

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 2, 2009**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 2, 2009.

Closed Session

3:00 p.m. Property and litigation

Work Session

4:00 p.m.	Council questions/comments	
4:10 p.m.	Quarterly goal update	P. 3 - 15
4:30 p.m.	HMBA capital improvement requests	P. 16 - 27
5:00 p.m.	LMC Steep Slope Conditional Use Permit amendments	P. 28 - 154
5:50 p.m.	Break	

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

IV CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items"*)

1. Consideration of approval of a Resolution adopting an Identity Theft Prevention Program; appointing an oversight committee; and authorizing the City Manager to approve modifications to the Program as needed P. 155 - 169

2. Consideration of award of service provider agreement, in a form approved by the City Attorney, with Alliance Engineering in the amount of \$35,000 for the Little Kate Sidewalk project P. 170 - 189

V ADDITIONAL DISCUSSION – AGENDA ITEMS

VI 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.

Posted: 03/30/09

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

March 2009

31 *Community Visioning - Community Kick-off*

April 2009

1 & 2 *Community Visioning - living room Sessions*

2 **Liza gone**

9 **Tom gone (Phyllis acting City Manager)**

Colors of success – public input

LMC Code Amendments governing Steep Slope Conditional Use Permits – public hearing

Consideration of award of architectural design contract for the Iron Horse expanded transit storage and maintenance facility

Award of contract – City website

2300 Meadows Dr – Subdivision [PL-08-00480] BR

16 **No meeting**

17 *Quarterly manager's meeting (8 a.m. – 1 p.m.) – Park City Ice Arena*

23 PC Heights annexation

71 Daly Ave – Plat [PL-08-00562] KC

Land Management Code – Historic Guidelines TE/DB

Letter of Intent with the Park City Foundation, in a form approved by the City Attorney, for the development of a community carbon and water website

30

May 2009

7 MFL – 125 Year Celebration

14 **No meeting – Dana gone**

21

28

June 2009

4

11 **Liza gone**

18

25

Pending Items:

Ordinance amending Municipal Code Titles 1 and 2

Sergio ice cream franchise - PM

Amendment to fee resolution - GRAMA

Water supply and demand

Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah

Carrying capacity/market analysis survey

Wild land interface issues

MEMO



Executive Department

To: City Council
From: Tom Bakaly, City Manager
Subject: 1st Quarter (January - March 2009)
Date: April 2, 2009

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P.O. Box 1470
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www.parkcity.org

On April 2, 2009 we have scheduled time in work session for City Council to review goals and action items.

We continue to tentatively add new action items to your goal status report based upon individual input from Council members, the Mayor and Staff. Those items are in bold and need to be affirmed by Council.

The report also includes quarterly summaries related to traffic calming and neighborhood service requests. This work session will provide an opportunity to for departments to provide operational updates on Council goals if requested.

2009 Park City Goals & Targets for Action (Jan - Mar 2009)

Top Priority

Goal 1 Quality and Quantity of Water - Dana Williams and Candace Erickson; Alternate, Jim Hier

Target for Action / Actions / Staff Coordinator

Initial Target Date	Revised Target Date	Status
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1. Pipeline Preferred Project Agreements - Kathy Lundborg

Determine a preferred project with Weber Basin and Bureau of Reclamation

1. Quinn's Treatment Plant - begin design

2. Design of Pipeline Improvements

3. Pipeline Construction Begins

4. Quinn's Treatment Plant - Begin Construction

Dec-08		In Process
Jan-07	Jan-09	In Process
Apr-09	Jun-09	Pending
Sep-09		Pending

2. Judge Water Treatment Plants - Kathy Lundborg/Jerry Gibbs

1. Determine Scope and Timing for Plant Design and Construction (now part of Quinn's

water treatment plant)

2. NPDES Permit

3. PCMC conceptual design for treatment at proposed Quinn's water treatment plant

4. Judge delivery system to Quinn's Water Treatment Plant construction

Aug-04	Jun-09	Pending
Sep-05	Jun-09	Pending
Apr-06	Aug-09	Pending
	Dec-10	Pending

3. Other Water Solutions - Supply Options/Conservation - Jerry Gibbs/Kathy Lundborg

1. Summit County, Snyderville Basin Water Reclamation District Cooperation

Discussions/Stream Flow Enhancements

2. JSSD Water Discussions

3. Water Demand Reduction Plan

4. Supply/Demand Update to City Council

5. Water Demand Reduction Plan - Review landscaping requirements/limits

Annual		Ongoing
Annual		Ongoing
Dec-07	Jul-08	Complete
	Jun-09	Pending
	Jun-09	Pending

4. Water Funding Strategy - Kathy Lundborg/Jerry Gibbs

1. Pursue future appropriations and authorizations

Annual

Ongoing

2009 Park City Goals & Targets for Action (Jan - Mar 2009)			
Top Priority			
Goal 2 Preservation of Park City Character - Liza Simpson and Dana Williams; Alternate, Candace Erickson			
Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Old Town Improvements - Jonathan Weidenhamer and Dave Gustafson			
Downtown Projects			
1. Town Plaza/Swede Alley			Revised
2. Pocket Park/Historical Wall Renovation			
•Council direction of Scope	Jan-09		Complete
•RFP for Design	Aug-09		Pending
•Construction complete	Oct-10		Pending
2. Marsac Building			
•Construction complete	Oct-08	Aug-09	In Progress
3. Last Phase-Downtown Improvements (streetscape, sidewalks, ped connections, etc.)	Ongoing		Ongoing
2. Affordable Housing - Phyllis Robinson			
1. Snow Creek Affordable Housing			
•Groundbreaking		May-09	Pending
•Establish selection criteria, pricing and deed restrictions	Jul-09		In Progress
•Completion in 2009		Oct-09	Pending
2. Affordable Housing Resolution Update	Jun-09		
3. Monitor Developer Obligations & Compliance	Ongoing		Ongoing
3. Trash and Recycling - Jerry Gibbs			
1. Decision on recycling facility relocation		Jun-09	Pending
2. Mandatory Commercial/Institutional Cardboard Recycling	Jun-09		

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
4. Environmental Initiatives - Diane Foster			
1. Update to Environmental Strategic Plan	Jan-09		Complete
2. Explore mandatory green building initiatives - not a current Council priority			
3. Develop Municipal Department Level CO2 Emission Reduction Plans	Nov-08	Mar-09	Complete
4. Inventory CO2 emissions and water consumption from entire PC community	Dec-08	Mar-09	Complete
5. Wind Resource measurement at Quinn's Junction	Apr-09		In Progress
6. Develop employee carpool campaign		Jul-09	In Progress
7. Energy audits of Council member homes	Oct-08	TBD	In Progress
8. Implement general municipal building efficiency measures	Apr-09		In Progress
9. Install solar panels at Park City Ice Arena	May-09		In Progress
10. Implement community CO2 emission and water consumption reduction program in conjunction with partners	Aug-09	Oct-09	In Progress
11. Rocky Mountain Energy Grant Use			
12. Bonanza Power Station	Jun-07	Oct-09	In Progress
5. Historic Preservation - Thomas Eddington			
1. Develop Landmark/Significant Status Inventory	Ongoing	Jan-09	Complete
2. Historic District Guideline Revisions	Oct-08	Apr-09	In Progress
3. Amend LMC as needed; including Steep Slope		Apr-09	In Progress
4. General Plan Update	Jun-09		In Progress
6. Senior Issues - Phyllis Robinson			
1. Housing Demand Market Analysis	Jul-09		In Progress
2. Assessment of senior service needs	Sep-09		In Progress
7. Staffing Plan for Sustainable Vision and Implementation			
1. Revise self-managed teams work plan to frame policy direction and implement Council Goals	Ongoing		Ongoing
8. Park City Heights Task Force and Annexation - Thomas Eddington			
1. Annexation - City Council Determination			
2. Master Planned Development (MPD) for site	Jul-09	Apr-09	Pending
9. Emergency Transitional Needs (Peace House) - Phyllis Robinson			
1. Technical Assistance Resources	Oct-08	May-09	In Progress
10. Lower Park Avenue Property Master Plan (Park Ave/Woodside Ave) - Jonathan Weidenhamer			
1. Preliminary internal fact finding and research	Oct-08	May-09	In Progress
2. Council direction on scope of planning effort	Jun-09		Pending
3. RFP for Master Plan	Jul-09		Pending
11. General Plan Update - Thomas Eddington			
1. Staff to prepare timeline, scope of work and budget impact analysis		Jun-09	In Progress

2009 Park City Goals & Targets for Action (Jan - Mar 2009)

Top Priority

Goal 3 Effective Transportation and Parking System - Jim Hier and Roger Harlan; Alternate, Liza Simpson

Target for Action / Actions / Staff Coordinator

Initial Target Date	Revised Target Date	Status
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1. Neighborhood Traffic Management - Kent Cashel

See Attached Neighborhood Traffic Management Summary Report

2. Regional Transportation - Kent Cashel

1. Enhance Transit Marketing
2. Implement employee carpool incentive program

3. Regional/Rural Transporation Issues - COG

Annual		Ongoing
Annual		Ongoing
Ongoing		Ongoing

3. Transportation Strategic Plan - Kent Cashel

1. Annual Progress Report to City Council
2. Implement Transportation Plan Strategies
3. Implement Task Force Recommendations
5. Update Strategic Plan to include pedestrian-bicycle and transit modes
4. Increase Bio-Fuel Mix - Run 50/50 bio-pilot program in Trolley

Annual		Annual
Ongoing		Ongoing
Sep-07	Jun-09	Ongoing
Sep-08	Aug-09	Pending
Sep-08		In Progress

4. Public Parking - Brian Andersen, Kent Cashel

1. Conduct Main Street Circulation Study

May-09		In progress
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5. Community Transportation Plan - Kent Cashel, Jonathan Weidenhamer

1. Park and Ride
2. Entry Corridor

Jun-09	Jun-09	In Progress
Jun-09	Jun-09	Ongoing

6. Highway 248

1. Long Term Assessment and Options (Phase II) presented to City Council

Apr-08	Feb-09	Complete
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2009 Park City Goals & Targets for Action (Jan - Mar 2009)

Top Priority

Goal 4 World Class, Multi-Seasonal/Resort Community - Jim Hier and Liza Simpson; Alternate, Joe Kernan

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Economic Development - Jonathan Weidenhamer			
1. Implementation of 2008-10 Economic Development Plan	Ongoing		Ongoing
2. City-wide market analysis & carrying capacity study		Mar-09	In Progress
3. Tents and Temporary Structures	Dec-08	Jul-09	In Progress
4. HMBA Requests	Jul-09		Pending
5. Develop Model-High Altitude Training/Master Planning City property at Quinn's	Jul-09		Pending
2. Support for Arts - Sharon Bauman			
1. Art in Public Places Implementation	Ongoing		Ongoing
2. Bus Shelter Enhancement Implementation - Phase II (re-issue RFP)	Apr-09		In Progress
3. Ice Rink Artistic Banner Implementation (issue RFP)	Apr-09		In Progress
3. Community Amenities and Events: Evaluation, Future Direction - Jonathan Weidenhamer			
1. Strategic Plan for farm - Fire access, trail and display of artifacts	Jan-09		Complete
2. KPCW Sale	May-09		In Progress
3. Event Calendar	Jun-09		In Progress
• Criterion to prioritize and allow Main Street closure	Jun-09		In Progress
• Event Fees, revenues and enforcement	Jun-09		In Progress
4. Museum Expansion	Jul-09		In Progress

2009 Park City Goals & Targets for Action - (Jan - Mar 2009)				
High Priority				
Goal 5 Recreation, Open Space and Trails - Candace Erickson and Liza Simpson; Alternate, Joe Kernan				
Target for Action / Actions / Staff Coordinator		Initial Target Date	Revised Target Date	Status
1. Ongoing Open Space Acquisition - Diane Foster, Matt Twombly				
1. Flagstaff - Distribution of open space contribution		Mar-04		Ongoing
2. Acquisition of Kimball Junction & Round Valley parcels in conjunction with Summit County				
3. Gambel Oak - Legislation		Oct-04	Dec-09	Complete
4. Red Maple/Air Force		Oct-04	Mar-09	Complete
5. Other Properties		Ongoing	Oct-09	Ongoing
2. Conservation Easements - Diane Foster				
1. Additional easement monitoring on new acquisitions		Aug-05		Pending
2. Clissold Conservation Easement		Jun-08	Jun-09	Pending
3. Kimball and new Round Valley Conservation Easement		Feb-10		Pending
3. Trails - Matt Twombly				
1. Trailhead Parking Phase II - as sites are available				In Progress
2. Inventory to Develop Maintenance Plan and Budget for FY 2010		May-08	Mar-09	Complete
3. Investigate maintenance standards compared to Basin Recreation for trails		May-08	Mar-09	Complete
4. Citywide Pedestrian/Street Lighting guidelines consistent with Trails Master Plan and reconstruction		Jan-09	Jun-09	In Progress
5. Quinn's to Silver Summit through IHC/PRI		Aug-10		In Progress
4. Neighborhood Parks/City Park - Ken Fisher/Matt Twombly				
1. Old Town Park (Wisniewski) Construction Contract Issued		Jun-08	Apr-09	In Progress
•Construction Complete				
2. Creekside Park on Holiday Ranch Loop		Oct-08	May-09	In Progress
•CUP for Park Development		Feb-09	Jun-09	Pending
•Bid for park construction		May-09	Jul-09	Pending
•Begin park construction		May-09		Pending
3. Explore options for covering the skatepark		May-09		Pending
4. Begin Master Plan for north and south ends of City Park		May-09		Pending

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
5. Ice Rink - Stacey Noonan			
1. Ice Arena Completion - final punch list	Aug-06	Jan-09	In Progress
2 Complete Energy Efficiency Initiative			
• Install solar panels on south roof of ice arena	Mar-08	May-09	In Progress
• Install Heat Reclamation off Refrigeration System	Mar-08	Aug-09	In Progress
3. Install new scoreboards inside ice arena and on sports fields	Aug-08	Aug-09	In Progress
4. Work with PAAB to install artistic banners	Dec-08	Aug-09	In Progress
5. Operate year round	May-09		In Progress
6. Recreation and Racquet Club: Next Steps - Ken Fisher			
1. Dirt Jump Park - See Holiday Ranch Loop Park			
2. Racquet Club Renovation			
• Development of schematic design	Dec-08	Jun-09	In Progress
• Develop Phasing Plan for Project and Present to Council	Jun-09		In Progress
• Planning Commission Action			
• Create Subdivision Plat for Racquet Club Parcel	Mar-09		Complete
• Conditional Use Permit for Remodel	Sep-09		In Progress
7. Outdoor Recreation Complex - Matt Twombly			
1. Phase II Improvements	FY'10		Pending
8. Walkability Implementation Phase I - Matt Twombly, Heinrich Deters			
1. Traffic Calming			
• Engineering Recommendations	May-09		In Progress
2. Little Kate Sidewalk			
• Engineering	May-09		In Progress
• Construction	Nov-09		Pending
3. SR-248 Tunnel	Oct-09		Pending
4. Bonanza Tunnel	Oct-10		Pending
5. Miscellaneous Improvements	FY 10		In Progress

2009 Park City Goals & Targets for Action (Jan - Mar 2009) High Priority				
Goal 6 Regional Collaboration and Partnerships				
Target for Action / Actions / Staff Coordinator		Initial Target Date	Revised Target Date	Status
1. Transportation - Kent Cashel See Goal 3				
2. Flagstaff-Wasatch County - Tom Bakaly 1. Work with Wasatch County re SR-224 and public versus private access		Ongoing		Ongoing
3. Recreation - Ken Fisher See Goal 5				
4. Health - Pace Erickson 1. Noxious weed coordination and enforcement on private property		Ongoing		Ongoing
5. Water - Kathy Lundborg/Jerry Gibbs See Goal 1		Ongoing		Ongoing
6. Solid Waste - Jerry Gibbs and Joe Kernan 1. Implementation of Solid Waste Alternatives		Ongoing		Pending
7. Mosquito Abatement - Pace Erickson 1. Continued coordination with Summit County		Ongoing		Ongoing
8. Library - Linda Tillson 1. Library Reciprocal Borrowing for Summit County Students		Ongoing		Ongoing
9. Inter-Agency Task Force 1. Continued Participation		Ongoing		Ongoing
10. Open Space Acquisition See Goal 5		Ongoing		Ongoing
11. Carbon Advisory Board - Diane Foster 1. Engage Summit County and other groups (non-profit, HMBA, Chamber, School District) in reducing water consumption and carbon emissions		Apr-08		Ongoing

2009 Park City Goals & Targets for Action (Jan - Mar 2009)

Other Priorities

Goal 7 Open and Responsive Government to the Community - Roger Harlan and Joe Kernan; Alternate, Jim Hier

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Community Vision - Phyllis Robinson,			
1. Community Visioning Plan			
a. Project Deliverables			
1. Implement Community Dialogues	Jan-09	Apr-09	In Progress
2. Develop Core Values and Community Ideals	Mar-09	May-09	Pending
3. Vision Action Plan	Jul-09		Pending
2. Update Material for Vision Presentations annually following Council Visioning sessions	Annual		Annual
2. Budget Review & Benchmark - Bret Howser			
1. Finance/Citywide software system conversion			
a. Position Budgeting - pending Budget Module	Dec-08	Jun-09	Scheduled
b. Budget	Dec-08	Jun-09	Scheduled
2. Phase II Benchmarks determined with CAST		Sep-09	In Progress
3. Customer Service: Evaluation and Action Plan - Craig Sanchez			
1. Accountability/responsibility training for Staff	Quarterly		Ongoing
2. City "Fam" Tours	Nov-09		Pending
3. Employee Survey & Training - communication of results	Annual		Ongoing
4. Customer Service Survey	Annual		Ongoing
4. Public Safety - Wade Carpenter			
1. Emergency Response Plan Update	Aug-07		Ongoing
a. Staff Training NIMS ICS-400	Dec-07	Dec-08	Completed
b. Reformatting in process		Apr-09	Evaluating
c. Community Preparedness Outreach/Reverse 911 Data Input (H. Daniels)	Dec-07	May-09	In Progress
2. Community Oriented program - Citizens Academy			
3. Lexipol Service Evaluation (Comprehensive Police Policy Manual Program based on model policies developed by a national board)	Dec-08	Sep-09	Pending Legal Review
4. Senior Elected Officials Emergency Training	Feb-09		Completed
5. Communications - Phyllis Robinson, Scott Robertson, Myles Rademan			
1. Leadership 101	Feb-09		Complete
2. Media Seminars	Apr-09		Pending
3. Sustainability Promotion	Ongoing		Ongoing
4. Park City University	Ongoing		Ongoing
5. Communications Strategic Plan and Website Upgrade	Apr-08	Aug-09	In Progress
6. Community Emergency Preparedness	Sep-09		Pending

Attachment "A" to Quarterly Status Report

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2009 Park City Goals & Targets for Action (Jan - Mar 2009)

Neighborhood & Business District Needs Assessment

Request for Elevated Levels of Service Request (RELS) Attachment "B" to Quarterly Report

Status Report

Staff met with neighborhood and prioritized requests - Project 1 sidewalk on Deer Vally Drive completed. Bus stop installed. School bus stop pending completion by private developer.

Target for Action / Actions / Staff Coordinator

Target Date Status Budget

1. Pedestrian Lighting - Matt Cassel

1. Install street and pedestrian lights from Stonebridge condos to roundabout

May-09 Cost identified State Road Funds Grant

2. Bus Stop - Jonathan Weidenhamer

1. Construction of permanent school bus stop as a public improvements associated with construction of 601 & 605 Deer Valley Drive (NE corner of DV Dr. & Sunnyside)
2. Concrete pad installed. Shelter to be installed winter 08-09. Concrete pad was installed too close to fire hydrant. Bus shelter redesigned and reordered to accommodate concrete pad and fire hydrant

Oct-08 Pending

Private

Aug-07

Aug-08

Existing PW

2009 Park City Goals & Targets for Action (Jan - Mar 2009)

Neighborhood & Business District Needs Assessment Request for Elevated Levels of Service Request (RELS) Attachment "B" to Quarterly Report

Status Report

Staff met with HMBA. Step 6 of RELS

Target for Action / Actions / Staff Coordinator

Target Date Status Budget

1. Main Street Improvements

1. Install integrated sound system on Main Street
2. Install lighting system on each Main Street Building

Jul-09 Pending CIP
Oct-09 Pending CIP

City Council Staff Report



Author: Heinrich Deters
Subject: HMBA Light & Sound
Date: April 2, 2009
Type of Item:

Recommendation:

Provide conceptual direction:

This report is for informational purposes on Council's level of support for the two specific projects requested by the HMBA. If Council is willing to further consider the requests, Council should direct staff to return as part of the budget process with an HMBA CIP request for \$29,000.

Background

During the 2009 Visioning process, Council asked the HMBA to return to Council with a prioritized list of improvements in the downtown area.

In February of 2009, representatives of The Historic Main Street Business Alliance (HMBA) approached City Staff and Council liaisons with a two specific proposals to promote additional visitor days and nights to the district (Exhibit A). The proposal has two main components:

- Sound System on Main Street
- "Holidelights" Holiday Lighting Program

Staff finds the projects are consistent with the Council goals of maintaining Park City as a world-class destination and the preservation of Park City's character. Additionally the projects are consistent with goals identified in the Economic Development Strategic Plan. Staff directed the HMBA to proceed through the 'Request for Elevated Level of Service' or 'RELS' process as the appropriate avenue for this proposal. The RELS policy is (Exhibit B).

Analysis

Per step (4) of the RELS process Staff has conducted a comprehensive internal review (Exhibit C), which has identified several aspects and impacts from the proposal, which are of concern.

Furthermore, per the RELS process, the projects are currently in the CIP process.

Staff finds that the RELS process is the proper avenue for the \$29,000 CIP request submitted by the HMBA if the CIP is approved as part of the budget process. Additionally, staff believes that a more comprehensive and prioritized overview of the downtown area should be conducted to better understand the needs, desires and priorities of the HMBA. This feasibility study may be performed internally or through an outside consultant. Council should also discuss whether they want to incentivized the HMBA to raise funds for this project by agreeing to match a certain amount of funds raised.

Significant Impacts

Staff has conducted a comprehensive internal review (Exhibit C), which has identified several aspects and impacts from the proposal, which are of concern.

Departmental Review

This report has been reviewed by the Sustainability Department, the Economic Development Director and Budget Department.

Issues for discussion

Should Council believe the projects are potentially consistent with their goals, direct Staff to continue processing the HMBA requests through RELS.

Summary Recommendation

Provide conceptual direction:

This report is for informational purposes on Council's level of support for the two specific projects requested by the HMBA. If Council is willing to further consider the requests, Council should direct staff to return as part of the budget process with an HMBA CIP request for \$29,000.

Exhibits:

Exhibit A - HMBA CIP Request

Exhibit B – RELS Process

Exhibit C – Comprehensive Internal Review for CIP Committee

Exhibit A



Date: March 6, 2009

To: Bret Howser

From: Sandy Geldhof, Director, HMBA

Re: 2009 CIP Requests

Cc: HMBA BOD, J. Weidenhamer, M. Paap, et al.

Bret,

I have met with members from our executive committee to discuss our requests for capital funding for 2009/2010 Main Street projects. Many Main Street/District improvements were discussed but we honed in on the few that we feel will provide us the most ROI in this difficult economy and which promise to serve the entirety of our membership and District. I will forward you the complete paperwork for these requests but Max suggested I email you placeholder amounts so that you can begin to get them into the cycle. I have provided a brief description for each item as well as timing. Thanks for your understanding on letting me turn in the paperwork late, I did not know today was the deadline and was out of town earlier in the week at the National Main Streets Conference when I was given the heads up. Please note that each of these items has been pitched to members of City staff in 2008, we stuck with the few that seemed to garner initial support from those who were at the meetings.

