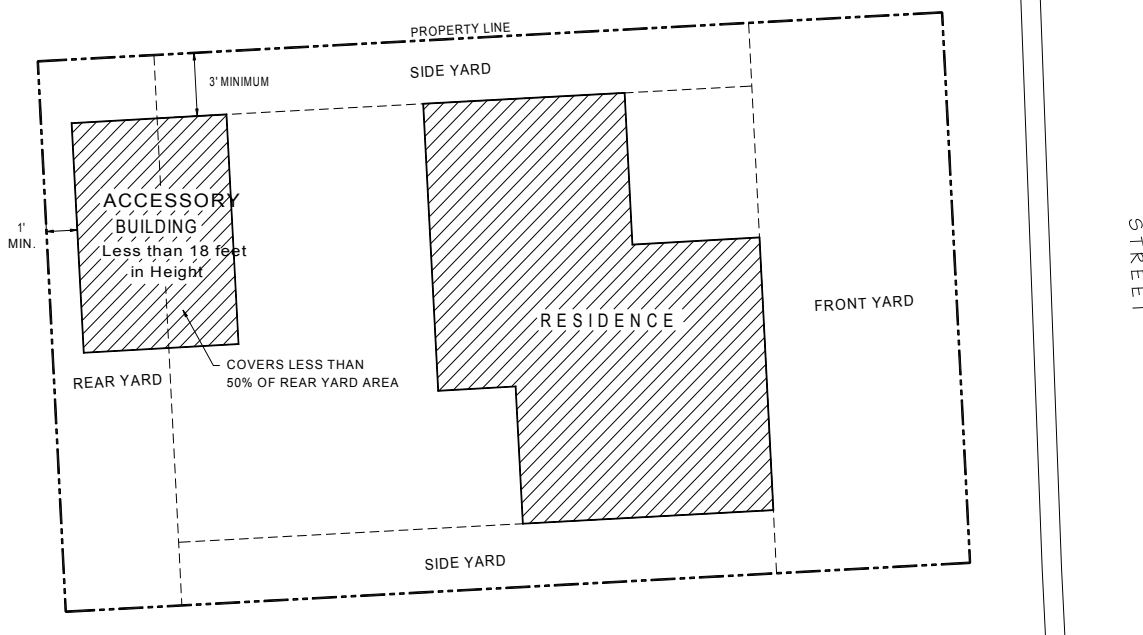
(5) Sidewalks and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for patios,

driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

(G) **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 or light wells extending not more than four feet (4') into the Rear Yard.
- (4) Roof overhangs or 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") into the Rear Yard.
- (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, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences or walls as permitted in Section 15-4-2 Fences and Walls.

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or Steps connecting to a City staircase or pathway.

(H) **SIDE YARDS.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.1.above.

(2) On Corner Lots, the minimum Side Yard that faces a side or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The

Side Yard must be open and free of any Structure except:

- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁸
- (2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁸
- (3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.⁸
- (4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') eave overhang is permitted on Lots with a side Yard less than five feet (5').⁸
- (5) Window sills, belt courses, trim, exterior siding, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.
- (7) Fences or walls, as permitted in Section 15-4-2 Fences and Walls.
- (8) A driveway leading to a garage or Parking Area.

⁸ Applies only to Lots with a Side Yard of five feet (5') or greater.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures, located a minimum of five feet (5') from the Side Lot Line.

(K) CLEAR VIEW OF

INTERSECTION. No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.1-4. 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 Accessory Apartment. Additions must comply with

Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the Uniform Building and Fire Codes.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

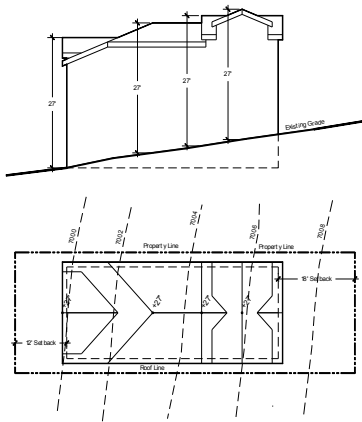
(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the

highest wall top plate that supports the ceiling joists or roof rafters.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

(C) **ROOF PITCH.** The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(1) A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



(D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) GARAGE ON DOWNHILL LOT. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design

Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and driveway.

The Planning Department shall review all Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Conditional Use permit Applications as Consent Calendar items. Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The

Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to

provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Director and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Director and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure

and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HRL District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.1-5. The Planning Director and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Planning,

Engineering, and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, and the Owner is not vested for the maximum.

(Amended by Ord. Nos. 06-56; 09-10; 09-14)

15-2.1-7. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
- (2) the reduction, mitigation or elimination of garage doors at the

Street edge.

(D) A 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, Chapter 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(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. 06-56; 09-10)

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, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the ~~Historic Preservation Board~~

Board of Adjustment as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-23)

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 (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-56)

15-2.1-10. SIGNS.

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

15-2.1-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.

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

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.2 - HISTORIC RESIDENTIAL (HR-1) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.2-1. PURPOSE.

The purpose of the Historic Residential HR-1 District is to:

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.
(Amended by Ord. No. 09-14)

15-2.2-2. USES.

Uses in the HR-1 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental¹
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family²
- (7) Child Care, Family Group²
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Duplex Dwelling

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit

²See LMC Chapter 15-4-9 for Child Care Regulations

- (2) Guest House on Lots one (1) acre or greater
- (3) Secondary Living Quarters
- (4) Accessory Apartment³
- (5) Group Care Facility
- (6) Child Care Center
- (7) Public and Quasi-Public Institution, church and school
- (8) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (9) Telecommunication Antenna⁴
- (10) Satellite Dish, greater than thirty-nine inches (39") diameter⁵
- (11) Bed and Breakfast Inn⁶
- (12) Boarding House, hostel⁶
- (13) Hotel, Minor, (fewer than sixteen (16) rooms)⁶
- (14) Residential Parking Area or Structure with five (5) or more spaces.
- (15) Temporary Improvement⁷
- (16) Passenger Tramway Station and Ski Base Facility⁸

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁶In Historic Structures only. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative or Administrative Conditional Use permit

⁸ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

- (17) Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸
- (18) Recreation Facility, Private
- (19) Fences greater than six feet (6') in height from Final Grade^{7,9}

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

(Amended by Ord. Nos. 06-56; 07-25; 09-10)

15-2.2-3 LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(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. 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.

⁹ See LMC Chapter 15-4-2, Fences and Walls

(B) **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(C).

(C) **BUILDING PAD (HR-1 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

- (a) Porches or decks with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval

based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

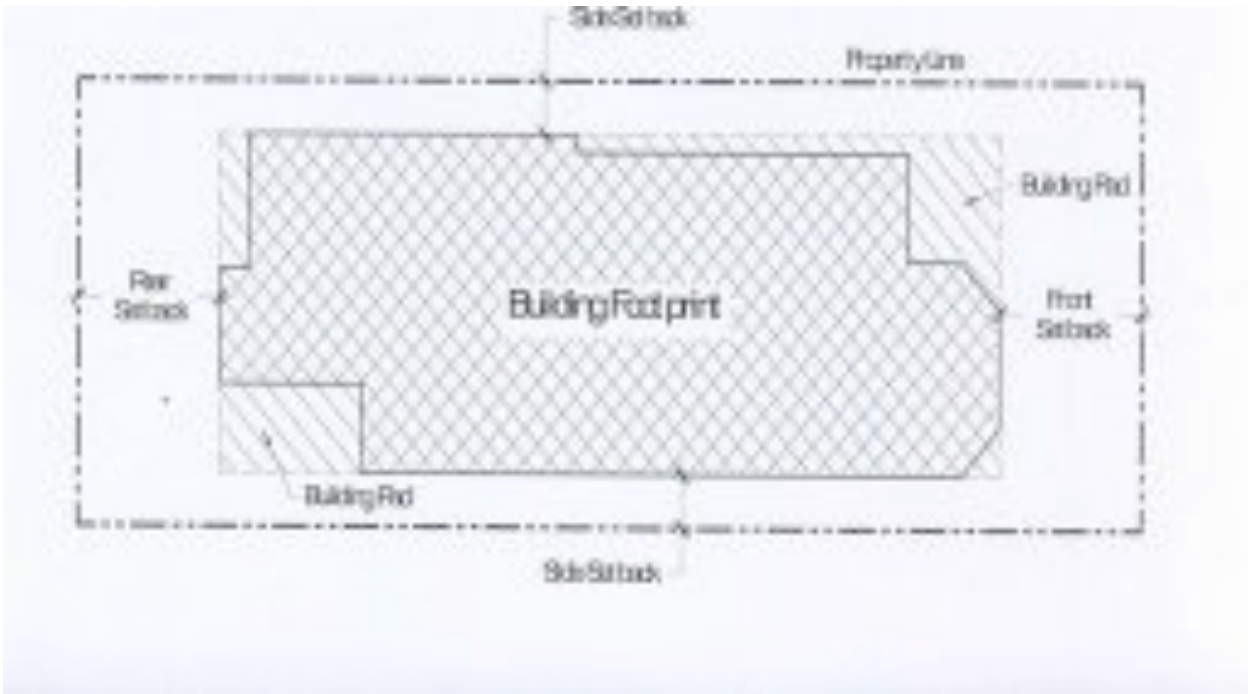
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.2. for a schedule equivalent of this formula.

TABLE 15-2.2.

Lot Depth, <= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

* for Lots > 75' in depth use footprint formula and Table 15-2.2a for front and rear Setbacks.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.2a

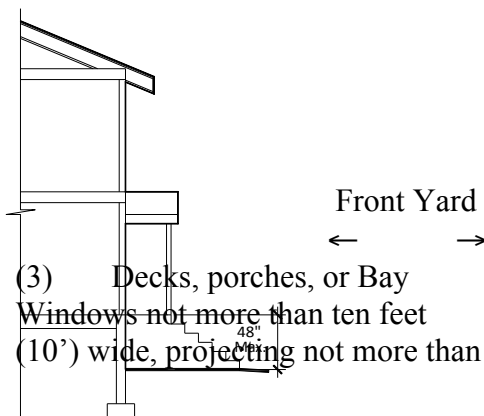
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) Fences or walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and 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.



three feet (3') into the Front Yard.

(4) Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks and pathways.

(6) Driveways leading to a Garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

(G) **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, and 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 or light wells extending not more than four feet (4') into the Rear Yard.

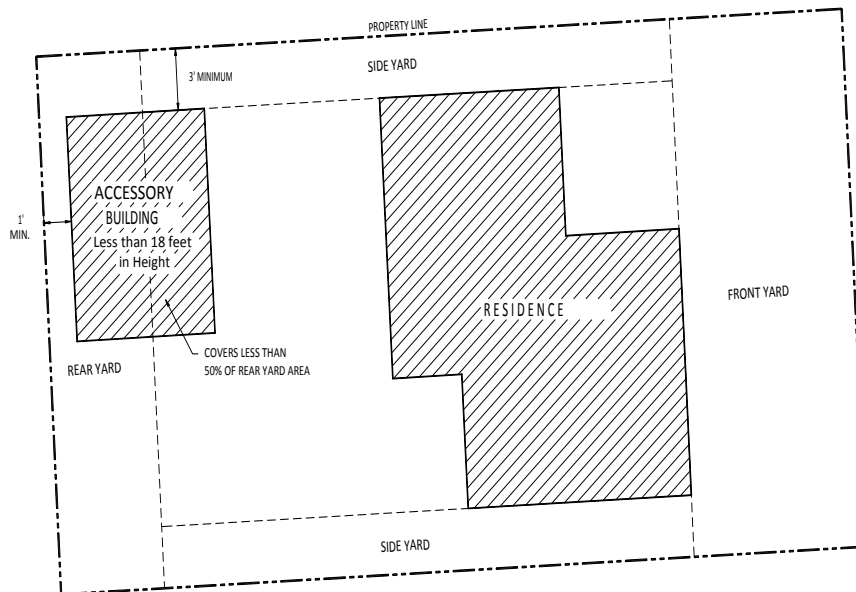
(4) Roof overhangs or eaves projecting not more than two feet (2')

into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(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) A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet

(5') from the Rear Lot Line.

(9) Fences or walls as permitted in Section 15-4-2, Fences and Walls.

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.2.above.

(2) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Yard.¹⁰

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹⁰

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹⁰

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹⁰

(5) Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade.