Sound System on Main Street

As part of our concept to launch a significant holiday program for the Main Street District last summer we presented our proposed program to staff from PCMC, including Dana, Myles, Max and Jonathan.. This proposal included the installation of a permanent sound system for Main Street that could be a multiple use system, installed on Main Street lampposts that would

- 1.) provide ambient music via a satellite radio service;
- 2.) provide a PA/Announcement system for events, parades, messaging, etc that would vastly improve the quality of events in the District; and
- 3.) provide a reliable resource for the City's Comprehensive Emergency Management Plan (CEMP) to utilize in the event of an emergency or need for immediate messaging to the Old Town District.

We sent an informal RFP out to several groups that provide this type of service. The most comprehensive proposal came to us from General Communications, an integrated technologies company out of Draper that has provided intelligent solutions for UT organizations, including commercial, government, education, health care and private sectors (including Park City High School). Their proposal for a downtown sound system includes 104 speakers attached to 52

lampposts (w/weather enclosures), wireless transmitter, audio amplifiers, digital message repeater, audio matrix switch and necessary hardware. The system would be divided into four programmable zones that allows sectioning of the street if required. It would utilize sound from either a CD player (pre-programmed) or we could utilize the service of a company like Sirius or XM Radio. Please note the times of year, hours per day, etc. we would broadcast ambient music or programming would be determined collectively by the HMBA, the City and City Council with public input and would fall into the City's normal approval process.

I will provide a detailed proposal by General Communications to Bret Howser as an attachment to the R.E.L.S paperwork.

We believe the installment of a permanent sound system on Main Street will provide an invaluable service to Old Town by improving the experiential dynamic of Main street for locals and visitors, will help provide the ambience provided by a majority of indoor and outdoor commercial districts around the country and provides a much needed resource for the City in improving the quality of Old Town events and activities, while adding a needed resource for providing a safe and secure infrastructure for Old Town.

Project Amount:

Sound System \$113,880.00

Miscellaneous Costs (annual): \$5,000 (Ballpark to cover power, satellite radio subscription, other)

Total: 118,880.00

"Holidelights" Holiday Lighting Program

Since the summer of 2008 the HMBA has been working on the issue of taking the holiday experience in the Main Street district to a level never before experienced. Answering to a call long heard from locals and visitors alike ("*There's no reason to come to Old Town for the holidays!*"), our goal is to create an annual comprehensive holiday experience that will invariably touch people on an emotional level, while providing the merchant district a turn-key program that will attract thousands of new visits, generate new excitement and vitality for the typically slow and flat five weeks between Thanksgiving and Christmas (for locals and visitors) and provide an annual program that can grow annually in scope and mission to exponentially improve the economic ROI for our merchants District.

The foundation of this plan/program is to install a comprehensive lighting program throughout the majority of Main Street. With merchant and landlord participation and approval we will install soft white LED lighting uniformly to every building, window and doorway outline on each building on Main Street, Heber Avenue and Park Avenue up to and including the Town Lift Bridge. This spectacular holiday visual will essentially transform Old Town to a snow globe-like holiday village no other business district in Park City has the geographic advantage to produce. The entire display will be installed by one vendor (we recommend Winterland, LLC) so that we can create quality control and have it all dialed into one power source. This will create the opportunity for the district to have an official street lighting attraction each night for the duration of the holidays (and other select events throughout the year-like the Jazz Foundation's Dining event, Arts Festival Alive after Five, etc.), a feature we believe will attract vast numbers of locals and visitors nightly to witness. This foundation, coupled with the sound system playing holiday music (described above) would be peppered with other holiday events and business promotions including the Downtown Merchant Gift Card Sweepstakes, and other event-based features like visits with Santa, carriage rides, "Living Dickens" Christmas Window walks, all adding to a comprehensive, emotional and never-before-seen-holiday experience that will revitalize, reenergize and recapture the holiday spirit in the heart of Park City.

Please note that funding for all the aforementioned activities will be secured through a variety of ways: public funding and sponsorship, merchant contribution and participation (required), and grants. We realize that this type of program will essentially “take a village to create a village” and the HMBA is committed to making it happen through a dedicated team.

Timing: We would like to aggressively pursue this program for the 2009 holiday season, both to recover and capture consumer dollars to the downtown business district and to provide an exciting pick-me-up to the entire community in a frightening and unpredictable economy. Necessary commitments for securing the services of our vendor would need to be made by June/July in order that the necessary quantity of product can be ordered and installation dates could be scheduled.

Special Note: The HMBA Director is molding this program after a program she experienced living in Michigan. The City of Downtown Rochester, MI is a historic Main Street town that has a similar geographic footprint to Old Town, Park City and faced a similar flat spending season between Thanksgiving and Christmas. Locals were not visiting or spending money in the district and the district was losing its sales revenue to the dozens of other newer and more exciting commercial districts cropping up in the region. Within three years of creating a comprehensive lighting program the city has experienced a 68% increase in sales and enjoys over 1,000,000 visitors through town each year. This case study was featured at the National Main Streets Conference this year as one of the best holiday programs in the country.

Total Lighting Program Purchase and Installation*: **\$258, 675** (Please note the Marriott Summit Watch Plaza alone is \$70,000 of this cost)
(Spreadsheet outlining cost per building/address is attached to this email)

CIP request

“Loan” request: \$240,000

The HMBA is requesting that the City provide an interest-free loan to the HMBA in order that we can financially commit to this program and begin program implementation over the next six months. In the meantime, a dedicated team from the HMBA Board of Directors will aggressively solicit financial participation from every merchant on the spreadsheet and anticipate we can get sufficient commitment letters by the end of the summer. We anticipate funding from vacant buildings will be secured through its landlord or from a grant fund reserve, and will be repaid to the HMBA. We will be attempting 100% repayment of this loan by the end of the calendar year, but ask that the city allow the HMBA two budget cycles to repay the total loan on the following payment schedule, to provide financial assistance to merchants who will have trouble with making a 100% financial commitment this calendar year):

2009: 60% repayment (\$144,000)

2010: 30% repayment (\$72,000)

We would like the city to consider contributing 10% funding to the implantation of this economic development program for a total of **\$24,000** and also absorb the cost of electrician services and power needs **(\$5,000)**.

The annual maintenance fees for the lighting program can be estimated at 5% or \$12,000 which will be secured through merchant participation and other sources of funding long term.

Thank you for your consideration on these two RELS requests.

Exhibit B

Administrative Policy for Business Districts and Neighborhoods

Needs Assessments – R.E.L.S. (request for elevated levels of service)

- 1) Submit a petition to the Executive Office
 - a. Must be from a representative number of households/ businesses of a given subdivision, business district, or a registered owners association. Accurate contact information and names of each petitioner must be provided along with designation of one primary contact person or agent.
 - b. Define Boundary - Who does the petition represent? Is it inclusive to a specific neighborhood or business district? Explain why assessment area should be limited or expanded.
 - c. Define issues - What is being requested?
 - d. Deadline – In order to be considered for upcoming fiscal year, the petition must be submitted by the end of the calendar year
- 2) Initial Internal Review
 - a. Identify staff project manager
 - b. Present petition to Traffic Calming & Neighborhood Assessment Committee (Meeting called within one month of petition being submitted)
 - c. Define and verify appropriate, basic levels of service are being provided. If they are not → provide
 - i. Health, safety, welfare
 - ii. Staff's available resources & relative workload
 - iii. Minimum budget thresholds not exceeded (below \$20k pre-budgeted – no council approval needed)
 - d. Define enhanced levels of service that are requested. Are these consistent with Council goals and priorities? If so, continue to step # 3
- 3) Initial Communication to Council (Managers Report)
 - a. Inform Council of request for assistance - outlines specific issues/ requests.
 - b. Inform Council of any basic service(s) Staff has begun to provide
 - c. No input or direction from Council will be requested at this time.
- 4) Comprehensive Internal Review
 - a. Assemble background/history & existing conditions (Identify all participants, relevant City ordinances, approval timeline, other pertinent agreements/ studies & factors, etc.)
 - b. Criteria to analyze request - What should we do & with what rationale?
 - i. Verify requested services are consistent with Council goals and priorities
 - ii. Cost/ Benefit Analysis - Define budgetary implications of providing Enhanced level of services
 - A. Define need & costs for any additional technical review
 - B. Define initial capital improvement costs
 - C. Define annual, ongoing maintenance and operational costs
 - D. Gather input from city department identified as responsible for each individual item as listed
 - a. Identify available resources & relative workload
- 5) Initiate Public Forum (Applicant & Staff partnership)
 - a. Neighborhood meeting(s) - Create consensus from petitioner and general public
 - i. Identify issues and potential solutions
 - A. Identify what we can accomplish based on funding availability.
 - B. Use cost/benefit analysis to prioritize applicant's wish list
 - C. Funding partner – any district that receives “enhanced” levels of service should be an active participant in funding or, participate in identification of a funding source (other than City budget)

- ii. Identify agreeable solutions suited for recommendation for funding assistance
- 6) Communication to Council (Work Session or Managers Report)
 - a. Receive authorization for technical review - using "outside" consultants if necessary
 - b. Identify prioritized project wish list (unfunded)
 - c. Identify funding source for each item; or
 - d. Move to CIP/Transit Budget committee review as "yet to be funded project" for prioritization comparison
- 7) Council decision whether to include in budget or not
 - a. Spring of each year, consistent with budget policies of reviewing all new requests at once.

Exhibit C
Comprehensive Internal Review CIP Request
HMBA Light & Sound

TO: NTMP/RELS Committee
From: Heinrich Deters
RE: Step four of RELS Process
Date: 3.20.09

Background

The Historic Main Street Business Alliance (HMBA) is seeking funding through the FY 2010 Budget process for two specific projects. Staff has identified the RELS process as the proper avenue for this request and identified the Capital Improvement Process (CIP) for consideration.

The HMBA receives a portion of its funding through the Main Street Business Improvement District (BID) for specific services limited to: management of garbage removal minimal marketing, and administrative support. It is also worth noting that a festival facilitation fee is included in the annual business license fees which allows for a higher level of service for police enforcement, traffic mitigation, signage, and garbage removal in the downtown during special events.

The HMBA and Park City strive to promote additional visitors to Main Street, and enhance their experience. The HMBA met with City Council Liaisons Hier and Williams and City Staff in February to discuss this proposal. Staff finds this request is consistent with Council goals.

**Background
Projects**

Main Street Sound System (excerpts from HMBA proposal)

We believe the installment of a permanent sound system on Main Street will provide an invaluable service to Old Town by improving the experiential dynamic of Main street for locals and visitors, will help provide the ambience provided by a majority of indoor and outdoor commercial districts around the country and provides a much needed resource for the City in improving the quality of Old Town events and activities, while adding a needed resource for providing a safe and secure infrastructure for Old Town.

Main Street Lighting (excerpts from HMBA proposal)

The foundation of this plan/program is to install a comprehensive lighting program throughout the majority of Main Street. With merchant and landlord participation and approval we will install soft white LED lighting uniformly to every building, window and doorway outline on each building on Main Street, Heber Avenue and Park Avenue up to and including the Town Lift Bridge. This spectacular holiday visual will essentially transform Old Town to a snow globe-like holiday village no other business district in Park City has the geographic advantage to produce. The entire display will be installed by one vendor (we recommend Winterland, LLC) so that we can create quality control and have it all dialed into one power source. This will create the opportunity for the district to have an official street lighting attraction each night for the duration of the holidays (and other select events throughout the year-like the Jazz Foundation's Dining event, Arts Festival Alive after Five, etc.), a feature we believe

will attract vast numbers of locals and visitors nightly to witness. This foundation, coupled with the sound system playing holiday music (described above) would be peppered with other holiday events and business promotions including the Downtown Merchant Gift Card Sweepstakes, and other event-based features like visits with Santa, carriage rides, “Living Dickens” Christmas Window walks, all adding to a comprehensive, emotional and never-before-seen-holiday experience that will revitalize, reenergize and recapture the holiday spirit in the heart of Park City.

Request

- The HMBA is requesting that the City provide an interest-free loan of \$240,000 to the HMBA in order that they may financially commit to this program and begin program implementation over the next six months. In the meantime, a dedicated team from the HMBA Board of Directors will aggressively solicit financial participation from every merchant on the spreadsheet and anticipate getting sufficient commitment letters by the end of the summer. They anticipate funding from vacant buildings will be secured through its landlord or from a grant fund reserve, and will be repaid to the HMBA. They will be attempting 100% repayment of this loan by the end of the calendar year, but ask that the city allow the HMBA two budget cycles to repay the total loan on the following payment schedule, to provide financial assistance to merchants who will have trouble with making a 100% financial commitment this calendar year):
2009: 60% repayment (\$144,000)
2010: 30% repayment (\$72,000)
- The HMBA would like the city to consider contributing 10% funding to the implantation of this economic development program for a total of \$24,000 and also absorb the cost of electrician services and power needs (\$5,000).

Comprehensive Analysis

Staff considers the \$29,000 request stated above as appropriate for RELS consideration; however the additional \$240,000 no interest loan is outside of the existing RELS scope, as well as the purview of the City’s budget and finance departments.

Additionally, Staff has identified several significant impacts from the proposed projects:

1. **Administration and Ownership:** The HMBA is a representative organization with an executive committee but lacks revenue to fund an effective operational arm able to oversee and manage the two proposals. Furthermore, a central facility would be needed to house and operate the sound system and quite possibly the lighting project. Establishment of a board or council that would provide direction and decision making would be of paramount importance. Other aspects of concern are as follows:
 - *Programming:* The authority and content of public broadcasts provide a variety of concerns. Emergency service priorities aside, programming of music, advertisement and sponsorship broadcasts may be of concern. Furthermore, rental or leasing of the amenity is of some concern.
2. **Economic Development:** Two members of the Economy Department are ex-officio board members of the HMBA, as is Jim Hier who is the Council Liaison to their Board. Our role is to facilitate the HMBA’s effectiveness in an overall effort to support the success of Main Street

which is a top priority for Council and is manifested in specific strategies and priorities of the City's Economic Development Strategic Plan. ED staff believes the loud speaker proposal will enable safer and better run events; especially large scale street closures. ED staff also believes the lighting proposal can create a genuine attraction, which will drive sales tax and visitation in a time that is traditionally flat (Thanksgiving to Christmas).

3. **Planning:** All improvements would have to secure building permits and therefore be reviewed for consistency with Historic District Design Guidelines and Land Management Code. Current 'seasonal lighting' (15-5-5 (i)) code only supports lighting from November 1- March 31, thus use of the lighting outside of that time period would be inconsistent with current code. Furthermore, potential impacts to the existing 'night sky' ordinance would have to be reviewed. Finally, impact to Historic building through placement of the lighting system (nails and staples) may negatively impact or even damage historic structures.
4. **Building/ Fire:** The Building Department's main concern regarding the lighting proposal is the year round use of outdoor lighting systems and the fire hazards they might cause. Past experience with outdoor lighting systems, including the Olympic celebrations, have shown that outdoor wiring systems are negatively impacted by weather and solar (ultraviolet) aspects which degrade the casing of wires and promote fire hazards. Regarding the loudspeakers, similar to the current noise ordinance (6-3-9), the Building Official would require a professional engineer to set parameters for use and a technical report to support such installation. Finally, concerns were raised of the 'Box Canyon' aspect of Main Street and potential of additional echoing and concerns for an area with a residential component.
5. **Emergency Services:** Emergency service personnel support the implementation of a public sound system and site multiple emergency and public support functions that would be enhanced with such a service. The only concern is the aspect of authority and access to public broadcasts and their regulation.
6. **Engineering and Logistics:** Power sources and infrastructure, including wiring, a central housing or 'brains' of the sound system, speakers, weather and the use of City lamp posts are of greatest concern. Without a more detailed schematic and design proposal, there are limitations to the extent of the review.
7. **Events:** Special Events would support the implementation of a public sound system on Main Street. Areas of concern on the use of such a system are duration, frequency, and programming. Who decides content, and which groups have priority on use; public vs. private programming. The same concerns about amplified sound in a residential area are always heavily weighed. Main Street lighting would certainly provide a unique experience to any visitors any time of year. It would provide a great backdrop to anything done on Main Street.
8. **Funding through the Business Improvement District:** Below is a numerical breakdown of existing funding provided by the Main Street BID and the possible financial impact on Main Street businesses should the projects be adopted. These figures do not include the \$29,000 RELS funding if approved:

- In 2008, the Main Street BID fund totaled \$41,541. Each business contributed \$156 to the fund. Total number of businesses contributing to the 2008 fund was 266.
- Estimates of project costs provided by the HMBA, possible City funding, and forecasted financial burdens, as well as projected annual O&M costs are displayed in the table below:

Project	Cost	Requested City loan or other funding*	Total Expense passed on the businesses	Cost Per Business based on 2008 numbers
Lighting Project & Sound System	\$118,800 + \$258,675 = \$377,555	\$240,000	\$377,555 - \$240,000 = \$137,555	\$137,555/266 = \$517.12
Annual O&M estimates for projects total:	\$17,000		\$17,000	\$63.91

**Funding source yet to be identified*

- The HMBA has made an additional request in 2009 for funding to pursue marketing possibilities. This request is separate from the annual BID funding.
9. **Operations and Maintenance:** Public Works department's input can be compiled in a simple question: 'If something breaks who fixes it?' While conceptually supportive of a public sound system, there are several maintenance and logistical issues they foresee with both proposals.
- Currently City Staff implements 'holiday lights' on Main Street from December to April. Their current replacement timeline for these light strands is eight years. Taking into account the proposed lighting system would remain year round, they anticipate replacement of the strands and fixtures to be every five years.
 - Basic painting and construction of private buildings: Public Works also sites the yearly painting and basic upkeep of these historic buildings would require the temporary removal or replacement of these lights. This promotes an ownership question as well as a maintenance concern.
 - Vandalism is a concern from a maintenance point of view.
 - Currently the lamp posts are subject to several applications (flower baskets, banners and the fixtures themselves) there may be some conflict with an additional structure on the poles. Furthermore, the current power source on the lamp posts is on a timer. This timer would have to be removed to make power available in daylight hours.
 - From a power standpoint, lights would get power from the buildings and many of the buildings may have to upgrade their current electrical capabilities to support a system.

- Public Works supports a 5% or \$12,000 annual O&M for the lighting program but does not have a number for the sound system.

10. **Environmental Impact**: The environmental coordinator has provided some numbers detailing the impact of the lighting system on the City's carbon footprint:

-542.9 Amps = 65,148 W (by equation: $W = 120v * 542.9 \text{ amps}$)

-65,148 W = 65.148 kW (1W = 1000 kW)

-65.148 kW * 1000 hours (of annual usage) = 65,148 kWh (1000 hours is estimated as 100 days of 10 hours of use/day per year)

-65,148 kWh * 0.00097 (Utah electricity to CO₂e conversion factor) = 63.2 CO₂e in U.S. tons

SO: 63.2 tons of CO₂ annually

This is a very small impact considering all aspects.

City Council Staff Report



Planning Department

Subject: Land Management Code (LMC) Amendments
Author: Thomas E. Eddington Jr., AICP and Katie Cattan, Planner
Date: April 2, 2009
Type of Item: LMC Amendments – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends that the City Council review the proposed amendments to the Land Management Code (LMC) for Chapters 2 and 15 as described in this report and provide staff with input on the suggested amendments.

Topic

Project Name: LMC Amendments- Regarding Development in the HRL, HR-1, and HR-2 zoning districts, and definitions
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Background

The current amendments to the LMC have been in review by the Planning Commission since October of 2008. The initial public hearing introducing the proposed amendments for the Steep Slope ordinance language in the LMC was held on October 22, 2008. The public hearing was continued to the November 12th, December 10th, January 28th, February 11th, and March 4th meetings to allow for further public input and discussion.

On January 13, 2009, correspondence from the “Friends of Old Town” was mailed/distributed to property owners residing in Old Town (a copy of this was delivered to the Planning Department by residents wanting to know who authored the flyer). This correspondence outlined a number of concerns regarding the proposed steep slope amendments. In addition, a website (www.friendsofoldtown.com) was created to further detail concerns relative to the proposed Land Management Code amendments.

At the January 28, 2009 Planning Commission meeting, some residents addressed the Commissioners regarding their concerns with the proposed amendments. Many of these concerns were similar to those of the Friends of Old Town. These concerns primarily focused upon three areas:

- The financial challenges of building and selling smaller structures – the economic viability of such structures
- Statements that the spirit of Old Town no longer exists; it has been destroyed over the past decade by development “mistakes”
- Owners of steep slope lots might realize smaller profits from property sales if a smaller building footprint is required

The public hearing was continued to the February 11, 2009 Planning Commission meeting for additional discussion/input. Due to inadequate time on the agenda, the Planning Commission re-opened the public hearing and continued to a special session on March 4, 2009.

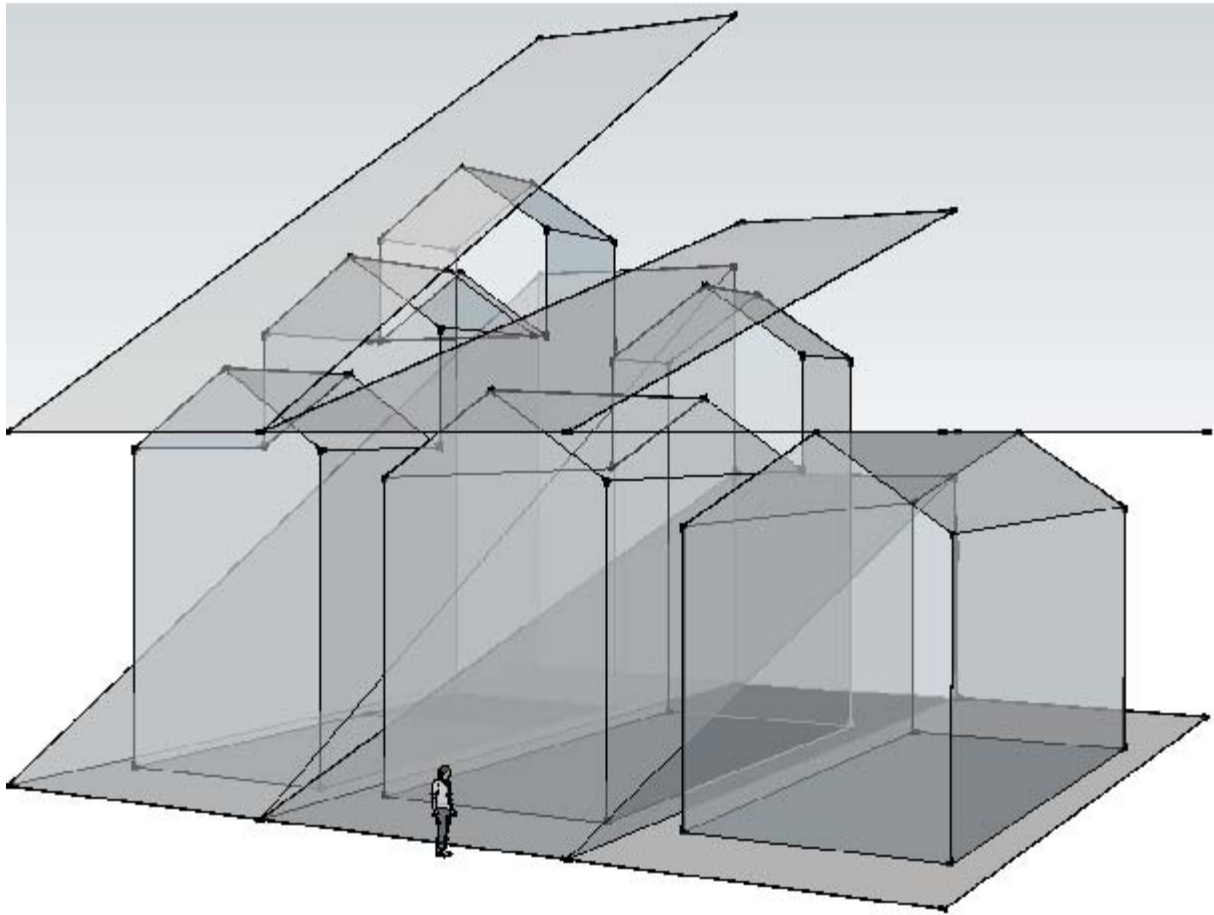
During the March 4, 2009, staff presented the pending ordinance as well as introduced the possibility of utilizing volumetrics within the ordinance. The Planning Commission re-opened the public hearing. Planning Commission provided staff with direction on the suggested changes to the Steep Slope review process. The following summarizes the major points made by the Planning Commission.

- The purpose statement “Encourage construction of historically compatible structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods” is not being achieved by the current steep slope ordinance. Structures on steep slopes are out of scale with the historic district.
- Clarification that the purpose of the request for a change to the LMC was to address issues of incompatible mass and scale and environmental impacts.
- The existing height exception within the Steep Slope CUP should not be included in the new ordinance.
- Need to address environmental impacts of excavation.
- Stepping buildings to decrease the height perception from the right-of-way.
- Study minimum roof slopes.
- Study flat lots vs. steep slopes.
- Review of current method for measuring height.
- Request for more graphics to understand outcome.

The Planning Commission reviewed the proposed changes to the LMC concerning development in the Historic District during the March 25, 2009 meeting. During this meeting the Planning Commission provided staff with amendments as discussed below to the ordinance and forwarded a positive recommendation to the City Council.

The purpose of the current amendments to the LMC is to address the current issues of mass and scale and environmental impacts. The Planning Commission has repeatedly stated that the current ordinance does not encourage the zoning purpose statement to “encourage construction of historically compatible structures that contribute to the character and scale of the historic district, and maintain the existing residential neighborhoods.” The emphasis for changing the ordinance has been focused on the outcome of development on steep slope.

The following diagram shows how the existing ordinance results in greater mass on steeper slopes. The diagram depicts application of the current LMC on a flat lot, a thirty percent (30%) sloped lot, and a sixty percent (60%) sloped lot. Each additional story is 10 vertical feet and the roof pitch is 8:12. Incidentally, under the current ordinance the steeper the slope, the more a structure is allowed to step up the hillside creating more stories and greater excavation.



Typically, a structure on a flat lot results in a 2 ½ story building with the possibility of a basement. A structure on a steep slope results in up to 4 stories plus a basement, creating impacts to mass and scale of the historic district and impacts to the environment.

Analysis

Staff previously proposed three separate options to mitigate mass and scale and environmental impacts from construction on steep slopes.

The Planning Commission made the following amendments to the ordinance proposed by staff as Option B:

- Increase the maximum change from existing grade to final grade from two (2) feet to four (4) feet.
- Increase the maximum excavation allowed from ten (10) feet to fifteen (15) feet.
- Revise the definition of story.
- Decrease the tandem garage height exception on a downhill lot from two cars to one car plus circulation.
- Decrease the tandem garage excavation exception on an uphill lot from two cars to one car plus circulation.

During the March 25, 2009 Planning Commission meeting, the Commission forwarded a positive recommendation of Option B as amended. The major components of the proposed ordinance are as follows:

- *No changes to the footprint calculation.*
- *Changes effect all properties in HRL, HR-1, and HR-2 zoning districts, not only properties on steep slopes*
- *Remove steep slope height exception*
- *Allow height exception for a single car garage in tandem configuration on a downhill lot.*
- *Three story maximum. Basement counts as the first story.*
- *Ten (10) foot minimum horizontal step in façade for third story on the downhill side of the structure.*
- *Allowed roof pitch between 7:12 to 12:12*
 - o *Exception for shed roofs which are not part of the primary roof design*
- *Maximum vertical excavation of fifteen (15) feet.*
 - o *Exception to allow for depth of single car garage in tandem configuration on uphill lots.*
- *Final grade must be within four (4) vertical feet of existing grade.*
 - o *Exception for driveway entrance, window wells, and emergency egress.*

OPTION B			
	Flat Lot	30% Slope	60% Slope
Footprint	844 sq. ft.	844 sq. ft.	844 sq. ft.
Allowed Height	27' from existing grade	27' from existing grade	27' from existing grade
Height from floor of 1st story to highest ridge	39.5'	39.5'	39.5'
Stories	3	3	3
Excavation	15' max from existing grade	15' max from existing grade	15' max from existing grade
Stepping	10' min. step for 3rd story	10' min. step for 3rd story	10' min. step for 3rd story
Roof Pitch	7:12 min.	7:12 min.	7:12 min.
Uphill vs. Downhill	same	Height exception may be necessary for garage on down hill lot.	Downhill: Height exception necessary for garage and a portion of lowest story is above existing grade.

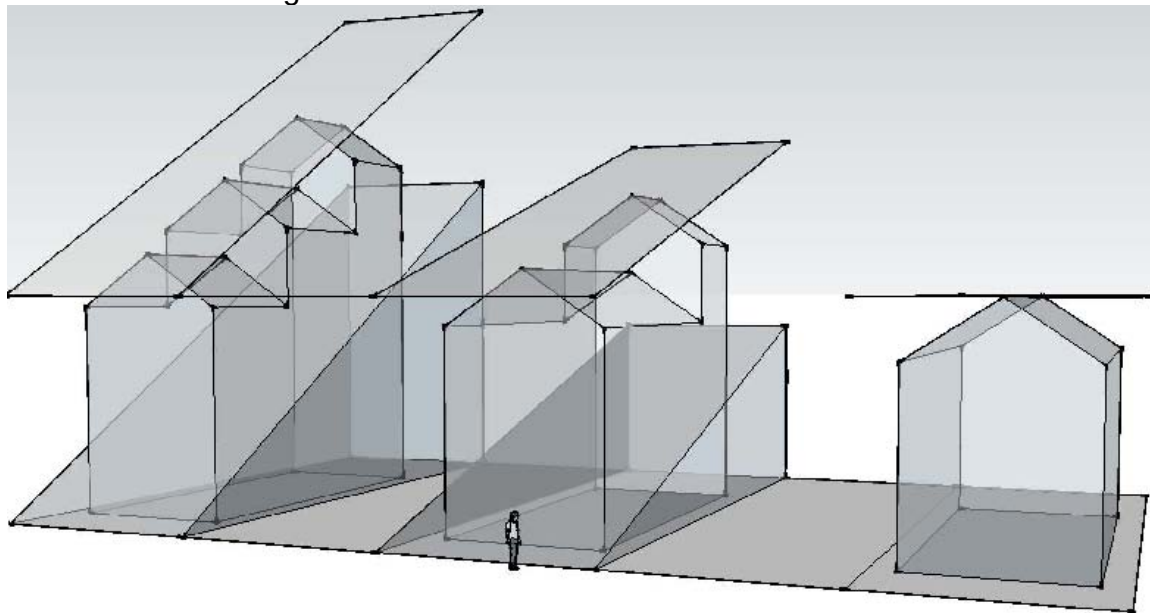
* with a 12:12 roof pitch and 10 feet of excavation

Result: A structure with two stories fronting the street and a possible third story stepped at least 10 feet from the front façade of the structure. Comparable to massing of a structure on a flat lot. Limited excavation on sloped lots. Roof pitch compatible with Historic Structures. Maintain existing grade.

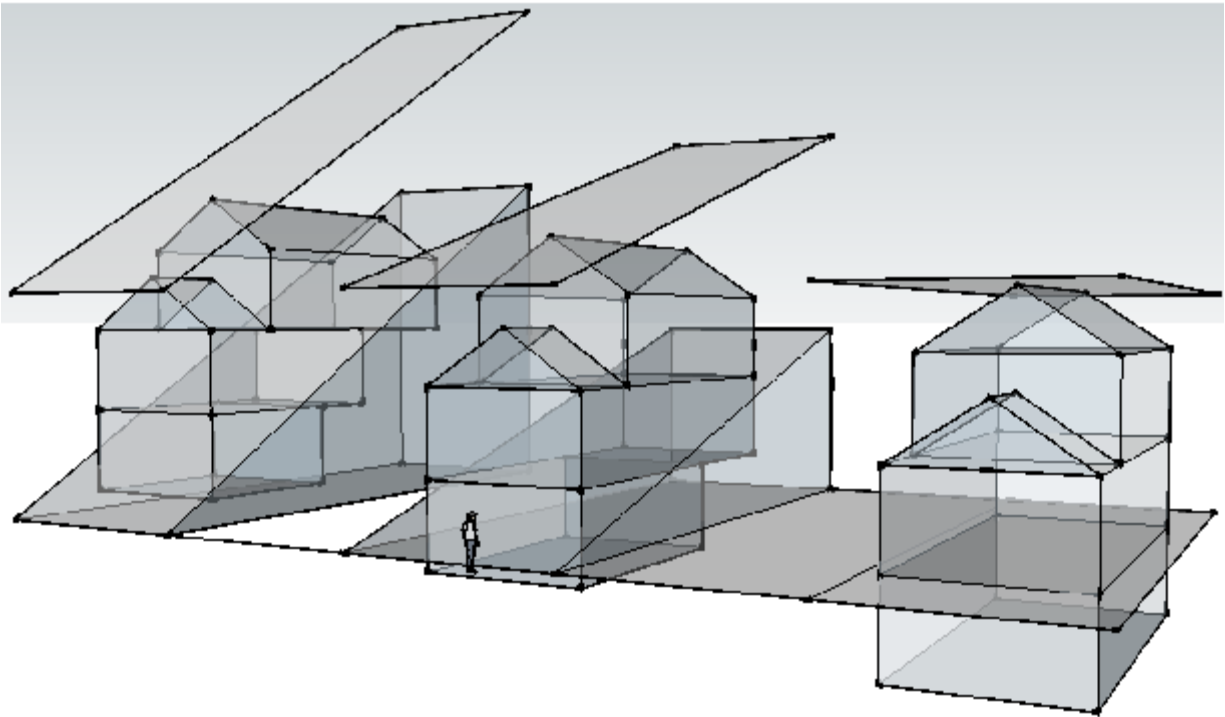
A Steep Slope Conditional Use Permit would continue to be required for any structure in excess of one thousand (1,000) square feet if said structure and/or access is located upon any existing slope of thirty percent (30%). The existing steep slope criteria would continue to apply. The criteria are utilized by staff and the Planning Commission to analyze mitigation of development on steep slopes.

The following graphics depict the current LMC and the proposed ordinance. Each of the graphics contains a flat lot, a thirty percent (30%) sloped lot, and a sixty percent (60%) sloped lot. Also, in each graphic the roof pitch is 8:10 and a story level is 10 feet. A story was only added if the ten foot level could be introduced within the parameters of the ordinance. The 27 foot zone height limit is shadowed above the structures.

Current Land Management Code



Proposed Ordinance: Minimum roof pitch, max 15' excavation, maximum three stories, minimum horizontal step of 10' on third story.



Height Measurement

Under the recommended ordinance, the proposed height measurement and allowances creates a maximum of two stories (20 vertical feet) plus the roof at the front façade. If the lot will accommodate a third story, the third story must be stepped back a minimum of 10 feet from the downhill façade of the structure. A minimum roof pitch has been introduced to result in roof pitches that are compatible with the historic district. Previous concern for the measurement of height is addressed through this option. By creating maximum story heights of ten feet (10') and a ten foot (10') minimum horizontal step in the downhill façade on the third story, the perception of more than three stories can not be achieved as it is under the current code. Also, the proposed ordinance requires that the final grade be returned to within four (4) vertical feet of existing grade. This will also decrease the perceived massing of structures due to over excavation.

An exception for single car garages in a tandem configuration has been introduced to encourage and allow one interior off-street parking space. Parking is an ongoing issue in the historic district. Staff believes it is important to provide incentives for off-street enclosed parking. The incentive is allowed for a single car garage in a tandem configuration. This results in narrow paved area leading to a garage and creates more green space in the front yards. Within the proposed code, the Planning Director may grant a height exception on a downhill lot for a single garage in a tandem configuration or an exception to the fifteen foot maximum excavation on an uphill lot for a single garage in a tandem configuration. The parking on the driveway would be in a tandem

configuration to the parking within the garage. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within the code (LMC Section 15-3). Additional width may be utilized under this exception only to accommodate circulation and an ADA elevator. Because this is an incentive, staff recommends leaving the height exception to the authority of the Planning Director. The Planning Commission agreed with staff's recommendation.

Under the recommended ordinance height would be measured as follows:

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 match Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. Zone height measurement shall not include approved window wells. The following height requirement must be met:

- (A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as the first story within this zone.
- (B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure.
- (C) Excavation. A maximum of fifteen (15) vertical feet from existing grade is allowed to be excavated. This measurement includes footings and foundation.
- (D) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required 7:12 pitch.
- (E) **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 addition height to allow for an elevator compliant with American Disability Act 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.

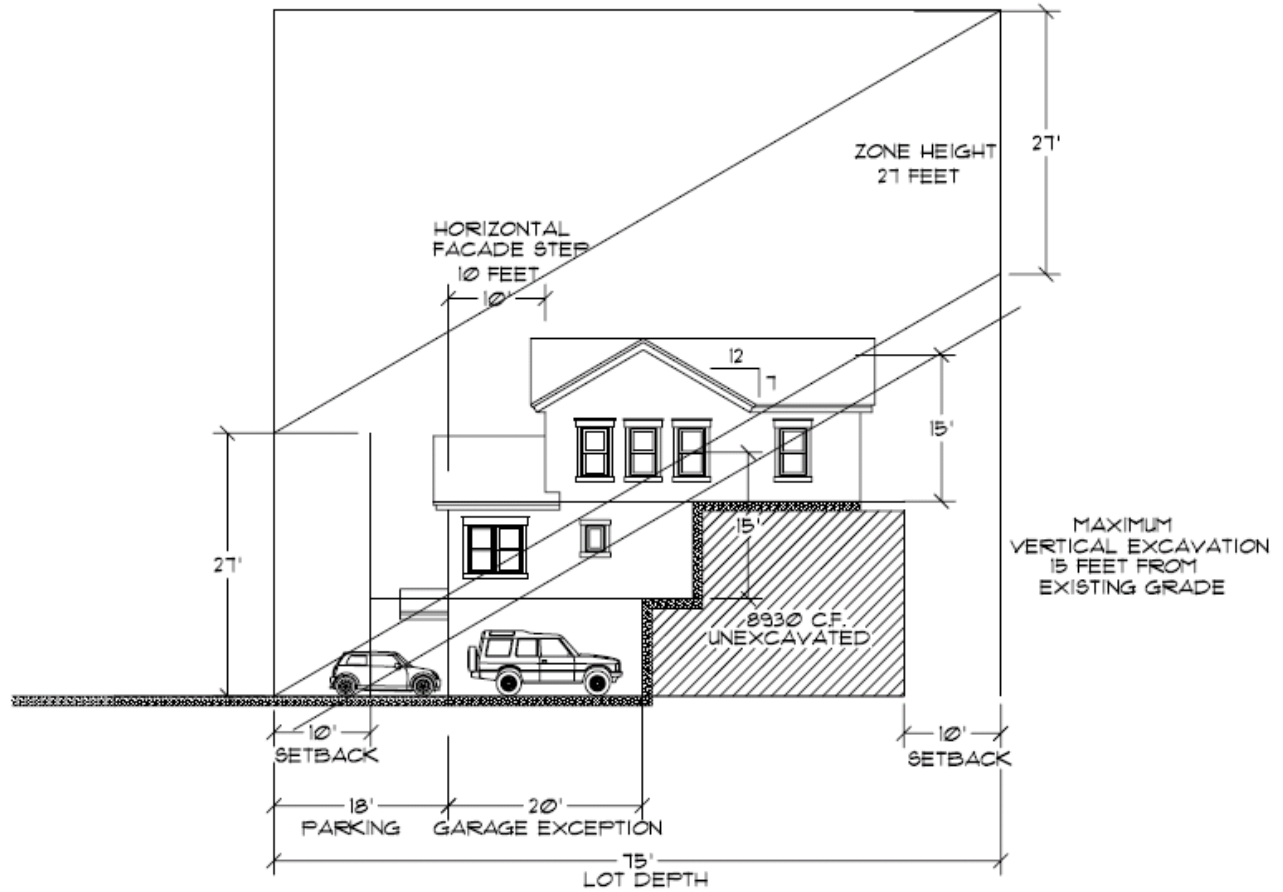
c) The proposed elevator and floor plans comply with the American Disability Act standards.

(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 on a downhill lot. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator.

(5) Garage on uphill lot. The Planning Director may allow additional excavation to accommodate a single car garage in a tandem configuration on an uphill lot. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator.

EXCEPTION 1 - 1472 S.F. TOTAL
EXTERIOR & INTERIOR PARKING

25' X 75' LOT
EXISTING ALLOWED
844 S.F. FOOTPRINT



Staff had originally proposed allowing the exception for height/excavation to allow two parking spaces within a tandem garage. The Land Management Code requires a depth of twenty (20) feet for an internal parking space. Under the original staff proposal, a total of forty (40) feet would be allowed to be excavated under the exception for a tandem garage. The Commission was concerned that on a very steep lot, the excavation cut could be as deep as fifty feet to accommodate a tandem garage. The Planning Commission amended the proposed ordinance to allow for a single garage to decrease the amount of excavation on site and to decrease the amount of hauling from the site. By limiting the exception to one garage space the total excavation is decreased to 38 feet from the property line including one driveway space (18 feet deep) and one internal parking space (20 feet deep). By allowing two tandem spaces, a total of 50 feet would be excavated from the property line including the ten foot setback and two internal tandem parking spaces (40 feet). The recommendation to City Council from the Planning Commission is to allow an exception for a single car garage to be excavated on an uphill lot and to allow a height exception for a single car garage on a downhill lot. The exception under the proposed ordinance is granted by the Planning Director as long as the applicant is not exceeding the minimum standards for an internal parking space.

The other main topic of discussion for the Planning Commission was whether or not to allow for an additional fourth story. Several members of the public requested that a fourth story be considered. In the discussion, several of the Commissioners were not apposed to allowing an additional fourth story as long as the same minimum horizontal façade step of ten feet was required and the story could fit within the zone height. Other members expressed concern for a forth story not being compatible with the mass and scale of the districts. The majority of the voting Commissioners were not supportive of an additional fourth story (3 – 2). Staff agrees with the Commissioner's perspective that a fourth story may negatively impact compatibility in the districts.

Slope Measurement

Current LMC

The current LMC definition of Slope is as follows:

The level of inclination of land from the horizontal plan 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.

Slope = Vertical Rise/Horizontal Run

LMC Section 15-2.2-6 (B) requires a Steep Slope Conditional Use Permit for any Structure in excess of 1,000 square feet if said Structure and/or access is located upon any existing Slope of thirty percent (30%) or greater.

The LMC does not indicate a minimum dimension for determining slope.

The proposed amendment to the ordinance is as follows:

For the purpose of measuring Slope, the measurement shall included 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.

Amendments to Chapter 15 - Definitions

The Planning Commission discussed the proposed definition of story and revised the definition as follows:

- Story – The vertical measurement between floors taken from finish floor to finish floor. For the topmost story, the vertical measurement taken from the top floor finish to the top of the wall plate for the roof structure.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code.

During the March 25, 2009 Planning Commission, there was a mix of public input. Support for the option was heard. Criticism from the public included concern for the maximum excavation of ten feet, questioned whether the new ordinance allowed adequate livable space for owners, questioned the practicality of imposing a maximum excavation on built roads that often the building pad is at a higher (or lower) elevation than the road and concern for the applicability to existing historic homes.

Since the March 25, 2009, Planning Staff has received additional comments of concern from the public. The major point of concern is the impact of the maximum excavation of fifteen feet on off-street parking. The new design guidelines encourage garages to be located in an area not visible from the street. Under the new excavation policy this would be very difficult to achieve on either an uphill or downhill lot which could

accommodate such parking arrangements. Exhibit B contains the additional public correspondence received from since the March 25, 2009 Planning Commission.

Significant Impacts

The proposed amendments provide clarification of processes, procedures, and definitions. The amendments address the mass and scale of new construction as it relates to residential development in the historic district and as it relates to environmental issues resulting from development. Under the pending ordinance doctrine, any completed Steep Slope CUP applications received by the City after October 22, 2008 cannot be processed if they will not comply with the proposed amendments. If amendments are not adopted by the City Council by April 22, 2009, the existing code will continue to control.

Recommendation

Staff recommends that the City Council review the proposed amendments to the Land Management Code (LMC) for Chapters 2 and 15 as described in this report and provide staff with input on the suggested amendments.

Exhibits

Exhibit A – Ordinance for amendments to LMC Chapter 2.1 (HRL), Chapter 2.2 (HR-1), Chapter 2.3 (HR-2), and Chapter 15 (Definitions)

Exhibit B – Correspondence Received from the Public since March 25, 2009

Exhibit C – Attach Staff Report from 3/25

Ordinance - 09

**AN ORDINANCE APPROVING AMENDMENTS TO
THE PARK CITY LAND MANAGEMENT CODE
AMENDING THE LOT AND SITE REQUIREMENTS AND BUILDING HEIGHT
PARAMETERS OF CHAPTERS 2.1, 2.2, AND 2.3 AND ADDING A NEW DEFINITION
TO CHAPTER 15.**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, Staff saw a need to modify the existing lot and site requirements and building height to encourage the construction of historically compatible additions and new construction that contributes to the unique character of the districts and decreases environmental impacts to the site;

WHEREAS, Chapter 15- Definitions provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms that appear on recorded plats and other documents that are not currently defined in the Code. The City desires to clarify these terms by including and/or revising definitions in the Land Management Code;

WHEREAS, these amendments are changes identified during the 2008 annual review of the Land Management Code;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at it's regularly scheduled meeting on October 8, 2008, October 22, 2008, November 12, 2008, December 10, 2008, January 28, 2009, February 11, 2009, March 4, 2009, and March 25, 2009, and forwarded a recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on April 2, 2009; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 2.1 OF THE LAND MANAGEMENT CODE. Chapter 15-2.1 is hereby amended as attached hereto as Attachment 1. Any conflicts or cross-references from other provisions of the LMC to Chapter 15-2.1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 2.2 OF THE LAND MANAGEMENT CODE. Chapter 15-2.2 is hereby amended as attached hereto as Attachment 2. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.2 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 2.3 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Attachment 3. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.3 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Attachment 4. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Planning Director.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 2nd day of April, 2009

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL 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.

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, Supplemental Regulations for Accessory Apartments

- (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. No. 06-56)

15-2.1-3. LOT AND SITE REQUIREMENTS.

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative Conditional Use permit.

⁶ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷ See LMC Chapter 15-4-2, Fences and Walls

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.

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.

(2) Exceptions to the Building Pad Area 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.