(7) Fences, walls, or retaining walls as permitted in Section 15-4-2, Fences and Walls.

(8) Driveways leading to a garage or Parking Area.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar

¹⁰ Applies only to Lots with a minimum Side Yard of five feet (5').

Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and

driveway location standards for additions to Historic Buildings:

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

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-5. BUILDING HEIGHT.

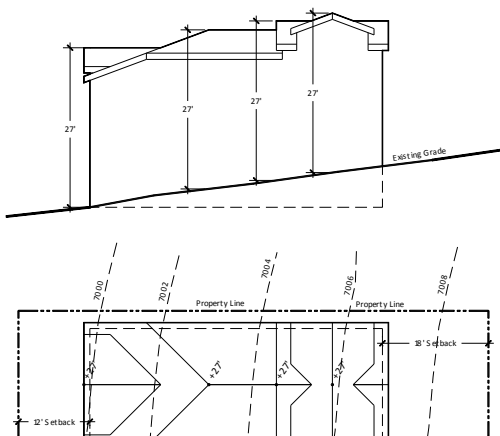
No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

- (A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
- (B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take

place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

(C) **ROOF PITCH.** The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

- (1) A Structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - (a) The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.
 - (b) The proposed option is the only feasible option for

the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and driveway.

The Planning Department shall review all Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Conditional Use permit Applications as Consent Calendar items. Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage

must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and
- (3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, the Owner is not vested for the maximum.

(Amended by Ord. Nos. 06-56; 09-10; 09-14)

15-2.2-7. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.
- (C) Common Parking Structures are allowed as a Conditional Use permit where it facilities:
 - (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
 - (2) the reduction, mitigation or elimination of garage doors at the Street edge.
- (D) A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Chapter 15-1-10.
- (E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.2-8. 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, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the ~~Historic Preservation Board~~ Board of Adjustment as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-23)

15-2.2-9. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure, or an addition thereto.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of

the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room.

(J) The Use complies with Chapter 15-1-10, Conditional Use review process.

(Amended by Ord. No. 07-25)

15-2.2-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet

(50 sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-56)

15-2.2-11. SIGNS.

Signs are allowed in the HR-1 District as provided in the Park City Sign Code (Title 12).

15-2.2-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.

- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

(Amended by Ord. No. 06-56)

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

- (1) Upper Main Street;
- (2) Upper Swede Alley; and
- (3) Grant Avenue,

(B) encourage and provide incentives for the preservation and renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,

(D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

(F) provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,

(G) ensure improved livability of residential areas around the historic commercial core,

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,

(I) encourage residential development that provides a range of housing opportunities consistent with the

community's housing, transportation, and historic preservation objectives,

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,

(K) minimize impacts of Commercial Uses on surrounding residential neighborhood.

15-2.3-2. USES.

Uses in the HR-2 District are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental²
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting³
- (6) Child Care, Family³
- (7) Child Care, Family Group³
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure with four (4) or fewer spaces
- (12) Recreation Facility, Private

(B) CONDITIONAL USES.

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²Nightly Rental does not include the use of dwellings for Commercial Uses

³See LMC Chapter 15-4-9 for Child Care Regulations

- (1) Duplex Dwelling
- (2) Secondary Living Quarters
- (3) Accessory Apartment⁴
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public or Quasi-Public Institution, church or School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁵
- (9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter⁶
- (10) Bed & Breakfast Inn⁷
- (11) Boarding House, Hostel⁷
- (12) Hotel, Minor, fewer than sixteen (16) rooms⁷
- (13) Office, General⁸
- (14) Office, Moderate Intensive⁸
- (15) Office and Clinic, Medical⁸
- (16) Retail and Service Commercial, Minor⁸
- (17) Retail and Service Commercial, personal improvement⁸

⁴See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷In Historic Structures only

⁸In Historic Structures and within Sub-Zones A and B subject to compliance with all criteria and requirements of Section 15-2.3-8 for Sub-Zone A and Section 15-2.3-9 for Sub-Zone B.

- (18) Cafe or Deli⁸
- (19) Restaurant, General⁸
- (20) Restaurant, Outdoor Dining⁹
- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility¹⁰
- (25) Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- (26) Recreation Facility, Private
- (27) Fences greater than six feet (6') in height from Final Grade¹¹
- (28) Limited Commercial expansion necessary for compliance with Building/Fire Code egress and Accessibility requirements and support Uses associated with HCB Commercial Use¹²
- (29) Bar⁸
- (30) Special Events⁸

(Amended by Ord. Nos. 06-56; 09-10; 10-14; 12-37)

(C) **PROHIBITED USES.**

⁹Subject to an Administrative Conditional Use Permit, and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9.

¹⁰ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

¹¹ See LMC Chapter 15-4-2, Fences and Walls

¹² Subject to compliance with the criteria set forth in Section 15-2.3-8(B).

Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 04-08; 12-37)

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

The Planning Commission shall review any Conditional Use permit (CUP) Application in the HR-2 District according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

(A) Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4.

(B) The Applicant may not alter an Historic Structure to minimize the residential character of the Building.

(C) Dedication of a Facade Preservation Easement for Historic Structures is required to assure preservation of Historic Structures and the Historic fabric of the surrounding neighborhood.

(D) New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking

requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

(F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

(G) Fencing and Screening between residential and Commercial Uses may be required along common Property Lines.

(H) All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.

(Amended by Ord. No. 06-56; 10-14; 12-37)

15-2.3-4. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process. 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.

(B) **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur with exceptions as allowed in Section 15-2.3-4.

(C) **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

- (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 Design Guidelines for Park City's Historic Districts and Historic Sites; and (b) maintains the intent of this section to provide	horizontal and vertical Building articulation. <u>(D) BUILDING FOOTPRINT (HR-2 DISTRICT).</u> (1) The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet. (2) See Section 15-6-5(B) for maximum allowed Building footprint for Master Planned Developments within the HR-2 District.
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$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519 \text{ sq. ft.}$

See the following Table 15-2.3. for a schedule equivalent of this formula.

TABLE 15-2.3.

Lot Depth, ≤ ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula

* for Lots > 75' in depth use footprint formula and Table 15-2.3a for Front and Rear Setbacks.

(E)



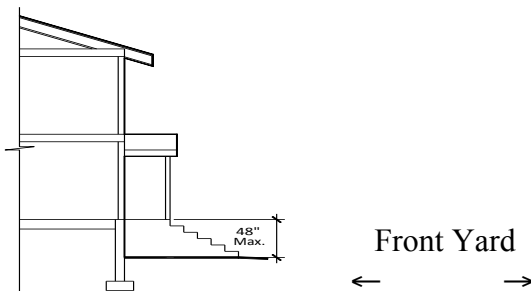
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) FRONT YARD EXCEPTIONS.

The Front Yard must be open and free of any Structure except:

(1) Fences or walls not more than four feet (4') in height or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.

(2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



(3) Decks, porches, or Bay Windows not more than ten feet (10') wide projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves or

cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks and pathways.

(6) Driveways leading to a Garage or Parking Area. No portion of a Front Yard except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

(7) Single car detached Garages approved as part of a Master Planned Development in Subzone A.

(G) 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, and projecting not more than two feet (2') into the Rear Yard.

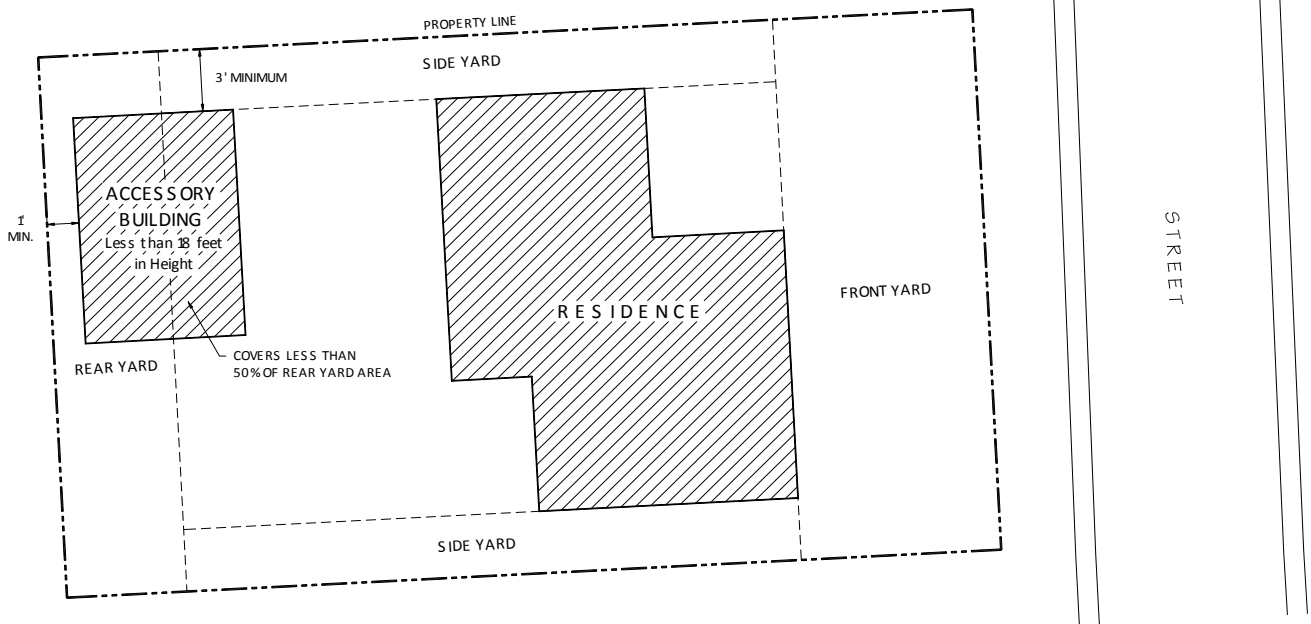
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells or light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or 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") into the Rear Yard.

(6) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum 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, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences or walls not more than six feet (6') in height or as permitted in Section 15-4-2.

(10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in width, as per Table 15-2.3 above.

(2) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the

Side Yard.¹²

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹²

(5) Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.

(7) Fences or walls not more than six feet (6') in height or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or Parking Area.

(9) Pathway or steps connecting to a City staircase or pathway.

(10) Detached Accessory Buildings not more than eighteen

¹² Applies only to Lots with a minimum Side Yard of five feet (5')

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) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(L) **MASTER PLANNED DEVELOPMENTS**. The Planning Commission may increase or decrease Setbacks in Master Planned Developments in accordance with Section 15-6-5 (C); however the above Grade spacing between houses shall be consistent with the spacing that would result from required Setbacks of the Zone and shall be Compatible with the historic character of the surrounding residential neighborhood. The Planning Commission may increase or decrease Maximum Building Footprint in Master Planned Developments in accordance with Section 15-6-5 (B).

(Amended by Ord. Nos. 06-56; 09-10; 10-14)

15-2.3-5. 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, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings, including detached single car Garages:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition, Garage, and/or driveway location is Compatible with the historic character of the surrounding residential neighborhood and the existing Historic Structure,
- (3) When the new Construction complies with all other provisions of this Chapter, and
- (4) When the new Construction complies with the Uniform Building and Fire Codes and snow shedding and snow storage issues are mitigated.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

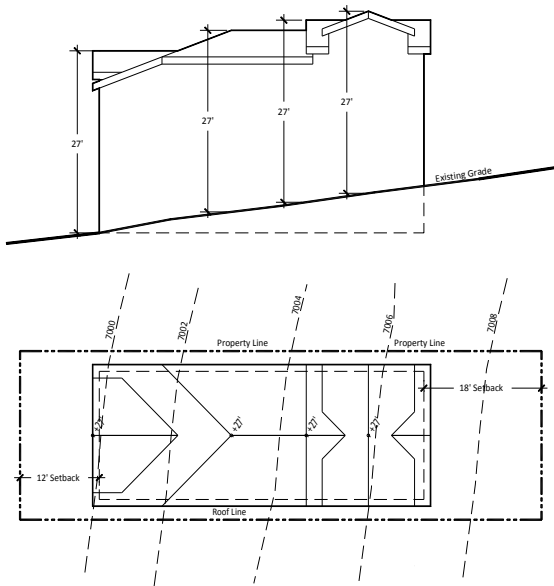
(B) A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD

requirements of Section 15-6-5(F). The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.

Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

(C) **ROOF PITCH.** The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.

(1) A Structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets, railings, or similar features shall not exceed twenty four (24") above the highest top plate mentioned above.



(D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - (a) The proposed height exception is only for the Area

of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) GARAGE ON DOWNHILL LOT. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 10-14; 13-48)

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, and Chapter 15-5.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use Permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and driveway.

The Planning Department shall review all Conditional Use permit applications and forward a recommendation to the Planning Commission. The Planning Commission may review Conditional Use permit Applications as Consent Calendar items. Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing

contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-2 District is twenty-seven feet (27') and is restricted as stated

above in Section 15-2.3-6. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between the proposed Structure and the historic character of the neighborhood's existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and
- (3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit

issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply. The Owner is not vested for the maximum.

(Amended by Ord. Nos. 06-56; 09-10; 10-14)

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 Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

(1) All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development

requirements of Section 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot.

(2) All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements.

(3) All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6.

(4) Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1).

(5) A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.

(6) The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.

(7) All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.

(8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics.

(9) No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts.

(10) The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development.

(11) Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation.

(12) Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development.

(13) The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood.

(14) Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB

Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section.

(15) Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).

(Amended by Ord. No. 10-14)

15-2.3-9. SPECIAL REQUIREMENTS FOR SUB-ZONE B

(A) Sub Zone B consists of Lots in the HR-2 District that are located in the following Areas:

(1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and

(2) West of Main Street within Block 13 and fronting on Main Street.

(B) The following special requirements apply only to those Commercial Uses as listed in Section 15-2.3-2 for Sub Zone B:

(1) These Commercial Uses are allowed as a Conditional Use permit review requirements in Section 15-1-10.

(2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the

Property and its environment. New additions shall be subordinate to the existing Structure.

(3) Adaptive reuse of residential Historic Structures for commercial Uses may impose only minimal changes to the defining Architectural Detail.

(4) New Construction must be residential in character and comply with the Design Guidelines for Park City's Historic Districts and Historic Sites for residential construction and all Lot and Site requirements of Section 15-2.3-4.

(5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.

(6) The Historic Structure shall be restored or rehabilitated according to the requirements of LMC Chapter 4 as a condition precedent to approval of the Conditional Use permit.

(7) Any adjoining Historic Structures, under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit.

(8) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use permit.

15-2.3-10. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.
- (C) Common Parking Structures are allowed as a Conditional Use where it facilitates:
- (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
 - (2) the reduction, mitigation or elimination of garage doors at the Street edge.
- (D) A 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 in order to eliminate garage doors facing the Street, to remove cars from on-Street Parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.
- (F) Turning radii are subject to review by the City Engineer as to function and

design.

- (G) See Section 15-3 Off Street Parking for additional parking requirements.

- (H) Parking Areas with five (5) or more spaces within Subzone A shall be accessed from a Street other than Park Avenue if the Parking Area also serves HCB Uses, and such Parking Areas shall be below the Grade of Park Avenue and beneath residential structures facing and fronting on Park Avenue.

(Amended by Ord. Nos. 06-56; 09-10; 10-14)

15-2.3-11. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the ~~Historic Preservation Board~~ Board of Adjustment as outlined in 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-10; 09-23; 10-14)

15-2.3-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional

Use. No Conditional Use permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure or addition thereto.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).
- (I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the inn. The Planning Commission may waive the parking requirement for Historic Structures, if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic

Structures or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

- (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

- (J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.3-13. MECHANICAL SERVICE.

No free standing mechanical equipment is allowed in the HR-2 zone with the exception of individual residential mechanical units serving Single family and Duplex Dwelling units within the HR-2 District, subject to the Lot and Site Requirements of Section 15-2.3-4. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view and does not exceed the allowable decibel levels of the City's Noise Ordinance from nearby residential Properties.

Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration to adjoining Properties. Refuse collection and storage Areas must be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

(Amended by Ord. Nos. 06-56; 10-14)

15-2.3-14. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall to window 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 15-2.3-14(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission. These Commercial outdoor Uses are not allowed within Subzone A

(1) **OUTDOOR DINING.** Outdoor Dining is subject to the following criteria:

- (a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli Use.
- (b) The proposed seating Area is located on private Property or leased public

Property and does not diminish parking or landscaping.

(c) The proposed seating Area does not impede pedestrian circulation.

(d) The proposed seating Area does not impede emergency Access or circulation.

(e) The proposed furniture is Compatible with the Streetscape.

(f) No music or noise in excess of the City Noise Ordinance, Title 6.

(g) No Use after 10:00 p.m.

(h) No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS.** Commercial Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is located within Sub-Zone B only.

(b) The Use is on private Property or leased public Property and does not

diminish parking or landscaping.

(c) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(d) The Use is Compatible with the neighborhood.

(e) The proposed service station does not impede pedestrian circulation.

(f) The proposed service station does not impede emergency Access or circulation.

(g) Design of the service station is Compatible with adjacent Buildings and Streetscape.

(h) No violation of the City Noise Ordinance, Title 6.

(i) Compliance with the City Sign Code, Title 12.

(3) COMMERCIAL OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes for Commercial purposes is subject to the following criteria:

(a) Located within the Sub-Zone B only.

(b) 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.

(c) 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.

(d) No more than a total of three (3) pieces of equipment may be displayed.

(e) Outdoor display is allowed only during Business hours.

(f) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Located in Sub-Zone B only. Outdoor events and music require an Administrative Conditional Use 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 needs.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is displayed on private Property

directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. Allowed in Subzone B only. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code,

or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor

of the Building.

(i) No additional signs are allowed. A sales tag, four 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; 06-56; 10-14)

15-2.3-15. VEGETATION PROTECTION.

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

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of

Significant Vegetation consistent with
Landscape Criteria in LMC Chapter 5.

(Amended by Ord. Nos. 06-56;10-14)

15-2.3-16. SIGNS.

Signs are allowed in the HR-2 District as
provided in the Park City Sign Code, Title
12.

15-2.3-17. RELATED PROVISIONS.

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

(Amended by Ord. Nos. 06-56;10-14)

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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.4 - HISTORIC RESIDENTIAL - MEDIUM DENSITY
(HRM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.4-1. PURPOSE.

The purpose of the Historic Residential Medium Density (HRM) District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- (E) encourage Affordable Housing,
- (F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and

- (G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

15-2.4-2. USES.

Uses in the HRM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation

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

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments.

³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family⁴
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Group Care Facility
- (4) Child Care Center⁴
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility Service, and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁶
- (9) Bed and Breakfast Inn⁷
- (10) Boarding House, Hostel⁷
- (11) Hotel, Minor⁷
- (12) Office, General⁸

⁴ See LMC Chapter 15-4-9 for Child Care Regulations

⁵ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁶ See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷ Allowed only in Historic Structures or historically Compatible Structures

⁸ Allowed only in Historic Structures

- (13) Retail and Service Commercial, Minor⁸
- (14) Retail and Service Commercial, personal improvement⁸
- (15) Neighborhood Market, without gasoline sales⁸
- (16) Cafe, Deli⁸
- (17) Café, Outdoor Dining⁹
- (18) Parking Area or Structure with five (5) or more spaces
- (19) Temporary Improvement¹⁰
- (20) Recreation Facility, Public
- (21) Recreation Facility, Private
- (22) Outdoor Events¹⁰
- (23) Fences greater than six feet (6') in height from Final Grade¹⁰

(C) PROHIBITED USES. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.4-3. CONDITIONAL USE PERMIT REVIEW.

The Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. The Planning

⁹ Requires an Administrative Conditional Use permit. Allowed in association with a Café or Deli

¹⁰ Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as well as the following:

- (A) Consistent with the Design Guidelines for Park City’s Historic Districts and Historic Sites.
- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.
- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.
- (E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.
- (F) All Yards must be designed and maintained in a residential manner. Existing Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

- (G) Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.
- (H) All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

(Amended by Ord. No. 06-69; 12-37)

15-2.4-4. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- (A) **LOT SIZE.** Minimum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at

least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3, Conditional Use Permit Review.

(B) **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') from the Front Lot Line. Existing platted Lots of record, with a minimum width of at least twenty five feet (25'), are considered legal Lots in terms of Lot Width. In the case of unusual Lot configurations, Lot Width measures shall be determined by the Planning Director.

(C) **FRONT YARD.**

(1) The minimum Front Yard for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet (75') or less, then the minimum Front Yard is ten feet (10').

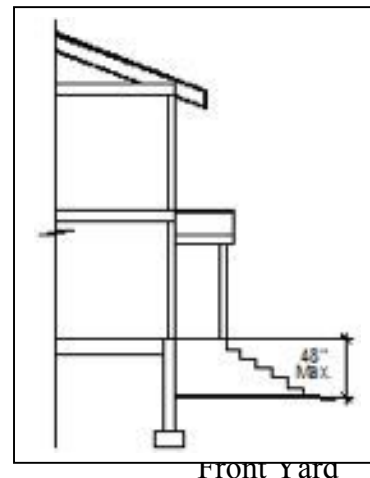
(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.

(3) See Section 15-2.4-5 for special requirements for Triplexes and Multi-Unit Dwellings.

(D) **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 (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 a 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 and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

(E) REAR YARD.

(1) The minimum Rear Yard is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.

(2) See Section 15-2.4-5, Special Requirements for Multi-Unit Dwellings.

(F) REAR YARD EXCEPTIONS.

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

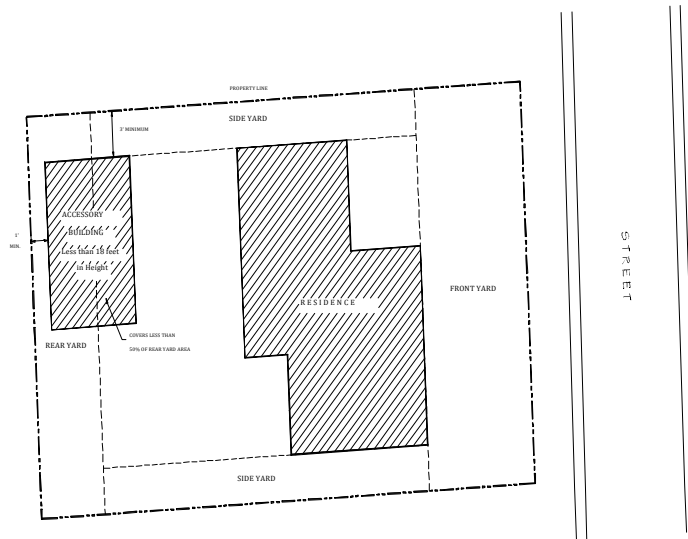
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(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 three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum 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) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.
- (8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.
- (9) Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2.
- (10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(G) SIDE YARD.

- (1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').
- (2) The minimum Side Yard for Lots twenty-five feet (25') wide or less is three feet (3').
- (3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest

dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

(4) The minimum Side Yard for a detached Accessory Building, not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building, is three feet (3').

(5) On Corner Lots, the minimum Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(6) See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹¹

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window well and light wells projecting not more than four feet (4') into the Side Yard.¹²

¹¹ Applies only to Lots with a minimum Side Yard of five feet (5').

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.¹²

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade.

(7) Fences, walls and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City staircase or pathway.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner

Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section 15-15 Open Space. In cases of redevelopment of

existing historic sites on the Historic Sites Inventory and containing at least fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

(Amended by Ord. Nos. 09-10; 12-37; 13-42)

15-2.4-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** For additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,

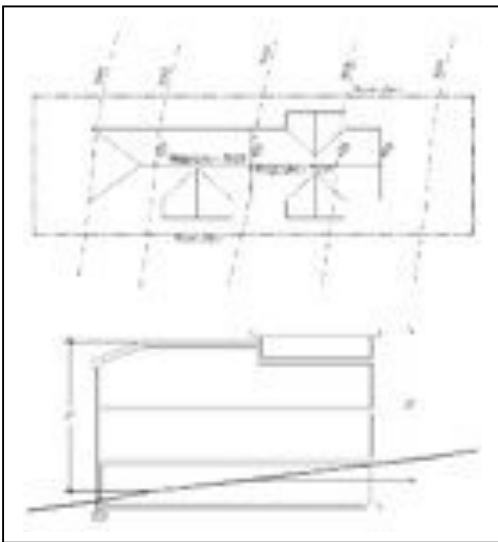
(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. Nos. 06-69; 13-42)

15-2.4-7. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Antennas, chimney, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to

comply with International Building Code (IBC) requirements.