(D) **BUILDING FOOTPRINT (HRL DISTRICT).** The maximum Building Footprint of any Structure shall 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

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

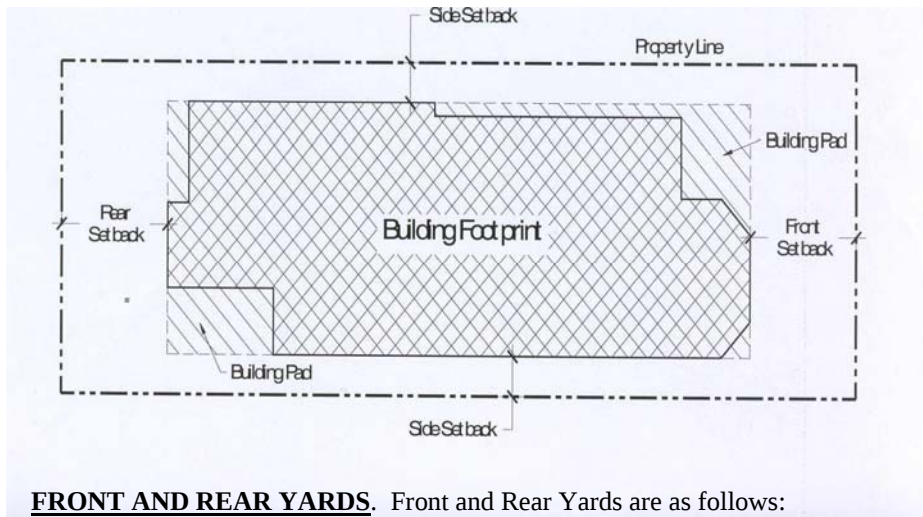
Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

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	2,270
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	Per Setbacks and Lot Area	Per Formula

* for existing 25' wide lots, Use HR-1 standards.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.1a

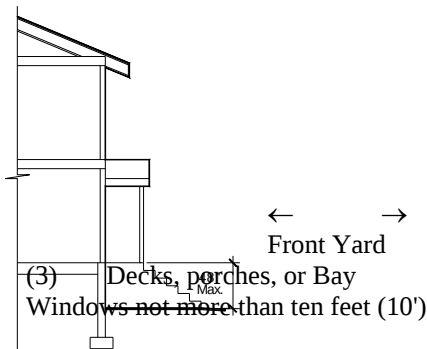
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) FRONT YARD EXCEPTIONS.

The Front Yard must be open and free of any Structure except:

(1) A Fence or wall 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.



wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, or cornices projecting not more than two feet (2') 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.

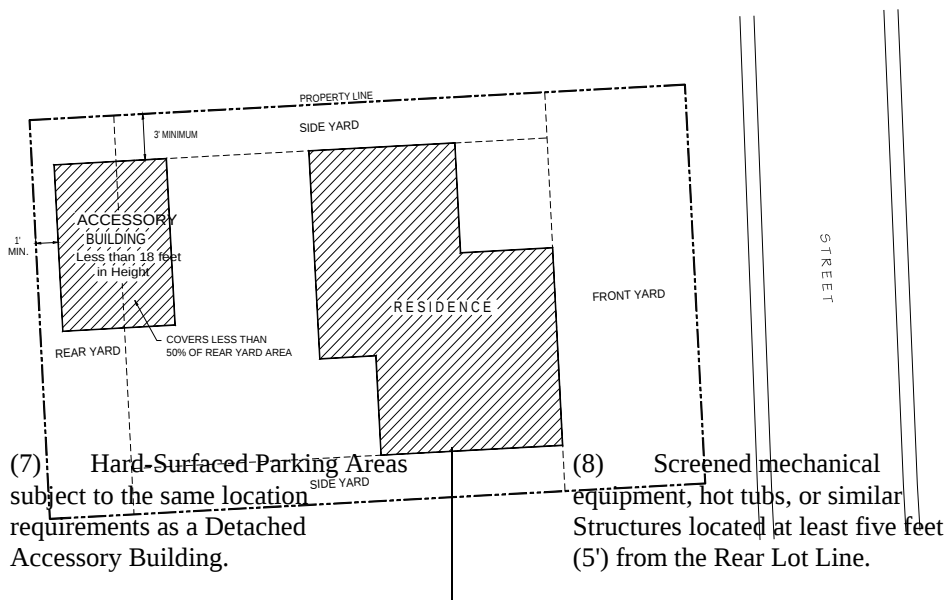
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(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, 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:



(9) Fences or walls not over six feet (6') in height, or as permitted in Section 15-4-2 Fences and Walls.⁷

(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, any Yard which faces a Street may not have a Side Yard less than 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

⁸ Applies only to Lots with a Side Yard of five feet (5') or greater.

(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, 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, provided there is at least a one foot (1') Setback to the Property Line.

(7) Fences or walls not more than six feet (6') in height or as permitted in Section 15-4-2 Fences and Walls.⁷

(8) A driveway leading to a garage or Parking Area.

(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. No. 06-56)

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,

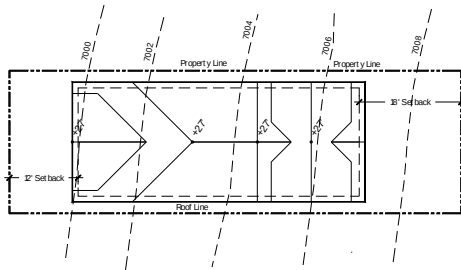
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the Uniform Building and Fire Codes.

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 (4) vertical feet 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 may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.
- (B) A ten (10) foot minimum horizontal step in the façade is required for a third (3rd) Story of a Structure. .
- (C) Excavation. A maximum of fifteen (15) vertical feet from existing grade is allowed to be excavated.
- (D) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required 7:12 pitch.

Deleted: In cases where due to excavation, Final Grade is lower than the Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved window wells.



(A) 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 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 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 (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator.

(5) Garage on uphill lot. The Planning Director may allow additional excavation to accommodate a single car garage in a tandem configuration on an uphill lot. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator.

(Amended by Ord. No. 06-56)

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

Deleted: ¶

Deleted: (3) 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. ¶

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 shall review all Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. 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.

Deleted: Director

(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

Deleted: maximum Building Height

Deleted: (10) HEIGHT EXCEPTIONS (STEEP SLOPE). The Planning Director and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:¶

¶ (a) The height exception does not result in a height in excess of forty feet (40').¶

¶ (b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.¶

¶ (c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.¶

¶ (d) Snow release issues are resolved to the satisfaction of the Chief Building Official.¶

¶ (e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.¶

¶ (f) The height exception is not granted primarily to create additional Building Area.¶

¶ (g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.¶

¶ (h) The height exception is Compatible with good planning practices and good Site design. . ¶

¶ (i) The height increase will result in a superior plan and project.¶

¶ (j) The project conforms to Section 15-1-10, Conditional Use review.¶

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. No. 06-56)

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.

(Amended by Ord. No. 06-56)

15-2.1-8. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines, Chapter 15-5.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines, Chapter 15-5.

(C) **APPEALS**. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal the Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or code provisions violated by the Staff determination.

(Amended by Ord. No. 06-56)

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.

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

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 Rental
- (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

Deleted: ites

- (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 Conditional Use permit

⁸ See LMC Chapter 15-4-18,

- (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)

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.

Passenger Tramways and Ski-Base Facilities

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).

(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 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.

(C) **BUILDING PAD (HR-1 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(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.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

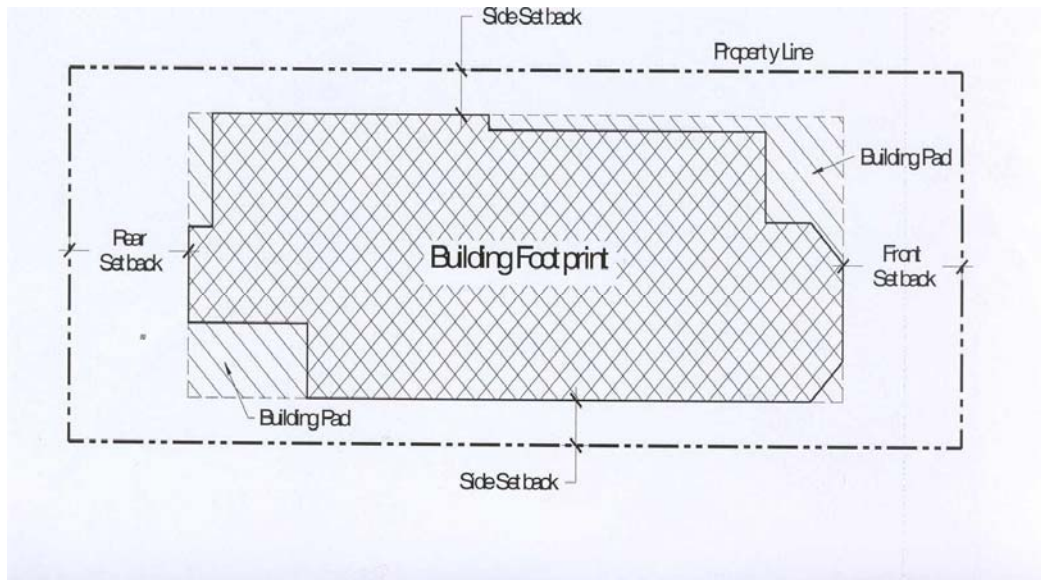
Where FP= maximum Building Footprint and A= Lot Area.

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	2,270
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 75 ft.	Per Setbacks and Lot Area	Per formula



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

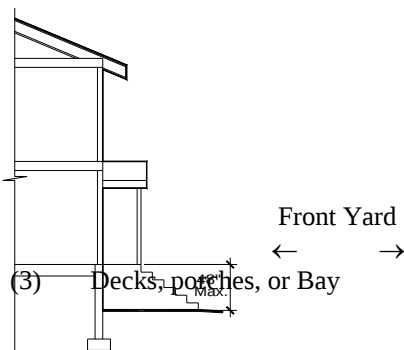
TABLE 15-2.2a

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.



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 two feet (2') 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

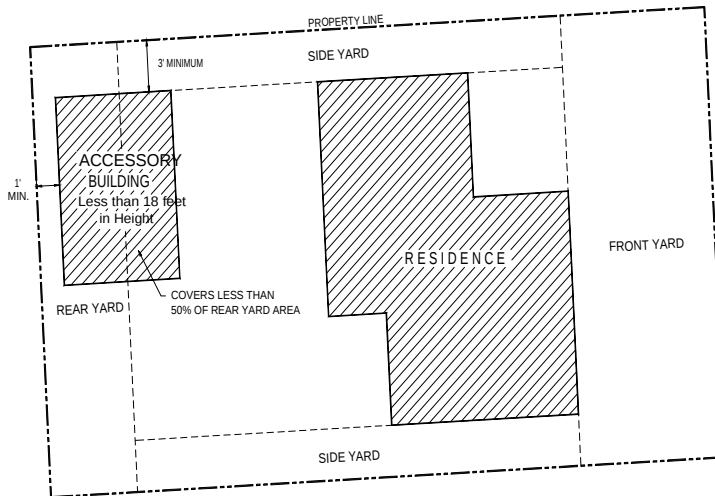
(4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, 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 not over six feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls.⁹

(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, any Yard which faces a Street may not have a Side Yard less than 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

¹⁰ Applies only to Lots with a minimum Side Yard of five feet (5').

(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, 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, provided there is at least a one foot (1') Setback to the Property Line.¹⁰

(7) Fences, walls, or retaining walls not more than six feet (6') in height or as permitted in Section 15-4-2, Fences and Walls.⁹

(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 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. No. 06-56)

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 (4) vertical feet 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:

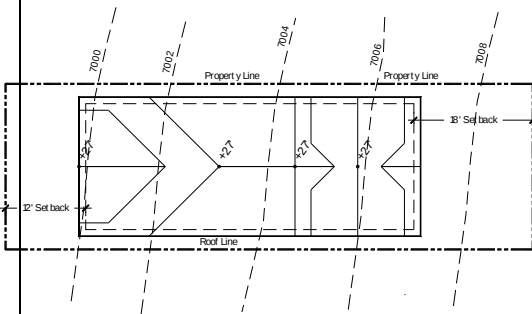
- (A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.

Deleted: In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building.

(B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure.

(C) Excavation. A maximum of fifteen (15) vertical feet from existing grade is allowed to be excavated.

(D) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required 7:12 pitch.



(A) 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 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.

Deleted: This measure shall not include approved window wells.¶

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 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 (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator.

(5) Garage on uphill lot. The Planning Director may allow additional excavation to

accommodate a single car garage in a tandem configuration on an uphill lot. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator.

(Amended by Ord. No. 06-56)

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 included 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 shall review all Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. 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

Deleted: ¶

(3) . 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.¶

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

Deleted: maximum Building

Deleted: (10) HEIGHT EXCEPTIONS (STEEP SLOPE). The Planning Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:¶

¶ (a) The height exception does not result in a height in excess of forty feet (40').¶

¶ (b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.¶

¶ (c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.¶

¶ (d) Snow release issues are resolved to the satisfaction of the Chief Building Official.¶

¶ (e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.¶

¶ (f) The height exception is not granted primarily to create additional Building Area.¶

¶ (g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.¶

¶ (h) The height exception is Compatible with good planning practices and good Site design. ¶

¶ (i) The height increase will result in a superior plan and project.¶

¶ (j) The project conforms with Chapter 15-1-10, Conditional Use Review.¶

Deleted: ¶

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. No. 06-56)

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.

(Amended by Ord. No. 06-56)

15-2.2-8. ARCHITECTURAL REVIEW.

- (A) **REVIEW.** Prior to the issuance of a

Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

(Amended by Ord. No. 06-56)

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 renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB and the HR-1 Districts,

(D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the district,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core; result in Development

Compatible Historic Structures; and comply with the Historic District Design Guidelines and 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.

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

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²Nightly Rental does not include the use of dwellings for Commercial Uses

- (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.**

- (1) Duplex Dwelling
- 16- 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

³See LMC Chapter 15-4-9 for Child Care Regulations

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

- (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
- (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 over six feet (6') in height¹¹

⁸In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met.

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

- (28) Limited commercial expansion necessary for compliance with Building/Fire Code egress and Accessibility requirements¹²

(Amended by Ord. No. 06-56)

(C) **PROHIBITED USES.**

Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 04-08)

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

The Historic Preservation Board shall review any Conditional Use permit (CUP) Application in the HR-2 District and shall forward a recommendation to the Planning Commission regarding the application's compliance with the Historic District Design Guidelines. The Planning Commission shall review this Application according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

- (A) Consistent with the Historic District Design Guidelines, Section 15-4, and the Historic Preservation Board's recommendation.

¹² Subject to compliance with the criteria set forth in Section 15-2.3-8(B). Said expansion is limited to the minimum footprint necessary to achieve compliance with Building and Fire Code egress and Accessibility requirements, and may include additional Building Footprint for ADA restrooms.

- (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. New Structures and additions must be two (2) stories in height or less. Primary facades should be one (1) to one and a half (1.5) stories at the Street. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

- (E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

- (F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

- (G) Required Fencing and Screening between residential and Commercial 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 residential Properties and on pedestrians.

(Amended by Ord. No. 06-56)

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 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.

(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 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; and
- (b) maintains the intent of this section to provide

horizontal and vertical
Building articulation.

(D) **BUILDING FOOTPRINT (HR-2 DISTRICT)**. 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.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

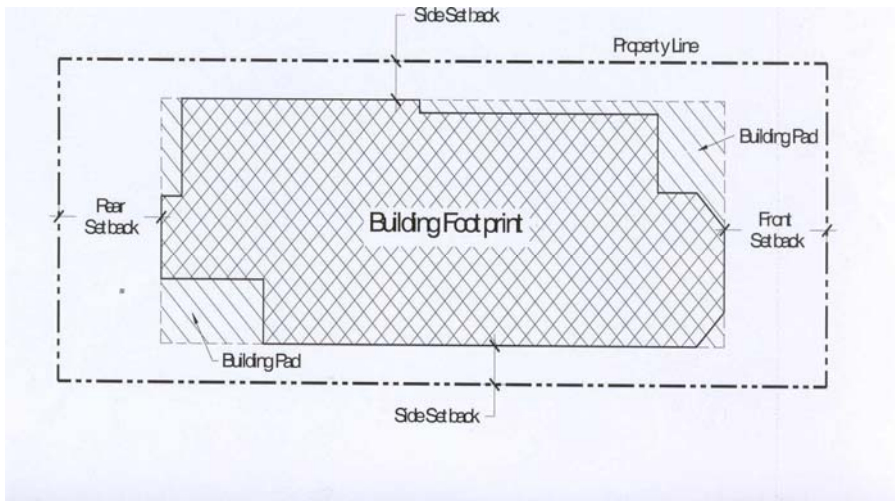
Where FP= maximum Building Footprint and A= Lot Area.

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 15-2.3. 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



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.3.a

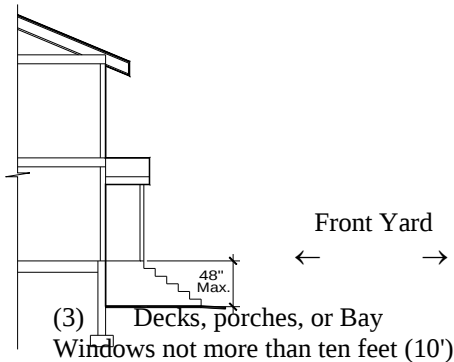
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(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 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.



wide projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves or cornices projecting not more than two feet (2') 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.

(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.

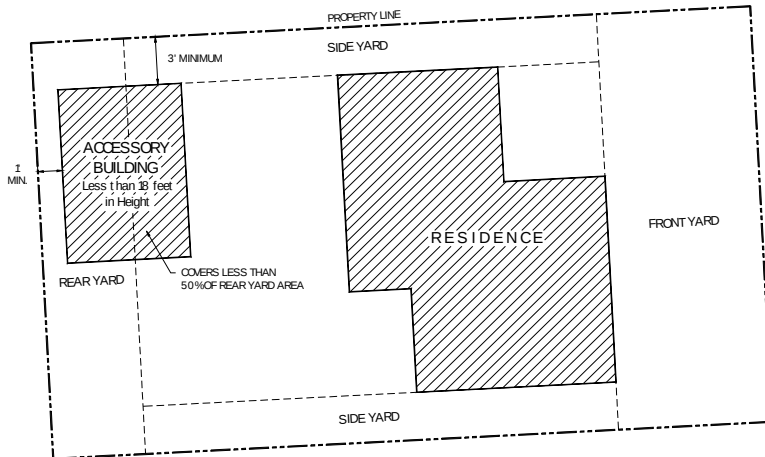
(3) Window wells or light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves

projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, 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.¹¹

(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, any Yard which faces a Street may not have a Side Yard less than 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, 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, provided there is at least a one foot (1') Setback to the Property Line.

(7) Fences or walls not more than six feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls.¹¹

(8) Driveways leading to a garage or Parking Area.

(9) Pathway or steps connecting to a City staircase or pathway.

¹² Applies only to Lots with a minimum Side Yard of five feet (5')

(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 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. No. 06-56)

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 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 location 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.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

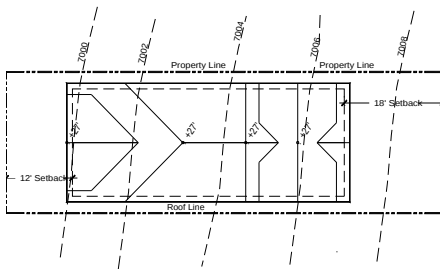
Final Grade must be within four (4) vertical feet of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.

(B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure.

(C) Excavation. A maximum of fifteen (15) vertical feet from existing grade is allowed to be excavated.

(D) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required 7:12 pitch.



(A) **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 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 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 (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator.

(5) Garage on uphill lot. The Planning Director may allow additional excavation to accommodate a single car garage in a tandem configuration on an uphill

Deleted: In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved window wells.¶

lot. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator.

(Amended by Ord. No. 06-56)

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 Historic District Design Guidelines, 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 included 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 shall review all Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. 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

Deleted: (3) . 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 requirement.¶
¶
(4) . An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.¶

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 maximum 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 a proposed Structure and existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several

Deleted: Building

Deleted: (10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Planning Development Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:¶

¶ (a) The height exception does not result in a height in excess of forty feet (40').¶

¶ (b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.¶

¶ (c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.¶

¶ (d) Snow release issues are resolved to the satisfaction of the Chief Building Official.¶

¶ (e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.¶

¶ (f) The height exception is not granted primarily to create additional Building Area.¶

¶ (g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.¶

¶ (h) The height exception is Compatible with good planning practices and good Site design. . . .¶

¶ (i) The height increase will result in a superior plan and project.¶

¶ (j) The project conforms to Section 15-1-10, Conditional Use review.

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. No. 06-56)

**15-2.3-8. SPECIAL
REQUIREMENTS FOR 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 Plat Amendment approved prior to January 1, 2000 that combined a Main Street, HCB zoned, Lot with a portion of an adjacent Park Avenue, HR-2 zoned, Lot for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, and expanding the Main Street Business into the HR-2 zoned Lot:

- (1) All Commercial Uses extending from Main Street to the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and must be below the Grade of Park Avenue projected across the Lot.
- (2) All Buildings must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4.
- (3) The height of the Building at the Zone District boundary, within the HCB District, must be Compatible with the twenty seven foot (27') height restriction on the adjacent HR-2 Lot.
- (4) Existing and new above ground Structures fronting on Park Avenue may not contain Commercial Uses.

(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 Property 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.

(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, glare, intensity of activity, parking, signs, lighting, and aesthetics.

(9) No loading docks, service yards, detached mechanical equipment, exterior trash compounds, outdoor storage, or

other similar Uses are allowed within the HR-2 portion of the Property.

(10) 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 (CUP).

(11) The Historic Structure shall be restored or rehabilitated according to the requirements of the LMC Chapter 4 as a condition precedent to approval of the Conditional Use permit.

(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.

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, and must be only in Historic Structures.

(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 Historic District Design Guidelines 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.

(Amended by Ord. No. 06-56)

15-2.3-11. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit for any Conditional or Allowed Use within this district, the Planning Department must review the proposed plans for compliance with the Historic District Design Guidelines, Chapter 15-5.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice

shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

(Amended by Ord. No. 06-56)

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. 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 or audible 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. No. 06-56)

15-2.3-14. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(Applies to Sub-Zone B only)

(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.

(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. 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) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes 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
- (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. 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)

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 9.
(Amended by Ord. No. 06-56)

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.

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

- X Parking Ratio Requirements.
 Section 15-3-6.

(Amended by Ord. No. 06-56)

PARK CITY MUNICIPAL CODE
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*Chapter adopted by Ordinance No. 00-25***CHAPTER 15 - DEFINED TERMS.15-15-1.**

DEF

INITIONS.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



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;
- (B) operated and maintained for the benefit of the principal Use;
- (C) not a Dwelling Unit; and
- (D) not including Structures that do not require a Building Permit, such as sheds, less than 160 square feet.

1.4. **ACCESSORY USE.** A land Use that is customarily incidental and subordinate 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 fruit packing 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. **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.

1.13. **APARTMENT**. A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.

1.14. **APPLICANT**. The Owner of the Property that is the subject of the Application, or the Owner's Agent.

1.15. **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.

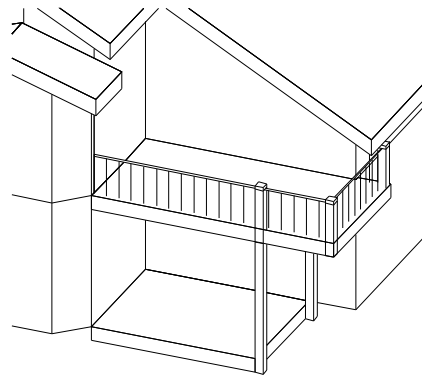
1.16. **ARCHITECTURAL DETAIL**. Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within 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.

1.17. **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.

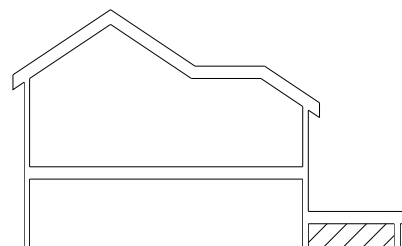
1.18. **BAKERY**. A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

1.19. **BALCONY**. A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. See following illustration:

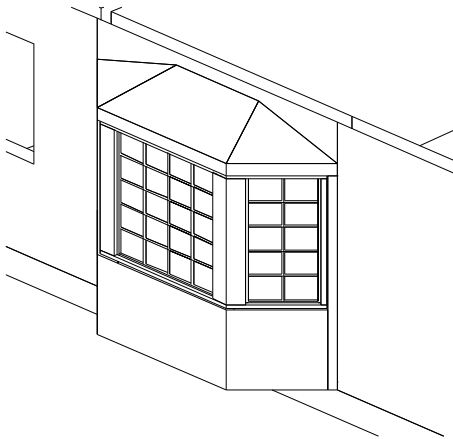


1.20. **BAR**. A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

1.21. **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 Section 1.92 **First Story**.



1.22. **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.



1.23. **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.

1.24. **BEDROOM**. A separate room designed for or used as a sleeping room.

1.25. **BILLBOARD**. A separate room designed for or used as a sleeping room.

1.26. **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.

1.27. **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.

1.28. **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.

1.29. **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.

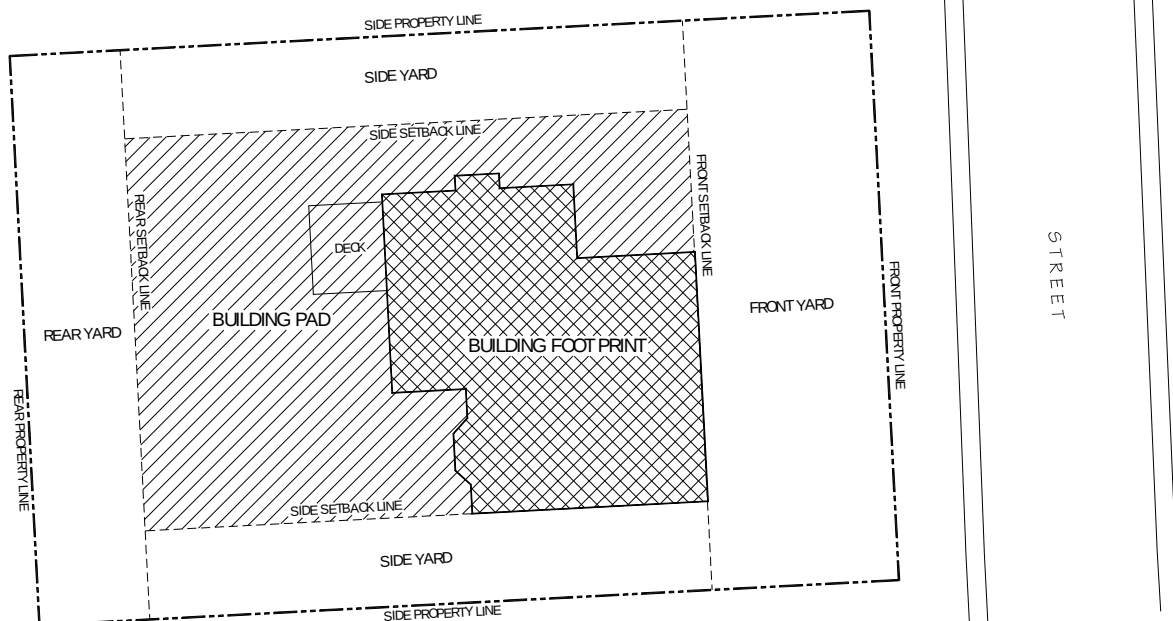
(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

1.30. **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the

maximum Building Envelope in which all Development must occur.

1.31. **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 stairs, patios, and decks.

1.32. **BUILDING PAD.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also refer to Section 1.134 Limits of Disturbance.



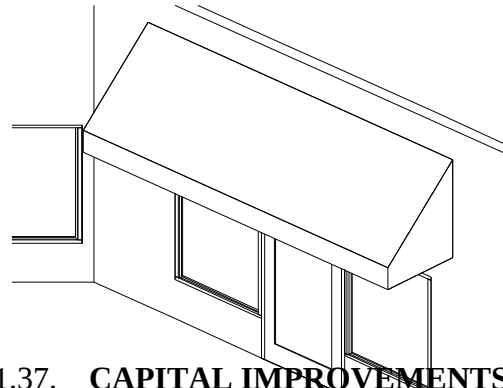
1.33. **BUILDING PERMIT.** A permit issued by the Chief Building Official

authorizing Construction Activity on a Property or Lot.

1.34. **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.

1.35. **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.

1.36. **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.



1.37. **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.

1.38. **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.

1.39. **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.

1.40. **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.

1.41. **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.

1.42. **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.

1.43. **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 Section 1.224, Site Distance Triangle.

1.44. **CLUB.**

(A) **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.

(B) **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 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.

(C) **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.

(D) **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.

(E) **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.

1.45. **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.

1.46. **CODE.** The Land Management Code (LMC).

1.47. **COLLECTOR ROAD.** A road intended to move traffic from local roads to major throughways. A Collector Road generally serves a neighborhood or a large Subdivision.

1.48. **CO-LOCATION.** See Telecommunications Facility, Co-Location, 1.242(A).

1.49. **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.

1.50. **COMMON AREA.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment

of the residents.

1.51. **COMMON OWNERSHIP.**

Ownership of the same Property by different Persons.

1.52. **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.

1.53. **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.

1.54. **CONDOMINIUM.** Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium Ownership Act.

1.55. **CONSERVATION ACTIVITY.** A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

1.56. **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.

1.57. **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.

1.58. **CONSTRUCTION**

MITIGATION PLAN A written description of the method by which an Owner will ameliorate the adverse impacts of Construction Activity.

1.59. **CONSTRUCTION PLAN.** The map and drawings showing the specific location and design of the Development.

1.60. **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR**

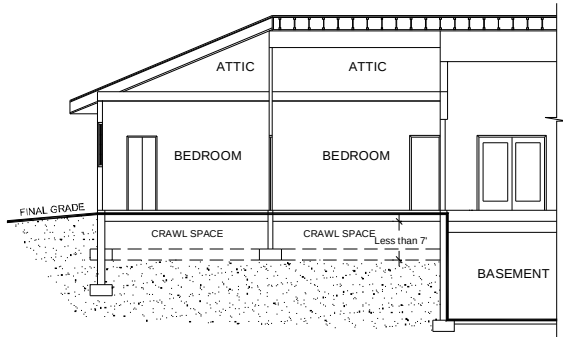
OBJECT. A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

1.61. **COUNCIL.** Members of the City Council of Park City.

1.62. **COVER, SITE.** The Area covered by an impervious surface such as a Structure, deck, pool, patio, walk, or driveway.

1.63. **CRAWL SPACE.** An 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.



1.64. **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.

1.65. **CUL-DE-SAC.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

1.66. **DELI OR DELICATESSEN.** A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code (IBC) Commercial Kitchen facilities and does not employ hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

1.67. **DEMOLISH OR DEMOLITION.** Any act or process that destroys in part or in whole a Landmark or Structure.

1.68. **DENSITY.** The intensity or number of non-residential and residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

1.69. **DESIGN GUIDELINE.** A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

1.70. **DETACHED.** Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

1.71. **DEVELOPABLE LAND.** That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

1.72. **DEVELOPER.** The Applicant for any Development.

1.73. **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.

1.74. **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.

1.75. **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.

1.76. **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.

1.77. **DISSIMILAR LOCATION.** A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

1.78. **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.

1.79. **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.

1.80. **ECONOMIC HARDSHIP, SUBSTANTIAL.** Denial of all reasonable economic Use of the Property.

1.81. **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.

1.82. **ELEVATOR PENTHOUSE.** The minimum Structure required to enclose the top most mechanical workings of an elevator.

1.83. **EQUIPMENT SHELTER.** See Telecommunications Facilities, Equipment Shelter 1.231(B).

1.84. **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.

1.85. **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.

1.86. **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.

1.87. **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.

1.88. **FAÇADE EASEMENT.** A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

1.89. **FAÇADE SHIFT.** A change or break in the horizontal or vertical plane of the exterior of a Building.

1.90. **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.

1.91. **FILTERED LIGHT FIXTURE.** Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

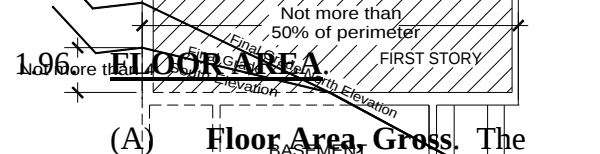
1.92. **FINAL ACTION.** The later of the final vote or written decision on a matter.

1.93. **FINAL PLAT.** A recordable Subdivision or Condominium map.

1.94. **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. See the following illustration:

1.95. **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.



(A) **Floor Area, Gross.** The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet¹, are

¹400 sq. ft. in Historic Districts

not considered Floor Area. Basement Areas below Final Grade are not considered Floor Area.

(B) **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

1.97. **FLOOR AREA RATIO (FAR).** The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

1.98. **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.

1.99. **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

1.100. **FULLY SHIELDED.** See Section 1.142(B) Luminaire, Fully Shielded.

1.101. **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.

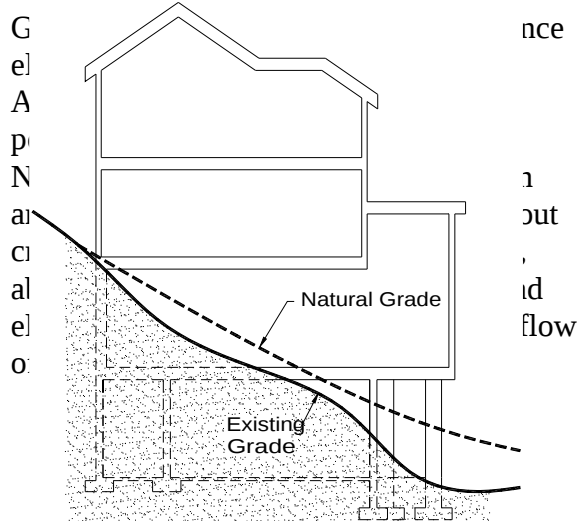
1.102. **GEOLOGIC HAZARD.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, Property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable Slopes, faulting landslides, and rock fall.

1.103. **GOVERNING BODY.** The City Council of Park City.

1.104. **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



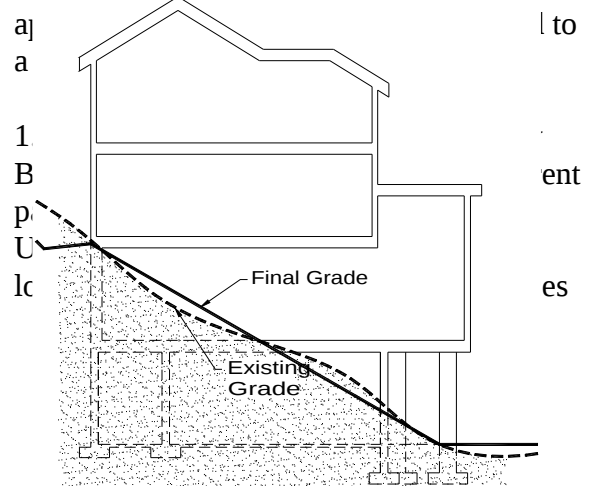
(C) **Grade, Final.** The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

1.105. **GRADING.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

1.106. **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.

1.107. **GRUBBING.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

1.108. **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



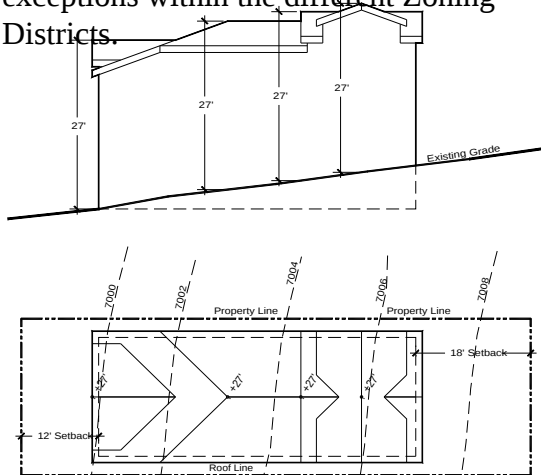
are provided. Payment is not allowed.

1.110. 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.

1.111. HARD-SURFACED. Covered with concrete, brick, asphalt, or other impervious surface.

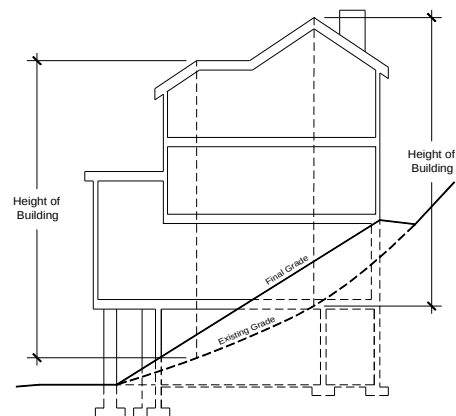
1.112. HEIGHT, BUILDING. The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.



1.113. HISTORIC. That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

1.114. 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.

1.115. 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

1.116. 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.

1.117. **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.

1.118. **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.

1.119. **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.

1.120. **HOTEL/MOTEL.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis and accessory facilities such as a lobby, meeting rooms, recreation facilities,

group dining facilities, and/or other facilities or activities customarily associated with Hotels, such as daily maid service. These terms do not include Lockout Units or Bed and Breakfast Inns. Hotels/Motels are considered a lodging Use. Hotel/Motels are generally an establishment containing guest rooms, some of which have a separate entrance leading directly from the outside of the Building. Payment is generally on a daily or weekly basis.

(A) **Hotel/Motel, Major.** A Hotel, Motel, with more than fifteen (15) Hotel Rooms.

(B) **Hotel/Motel, Minor.** A Hotel, Motel, with fewer than sixteen (16) Hotel Rooms.

1.121. **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.

1.122. **HOTEL SUITE.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette.

See Sections 1.23. Bed and Breakfast Inn, 1.135. Lockout Unit, and 1.28. Boarding House.

1.123. **IMPACT ANALYSIS.** A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

1.124. **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.

1.125. **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.

1.126. **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.

1.127. **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.

1.128. **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.

1.129. **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.

1.130. **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.

1.131. **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.

1.132. **LIFTWAY**. The necessary Right-of-Way, both surface and air space, for the operation of any tram or ski lift.

1.131. **LIFTWAY SETBACK**. The minimum allowable distance between the side line of the Liftway and any Structure.

1.133. **LIGHT SOURCE**. A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

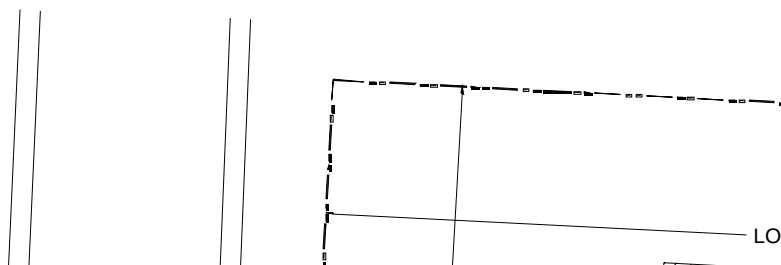
(A) **Light Source, Refractive.**

A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.134. **LIMITS OF DISTURBANCE**. The designated Area in which all Construction Activity must be contained.

1.135. **LOCKOUT UNIT**. An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

1.136. **LOT**. A unit of land described in a recorded Subdivision Plat.



at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

1.137. **LOT DEPTH**. The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

1.138. **LOT LINE**. Any line defining the boundaries of a Lot.

1.139. **LOT LINE ADJUSTMENT**. The relocation of the Property Line between two

(2) adjoining Lots.

1.140. **LOT WIDTH**. The minimum distance between the Side Lot Lines at the Front Yard or Front Building Facade. See the following illustration:

1.141. **LUMEN**. A measurement of light output or the amount of light emitting from a Luminaire.

1.142. **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.

1.143. **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.

1.144. **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”.

1.145. **MAXIMUM HOUSE SIZE**. A measurement of Gross Floor Area.

1.146. **MODEL HOME**. A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

1.147. **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.

1.148. **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.

1.149. **NON-COMPLYING STRUCTURE**. A Structure that:

(A) legally existed before its current zoning designation; and

(B) because of subsequent zoning changes, does not conform with the zoning regulation’s Setback, Height restrictions, or other regulations that govern the Structure.

1.150. **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 with the zoning regulations that now govern the land.

1.151. **NOTEWORTHY**. Deserving notice or attention because of uniqueness, excellence, or Significance.

1.152. **NURSERY, GREENHOUSE**. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.153. **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 Section 1.106 Group Care Facility.

1.154. **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.

1.155. **OFF-STREET**. Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

1.156. **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.

1.157. **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.

1.158. **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.

1.159. **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.

1.160. **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.

1.161. **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.

1.162. **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.

1.163. **OUTDOOR USE.** 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.

1.164. **OWNER.** Any Person, or group of Persons, having record title to the Property sought to be developed or subdivided, and the Owner's Agent.

1.165. **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.

1.166. **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.

1.167. **PARKING AREA.** An unenclosed Area or Lot other than a Street used or designed for parking.

1.168. **PARKING LOT, COMMERCIAL.** A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

1.169. **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.

1.170. **PARKING STRUCTURE.** A fully enclosed Structure designed and intended for parking.

1.171. **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.

1.172. **PERIOD OF HISTORIC SIGNIFICANCE.** A specific period of time that provides a context for Historic

Sites based on a shared theme.

1.173. **PERSON.** An individual, corporation, partnership, or incorporated association of individuals such as a club.

1.174. **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.

1.175. **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.

1.176. **PRELIMINARY PLAT.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

1.177. **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.

1.178. 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.

1.179. PRIVATE CLUB. See 1.44(A), Club, Private.

1.180. PRIVATE RESIDENCE CLUB. See 1.44(B), Club, Private Residence.

1.181. PRIVATE RESIDENCE CLUB CONVERSION. See 1.44(C), Club, Private Residence Club Conversion.

1.182. PRIVATE RESIDENCE CLUB PROJECT. See 1.44(D), Club, Private Residence Club Project.

1.183. 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.

1.184. 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.

1.185. PROPERTY OWNER. See 1.164, Owner.

1.186. 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.

1.187. PUBLIC USE. A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

1.188. 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.

1.189. **QUASI-PUBLIC USE**. A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

1.190. **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.

1.191. **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.

1.192. **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.

(C) **Recreation Facilities, Public**. Recreation facilities operated by a public agency and open to the general public with or without a fee.

1.193. **REFRACTIVE LIGHT SOURCE**. A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.194. **REGULATED USE**. A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

1.195. **RESIDENTIAL USE**. 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.

1.196. **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.

1.197. **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.

1.198. **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.

1.199. **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.

1.200. **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.

1.201. **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.

1.202. **RIDING STABLE, COMMERCIAL**. A Structure and/or Site for horses, ponies, and/or mules, that is rented or used for compensation.

1.203. **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.

1.204. **ROAD**.

(A) **Road, Collector**. A road intended to move traffic from local roads to major thoroughways. A Collector Road generally serves a neighborhood or a large Subdivision.

1.205. **ROAD CLASSIFICATION.** The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

1.206. **ROAD RIGHT-OF-WAY WIDTH.** The distance between Property Lines measured at right angles to the center line of the Street.

1.207. **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.

1.208. **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.

1.209. **SBWRD.** Snyderville Basin Water Reclamation District.

1.210. **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.

1.211. **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.

1.212. **SENSITIVE LAND.** Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

1.213. **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.

1.214. **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.

1.215. **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.

1.216. **SEXUALLY ORIENTED BUSINESSES.** Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

1.217. **SIGNIFICANCE.** The quality of having Historical consequence or being regarded as having great architectural value.

1.218. **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.

1.219. **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.

1.220. **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.

1.221. **SINGLE FAMILY SUBDIVISION.** A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

1.222. **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.

1.223. **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.

1.224. **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.

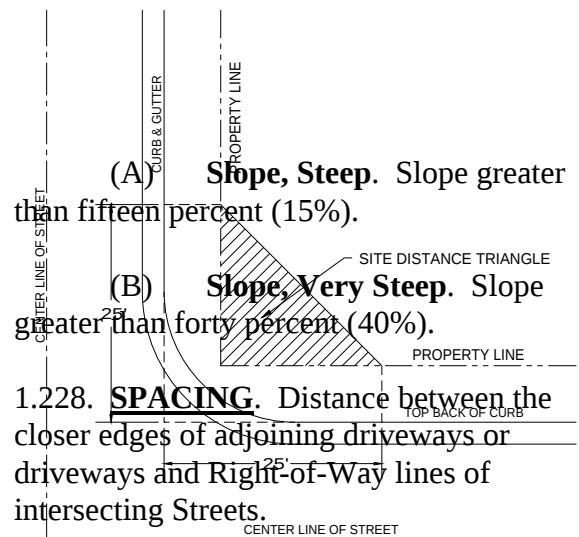
figure in a percentage value.

1.225. **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.

1.226. **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.

1.227. **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



1.229. **STEALTH.** See Telecommunications Facility, Stealth 1.242(C).

1.230. **STOREFRONT PROPERTY.** See Property, Storefront 1.183(A).

XXXX. STORY. The vertical measurement between floors taken from finish floor to finish floor. For the topmost story, the vertical measurement taken from the top floor finish to the top of the wall plate for the roof structure.

1.231. **STREAM.** A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches

$$\text{SLOPE} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}}$$



and canals constructed for irrigation and drainage purposes.

1.232. **STREAM CORRIDOR**. The Corridor defined by the Stream's Ordinary High Water Mark.

1.233. **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.

1.234. **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.

1.235. **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".

1.236. **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.).

1.237. **SUBDIVISION**. Any land, vacant or improved, which is divided or proposed to be divided into two (2) 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.

(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.

1.238. **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.

1.239. 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.

1.240. 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.

1.241. 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.

1.242. TELECOMMUNICATIONS FACILITY. A Telecommunications

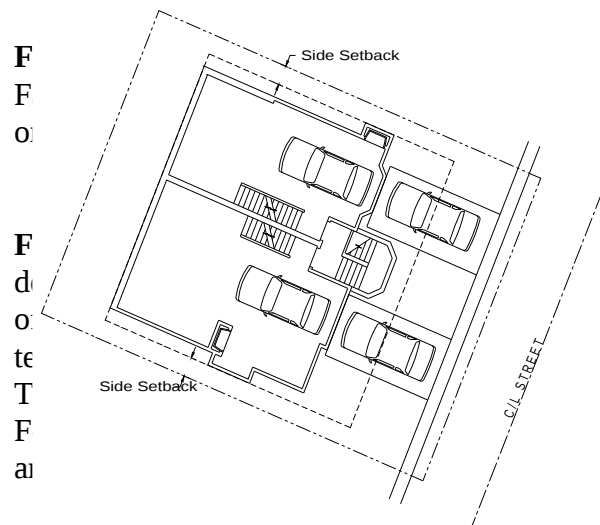
Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

(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.



1.243. TEMPORARY IMPROVEMENT.

A Structure built and maintained during construction of a Development, activity or special event and then removed prior to release of the performance Guarantee.

1.244. TIMESHARE CONVERSION.

The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

1.245. **TIMESHARE ESTATE.** A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.

1.246. **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.

1.247. **TIMESHARE INTERVAL.** A Timeshare Estate or a Timeshare Use.

1.248. **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.

1.249 **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.

1.250. **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.

1.251. **TIMESHARE ON-SITE SALES ACTIVITY.** Timeshare sales activity occurring within a Timeshare Project.

1.252. **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.

1.253. **TIMESHARE PROJECT.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

1.254. **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.

1.255. **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.

1.256. **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.

1.257. **TRANSFERRED DEVELOPMENT RIGHT (TDR) OPEN SPACE.** See Section 1.160(C) Open Space, TDR.

1.258. **TRANSPORTATION SERVICES.** A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

1.259. **UDOT.** Utah State Department of Transportation, an agency that maintains and regulates State Highways.

1.260. **UNIFORMITY RATIO.** The ratio between the average and minimum light distribution or luminance across a given Area.

1.261. **UNIT EQUIVALENT.** The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

1.262. **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.