(2) Mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(3) Church spires, bell towers, and like architectural features as allowed under 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.

(4) 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 Zone Height requirements and the plans comply with height exception criteria in Section 15-2.1-6(10)(a-j).

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.4-8. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed

along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use permit where it facilities:

(1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Section 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.4-9. SULLIVAN ROAD ACCESS.

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”). “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

(A) CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

(B) NEIGHBORHOOD MANDATORY ELEMENTS

CRITERIA. The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) **UTILITY CONSIDERATIONS.** Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.

(2) **ENHANCED SITE PLAN CONSIDERATIONS.** These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

- (a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.
- (b) Increased Front Yard Setbacks.
- (c) Increased snow storage.
- (d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.
- (e) Elimination of Multi-Unit or Triplex Dwellings.
- (f) Minimized Access to Sullivan Road.

(g) Decreased Density.

(3) **INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE.** Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.

(4) **PARKING MITIGATION.** Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

(C) **AFFORDABLE HOUSING APPLICABILITY.** When the Development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution, Section 15-2-4-9(B) above does not apply.

(Amended by Ord. No. 06-69; 13-42)

15-2.4-10. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 5-5 are heard by the ~~Historic Preservation Board~~ **Board of Adjustment** as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.4-11. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use subject to an Administrative Conditional Use permit. No Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure, 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 a Historic Structure, 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.

(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. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Bed and Breakfast Inn. The Planning

Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-69)

15-2.4-12. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The Use must 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.

15-2.4-13. 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 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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

(Amended by Ord. No. 06-69)

15-2.4-14. SIGNS.

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

15-2.4-15. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-5-13.
- Telecommunication Facility. LMC Chapter 15-5-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC 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.

PARK CITY MUNICIPAL CODE
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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.

(Amended by Ord. No. 07-55)

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

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4,

- (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**⁹.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility

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 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, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street

- (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 Conversions⁵
- (12) Private Residence Club Project and Conversion^{4,5}
- (13) Office, Intensive⁵
- (14) Office and Clinic, Medical⁵
- (15) Financial Institution, without drive-up window⁸
- (16) Commercial Retail and Service, Minor⁸

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

⁹No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

-
- (17) Commercial Retail and Service, personal improvement⁸
 - (18) Neighborhood Convenience Commercial, without gasoline sales
 - (19) Café or Deli⁸
 - (20) Restaurant, General⁸
 - (21) Restaurant and café, Outdoor Dining⁴
 - (22) Outdoor Events and Uses⁴
 - (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
 - (32) Special Events⁴

(C) **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(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:

(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')

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 ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

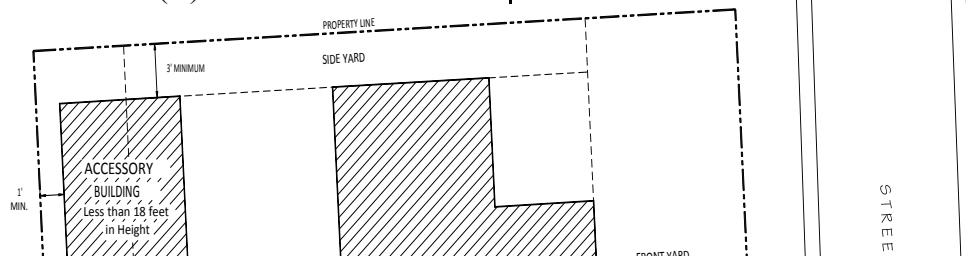
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(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 the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed one hundred feet (100').

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide, projecting not more

than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City stairway or pathway.

(10) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three 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.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-4. ACCESS.

(A) **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

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 new construction consistent with the Historic District Design Guidelines, the Planning Director may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-69)

15-2.5-7. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review

LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the ~~Historic Preservation Board~~ **Board of Adjustment** as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.5-8. MECHANICAL

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Building, and Engineering Departments. The staff will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.5-9. SERVICE ACCESS.

All Development must provide an on-Site

refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards.

15-2.5-10. HEBER AVENUE SUB-ZONE.

Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (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) 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.

(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:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-69)

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.5-13(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor uses may be allowed by the Planning Department upon the issuance of an

Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental Actions are heard by the Planning Commission.

(1) OUTDOOR DINING.

Outdoor dining requires an Administrative Conditional Use Permit and is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance, Title 6.
- (f) No Use after 10:00 p.m.
- (g) Review of the

Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations require an Administrative Conditional Use permit and are subject to the following criteria:

- (a) The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (c) The Use is Compatible with the neighborhood.
- (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, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes, requires an Administrative Permit subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, or 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 a Historic Structure if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business

hours.

(e) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impact on adjacent residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical, sign, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to an Administrative Permit subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is

prohibited from being permanently affixed to any building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) the display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four (4) square inches or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.) The proposed display shall be in 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)

15-2.5-14. VEGETATION

PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-69)

15-2.5-15. SIGNS.

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

15-2.5.16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.

- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC 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.

PARK CITY MUNICIPAL CODE
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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.

(Amended by Ord. No. 07-55)

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

- (A) **ALLOWED USES.**

- (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 Inn⁶
- (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

¹ Prohibited in storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way

²Nightly Rental of Lock Units requires a Conditional Use permit

³See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

⁴Nightly 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

⁶Requires an Administrative or Administrative Conditional Use permit

- (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 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
- (4) Telecommunication Antenna⁸

⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

⁸See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁹
- (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 Conversion^{1,6}
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive¹
- (13) Restaurant, Outdoor Dining⁶
- (14) Outdoor Events and Uses⁶
- (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

⁹See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

- (22) Fences greater than six feet (6') in height from Final Grade⁶
- (23) Private Residence Club, Off-Site¹
- (24) Special Events⁶

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

(Amended by Ord. Nos. 02-38; 04-39; 06-69; 07-55; 09-10; 12-37)

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.** 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.

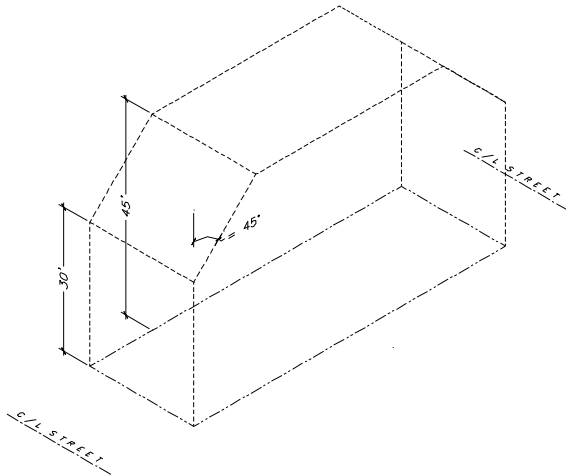
(Amended by Ord. No. 06-69)

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 Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

15-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

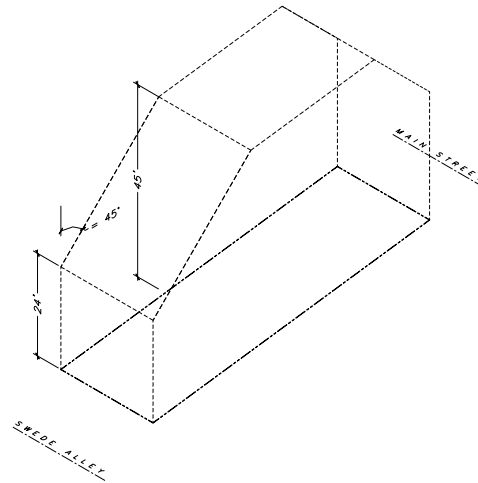
(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.



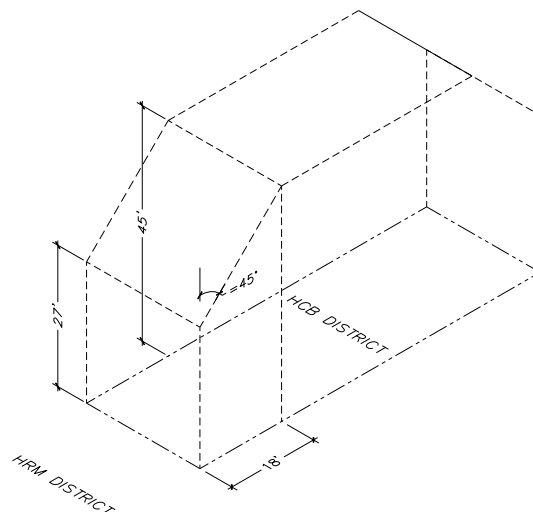
(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

(C) For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Yard Property Line to a height of twenty-four feet (24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five

feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and 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 Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the ~~Historic Preservation Board~~ Board of Adjustment as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.6-7. SWEDE ALLEY DEVELOPMENT CRITERIA.

In addition to the standards set forth in this Chapter, all Development abutting Swede Alley must comply with the following criteria:

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45B) to a maximum height of

twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-Story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged.

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure.

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede Alley facade may have the same height or Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are strongly encouraged. Uniform height and Setbacks are discouraged.

(D) Provisions for public Open Space, open courtyards, and landscaping are strongly encouraged.

(E) Pedestrian connections from Swede Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored.

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should

be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited.

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area.

(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,

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

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 requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

An Applicant may appeal the staff's measurement of Floor Area to determine the parking requirement to the Board of Appeals in accordance with the International Building Code.

The Planning Commission may recommend to the City Council that new additions to Historic Structures be exempt from a portion of or all parking requirements where the preservation of the Historic Structure has been guaranteed to the satisfaction of the City.

(D) **PRE 1984 PARKING EXCEPTION.** Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of

Units, the Building Area is the total Area of the Unit.

1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.

(E) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.6-10. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Engineering, and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.6-11. ACCESS, SERVICE AND DELIVERY.

All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial Uses shall not be from residential districts, such as HR-1 and HR-2.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection, and must be removed no later than 10:00 AM on the day of collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic. Except when set out for collection pursuant to this Section, refuse containers shall be

placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR-1 and HR-2)

(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.

(B) OUTDOOR USES PROHIBITED/EXCEPTIONS. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described

herein. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) OUTDOOR DINING.

Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance, Title 6.
- (f) No Use after 10:00 p.m.
- (g) Review of the Restaurant's seating capacity to determine appropriate

mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

- (a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (c) The Use is Compatible with the neighborhood.
- (d) The proposed service station does not impede pedestrian circulation.
- (e) The proposed service station does not impede emergency Access or circulation.
- (f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.
- (g) No violation of the City Noise Ordinance, Title

6.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.**

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

- (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 displaying the item.
- (b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.
- (c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the

Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way,

including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four 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.
- (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:
 - (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal

of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

- (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

- (J) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-69)

15-2.6-14. VEGETATION PROTECTION.

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

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

(Amended by Ord. No. 06-69)

15-2.6-15. SIGNS.

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

15-2.6-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC 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.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION

*Chapter adopted by Ord. No. 02-07;
Chapter Amended in Entirety by Ord. No.
03-34*

**CHAPTER 11 – HISTORIC
PRESERVATION**

**15-11-1. ESTABLISHMENT OF
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

(Amended by Ord. No. 06-69)

**15-11-2. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise

and such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIR.** The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely for that meeting.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair may vote at the meetings.

(Amended by Ord. Nos. 07-34; 09-10; 11-05)

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;

(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;

(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites; ~~and~~

(I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; ~~and~~

(J) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.

(Amended by Ord. No. 09-23)

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

(Amended by Ord. No. 09-23)

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

(B) National Trust for Historic Preservation.

(C) Utah State Division of History.

- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

(Amended by Ord. Nos. 06-35; 09-23)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

- (A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic

Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

- (B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

- (C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

- (D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

- (E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a

new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. Nos. 09-09; 09-23)

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

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

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

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance ~~in the past fifty~~ (50) years or if the Site is of

exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached

or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- (a) It is at least fifty (50) years old ~~(this includes buildings not historic to Park City that were relocated to prevent demolition) or has achieved Significance in the past fifty (50) years if~~ the Site is of exceptional importance to the community; and

- (b) It retains its ~~Essential~~ Historical Form, ~~meaning there are no major alterations that have destroyed the Essential Historical Form as~~ may be demonstrated but not limited by any of the following:

- ~~(i) It previously received a historic grant from the City;~~
- ~~or~~
- ~~(ii) It was previously listed on the Historic Sites Inventory; or~~
- ~~(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources;~~
- ~~or~~

- (c) It has one (1) or more of the following:

- (i) It retains its historic scale, context,

materials in a manner and degree which can be restored to

Essential Historical Form even if it has non-historic

additions; and Major alterations that destroy the Essential Historical Form include:

- ~~(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner;~~
- ~~or~~

- ~~(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance; or~~
- ~~(iii) Moving it from its original location to a Dissimilar Location;~~
- ~~or~~

- ~~(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the~~

~~primary public Right of Way.~~

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

~~(e)~~ (d) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

- (i) An era of Historic importance to the community, or
- (ii) Lives of Persons who were of Historic importance to the community, or
- (iii) Noteworthy methods of construction, materials, or craftsmanship used

during the Historic period.

(3) CONTRIBUTORY SITE. Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the Planning Department finds it meets all the criteria listed below:

(a) The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and

(b) Meets one of the following:

(i) Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or

(ii) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

- (a) An era of Historic importance to the community; or
- (b) Lives of Persons who were of Historic importance to the community, or
- (c) Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period

(c) Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.

~~(3)~~ (4) Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory ~~and shall be listed as a Significant Site.~~ Following Reassembly or Reconstruction, the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant.

(B) PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(4) **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed

on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

(1) **CRITERIA FOR REMOVAL.**

- (a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- (b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- (c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

(2) **PROCEDURE FOR REMOVAL.**

- (a) **Complete Application.** The

Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or

Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. Nos. 09-05; 09-23)

15-11-11. DESIGN GUIDELINES FOR PARK CITY’S HISTORIC DISTRICTS AND HISTORIC SITES.

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review

Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

(Amended by Ord. No. 09-23)

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

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, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) PRE-APPLICATION CONFERENCE.

(1) It is strongly recommended that the Owner and/or Owner's representative attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site

Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

Applications that may be exempt from the Historic Design Review process, include, but are not limited to the following:

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors, trim, lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(b) For Significant Historic Structures and Sites -

minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical equipment located in a rear yard area or rear façade, paths, driveways, repair of existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites - minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood, the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic

detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of paths, driveways, and existing retaining walls; fences, landscaping, interior remodels, temporary improvements, and similar work.

(d) For Significant and Landmark Historic Structures and Sites, the Planning Director may determine that the proposed work is Emergency Repair Work having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District.

(B) COMPLETE APPLICATION.

The Owner and/or Applicant for any Property shall be required to submit a Historic District/Site design review Application for 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, 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 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 Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS.**

(1) The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application for new construction of structures or sites not listed on the Historic Sites Inventory to the Historic Preservation Board. Any Planning Department decision made on a Historic District/Site design review Application for any structure or site listed on the Historic Sites Inventory may be appealed to the Planning Commission. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. 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.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The

notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(i) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Historic Preservation Board decision made on a Historic Preservation Board Review for Demolition Application to the Board of Adjustment. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. 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.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(i) The Board of Adjustment shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(F) EXTENSIONS OF APPROVALS.

Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director, or designee, may grant an extension of an HDDR approval for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or

surroundings. Notice shall be provided consistent with the original HDDR approval per Section 15-1-12. Extension requests must be submitted to the Planning Department in writing prior to the date of the expiration of the HDDR approval.

(Amended by Ord. Nos. 09-23; 10-11; 11-05; 12-37)

15-11-12.5. HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITIONS.

The Historic Preservation Board shall review and approve, approve with conditions, or deny, all Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public), Accessory Buildings and/or Structures designated to the Historic Sites Inventory as Landmark or Significant.

Prior to issuance of a Building Permit for any material deconstruction work, the Historic Preservation Board shall review the proposed plans for compliance with the Land Management Code. Planning staff shall review material deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

(A) COMPLETE APPLICATION.

The Owner and/or Applicant for any Property shall be required to submit a Historic Preservation Board Review For Material Deconstruction for proposed work requiring a Building Permit in order to complete the work.

(B) **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic Preservation Board Review for Material Deconstruction 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 Historic Preservation Board shall hold a public hearing and make 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.

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the ~~Planning Department~~ Historic Preservation

Board shall find the project complies with the following criteria:

- (1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (2) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or

(2) (3) The ~~Planning Director and the Chief Building Official~~[†] Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; ~~or,~~ which include but are not limited to:

- (i) The historic context of the building has been so radically altered that the present setting does not appropriately convey its history and the proposed relocation may be

[†] ~~The HPB shall make this determination if the HPB is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether unique conditions warrant the proposed relocation and/or reorientation on the existing Site or to a different Site.~~

considered to enhance the ability to interpret the historic character of the building and the district; or

- (ii) The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or
- (iii) The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; or

(4) All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:

- (i) Restoring the building at its present site; or
- (ii) Relocating the building within its original site; or
- (iii) Stabilizing the building from deterioration and retaining it at its present site for future use; or
- (iv) Incorporating the building into a new development on the existing site

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.

All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board ~~Planning Department~~ pursuant to Section 15-11-12 of this Code.

(Created by Ord. No. 09-23; 12-37)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.

In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board ~~Planning Department~~ shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic

- Building(s) and/or Structure(s) cannot reasonably be moved intact; and
- (2) At least one of the following:

(a) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

~~(3)~~ (b) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or

(c) The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly; unique conditions include but are not limited to:

(i) If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or

(ii) If the physical conditions of the existing materials prevent temporarily lifting or moving a building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or

(iii) all other alternatives have been shown to result in additional damage or loss of historic materials.

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Planning Department Historic Preservation Board pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s)

and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23; Amended by Ord. No. 11-05)

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In

approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the ~~Planning Department~~ Historic Preservation Board shall find the project complies with the following criteria:

(1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and

(2) The Historic Building(s) and/or Structure(s) cannot be made

safe and/or serviceable through repair; and

(3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

(B) PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. All

Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the ~~Planning Department~~ Historic Preservation Board pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23; Amended by Ord. No. 11-05)

15-11-16. DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse, Reconstruction, and relocation within the Historic District. It is recognized, however, that economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition of a Historic Building, Structure or Site.

(A) **DEMOLITION, RECONSTRUCTION, OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 116.1 of the International Building Code, the Chief Building Official may order its Demolition, Reconstruction, or repair.

(B) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding of public hazard, the Application for Demolition shall be stayed for 180 days.

(Amended by Ord. Nos. 09-10; 09-23; 11-05)

15-11-17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 116.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Historic, pursuant to the standards of review set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) herein, may be Demolished without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

(Amended by Ord. Nos. 06-35; 09-10; 09-23)

15-11-18. CAD PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3'X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the

City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;

- (2) A member appointed at large from Park City who is an attorney at law; and

- (3) A member appointed from the Board of Adjustment.

15-11-19. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition of a Historic Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;

- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) CONDUCT OF OWNER

EXCLUDED. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or

- (5) failure to provide normal tenants improvements.

(C) DECISION. The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

- (1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or
- (2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and
- (3) The Building, Structure or Site cannot be feasibly Reconstructed or relocated.

(D) APPROVAL. If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide

documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include a complete history, photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL**. If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 116.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL**. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal.

The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

(Amended by Ord. Nos. 09-10; 09-23; 10-11; 11-05)

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1. DEFINITIONS.

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1.1 **ACCESS.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

1.2 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

1.3 **ACCESSORY BUILDING.** A Building on the same Lot as the principal Building and that is:

(A) clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;

(B) operated and maintained for the benefit of the principal Use;

(C) not a Dwelling Unit; and

(D) also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

1.4 **ACCESSORY USE.** A land Use that is customarily incidental and

subordinate to the to the primary Use located on the same Lot.

1.5 **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

1.6 **ADMINISTRATIVE PERMIT.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7 **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8 **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.

(C) **Antenna, Freestanding.** An Antenna mounted on or within a stand alone support Structure including but not limited

to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole, or other vertical support.

(D) **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

(F) **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

1.15 **APARTMENT.** A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.

1.16 **APPLICANT.** The Owner of the Property that is the subject of the Application, or the Owner's Agent.

1.17 **APPLICATION.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning requests, Subdivision and record of survey plats, plat amendments, Code amendments, design review, and Administrative Permits.

(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

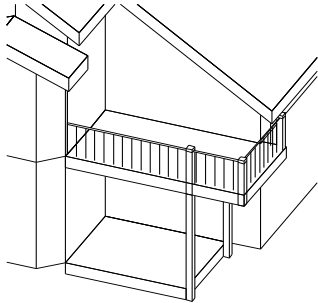
1.18 **ARCHITECTURAL DETAIL.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

1.19 **AREA OR SITE.** A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

1.20 **ATTIC.** The space between the ceiling joists and roof rafters.

1.21 **BAKERY.** A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

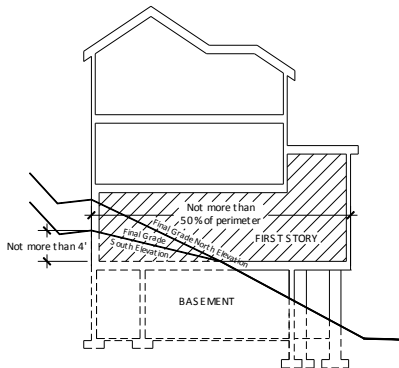
1.22 **BALCONY.** A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. See following illustration:



1.23 **BAR.** A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

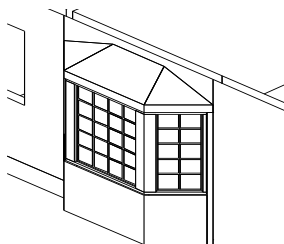
1.24 **BASE ZONING.** Existing zoning without the addition of the Transfer of Development Rights overlay zone.

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 Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common

Kitchen facilities or meals for boarders not related to the head of the household.
Boarding Houses do not include the Use of Nightly Rental.

1.33 **BUILDING.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

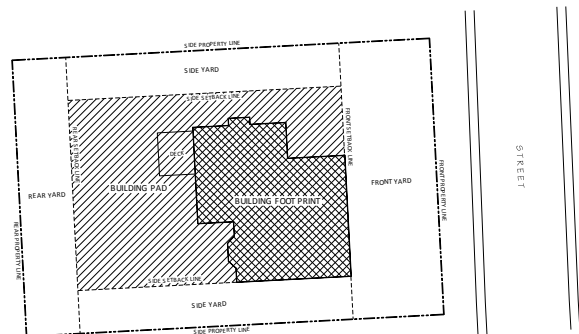
(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

1.34 **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

1.35 **BUILDING FOOTPRINT.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory

Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

1.36 **BUILDING PAD.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also see Limits of Disturbance.

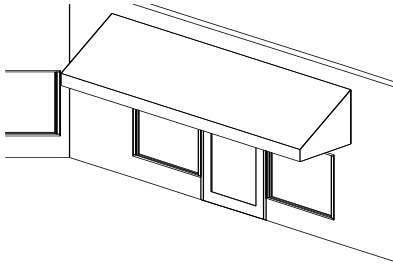


1.37 **BUILDING PERMIT.** A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

1.38 **BUSINESS.** Any activity within Park City carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods or Property and 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 of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(C) **Child Care, Family Group.** The provision of Child Care for nine (9) to

sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

1.46 **CHILD CARE CENTER.** A Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children for less than twenty four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

1.47 **CITY DEVELOPMENT.** Any Conditional Use permit or Master Planned Development in which Park City Municipal Corporation or corporations controlled by Park City Municipal Corporation is the Applicant.

1.48 **CLEARVIEW OF INTERSECTING STREETS.** On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street. This Area is the Site Distance Triangle. See Site Distance Triangle.

1.49 **CLUB.**

(A) **Club, Amenities.** Any organization formed and operated for the primary purpose of providing its members with social and recreational opportunities involving the access, use and enjoyment of physical amenities and services provided at or through an existing approved Hotel, including restaurants, bars, spas, spa services, pools, lounges, exercise facilities, lockers, ski facilities and services, pools,

and other facilities and services.

(B) **Club, Private.** Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

(C) **Club, Private Residence.** Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with 24 hour reservation and Property management, seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (1) a deeded interest in real Property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;
- (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.

1.55 **COMMON AREA.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment of the residents.