1.263. **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:

1. Osguthorpe Barn;
2. Treasure Mountain Middle School;
3. Intersection of Main Street and Heber Avenue;
4. Park City Ski Area Base;
5. Snow Park Lodge;
6. Park City Golf Course Clubhouse;
7. Park Meadows Golf Course Clubhouse;
8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40; and
9. Highway 224, one-half mile south of the intersection with Kilby Road.

1.264. **VEHICLE CONTROL GATE.** Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.265. **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.

1.266. **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, gambel oak or high shrub, and mixed forest, and steepness.

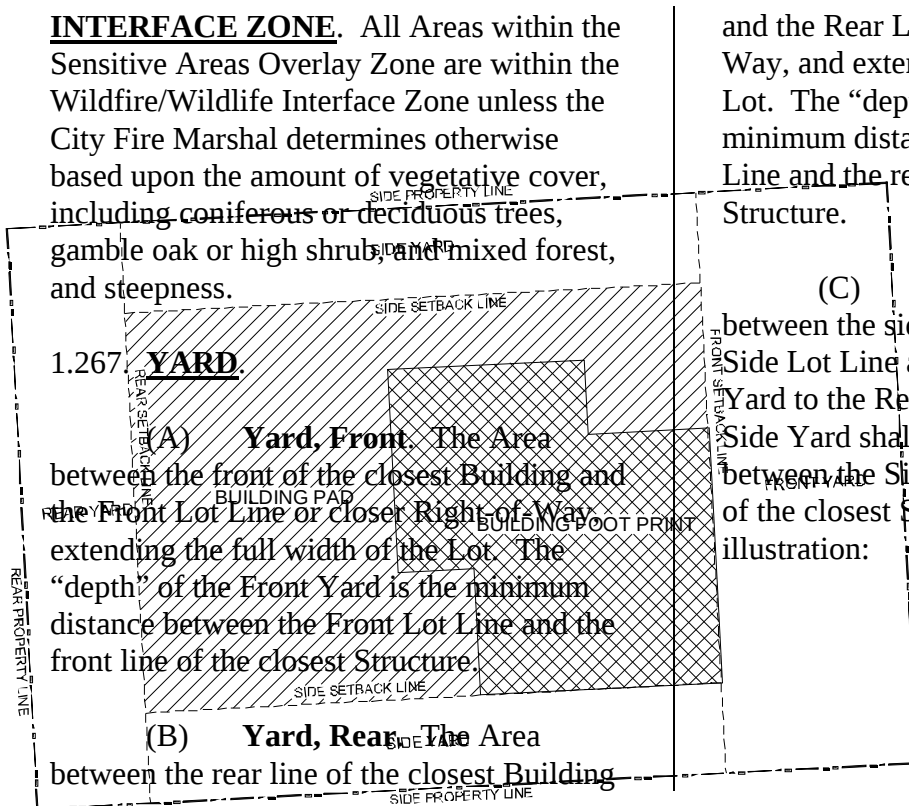
1.267. **YARD.**

(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:



1.268. **ZONE HEIGHT.** The base

Building height permitted in the Zoning

District prior to Application of any allowable height exceptions.

1.269. **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.

1.270. **ZONING MAP, OFFICIAL**. The map adopted by the City Council depicting the geographic scope of the City's land Use designations.

(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)

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
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

-B-

Bakery
Balcony
Bar
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	Development
Clearview of Intersecting Streets	Development Agreement
Club	Development Approval Application
Club, Private	Disabled Care
Club, Private Residence	Dissimilar Location
Club, Private Residence Conversion	Dwelling, Duplex
Club, Private Residence Off-Site	Dwelling, Triplex
Club, Private Residence Project	Dwelling, Multi-Unit
Cluster Development	Dwelling, Single Family
Code	Dwelling Unit
Collector Road	
Co-Location (see Telecommunications Facility, Co-Location)	-E-
Commercial Use	Economic Hardship, Substantial
Commercial Use, Support	Elder Care
Commercial Use, Resort Support	Elevator Penthouse
Common Area	Equipment Shelter (see Telecommunications Facility, Equipment Shelter)
Common Ownership	Escrow
Compatible or Compatibility	Essential Historical Form
Conditional Use	Exterior Architectural Appearance
Condominium	
Conservation Activity	-F-
Constitutional Taking	Facade, Building
Construction Activity	Façade, Front
Construction Mitigation Plan	Facade Easement
Construction Plan	Facade Shift
Contributing Building, Structure, Site/Area or Object	Fence
Council	Filtered Light Fixture
Cover, Site	Final Action
Crawl Space	Final Plat
Crest of Hill	First Story
Cul-de-sac	Flood Plain Area
	Floor Area, Gross
-D-	Floor Area, Net Leasable
Deli or Delicatessen	Floor Area Ratio (FAR)
Demolish or Demolition	Foot Candle
Density	Foot Candle, Average (afc)
Design Guideline	Foot Candle, Horizontal (hfc)
Detached	Foot Candle, Vertical (vfc)
Developable Land	Frontage
Developer	Fully Shielded

-G-

Garage, Commercial
Garage, Front Facing
Garage, Private
Garage, Public
Geologic Hazard
Governing Body
Grade
Grade, Existing
Grade, Natural
Grade, Final
Grading
Group Care Facility
Grubbing
Guarantee
Guest House

-H-

Habitable Space (Room)
Hard-Surfaced
Height, Building
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
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 Planned Development (MPD)
Maximum Extent Feasible
Maximum House Size
Model Home

-N-

Neighborhood Convenience, Commercial
Nightly Rental
Non-Complying Structure
Non-Conforming Use

Noteworthy
Nursery, Greenhouse
Nursing Home

-O-

Off-Site
Off-Street
Office, General
Office, Intensive
Office, Medical
Office, Moderately Intensive
Official Streets Master Plan
Official Zoning Map
One Bedroom Apartment
Open Space, Landscaped
Open Space, Natural
Open Space, Transferred Development
Right (TDR)
Ordinary High Water Mark
Ordinary Repairs and Maintenance
Outdoor Use
Outdoor Recreation Equipment (see
Recreation Equipment, Outdoor)
Owner

-P-

Parcel
Parking, Public
Parking, Residential
Parking, Shared
Parking Area
Parking Lot, Commercial
Parking Space
Parking Structure
Passenger Tramway
Period of Historic Significance
Person
Planned Unit Development (PUD)
Porous Paving
Preliminary Plat
Preservation
Preservation Easement

Private Club (see Club, Private)
Private Residence Club (see Club, Private
Residence)
Private Residence Club Conversion (see
Club, Private Residence Conversion)
Private Residence Club Project (see Club,
Private Residence Project)
Property
Property, Storefront
Property Line
Property Line, Front
Property Owner (see Owner)
Public Improvement
Public Use

-Q-

Qualified Professional
Quasi-Public Use

-R-

Reconstruction
Recreation Equipment, Outdoor
Recreation Facilities, Commercial
Recreation Facilities, Private
Recreation Facilities, Public
Refractive Light Source
Regulated Use
Rehabilitation
Residential Use
Resort Support Commercial
Restaurant
Restaurant, Drive-Through
Restoration
Resubdivision
Retail and Service, Commercial-Auto
Related
Retail and Service, Commercial-Major
Retail and Service, Commercial-Minor
Retail and Service, Commercial-
Personal Improvement
Ridge Line Area
Riding Stable, Commercial

Right-of-Way	Subdivision
Road, Collector	Subdivision, Major
Road Classification	Subdivision, Minor
Road Right-of-Way Width	Subdivision Plat
	Substantial Economic Hardship (see Economic Hardship, Substantial)
-S-	Suitability Determination
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays	
Satellite Receiving Station	-T-
SBWRD	Tandem Parking
Screen or Screened	Telecommunications
Secondary Living Quarters	Telecommunications Facility
Sensitive Land	Telecommunications Facility, Co-Location
Sensitive Land Analysis	Telecommunications Facility, Equipment Shelter
Sensitive or Specially Valued Species	Telecommunications Facility, Stealth
Setback	Telecommunications Facility, Technical Necessity
Sexually Oriented Businesses	Temporary Improvement
Significance	Timeshare Conversion
Significance, Period of Historic	Timeshare Estate
Significant Ridge Line Area	Timeshare Instrument
Significant Site	Timeshare Interval
Significant Vegetation	Timeshare Off-Premises Contacting Activity
Single Family Subdivision	Timeshare Off-Premises Sales Activity
Site	Timeshare Off-Premises Sales Office
Site Development Standards	Timeshare On-Site Sales Activity
Site Distance Triangle	Timeshare On-Site Sales Office
Site Suitability Analysis	Timeshare Project
Sketch Plat	Timeshare Sales Presentation
Slope	Timeshare Unit
Slope, Steep	Timeshare Use
Slope, Very Steep	Transferred Development Right (TDR) Open Space
Spacing	Transportation Services
Storefront Property (see Property, Storefront)	
Stream	-U-
Stream Corridor	UDOT
Street	Uniformity Ratio
Street, Public	Unit Equivalent
Streetscape	Use
Streetscape, Architectural	Use, Intensity of
Structure	
Studio Apartment	

-V-

Vantage Points

Vehicle Control Gate

-W-

Wetland, Significant

Wildfire/Wildland Interface Zone

-Y-

Yard, Front

Yard, Rear

Yard, Side

-Z-

Zone Height

Zoning District

Zoning Map, Official

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March 28, 2009

Park City Council
Park City Planning Department
Park City, Utah

Dear Council Members and Planning Staff,

I am writing this letter in response to the vote taken during the Planning Commission meeting held March 25, 2009, regarding the new proposed LMC amendments aimed at Steep slope Conditional Use in the Historic District. The vote was made on Option "B" proposed by the Planning Staff with changes made by the Planning Commission to the portion of Option "B" referring to Excavation.

It seems that the Planning Commission saw fit to limit excavation for projects on steep slopes to 15 ft. cuts with min. 10 ft. horizontal steps, which on many remaining lots, would limit the ability of the property owner to excavate into the hills for garages, mechanical and storage areas, stairs and circulation which are vitally needed for a proper home. It seems that the largest home possible would be approximately 1000 to 1200 square feet, a one bedroom home (without a garage). With existing land costs and construction costs, this is really not feasible. The idea of not being able to include a garage is also not right for these land owners.

I have been a licensed, practicing Architect in Park City for the past 30 years. I have designed many projects, both commercial and residential, in the Historic District. I served two terms in the 1990's on the Historic District Commission and two terms since 2000 on the Historic Preservation Board. In the 1990's much of our time was spent working with landowners to preserve our Historic structures. Many people wanted to demolish. Since 2000, the majority of landowners are on board with preserving the structures with the idea of being able to add to them. Recently, the Historic Preservation Board has concluded the difficult task of rewriting the Historic District design Guidelines. These new, much needed Guidelines deal more strictly than the old Guidelines with ideas of Mass and Scale of buildings and Parking, to name a few. I suggest that we give these new Guidelines a chance to work before we further limit the size of these homes by throwing arbitrary numbers at excavations.

As a Design Professional I believe excavations should be limited by thoughtful and responsible Engineering. The Engineering should address existing Geotechnical issues on each site, protection of neighboring properties, local building codes involving requirements for shoring, surface and sub-surface drainage and adherence to the local flood plain ordinance. I believe Park City already has adherence to these issues in place.

I would suggest that more time be given to solving this question. I think there needs to be more dialog between the Planning Commissioners, the Public, the Planning Staff and the Design Community. This question of excavation is very important and should not be taken lightly.

Respectfully,

A handwritten signature in dark ink, appearing to read 'David G. White', with a long horizontal line extending to the right.

David G. White, Architect

Katie Cattan

From: Jonathan DeGray [degrayarch@qwestoffice.net]
Sent: Wednesday, March 25, 2009 5:20 PM
To: Katie Cattan
Subject: LMC

Katie,

I have not had an adequate chance to fully review the lengthy and complex options that staff has presented in the staff report for tonight's Planning Commission meeting. I did however, want to pass along my opinion on one issue that jumps out at me. Pertaining to option B and the limitation on excavation of 10'. This reminds me of the early 1990's and the old FAR provisions in the code. It was determined by earlier planning commissions that restrictions on below grade construction did nothing to benefit the appearance of the building and did a great deal to limit the usability of the building. That is part of the reason that the FAR requirements were cast aside in favor of the current codes. It should be the option of the property owner to develop below grade areas and not have it mandated by code. The reduction or elimination of below grade areas will not do anything to improve above grade building appearance.

Thanks,
Jon DeGray

03/30/2009

Planning Commission Staff Report



Planning Department

Subject: Land Management Code (LMC) Amendments
Author: Thomas E. Eddington Jr., AICP
Date: March 25, 2009
Type of Item: LMC Amendments – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission again re-open the public hearing and discuss the proposed amendments to the Land Management Code (LMC) for Chapters 2 and 15 as described in this report. Staff recommends the Commission review the proposed changes to the LMC and consider forwarding a positive recommendation to the City Council.

Topic

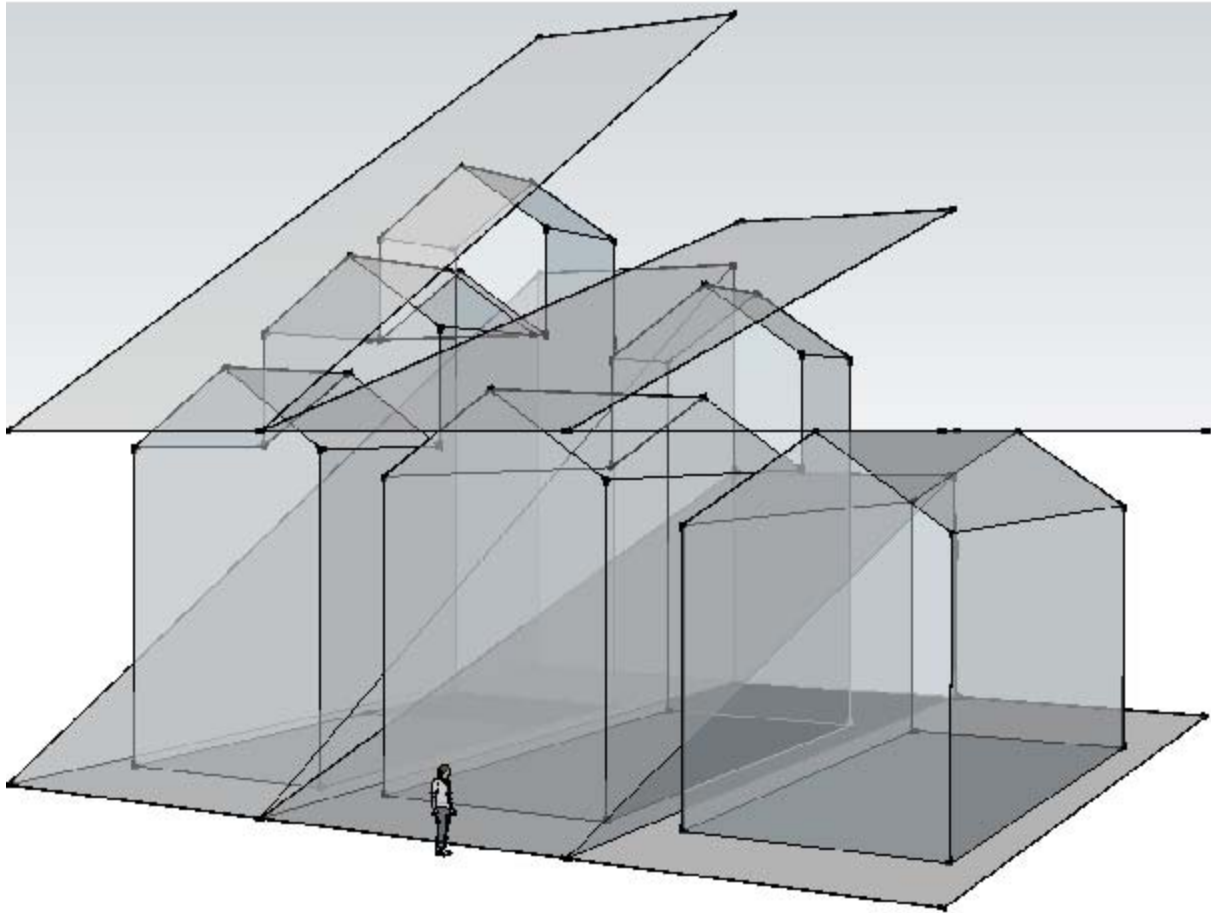
Project Name: LMC Amendments- Regarding Development on Steep Slopes in the HRL, HR-1, and HR-2 zoning districts, and definitions
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Background

The Planning Commission reviewed the proposed changes to the LMC during the March 4, 2009 meeting. During this meeting the Planning Commission provided staff with direction on the suggested changes to the Steep Slope review process. The following summarizes the major points made by the Planning Commission.

- The purpose statement “Encourage construction of historically compatible structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods” is not being achieved by the current steep slope ordinance. Structures on steep slopes are out of scale with the historic district.
- Clarification that the purpose of the request for a change to the LMC was to address issues of incompatible mass and scale and environmental impacts.
- The existing height exception within the Steep Slope CUP should not be included in the new ordinance.
- Need to address environmental impacts of excavation.
- Stepping buildings to decrease the height perception from the right-of-way.
- Study minimum roof slopes.
- Study flat lots vs. steep slopes.
- Review of current method for measuring height.
- Request for more graphics to understand outcome.

The following diagram shows how the existing ordinance results in greater mass on steeper slopes. The diagram depicts application of the current LMC on a flat lot, a thirty percent (30%) sloped lot, and a sixty percent (60%) sloped lot. Each additional story is 10 vertical feet and the roof pitch is 8:12. Incidentally, under the current ordinance the steeper the slope, the more a structure is allowed to step up the hillside creating more stories and greater excavation.



Typically, a structure on a flat lot results in a 2 ½ story building with the possibility of a basement. A structure on a steep slope results in up to 4 stories plus a basement, creating impacts to mass and scale of the historic district and impacts to the environment.

Analysis

Staff has proposed and reviewed three options to mitigate mass and scale and environmental impacts from construction on steep slopes. Based on input from the Planning Commission and property owners, staff recommends that Option B be considered as the best alternative to address the issue of mass and scale on the

historic district and environmental impacts. The major components of each option are as summarized:

Option A- Original Pending Ordinance

- *Reduce footprint by 25%*
- Expanded Purpose statement to protect the City's environmental quality and to mitigate the impacts of steep slope development;
- Reduce the allowance for a use providing it has a building footprint of 500 SF or less; this would not require the conditional use
- The requirement of a soils investigation report as well as a geotechnical analysis of slope stability;
- Site disturbance requirements (minimum cut and fill, grading, storage, retaining walls, restoration, protection of existing vegetation, and protection of unique geological features);
- Site design criteria (stepping, clustering, roof line design, location below ridge, native landscaping, re-vegetation, location of infrastructure and utilities, and maximum impervious surface coverage of lot);
- Prohibited activity on steep slopes, similar to the Sensitive Lands Overlay Zone
- A limitation of *three stories* for structures on steep slopes, in conjunction with the existing 40' height exception whichever is less.

Result: Increase in open space and permeable surface on the lot. Less overall massing on the site. Maximum height of three stories.

Option B – Stepping, Excavating, and Roof Pitch

- *Footprint calculation remains the same*
- *Changes effect all properties, not only properties on steep slopes*
- *No height exception*
- *Three story maximum. Basement counts as the first story.*
- *Ten (10) foot minimum horizontal step in façade for third story on the downhill side of the structure.*
- *Allowed roof pitch between 7:12 to 12:12*
 - o *Exception for shed roofs which are not part of the primary roof design*
- *Maximum vertical excavation of 10'*
 - o *Exception to allow for depth of tandem garage*
- *Final grade must be within two vertical feet of existing grade.*
 - o *Exception for driveway entrance, window wells, and emergency egress.*

Result: A structure with two stories fronting the street and a possible third story stepped at least 10 feet from the front façade of the structure. Comparable to massing of a structure on a flat lot. Limited excavation on sloped lots. Roof pitch compatible with Historic Structures. Maintain existing grade.

Option C – Volumetric

- Footprint calculation remains the same
- Increase rear yard setback to 15 feet
- Allow maximum of two and a half stories. Story limited to 10 feet each
- Height measured from finished floor elevation of first story to top of wall of second story. Maximum height of twenty feet not including basement. Basement story allowed.
- Per LMC definition the basement is completely under ground.
- Final grade must match existing grade
- On an uphill lot, no portion of existing grade may be excavated to accommodate area above the top of wall of the second story. On a down hill lot, the floor level of the first story may not be more than 5 feet above existing grade.

Result: A structure of two visible stories would be allowed. Basement would be allowed but would be completely underground and not visible. Steeper lots would result in smaller building size.

Option A would apply only to properties on Steep Slopes within the HR-1, HR-2, and HRL zones. Options B and C would apply to all properties in the HR-1, HR-2, and HRL zones, not only those on a steep slope. A Steep Slope Conditional Use Permit would continue to be required for any structure in excess of one thousand (1,000) square feet if said structure and/or access is located upon any existing slope of thirty percent (30%). The existing steep slope criteria would continue to apply in all three options. The criteria are utilized by staff and the Planning Commission to analyze mitigation of development on steep slopes.