1.56 **COMMON OWNERSHIP.** Ownership of the same Property by different Persons.

1.57 **COMPATIBLE OR COMPATIBILITY.** Characteristics of

different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

(A) **Visual Compatibility.**

Characteristics of different architectural designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. In addition to the elements effecting Compatibility which include, but are not limited to Height, scale, mass, and bulk of Building. Other factors that dictate compatibility include proportion of building's front facade, proportion of openings within the facility, rhythm of solids to voids in front facades; rhythm of entrance or porch projections; relationship of materials and textures; roof shapes; scale of building.

1.58 **CONDITIONAL USE.** A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

1.59 **CONDOMINIUM.** Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium Ownership Act.

1.60 **CONSERVATION ACTIVITY.** A

process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

1.61 **CONSERVATION EASEMENT.**

An easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural state, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat, or other use or condition consistent with the protection of open land.

Conservation easement(s) granted from the Transfer of Development Rights Ordinance shall be subject to The Land Conservation Easement Act, Section 57-18-1 (et seq.), Utah Code Annotated, 1953 as amended.

1.62 **CONSTITUTIONAL TAKING.**

Final Actions(s) by the City to physically take or exact private real Property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the United States, or of Article I, Section 22, of the Utah Constitution.

1.63 **CONSTRUCTION ACTIVITY.**

All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

1.64 **CONSTRUCTION MITIGATION PLAN** A written description of the method

by which an Owner will ameliorate the adverse impacts of Construction Activity.

1.65 **CONSTRUCTION PLAN.** The map and drawings showing the specific location and design of the Development.

1.66 **CONTINUITY.** The state or quality of being continuous, as a line, edge, or direction. Factors that dictate continuity within a streetscape include, but are not limited to, mass, scale, and height of buildings; streetscape elements such as sidewalks, curbs, and paving patterns; and development patterns such as setbacks, orientation of buildings, repetition of porches and entryways.

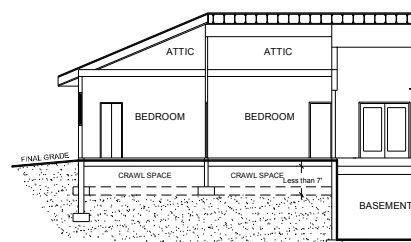
1.67 **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT.** A Building (main, attached, detached, or pubic), Accessory Building, Structure, Site, of or Object that is determined by the Historic Preservation Board to meet specific criteria set forth in LMC 15-11-10. reflects the Historical or architectural character of the district as designated by the Historic Preservation Board. A portion of an existing building, an Accessory Building, Structure, or object may also be considered contributory to the historical significance of a Building or Site if it reflects the Historical or architectural character of the site or district as designated by the Historic Preservation Board.

1.68 **COUNCIL.** Members of the City Council of Park City.

1.69 **COVER, SITE.** The Area covered by an Impervious Surface such as a Structure, deck, pool, patio, walk, or

driveway.

1.70 **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.



1.71 **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.

1.72 **CUL-DE-SAC.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

1.73 **DECONSTRUCTION OR DISMANTLING:** The disassembly of structures for the purpose of salvaging and reusing as many of the construction materials or building components. In some cases, deconstruction or dismantling may be used to remove non-historic materials from a historic site or structure or to remove those historic construction materials or building components that are beyond repair.

1.74 **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 employee hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

1.75 **DEMOLISH OR DEMOLITION.** Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed Building(s) or Structure(s). Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or Reconstruction pursuant to Section 15-11-15 of this Code.

1.76 **DENSITY.** The intensity or number of non-residential and Residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

(A) In terms of visual compatibility, Density refers to the pattern of clustering residential or commercial structures within a neighborhood and/or District. The pattern is established by the overall mass (length, height, and width) of the structure visible from the Right-of-Way, size of the lot(s), width between structures, and orientation of structures on the site.

1.77 **DESIGN GUIDELINE.** A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

1.78 **DETACHED.** Completely separate

and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

1.79 **DEVELOPABLE LAND.** That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

1.80 **DEVELOPER.** The Applicant for any Development.

1.81 **DEVELOPMENT.** The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.

1.82 **DEVELOPMENT AGREEMENT.** A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

1.83 **DEVELOPMENT APPROVAL APPLICATION.** Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The term "Development Approval Application" shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

1.84 **DEVELOPMENT CREDIT.** A

credit measured in Unit Equivalents that denotes the amount of density on a Sending Site which may be Transferred.

1.85 DEVELOPMENT CREDIT

CERTIFICATE. The certificate issued by the Planning Director of Park City that represents the total number of development credits recognized for and derived from the sending site that may be Transferred.

1.86 DEVELOPMENT RIGHT. The right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

1.87 DISABLED CARE. A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1) or more of a Person's major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

1.88 DISSIMILAR LOCATION. A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

1.89 DWELLING.

(A) **Dwelling, Duplex**. A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex**. A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit**. A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family**. A Building containing not more than one (1) Dwelling Unit.

1.90 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.

1.91 ECONOMIC HARDSHIP, SUBSTANTIAL. Denial of all reasonable economic Use of the Property.

1.92 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.

1.93 ELEVATOR PENTHOUSE. The minimum Structure required to enclose the top most mechanical workings of an elevator.

1.94 EMERGENCY REPAIR WORK: Work requiring prompt approval because of an imminent threat to the safety or welfare of the public or to the structure or site. The scope of the approval for emergency repair work shall only be to the extent related to stabilizing or repairing the emergency situation. Staff shall give a verbal report regarding the emergency repairs at the next Historic Preservation Board meeting.

1.95 EQUIPMENT SHELTER. See

Telecommunications Facilities, Equipment Shelter 1.231(B).

1.96 **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.

1.97 **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.

1.98 **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.

1.99 **FACADE.**

(A) **Facade, Building.** The exterior of a Building located above ground and generally visible from public points of view.

(B) **Façade, Front.** That portion of a Building that generally faces the street and/or Front Lot Line.

1.100 **FAÇADE EASEMENT.** A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

1.101 **FAÇADE SHIFT.** A change or break in the horizontal or vertical plane of the exterior of a Building.

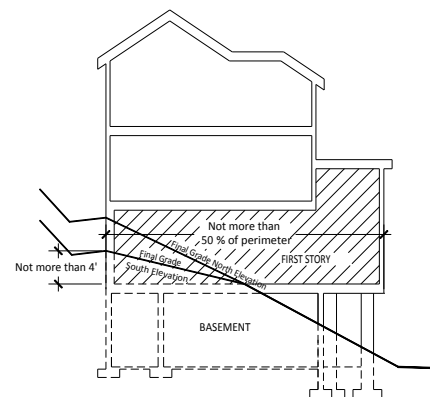
1.102 **FENCE.** A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

1.103 **FILTERED LIGHT FIXTURE.** Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

1.104 **FINAL ACTION.** The later of the final vote or written decision on a matter.

1.105 **FINAL PLAT.** A recordable Subdivision or Condominium map.

1.106 **FIRST STORY.** The lowest Story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. Can include habitable or uninhabitable Floor Area. See the following illustration:



1.107 **FLOOD PLAIN AREA.** An Area adjoining a river, Stream, or water course, or body of standing water in which a potential flood hazard exists when the Area experiences a one hundred year storm,

including, any Area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.

1.108 **FLOOR AREA.**

(A) **Floor Area, Gross Residential.**

The Area of a Building, including all enclosed Areas, Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

(B) **Floor Area, Gross Commercial.**

The Area of a Building including all enclosed Areas excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

(C) **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

1.109 **FLOOR AREA RATIO (FAR).**

The maximum allowed Gross Floor Area

¹400 sq. ft. in Historic Districts

divided by the Area of the Lot or Parcel.

1.110 **FOOT CANDLE.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

1.111 **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

1.112 **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.

1.113 **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.

1.114 **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.

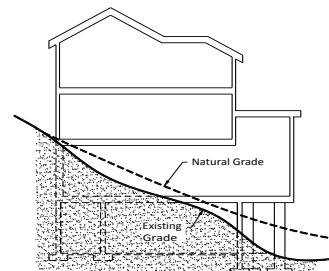
1.115 **GOOD CAUSE.** Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable 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.

1.116 **GOVERNING BODY.** The City Council of Park City.

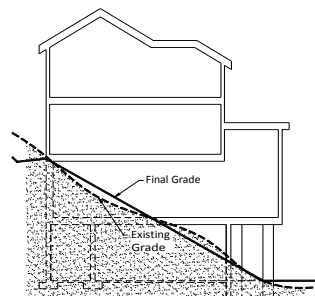
1.117 **GRADE.** The ground surface elevation of a Site or Parcel of land.

(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 or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.



(C) **Grade, Final.** The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.



1.118 **GRADING.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

1.119 **GREEN ROOF.** A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles.

1.120 **GROUP CARE FACILITY.** A Building or Structure where care, protection, supervision, and limited medical care are provided on a regular schedule for up to ten (10) children or adults, including caretakers. May include multiple overnight stays.

1.121 **GRUBBING.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

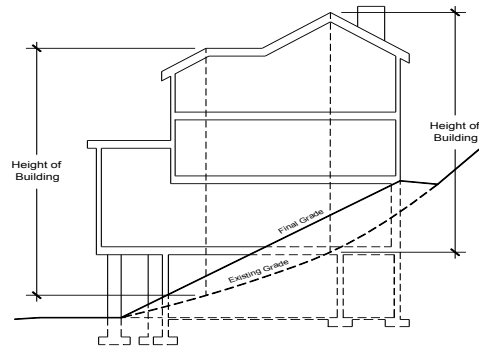
1.122 **GUARANTEE.** Any form of security including a cash deposit with the City, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City or some combination of the above as approved by the city or an approved equal, including but not limited to a lien on the Property.

1.123 **GUEST HOUSE.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents. Guest Houses are not a lodging Use where typical lodging services are provided. Payment is not allowed.

1.124 **HABITABLE SPACE (ROOM).** Space in a Structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar Areas are not considered Habitable Space.

1.125 **HARD-SURFACED.** Covered with concrete, brick, asphalt, or other Impervious Surface.

1.126 **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.



1.127 **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.

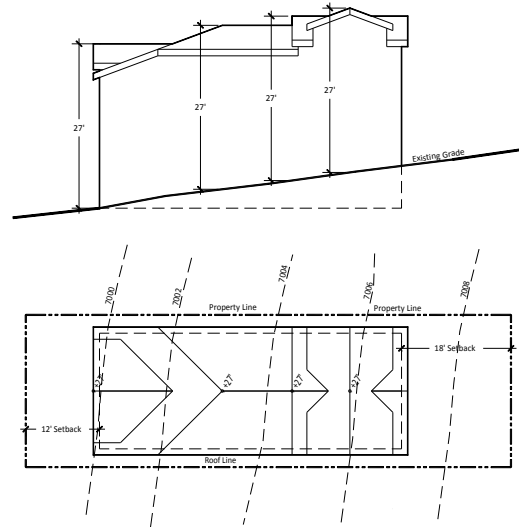
1.128 **HELIPORT.** Any landing Area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

1.129 **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.

1.130 **HISTORIC.** That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

1.131 **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.

1.132 **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

1.133 **HISTORIC INTEGRITY.** The ability of a Site to retain its identity and, therefore, convey its Significance in the history of Park City. Within the concept of Historic Integrity, Park City Municipal Corporation recognizes seven (7) aspects or qualities as defined by the National Park Service, that in various combinations define integrity. They are as follows:

(A) **Location.** The place where the Historic Site was constructed or the Historical event took place.

(B) **Design.** The combination of physical elements that create the form, plan, space, Structure, and style of a Site. Design includes such considerations as the structural system, massing, arrangement of spaces, pattern of fenestration, textures and colors of surface materials, type, amount and style of ornamental detailing, and arrangement and type of plantings in the designed landscape.

(C) **Setting.** The physical environment, either natural or manmade, of a Historic Site, including vegetation, topographic features, manmade features (paths, fences, walls) and the relationship between Structures and other features or open space.

(D) **Materials.** The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration to form a Historic Site.

(E) **Workmanship.** The physical evidence of the crafts of a particular culture or people during any given period of history, including methods of construction, plain or decorative finishes, painting, carving, joinery, tooling, and turning.

(F) **Feeling.** A Site's expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property's Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.134 **HISTORIC SITES INVENTORY.** A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

1.135 **HOME OCCUPATION.** A

Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

1.136 **HOSPITAL.** An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as "Office, Medical".