OPTION A			
	Flat Lot	30% Slope	60% Slope
Footprint	844 sq. ft.	759.6 sq. ft. with modified 10% reduction	ZERO: Development prohibited on slopes greater than 40%, unless an exception is received by the Planning, Engineering, and Building Departments
Allowed Height	27' (exception up to 40')	27' (exception up to 40')	n/a
Height from 1st story to highest ridge	39.5' *	39.5'	n/a
Stories	3 maximum	3 maximum	n/a
Excavation	no minimum	no minimum	n/a
Stepping	downhill facing façade 10' minimum	downhill facing façade 10' minimum	n/a
Roof Pitch	7:12 min.	7:12 min.	n/a
Uphill vs. Downhill	same	same	n/a

* with a 12:12 roof pitch and 12.5 feet of excavation

OPTION B			
	Flat Lot	30% Slope	60% Slope
Footprint	844 sq. ft.	844 sq. ft.	844 sq. ft.
Allowed Height	27'	27'	27'
Height from floor of 1st story to highest ridge	39.5'	39.5'	39.5'
Stories	3	3	3
Excavation	10'	10'	10'
Stepping	10' min. step for 3rd story	10' min. step for 3rd story	10' min. step for 3rd story
Roof Pitch	7:12 min.	7:12 min.	7:12 min.
Uphill vs. Downhill	same	same	Downhill: portion of lowest level above existing grade

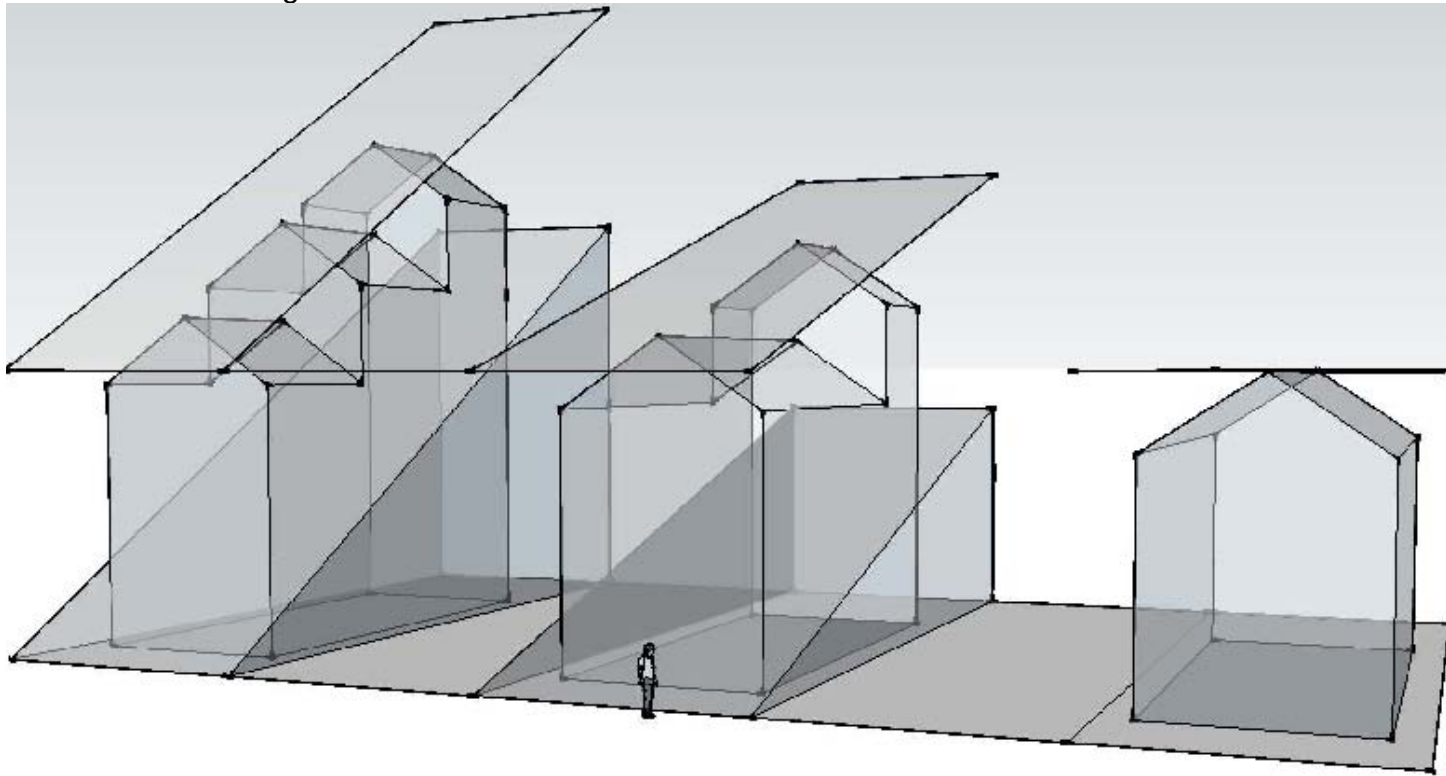
* with a 12:12 roof pitch and 10 feet of excavation

OPTION C			
	Flat Lot	30% Slope	60% Slope
Footprint	844 sq. ft.	844 sq. ft.	598.5 sq. ft.
Allowed Height	no maximum	no maximum	no maximum
Height from 1st story to highest ridge	39.5' *	39.5' *	39.5' *
Stories	3 (the third story limited to half the allowed footprint)	3 (the third story limited to half the allowed footprint)	3 (the third story limited to half the allowed footprint)
Excavation	20' max	20' max	20' max
Stepping	no minimum	no minimum	no minimum
Roof Pitch	no minimum	no minimum	no minimum
Uphill vs. Downhill	same	same	same

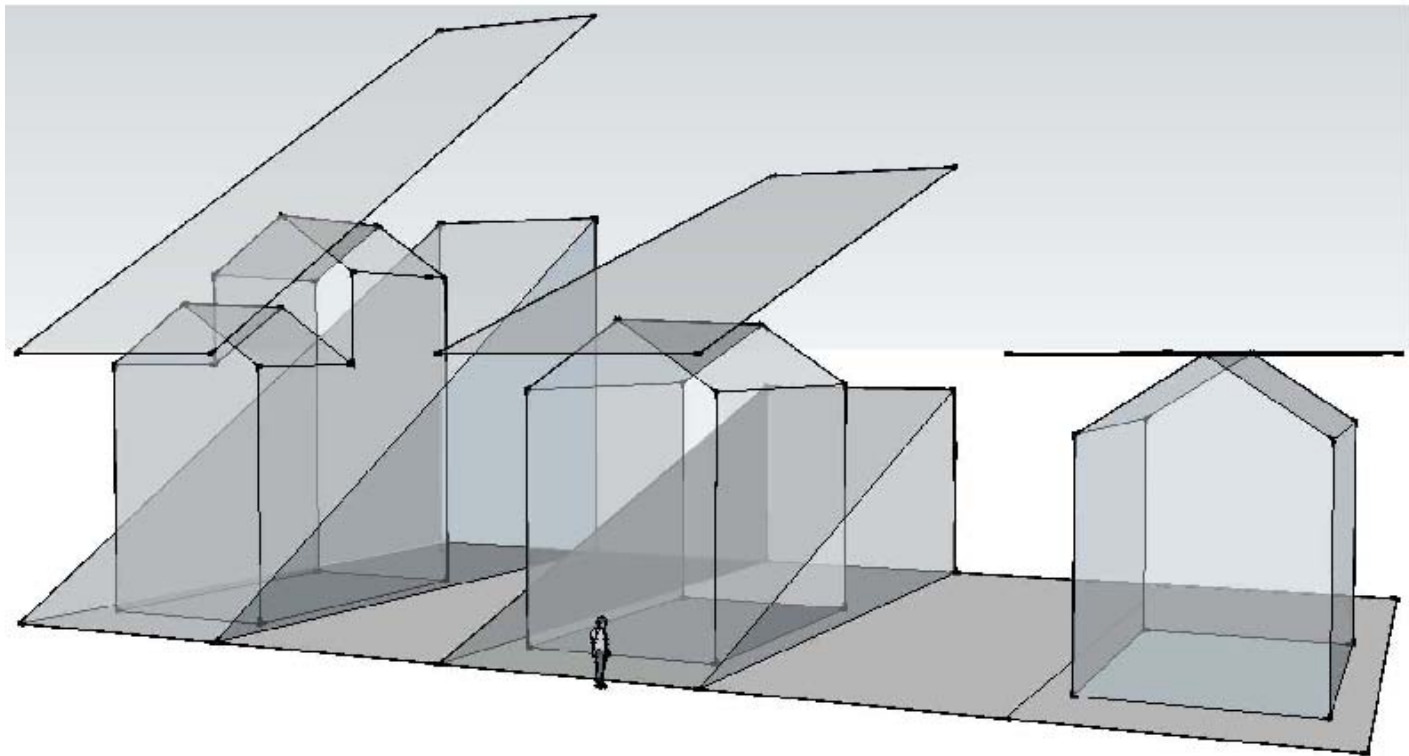
* with a 12:12 roof pitch and 12.5 feet of excavation.

The following graphics depict the three options. Each of the graphics contains a flat lot, a thirty percent (30%) sloped lot, and a sixty percent (60%) sloped lot. Also, in each graphic the roof pitch is 8:10 and a story level is 10 feet. A story was only added if the ten foot level could be introduced within the parameters of the ordinance. Footprints and heights reflect proposed ordinances.

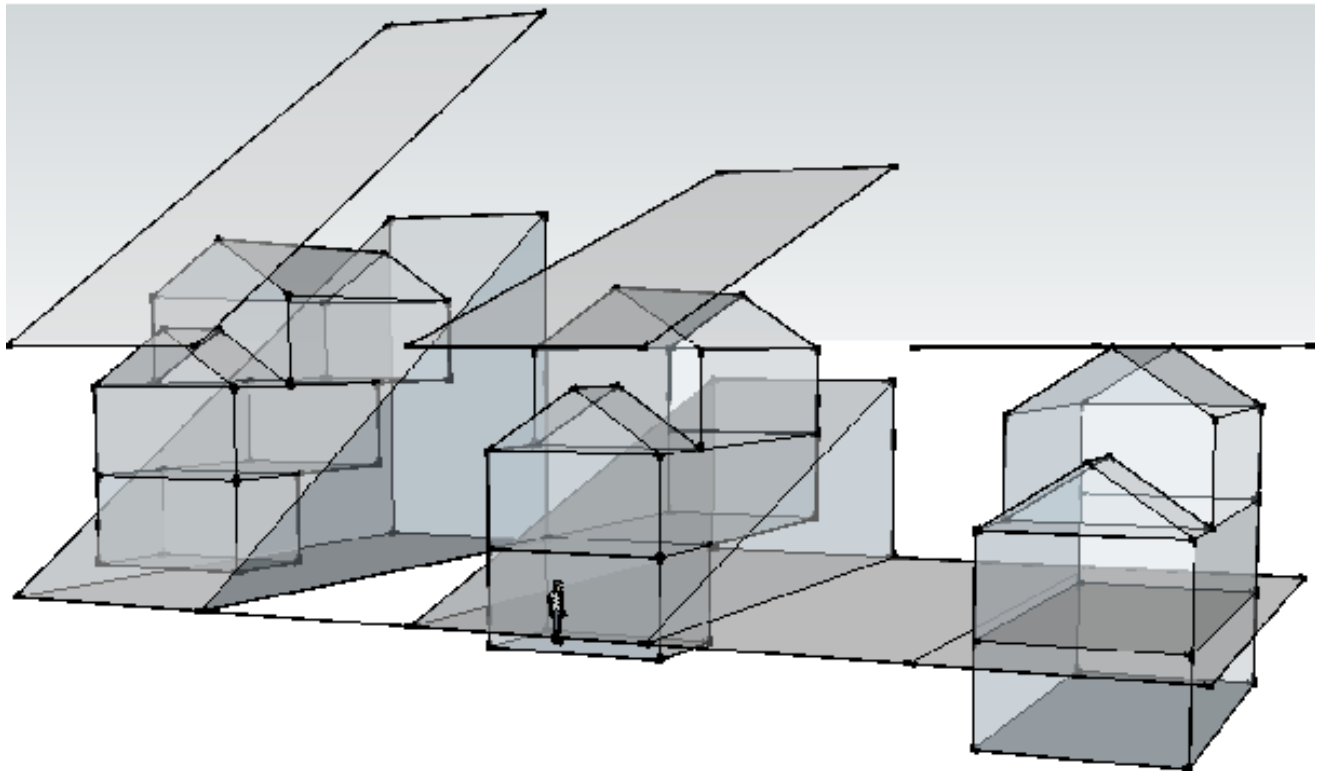
Current Land Management Code



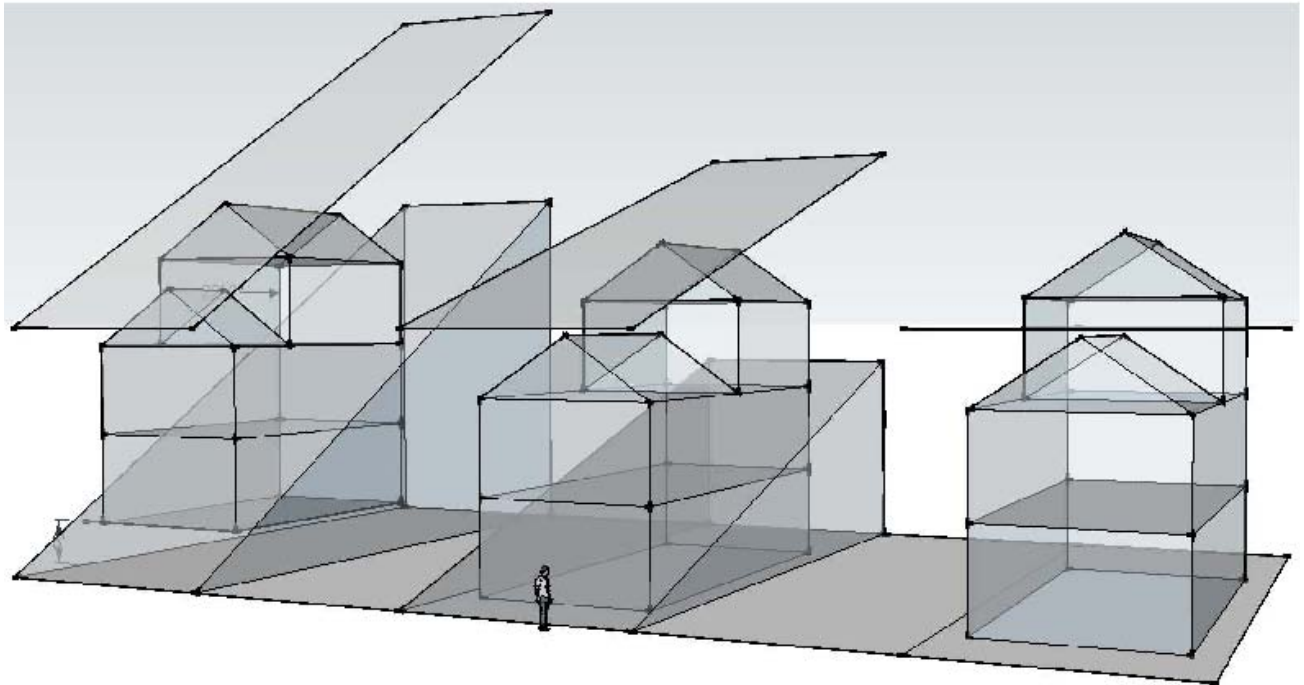
Option A: Decreased Footprint



Option B: Minimum roof pitch, max excavation, limited to three stories, minimum horizontal step of 10' on third story.



Option C: Volumetric: Maximum excavation for two stories. Slope dictates footprint.



Height Measurement

Under the recommended Option B, the proposed height measurement and allowances creates a maximum of two stories (20 vertical feet) plus the roof at the front façade. If the lot will accommodate a third story, the third story must be stepped back a minimum of 10 feet from the front façade of the structure. A minimum roof pitch has been introduced to result in roof pitches that are compatible with the historic district. Previous concern for the measurement of height is addressed through this option. By creating maximum story heights of ten feet (10') and a ten foot (10') minimum horizontal step in the downhill façade on the third story, the perception of more than three stories can not be achieved as it is under the current code. Also, Option B requires that the final grade be returned to within two vertical feet of existing grade. This will also decrease the massing of structures as perceived due to over excavation.

An exception for tandem garages has been introduced to encourage and allow off-street tandem parking. Parking is an ongoing issue in the historic district. Staff believes it is important to provide incentives for off-street enclosed parking. The incentive is allowed for tandem garages only. This results in less paved area leading to the garage and creates more green space in the form of front yards. Within the proposed code, the Planning Director may grant a height exception on a downhill lot for a tandem garage or an exception to the ten foot maximum excavation on an uphill lot for a tandem garage. The square footage of the garage may not exceed the minimum internal tandem parking standards as dimensioned within this code (LMC Section 15-3). Because this is an incentive, staff recommends leaving the height exception to the authority of the Planning Director.

1. Would the Planning Commission rather have the exception for tandem garages within the Steep Slope review by the Commission?

Under the recommended option, Option B, height would be measured as follows:

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 match Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. Zone height measurement shall not include approved window wells. The following height requirement must be met:

- (A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as the first story within this zone.
- (B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure.

(E) **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 addition height to allow for an elevator compliant with American Disability Act 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.

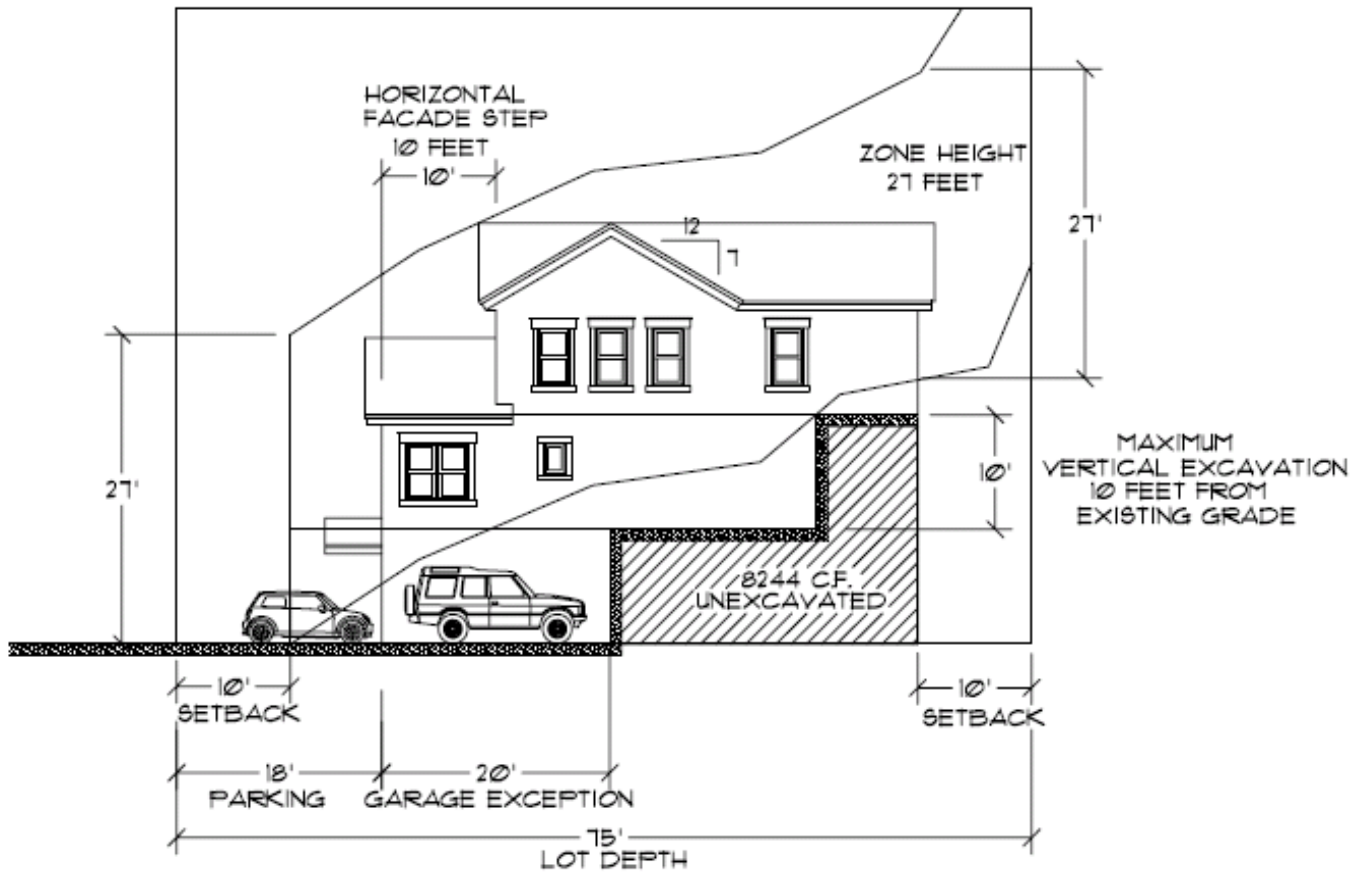
c) The proposed elevator and floor plans comply with the American Disability Act standards.

(4) Garage on downhill lot. The Planning Director may allow additional height on a downhill lot to accommodate a garage. The square footage of the garage may not exceed the minimum internal tandem parking standards as dimensioned within this code (LMC Section 15-3).

(5) Garage on uphill lot. The Planning Director may allow additional excavation to accommodate a tandem garage on an uphill lot. The square footage of the garage may not exceed the minimum internal tandem parking standards as dimensioned within this code (LMC Section 15-3).

EXCEPTION 1 - 1625 SF. TOTAL
EXTERIOR & INTERIOR PARKING

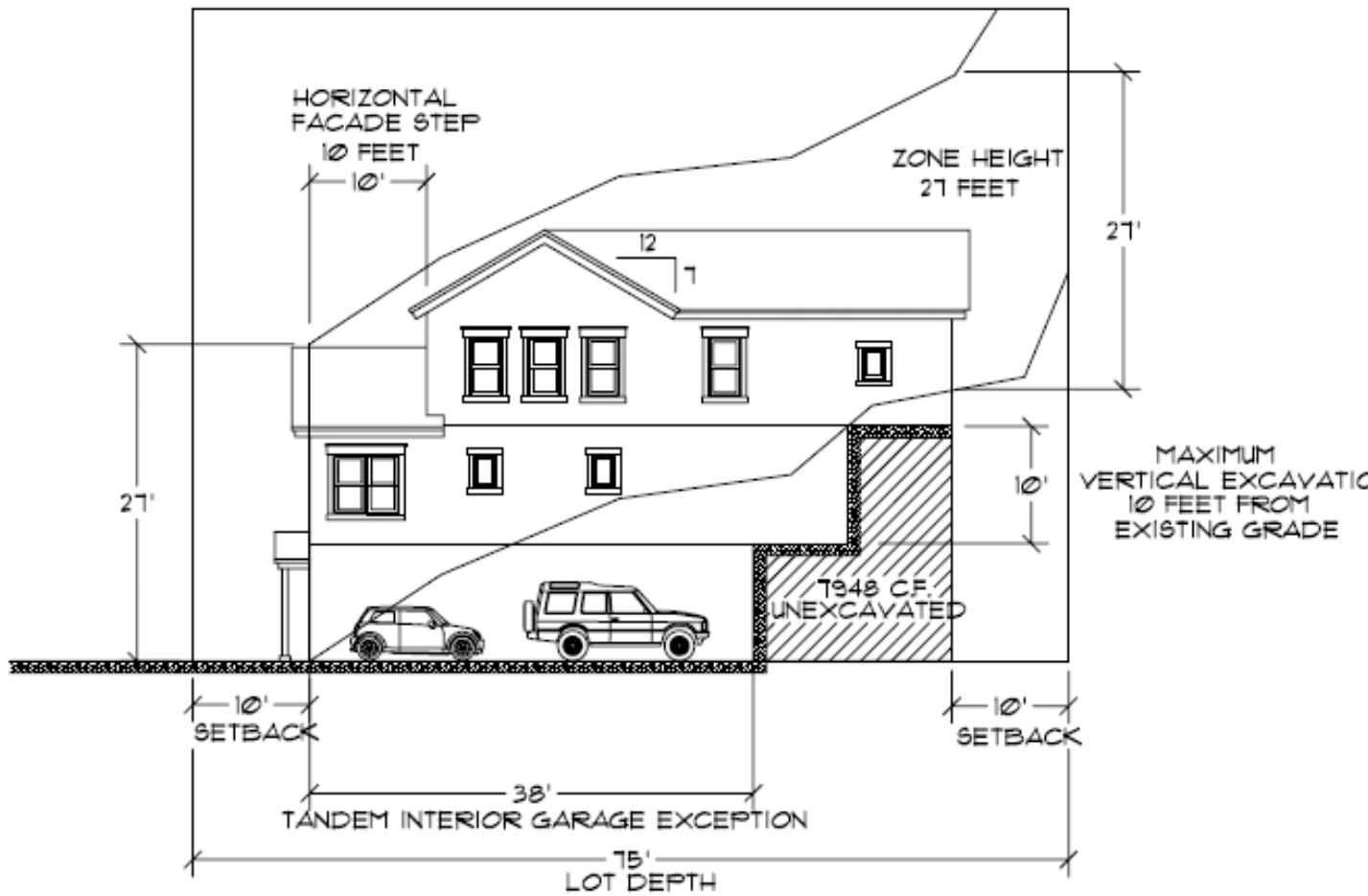
25' X 75' LOT
EXISTING ALLOWED
844 SF. FOOTPRINT



EXCEPTION 2 - 2068 S.F. TOTAL

TANDEM INTERIOR PARKING
MINIMUM FRONT SETBACK
MODIFICATION OF 3RD STORY ROOF

25' X 75' LOT
EXISTING ALLOWED
844 S.F. FOOTPRINT



Slope Measurement

Current LMC

The current LMC definition of Slope is as follows:

The level of inclination of land from the horizontal plan 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.

$$\text{Slope} = \text{Vertical Rise} / \text{Horizontal Run}$$

LMC Section 15-2.2-6 (B) requires a Steep Slope Conditional Use Permit for any Structure in excess of 1,000 square feet if said Structure and/or access is located upon any existing Slope of thirty percent (30%) or greater.

The LMC does not indicate a minimum dimension for determining slope.