(A) **Hospital, Limited Care.** An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

1.137 **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.

1.138 **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.

1.139 **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.

1.140 **IMPACT ANALYSIS.** A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

1.141 **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.

1.142 **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.

1.143 **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 product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for an item of clothing, etc.

1.144 **INDOOR ENTERTAINMENT FACILITY.** An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, or bowling alley.

1.145 **KITCHEN.** An enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

(A) **Kitchen, IBC Commercial.** A Kitchen that is required by the International Building Code (IBC), because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, and similar types of equipment.

1.146 **KITCHENETTE.** An Area used or

designed for the preparation of food and containing a sink, refrigerator and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit.

1.147 **LANDMARK**. A Property, Building, or Structure designated as a "Landmark" by the Historic Preservation Board (HPB) pursuant to the procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its Historic and/or architectural Significance to Park City.

1.148 **LANDMARK SITE**. Any Site, including Building (main, attached, detached, or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

1.149 **LANDSCAPING**.

(A) **Landscaping, Interior**. Planting islands located within the Parking Area.

(B) **Landscaping, Parking Area**. Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

(C) **Landscaping, Perimeter**. Planting Areas between the Property Line and Parking Area.

1.150 **LIFTWAY**. The necessary Right-of-Way, both surface and air space, for the

operation of any tram or ski lift.

1.151 **LIFTWAY SETBACK**. The minimum allowable distance between the side line of the Liftway and any Structure.

1.152 **LIGHT SOURCE**. A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

(A) **Light Source, Refractive**. A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.153 **LIMITS OF DISTURBANCE**. The designated Area in which all Construction Activity must be contained.

1.154 **LOCKOUT UNIT**. An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

1.155 **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°).

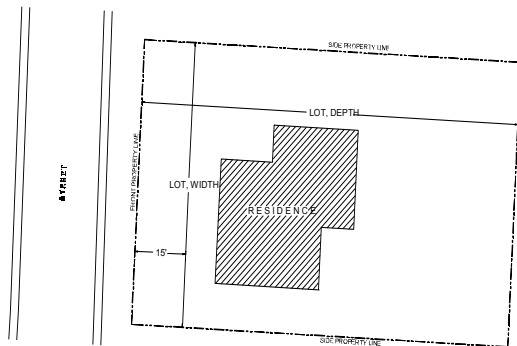
1.156 **LOT DEPTH**. The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

1.157 **LOT LINE**. Any line defining the boundaries of a Lot.

1.158 **LOT LINE ADJUSTMENT**. The relocation of the Property Line between two

(2) adjoining Lots.

1.159 **LOT WIDTH.** The minimum distance between the Side Lot Lines at the Front Yard or Front Building Façade. See the following illustration:



1.160 **LUMEN.** A measurement of light output or the amount of light emitting from a Luminaire.

1.161 **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.

1.162 **MASTER FESTIVAL.** Any event held on public or private Property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:

- (A) The attraction of large crowds;
- (B) Necessity for Street closures on Main Street or any arterial Street necessary for the safe and efficient flow of traffic in Park City;
- (C) Use of public Property;
- (D) Use of City transportation services;
- (E) Use of off-Site parking facility, or;
- (F) Use of amplified music in or adjacent to a residential neighborhood.

1.163 **MASTER PLANNED DEVELOPMENT (MPD).** A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

1.164 **MAXIMUM EXTENT**

FEASIBLE. The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining “Maximum Extent Feasible”.

1.165 **MAXIMUM HOUSE SIZE.** A measurement of Gross Floor Area.

1.166 **MODEL HOME.** A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

1.167 **NEIGHBORHOOD CONVENIENCE, COMMERCIAL.** Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

1.168 **NIGHTLY RENTAL.** The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

1.169 **NON-COMPLYING STRUCTURE.** A Structure that:

(A) legally existed before its current zoning designation; and

(B) because of subsequent zoning changes, does not conform to the zoning regulation’s Setback, Height restrictions, or

other regulations that govern the Structure.

1.170 **NON-CONFORMING USE.** A Use of land that:

(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.

1.171 **NOTEWORTHY.** Deserving notice or attention because of uniqueness, excellence, or Significance.

1.172 **NURSERY, GREENHOUSE.** A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.173 **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.

1.174 **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.

1.175 **OFF-STREET.** Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or

Street required by this Title.

1.176 **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.

1.177 **OFFICIAL STREETS MASTER PLAN.** As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of the Streets, highways, roads, and Rights-of-Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

1.178 **OFFICIAL ZONING MAP.** The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries; and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

1.179 **ONE BEDROOM APARTMENT.** A Dwelling Unit consisting of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

1.180 **OPEN SPACE.**

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment,

recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

1.181 **ORDINARY HIGH WATER MARK.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

1.182 **ORDINARY REPAIRS AND MAINTENANCE.** Work done on a Building in order to correct any deterioration, decay, or damage to a Building or any part thereof in order to restore same as or nearly as practical to its

condition prior to such deterioration, decay, or damage.

1.183 **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.

1.184 **OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.185 **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.

1.186 **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.

1.187 **PARKING AREA.** An unenclosed

Area or Lot other than a Street used or designed for parking.

1.188 **PARKING LOT, COMMERCIAL**. A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

1.189 **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.

1.190 **PARKING STRUCTURE**. A fully enclosed Structure designed and intended for parking.

1.191 **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.

1.192 **PERIOD OF HISTORIC SIGNIFICANCE**. A specific period of time that provides a context for Historic Sites based on a shared theme.

1.193 **PERSON**. An individual, corporation, partnership, or incorporated association of individuals such as a club.

1.194 **PET SERVICES**

(A) **Household Pets**-Household pets include dogs, cats, rabbits, birds, other small companion animals such as gerbils and ferrets, and other

similar animals owned for non-commercial use.

(B) **Household Pet Boarding**-A commercial establishment for overnight boarding and care of four (4) or fewer dogs as well as other Household Pets, not under the care of a veterinarian, in purposely-designed establishment.

(C) **Household Pet Daycare**-A commercial establishment that has a primary purpose of providing same day, short-term daycare of Household Pets in a purposely-designed establishment.

(D) **Household Pet Grooming**-A commercial establishment where Household Pets are bathed, clipped, combed, or similarly cared for, for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged. Pet grooming also includes any self-service pet washing business where the customer washes his/her own pet or where other self-service grooming tasks are provided.

(E) **Veterinary Clinic**- A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.

(Amended by Ord. No 14-57)

1.195 **PLANNED UNIT DEVELOPMENT (PUD)**. Multiple, Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as

possible with TDR Open Space and in which the overall design, size, mass, scale, Setback, materials, colors and visual character are integrated one with another.

1.196 PHYSICAL MINE HAZARDS.

Any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity.

1.197 POROUS PAVING. A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving. Porous paving includes pervious paving.

1.198 PRELIMINARY PLAT. The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

1.199 PRESERVATION. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Property. Work, including preliminary measures to protect and stabilize the Property, generally focuses upon ongoing maintenance and repair of Historic materials and features rather than extensive replacement and new construction.

1.200 PRESERVATION EASEMENT. 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.

1.201 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 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 fifty lateral/horizontal feet (50') of the back, inside building edge, of the public sidewalk; and

(2) A window and/or entrance that is not more than eight feet (8') 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.

1.202 PROPERTY LINE. The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

1.203 **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.204 **PUBLIC ART.** Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

1.205 **PUBLIC IMPROVEMENT.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

1.206 **PUBLIC USE.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

1.207 **QUALIFIED PROFESSIONAL.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

1.208 **QUASI-PUBLIC USE.** A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

1.209 **RECEIVING SITE.** A Parcel of real property denoted as a receiving site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A receiving site is the site to which Development Credits may be Transferred.

1.210 **RECONSTRUCTION.** The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location.

1.211 **RECREATION EQUIPMENT, OUTDOOR.** Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities.

1.212 **RECREATION FACILITIES.**

(A) **Recreation Facilities, Commercial.** Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

(B) **Recreation Facilities, Private.** Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests.

(C) **Recreation Facilities, Public.**

Recreation facilities operated by a public agency and open to the general public with or without a fee.

1.213 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.

1.214 REFRACTIVE LIGHT SOURCE. A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.215 REGULATED USE. A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

1.216 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.

1.217 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.

1.218 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.

1.219 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.

1.220 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.

1.221 RESUBDIVISION. A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of

regulations controlling Subdivisions.

1.222 **RHYTHM AND PATTERN.** The development patterns established by factors including, but not limited to, the siting of existing structures, including their mass, scale, and height; the spacing of buildings along a streetscape, including setbacks and building sizes; spacing, size and proportion of façade openings, including windows and doors.

1.223 **RETAIL AND SERVICE.**

(A) **Retail and Service, Commercial-Auto Related.** An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to the automobile, such as auto repair, auto body work, painting, detailing, auto and auto related equipment sales, with moderate to high volume of customer turnover and moderate to high parking demand. These Uses do not include auto dismantling, salvage, junk yards, and similar Uses. Self-service car washes are included.

(B) **Retail and Service, Commercial-Major.** A large scale Business engaged primarily in the sale or rental of goods, merchandise, or services with a high customer turnover and high parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) **Retail and Service, Commercial-Minor.** A Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer

turnover, low parking demand, and no outdoor storage of goods. These Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

(D) **Retail and Service, Commercial-Personal Improvement.** A Business engaged in or offering courses and services for the enhancement of personal recreational interests, Business skills, vocational training, dance training, art and drama classes, public speaking, and similar Uses where the class or session meets as a group.

1.224 **RIDGE LINE AREA.** The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

1.225 **RIDING STABLE, COMMERCIAL.** A Structure and/or Site for horses, ponies, and/or mules, that is rented or used for compensation.

1.226 **RIGHT-OF-WAY.** A strip of land, dedicated to public Use that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

1.227 **ROAD.**

(A) **Road, Collector.** A road intended to move traffic from local roads to major thoroughways. A Collector Road serves a neighborhood or a large Subdivision.

1.228 **ROAD CLASSIFICATION.** The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

1.229 **ROAD RIGHT-OF-WAY WIDTH.** The distance between Property Lines measured at right angles to the center line of the Street.

1.230 **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.

1.231 **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.

1.232 **SBWRD.** Snyderville Basin Water Reclamation District.

1.233 **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.

1.234 **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.

1.235 **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.

1.236 **SENSITIVE LAND.** Land designated as such by a Sensitive Lands Analysis and as reflected on the Official

Zoning Map.

1.237 SENSITIVE LANDS ANALYSIS.

A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/ Wildland Interface Zones.

1.238 SENSITIVE OR SPECIALLY VALUED SPECIES. Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern as identified in the document; animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

1.239 SETBACK. The required minimum distance between a Building Pad and the closest of the following:

- (A) Property Line;
- (B) platted Street; or
- (C) existing curb or edge of a Street.

1.240 SEXUALLY ORIENTED BUSINESSES. Businesses defined as such according to Municipal Code Section 4-9-4.

1.241 SIGNIFICANCE. The quality of having Historical consequence or being regarded as having great architectural value.

1.242 SIGNIFICANT RIDGE LINE

AREA. Ridge lines in Areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these ridge lines is to be determined during the sensitive lands visual analysis process.

1.243 SIGNIFICANT SITE. Any Site, including a Building (main, attached, detached or public), Accessory Building, and/or Structure that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

1.244 SIGNIFICANT VEGETATION.

Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

1.245 SINGLE FAMILY

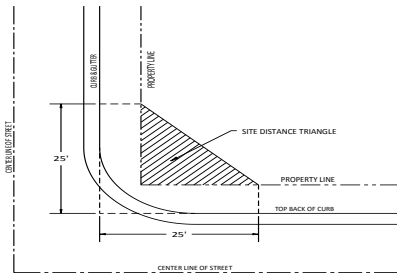
SUBDIVISION. A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

1.246 SITE. An Area, Lot, or piece of land where a Building (main, attached, detached or public), Accessory Building, and/or Structure was, is, or will be located.

1.247 SITE DEVELOPMENT

STANDARDS. Regulations unique to each zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

1.248 SITE DISTANCE TRIANGLE. A 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.

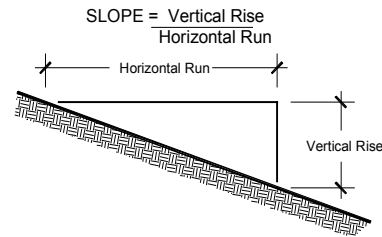


1.249 SITE SUITABILITY ANALYSIS.

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.

1.250 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.

1.251 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%).

1.252 SPACING. Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.253 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 requiring Street closure of any residential

Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

1.254 **STEALTH**. A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

1.255 **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 fifty lateral/horizontal feet (50’) of the back, inside building edge, of the public sidewalk; and
- (2) A window and/or entrance that is not more than eight feet (8’) 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.

1.256 **STORY**. The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

1.257 **STREAM**. A naturally-fed water

course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

1.258 **STREAM CORRIDOR**. The Corridor defined by the Stream’s Ordinary High Water Mark.

1.259 **STREET**. Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) **Street, Public**. A Street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee.

1.260 **STREETSCAPE**. The distinguishing characteristics of a particular Street including paving materials, adjacent space on both sides of the Street, landscaping, retaining walls, sidewalks, Building Facades, lighting, medians, Street furniture, and signs.

(A) **Streetscape, Architectural**. The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

1.261 **STRUCTURE**. Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes “Building”.

1.262 **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.).

1.263 **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.

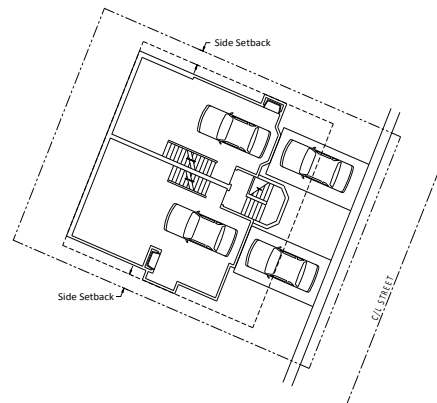
(B) **Subdivision, Minor.** Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the Parcel or adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or

these regulations.

1.264 **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.

1.265 **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.

1.266 **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.



1.267 **TELECOMMUNICATIONS.** The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or

received.

1.268 TELECOMMUNICATIONS FACILITY. A Telecommunications Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

(A) Telecommunications Facility, 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.

(B) Telecommunications Facility, Equipment Shelter. A cabinet or Building used to house equipment for Telecommunications Facilities.

(C) Telecommunications Facility, Stealth. A Telecommunications Facility which is disguised as another object or otherwise concealed from public view.

(D) Telecommunications Facility, Technical Necessity. A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

1.269 TEMPORARY IMPROVEMENT. A Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. Does not

include temporary storage units, such as PODS or other similar structures used for temporary storage that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.

1.270 TIMESHARE CONVERSION. The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

1.271 TIMESHARE ESTATE. A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.

1.272 TIMESHARE INSTRUMENT. Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

1.273 TIMESHARE INTERVAL. A Timeshare Estate or a Timeshare Use.

1.274 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.

1.275 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.

1.276 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.

1.277 TIMESHARE ON-SITE SALES ACTIVITY. Timeshare sales activity occurring within a Timeshare Project.

1.278 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.

1.279 TIMESHARE PROJECT. Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

1.280 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.

1.281 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.

1.282 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.

1.283 TRANSFER. Any action which results in the sale, exchange, or joint venturing of development credits from one property to another property.

1.284 TRANSFERRED DEVELOPMENT RIGHT (TDR) OPEN SPACE. That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

1.285 TRANSPORTATION SERVICES. A Business involving transit operations, taxis, shuttle services, rental cars, or similar

transit-related services.

1.286 **UDOT**. Utah State Department of Transportation, an agency that maintains and regulates State Highways.

1.287 **UNIFORMITY RATIO**. The ratio between the average and minimum light distribution or luminance across a given Area.

1.288 **UNIT EQUIVALENT**. The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

1.289 **USE**. The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

(A) **Use, Intensity of**. The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

1.290 **VANTAGE POINTS**. A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Road 248 at the turn-out one

quarter mile west from U.S. Highway 40;

- (I) State Road 224, one-half mile south of the intersection with Kilby Road;
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and
- (K) Across valley view.

1.291 **VEHICLE CONTROL GATE**. Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.292 **WETLAND, SIGNIFICANT**. All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

1.293 **WILDFIRE/WILDLAND INTERFACE ZONE**. All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.294 **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.

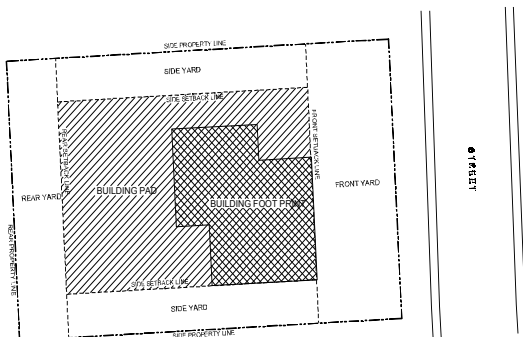
1.295 **YARD**.

(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:



1.297 **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.

1.298 **ZONING MAP, OFFICIAL.** The map adopted by the City Council depicting the geographic scope of the City’s land Use designations.

1.299 **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-

Access
 Accessory Apartment
 Accessory Building
 Accessory Use
 Active Building Permit
 Administrative Permit
 Affordable Housing
 Agent
 Agriculture
 Allowed Use
 Alteration, Building
 Ancillary Structure
 Anemometers and Anemometer Towers
 Antenna
 Antenna, Test Drive
 Antenna, Enclosed
 Antenna, Freestanding
 Antenna, Roof Mounted
 Antenna, Temporary
 Antenna, Wall Mounted

Apartment
Applicant
Application
Application, Complete
Architectural Detail
Area or Site
Attic

-B-

Bakery
Balcony
Bar
Base Zoning
Basement
Bay Window
Bed and Breakfast Inn
Bedroom
Billboard
Blank Wall
Block
Boarding House
Building
Building, Attached
Building, Detached
Building, Main
Building, Public
Building Alteration (see Alteration,
Building)
Building Envelope
Building Footprint
Building Pad
Building Permit
Business

-C-

Café
Canopy
Capital Improvements Program
Certificate of Appropriateness
Certificate of Economic Hardship
Certificate of Occupancy
Child Care

Child Care, In-Home Babysitting
Child Care, Family
Child Care, Family Group
Child Care Center
City Development
Clearview of Intersecting Streets
Club
Club, Private
Club, Private Residence
Club, Private Residence Conversion
Club, Private Residence Off-Site
Club, Private Residence Project
Cluster Development
Code
Collector Road
Co-Location (see Telecommunications
Facility, Co-Location)
Commercial Use
Commercial Use, Support
Commercial Use, Resort Support
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
 Grade, Existing
 Grade, Natural
 Grade, Final
 Grading
 Green Roof
 Group Care Facility
 Grubbing
 Guarantee
 Guest House

-H-
 Habitable Space (Room)
 Hard-Surfaced
 Height, Building
 Helipad
 Heliport
 Helistop
 Historic
 Historic Building, Structure, Site or Object
 Historic District
 Historic Integrity
 Historic Significance, Period of
 Historic Sites Inventory
 Historical Form, Essential (see Essential

Historical Form)
 Home Occupation
 Hospital
 Hospital, Limited Care
 Hotel/Motel
 Hotel/Motel, Major
 Hotel/Motel, Minor
 Hotel Room
 Hotel Suite

-I-
 Impact Analysis
 Impervious Surface
 Inaction
 Incidental Retail Sales
 Indoor Entertainment Facility

-K-
 Kitchen
 Kitchen, IBC Commercial
 Kitchenette

-L-
 Landmark
 Landmark Site
 Landscaping, Interior
 Landscaping, Parking Area
 Landscaping, Perimeter
 Liftway
 Liftway Setback
 Light Source
 Light Source, Refractive
 Limits of Disturbance
 Lockout Unit
 Lot
 Lot, Corner
 Lot Depth
 Lot Line
 Lot Line Adjustment
 Lot Width
 Lumen
 Luminaire

Luminaire, Cutoff Type
 Luminaire, Fully Shielded
 Luminaire, Partially Shielded

-M-
 Master Festival
 Master Planned Development (MPD)
 Maximum Extent Feasible
 Maximum House Size
 Model Home

-N-
 Neighborhood Convenience, Commercial
 Nightly Rental
 Non-Complying Structure
 Non-Conforming Use
 Noteworthy
 Nursery, Greenhouse
 Nursing Home

-O-
 Off-Site
 Off-Street
 Office, General
 Office, Intensive
 Office, Medical
 Office, Moderately Intensive
 Official Streets Master Plan
 Official Zoning Map
 One Bedroom Apartment
 Open Space, Landscaped
 Open Space, Natural
 Open Space, Transferred Development
 Right (TDR)
 Ordinary High Water Mark
 Ordinary Repairs and Maintenance
 Outdoor Use
 Outdoor Recreation Equipment (see
 Recreation Equipment, Outdoor)
 Owner

-P-

Parcel	Recreation Facilities, Private
Parking, Public	Recreation Facilities, Public
Parking, Residential	Recycling Facility
Parking, Shared	Recycling Facility, Class I
Parking Area	Refractive Light Source
Parking Lot, Commercial	Regulated Use
Parking Space	Rehabilitation
Parking Structure	Residential Use
Passenger Tramway	Resort Support Commercial
Period of Historic Significance	Restaurant
Person	Restaurant, Drive-Through
Physical Mine Hazard	Restoration
Planned Unit Development (PUD)	Resubdivision
Porous Paving	Retail and Service, Commercial-Auto Related
Preliminary Plat	Retail and Service, Commercial-Major
Preservation	Retail and Service, Commercial-Minor
Preservation Easement	Retail and Service, Commercial- Personal Improvement
Private Club (see Club, Private)	Ridge Line Area
Private Residence Club (see Club, Private Residence)	Riding Stable, Commercial
Private Residence Club Conversion (see Club, Private Residence Conversion)	Right-of-Way
Private Residence Club Project (see Club, Private Residence Project)	Road, Collector
Property	Road Classification
Property, Storefront	Road Right-of-Way Width
Property Line	-S-
Property Line, Front	Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays
Property Owner (see Owner)	Satellite Receiving Station
Public Art	SBWRD
Public Improvement	Screen or Screened
Public Use	Secondary Living Quarters
-Q-	Sending Site
Qualified Professional	Sensitive Land
Quasi-Public Use	Sensitive Land Analysis
-R-	Sensitive or Specially Valued Species
Receiving Site	Setback
Reconstruction	Sexually Oriented Businesses
Recreation Equipment, Outdoor	Significance
Recreation Facilities, Commercial	Significance, Period of Historic
	Significant Ridge Line Area

Significant Site	Temporary Improvement
Significant Vegetation	Timeshare Conversion
Single Family Subdivision	Timeshare Estate
Site	Timeshare Instrument
Site Development Standards	Timeshare Interval
Site Distance Triangle	Timeshare Off-Premises Contacting Activity
Site Suitability Analysis	Timeshare Off-Premises Sales Activity
Sketch Plat	Timeshare Off-Premises Sales Office
Slope	Timeshare On-Site Sales Activity
Slope, Steep	Timeshare On-Site Sales Office
Slope, Very Steep	Timeshare Project
Spacing	Timeshare Sales Presentation
Special Event	Timeshare Unit
Storefront Property (see Property, Storefront)	Timeshare Use
Story	Transfer
Stream	Transferred Development Right (TDR)
Stream Corridor	Open Space
Street	Transportation Services
Street, Public	
Streetscape	-U-
Streetscape, Architectural	UDOT
Structure	Uniformity Ratio
Studio Apartment	Unit Equivalent
Subdivision	Use
Subdivision, Major	Use, Intensity of
Subdivision, Minor	
Subdivision Plat	-V-
Substantial Economic Hardship (see Economic Hardship, Substantial)	Vantage Points
Suitability Determination	Vehicle Control Gate
-T-	-W-
Tandem Parking	Wetland, Significant
Telecommunications	Wildfire/Wildland Interface Zone
Telecommunications Facility	Wind Energy System, Small
Telecommunications Facility, Co-Location	
Telecommunications Facility, Equipment Shelter	-X-
Telecommunications Facility, Stealth	Xeriscape
Telecommunications Facility, Technical Necessity	
	-Y-
	Yard, Front
	Yard, Rear
	Yard, Side

-Z-

Zone Height

Zoning District

Zoning Map, Official