Option A Amendment to Current LMC

Slope measurement in Option A continues to define Slope as stated above. The current LMC Amendments clarify the measurement with the following language:

For purposes of this ordinance, the measurement of slope shall include a minimum horizontal distance of ten feet (10') as measured on the survey of existing site conditions.

This language does not clarify where on the lot the ten feet are measured.

Staff recommends modifying this language to read:

For the purpose of measuring Slope, the measurement shall included 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.

Amendments to Chapter 15 - Definitions (Originally Proposed)

Staff further recommends the Commission discuss amendments to the following Sections of Chapter Fifteen and consider revising and/or adding definitions for the following and re-number this Chapter accordingly:

- Story – The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code. Exhibit F contains the additional public correspondence received from since the March 4, 2009 Planning Commission.

Alternatives

- Conduct a public hearing on the LMC amendments describe herein and forward a positive recommendation to the Council as presented, or as amended at the hearing.
- Conduct a public hearing and direct staff to forward a negative recommendation to the Council and provide specific findings for this action.
- Conduct a public hearing on the LMC amendment and continue action on the LMC amendments to a date certain.

Significant Impacts

The proposed amendments provide clarification of processes, procedures, and definitions. The amendments address the mass and scale of new construction on steep slopes as it relates to residential development in the historic district and as it relates to environmental issues resulting from development. Under the pending ordinance doctrine, any completed Steep Slope CUP applications received by the City after October 22, 2008 cannot be processed if they will not comply with the proposed amendments. If amendments are not adopted by the City Council by April 22, 2009, the existing code will continue to control.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, discuss the proposed amendments to the Land Management Code as described in this report and as redlined in the Exhibits, examine the alternatives as proposed at this meeting, and consider forwarding a positive recommendation to the City Council for **Option B** of LMC amendments to the HRL, HR-1, and HR-2 zoning districts.

Exhibits

- Exhibit A – Draft Ordinance Option B for the HRL District
- Exhibit B – Draft Ordinance Option B for the HR-1 District
- Exhibit C – Draft Ordinance Option B for the HR-2 District
- Exhibit D – Draft Ordinance for Definitions
- Exhibit E – Draft Ordinance Option A for the HRL District
- Exhibit F – Draft Ordinance Option C for the HR-1
- Exhibit E – Minutes from previous meetings
- Exhibit F – Correspondence Received from the Public since March 4, 2009

City Council Staff Report



FINANCE DEPARTMENT

Subject: Resolution Adopting an Identity Theft Prevention Program for Utility Billing
Author: Lori W. Collett, Finance Manager
Department: Finance
Date: April 2, 2009
Type of Item: Administrative

Summary Recommendations:

Staff recommends that Council adopt a resolution approving an identity theft prevention program for utility billing; appointing an oversight committee; and authorizing the City Manager to approve modifications to the program as needed.

Background:

The Fair and Accurate Credit Transactions ("FACT") Act of 2003, was enacted by Congress to curtail the effects of identity theft. Recently the FACT Act was amended to require all creditors (including local governmental agencies that defer payments for goods or services) to implement an identity theft prevention program by establishing policies and procedures utilizing warning signs, so call "red flags", as indicators of identity theft.

In accordance with the FACT Act, creditors must determine whether covered accounts are subject to a risk of identity theft, and, if necessary, implement a consumer credit protection program designed to detect, prevent, and mitigate identity theft in customer accounts. The program also should incorporate the creditor's existing policies and procedures where applicable, and provide for continued administration of consumer credit protection. The Act requires that such a program be approved and implemented by May 1, 2009.

To meet the mandates of the FACT Act, Finance and Utility Billing staff performed a needs assessment, taking into account the existing business practices, policies and procedures currently in place to safeguard customer identity, account information and financial transactions associated with customers' utility accounts. When appropriate, staff modified or enhanced these policies and procedures to incorporate the four basic elements for detecting, preventing and mitigating identity theft by enabling Finance and Utility Billing staff to:

- Identify relevant patterns, practices and specific forms of activity that are "red flags" signaling possible identity theft and incorporate those "red flags" into the program;
- Detect "red flags" that have been incorporated into the identity theft prevention program;

- Respond appropriately to any “red flags” that are detected to prevent and mitigate identity theft; and
- Ensure the identity theft prevention program is updated periodically to reflect changes in risks from identity theft.

To ensure compliance under the FACT Act, federal government regulators will be required to evaluate public agencies and their adherence to their identity theft prevention programs and when necessary impose fines where the disregard of “red flags” has resulted in losses to consumers. To date, there has been no known attempt to compromise Park City’s utility billing customer information.

Analysis:

The proposed Utility Billing Identity Theft Prevention Program attached for Council’s consideration was drafted taking into account the results of the needs assessment and analysis of the “red flag rules” issued by the Federal Trade Commission.

As indicated in the proposed Identity Theft Prevention Program, an Oversight Committee composed of the City Manager and the Finance Manager will administer the proposed program and will create at least annually, a report on compliance with this policy and red flag events. In addition, the Oversight Committee will identify necessary changes which when implemented will increase data security to protect the credit information of the City’s utility customers.

Department Review:

Legal Department and Utility Billing Division.

Alternatives:

- A. Approve:** Staff recommends that Council authorize the Mayor to execute the attached resolution adopting the Identity Theft Prevention Program.
- B. Deny:** Council could deny staff’s request.
- C. Modify:** Council could modify staff’s request.
- D. Continue the Item:** Council could continue the item.
- E. Do Nothing:** Council could do nothing.

Consequences of not taking the recommended action:

If Council does not take the recommended action, the City will not be in compliance by May 1, 2009 with the Fair and Accurate Credit Transactions Act (FACT Act) of 2003.

Recommendation:

Staff recommends that Council adopt a resolution approving an identity theft prevention program for utility billing; appointing an oversight committee; and authorizing the City Manager to approve modifications to the program as needed.

Attachments:

Resolution

Park City Municipal Corporation Utility Billing Division Identity Theft Prevention Program

RESOLUTION NO. _____

**RESOLUTION ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM;
APPOINTING AN OVERSIGHT COMMITTEE; AND AUTHORIZING THE CITY
MANAGER TO APPROVE MODIFICATIONS TO THE PROGRAM AS NEEDED**

WHEREAS, pursuant to The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, the Federal Trade Commission adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft;

WHEREAS, the Federal Trade Commission regulations, adopted as 16 CFR § 681.2 require creditors, as defined by 15 U.S.C. § 1681a(r)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts;

WHEREAS 15 U.S.C. § 1681a(r)(5) cites 15 U.S.C. § 1691a, which defines a creditor as a person that extends, renews or continues credit, and defines 'credit' in part as the right to purchase property or services and defer payment therefore;

WHEREAS the Federal Trade Commission regulations include utility companies in the definition of creditor such that the Park City Municipal Corporation Utility Billing Division is a creditor with respect to 16 CFR § 681.2 by virtue of providing water utility services;

WHEREAS the Federal Trade Commission regulations define 'covered account' in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions and specifies that a utility account is a covered account;

WHEREAS the Park City Municipal Corporation Utility Billing Division provides water services for which payment is made after the product is consumed or the service has otherwise been provided which by virtue of being utility accounts are covered accounts;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Park City Municipal Corporation of Summit County, Utah ("the City"):

Section 1.The City hereby adopts an Identity Theft Prevention Program in accordance with the requirements of the Fair and Accurate Credit Transactions Act of 2003.

Section 2.The City appoints the City Manager and Finance Manager as the Oversight Committee to oversee the operation and compliance of the City's Identity Theft Prevention Program.

Section 3.The City authorizes the City Manager to approve modifications to the Identity Theft Prevention Program as needed to meet the needs of the Utility Billing Division and to maintain compliance with the Fair and Accurate Credit Transactions Act of 2003.

PASSED AND APPROVED THIS _____ DAY OF APRIL 2009.

PARK CITY MUNICIPAL CORPORATION

ATTEST:

By: _____
Mayor Dana Williams

Jan M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY MUNICIPAL CORPORATION
UTILITY BILLING DIVISION
IDENTITY THEFT PREVENTION PROGRAM

PURPOSE OF PROGRAM

Pursuant to The Fair and Accurate Credit Transactions act of 2003, an amendment to the Fair Credit Reporting Act, the Federal Trade Commission adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft. The Federal Trade Commission regulations adopted as 16 CFR § 681.2 require creditors, as defined by 15 U.S.C. § 681(a)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts. 15 U.S.C. § 1681a(r)(5) cites 15 U.S.C. § 1691a, which defines a creditor as a person that extends, renews or continues credit, and defines "credit" in part as the right to purchase property or services and defer payment therefore. The Federal Trade Commission regulations include utility companies in the definition of creditor. Park City Municipal Corporation ("PCMC") is a creditor with respect to 16 CFR § 681.2 by virtue of providing utility services or by otherwise accepting payment for municipal services in arrears.

The Federal Trade Commission regulations define "covered account" in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions and specifies that a utility account is a covered account. The Federal Trade Commission regulations require each creditor to adopt an Identity Theft Prevention Program that will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts. PCMC provides water services for which payment is made after the product is consumed or the service has otherwise been provided which by virtue of being utility accounts are covered accounts. PCMC residential customer accounts for water services for which payment is made after the product is consumed or the service has otherwise been provided are covered accounts by virtue of being for household purposes and allowing for multiple payments or transactions.

The Federal Trade Commission regulations adopted as 16 CFR § 681.2, require users of consumer credit reports to develop policies and procedures relating to address discrepancies between information provided by the consumer and information provided by a consumer credit company. PCMC does not now use consumer credit reports to establish various customer accounts, but may at some time in the future begin using consumer credit reports. Accordingly, PCMC has enacted this Identity Theft Prevention Program in compliance with federal law.

IDENTITY THEFT PREVENTION PROGRAM

I. Purpose.

The purpose of this Program is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

II. Definitions.

For purposes of this Program, the following definitions shall apply:

- A. "PCMC" means Park City Municipal Corporation, Utility Billing Division and Finance Department.
- B. "Covered Account" means 1) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; 2) Any other account that the financial institution or creditor offers or

maintains or which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

- C. "Credit" means the right granted by the creditor to a debtor to defer payment of debt to incur debts and defer its payment or to purchase property or services and defer payment therefore.
- D. "Creditor" means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
- E. "Customer" means a person that has a covered account with a creditor.
- F. "Customer Service Representative" (CSR) means an individual working for PCMC whose principal responsibilities include attending to customers and their needs.
- G. "Identifying Information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any:
 - 1. Name, social security number, date of birth, official State or government issued driver's license, alien registration number, government passport number, employer or taxpayer identification number;
 - 2. Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
 - 3. Unique electronic identification number, address or routing code; or
 - 4. Telecommunication identifying information or access device.
- H. "Identity theft" means a fraud committed or attempted using identifying information of another person without authority.
- I. "Person" means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
- J. "Notice of address discrepancy" means a notice sent to a user by a consumer-reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.
- K. "Oversight Committee" means the Committee appointed by PCMC to oversee operation and compliance of the PCMC Identity Theft Prevention Program in accordance with the requirements of the Fair and Accurate Credit Transactions Act.
- L. "Personal Identifying Information" means a person's credit card account information, debit card account information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.
- M. "Red flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- N. "Service provider" means a person that provides a service directly to PCMC.

III. Findings

- A. PCMC is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of PCMC services include residential water accounts.
- C. PCMC has no known prior experience with identity theft related to covered accounts.
- D. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and transferring such accounts have been identified as potential processes in which identity theft could occur.
- E. PCMC limits access to personal identifying information to those employees in the Finance Department and Utility Billing Customer Service who are responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of a covered account. All written Water Service Agreements associated with the covered accounts are maintained in a locked file cabinet. Employees will not leave sensitive papers out on their desks when they are away from their workstations. Paper records will be shredded before being placed into the trash. Information provided in the Water Service Agreements is entered directly into PCMC's computer system and is accessible only to those employees in the Finance Department, Utility Billing Customer Service Division and to PCMC's computer technicians. Employees must log off their computers when leaving their work areas. Passwords will not be shared or posted near workstations.
- F. PCMC has determined that there is a low risk of identity theft occurring in the following ways, if any:
 - 1. Use by an applicant of another person's personal identifying information to establish a new covered account;
 - 2. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
 - 3. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
 - 4. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment; and
 - 5. Use by a third party of a customer's personal identifying information obtained by overhearing conversations between PCMC and the customer during the customer's application for service process.

IV. Process of Establishing a Covered Account.

- A. A customer may open a PCMC utility account by appearing in person to complete a Water Service Agreement or by mailing or faxing a fully executed and notarized Water Service Agreement. As a precondition to opening a covered PCMC utility account, each applicant shall provide PCMC staff or a notary public with personal identifying information of the customer which shall be in the form of a valid state or federal government issued identification card, such as a state issued driver's license, a state issued identification card, a U.S. government issued passport or visa, or a U.S. military identification card, all of which must contain a photograph of the customer. For customers who are not natural persons such

as a trust, the customer's agent opening the account must provide a valid state or federal government issued identification card and proof of authority to act on behalf of the trust.

If an applicant's name has been changed through marriage, divorce, legal name change, or otherwise, verification of the name change must be provided before an applicant will be allowed to establish a new account or transfer an existing account in a name different from that appearing on the required state or federal government issued identification card.

- B. PCMC does not now use consumer credit reports. Should PCMC begin using consumer credit reports, each applicant shall also be required to provide any information necessary for PCMC to access the applicant's consumer credit report.
- C. An applicant's personal identifying information shall be entered directly into PCMC's computer system and all written Water Service Agreements shall be placed in a locked filing cabinet.
- D. PCMC employees responsible for opening new accounts shall take reasonable precautions to insure that third parties are not attempting to view personal identifying information on a written Water Service Agreement as it is being completed by the applicant.
- E. Each account shall be assigned a customer number which shall be unique to that customer. PCMC may utilize computer software to randomly generate assigned customer numbers.

V. Access to Covered Account Information.

- A. Access to customer accounts shall be password protected and shall be limited to authorized PCMC personnel. Employees who violate security policy are subjected to discipline, up to, and including, dismissal.
- B. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Finance Manager and the password shall be changed immediately.
- C. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Manager and the City Attorney.
- D. Customers may access limited information about their utility account online. In order to access information online, customers must enroll using their account number and they must create a unique user identification and password.

VI. Credit Card Payments.

- A. Credit card payments that are made over the internet are processed through a third party service provider and such third party service provider has certified that it has an adequate identity theft prevention program in place that is applicable to such payments.
- B. Utility billing customer service representatives shall not receive any payments (credit card or other tender). Finance Department staff processes all utility billing payments. Credit card information taken over the telephone is written down, immediately processed by Finance Department staff by entering the payment into the credit card processing machine and the utility billing computer database. The written credit card information is then immediately shredded by Finance staff.
- C. Account statements and receipts for a covered account shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

VII. Sources and Types of Red Flags

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- A. Alerts from consumer-reporting agencies, fraud detection agencies or service providers (if a consumer credit report is used). Examples of alerts include but are not limited to:
 - 1. A fraud or active duty alert that is included with a consumer report;
 - 2. A notice of credit freeze in response to a request for a consumer report;
 - 3. A notice of address discrepancy provided by a consumer-reporting agency; or
 - 4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;
 - c. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- B. Suspicious documents. Examples of suspicious documents include:
 - 1. Documents provided for identification that appear to be altered or forged;
 - 2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
 - 3. Identification on which the information is inconsistent with the information provided by the applicant or customer;
 - 4. Identification on which the information is inconsistent with readily accessible information that is on file with PCMC; or
 - 5. A Water Service Agreement that appears to have been altered or forged, or appears to have been destroyed and reassembled.
- C. Suspicious personal identification, such as a suspicious address change. Examples of suspicious identifying information include:
 - 1. Personal identifying information that is inconsistent with external information sources used by PCMC. For example:
 - a. The address does not match any address in the consumer report (if used by PCMC); or
 - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File (if used by PCMC).

2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the social security number range and date of birth;
 3. Personal identifying information or a phone number or address, is associated with known fraudulent application or activities as indicated by internal or third-party sources used by PCMC;
 4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity;
 5. The social security number provided is the same number as other applicants or customers (if used by PCMC);
 6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers;
 7. The applicant or customer fails to provide all required personal identifying information on a Water Service Agreement or in response to notification that the Water Service Agreement is incomplete;
 8. Personal identifying information is not consistent with personal identifying information that is on file with the creditor; or
 9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- D. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
1. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - a. Nonpayment when there is no history of late or missed payments; or
 - b. A material change in the water usage.
 2. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
 3. PCMC is notified that the customer is not receiving paper account statements.
 4. PCMC is notified of unauthorized charges or transactions in connection with a customer's account.
 5. PCMC is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

VIII. Prevention and Mitigation of Identity Theft.

- A. In the event that any PCMC employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Finance Manager. If, the employee in his or her discretion deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Finance Manager, who may in his or her discretion determine that no further action is necessary. If the Finance Manager in his or her discretion determines that further action is necessary, PCMC shall perform one or more of the following responses, as determined to be appropriate by the Finance Manager:
1. Contact the customer;
 2. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
 - a. change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - b. close the account;
 3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector (if used by PCMC) in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
 4. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 5. Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any PCMC employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Finance Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Finance Manager, who may in his or her discretion determine that no further action is necessary. If the Finance Manager in his or her discretion determines that further action is necessary, a PCMC employee shall perform one or more of the following responses, as determined to be appropriate by the Finance Manager:
1. Request additional identifying information from the applicant;
 2. Deny the application for the new account;
 3. Notify law enforcement of possible identity theft; or
 4. Take other appropriate action to prevent or mitigate identity theft.

IX. Updating the Program.

The City Manager shall annually review and, as deemed necessary by the City Manager, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of PCMC and its covered accounts from identity theft. In doing so, the City Manager shall consider the following factors and exercise his or her discretion in amending the program:

- A. PCMC's experiences with identity theft;
- B. Updates in methods of identity theft;
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in the types of accounts that PCMC offers or maintains; and
- E. Updates in service provider arrangements.

X. Program Administration.

- A. In accordance with specified guidelines, the PCMC City Council has designated an Oversight Committee composed of the City Manager and the Finance Manager to ensure the Program's regulatory compliance. The Oversight Committee is responsible for, but not limited to:

- 1. The development and implementation of the Program;
- 2. Approval of the written Program;
- 3. Ensuring compliance with all Program requirements as stated in this policy;
- 4. Conducting an annual review of all incidents involving one or more red flag events on or about May 1 of each year; and
- 5. At least annually, review staff reports regarding compliance with this policy and red flag events that occurred during the reporting period.

The Finance Manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Finance Manager, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Manager for consideration.

- B. The Finance Manager is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Finance Manager shall exercise his or her discretion in determining the amount and substance of training necessary.

XI. Outside Service Providers.

In the even that PCMC engages a service provider to perform an activity in connection with one or more covered account the Finance Manager shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

XII. Treatment of Address Discrepancies.

At the present time PCMC is not using consumer credit reports. If in the future PCMC begins to use consumer credit reports, PCMC will comply with federal regulations regarding treatment of address discrepancies. In the event that PCMC receives a notice of address discrepancy, the PCMC employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

- A. Compare the information in the consumer report with:
 - 1. Information PCMC obtains and uses to verify a consumer's identity in accordance with the requirements for the Customer Information Program rules implementing 31 U.S.C. § 5318(1);
 - 2. Information PCMC maintains in its own records, such as Water Service Agreements for service, change of address notices, other customer account records or tax records; or
 - 3. Information PCMC obtains from third-party sources that are deemed reliable by the relevant PCMC employee; or
- B. Verify the information in the consumer report with the consumer.

XIII. Furnishing Consumer's Address to Consumer Reporting Agency.

- A. In the event that PCMC reasonably confirms that an address provided by a consumer to PCMC is accurate, PCMC is required to provide such address to the consumer-reporting agency from which PCMC received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer-reporting agency when:
 - 1. PCMC is able to form a reasonable belief that the consumer report relates to the consumer about whom PCMC requested the report;
 - 2. PCMC establishes a continuing relation with the consumer; and
 - 3. PCMC regularly and in the ordinary course of business provides information to the consumer-reporting agency from which it received the notice of address discrepancy.
- B. Such information shall be provided to the consumer-reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the consumer.

XIV. Methods of Confirming Consumer Addresses.

The PCMC employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- A. Verifying the address with the consumer;
- B. Reviewing PCMC's records to verify the consumer's address;
- C. Verifying the address through third party sources; or
- D. Using other reasonable processes.

**PARK CITY MUNICIPAL CORPORATION
REPORT OF SUSPECTED IDENTITY THEFT**

Reporting Party: _____ Date/Time of Filing: _____

Name: _____

Account _____

Address: _____

City/State/Zip: _____

Billing _____

Address: _____

City/State/Zip: _____

Circumstances of the suspected identity theft (please provide all relevant details)

Confirmation of customer's identity:

Presentation of approved photo identification (copy attached) _____

Completed FTC Identity Theft Affidavit (copy attached) _____

Filed police report (copy attached) _____

A written police report was not taken, however a case file number was assigned _____

Case File # _____

Officer/Agent verifying the Case File # _____

I hereby acknowledge that the information I have provided is accurate and complete to the best of my knowledge.

Customer's Printed Name Signature Date

List of Acceptable Documents

LIST A	LIST B	LIST C
Documents that Establish Both Identity and Employment Eligibility	Documents that Establish Identity	Documents that Establish Employment Eligibility
OR AND		
1. U.S. Passport (unexpired or expired) 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. An unexpired foreign passport with a temporary I-551 stamp 4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B) 5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer	1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority 10. School record or report card 11. Clinic, doctor or hospital record 12. Day-care or nursery school record	1. U.S. Social Security card issued by the Social Security Administration (other than a card stating it is not valid for employment) 2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350) 3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. ID Card for use of Resident Citizen in the United States (Form I-179) 7. Unexpired employment authorization document issued by DHS (other than those listed under List A)

Date _____ Time _____

Investigating Person_____

1) _____

2) _____

3) _____

4) _____

1) _____

2) _____

Time of Notification _____

Investigation Findings of Incident _____

Determination of Loss of Customer Information (Check One) _____ No Loss
_____ Loss may have/did occur

1) _____

2) _____

3) _____

1) _____

2) _____

3) _____

Investigating Person (Print Name)	Signature	Date
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City Council Staff Report



Author: Matt Twombly
Subject: Little Kate Sidewalk project Professional Service
Provider contract award
Date: April 2, 2009
Type of Item: Administrative - Award of Contract

Sustainability

Summary Recommendation –

Authorize The City Manager to enter into a service provider agreement with Alliance Engineering, Inc., for the Little Kate Sidewalk Engineering Project in the amount of \$35,000 in a form approved by the City Attorney.

Topic: Little Kate Sidewalk project Professional Service Provider contract award

Background:

WALC identified the Little Kate and Lucky John sidewalk as a priority for completion in 2009. The WALC committee recommended and City Council during the FY 2009 Budget discussions confirmed that the project would consist of a 5' minimum sidewalk directly behind new highback curb and gutter. The current asphalt and curb width would remain where the sidewalk will be constructed within the Right of Way impacting the adjacent owner installed landscaping within the Right of Way. The recommendations also suggested a re-striping of the roadway to provide narrower travel lanes to reduce speed, and wider shoulders for bicycling, and the installation of MUTCD Bike Route signs along the corridor. The project also included funds for the reconfiguration of the intersections of Little Kate and Monitor and Little Kate and Lucky John at the east end to promote walking and biking at the intersections. Also the project will address drainage especially at the Little Kate/Monitor intersections. The project budget as identified by WALC is as follows:

Little Kate Sidewalk	\$305,000
Lucky John Sidewalk (to school dropoff)	\$53,000
Landscape Mitigation	\$50,000
Realign Little Kate and Monitor Dr. intersection	\$172,000
Realign Little Kate and Luck John	\$93,000
Drainage	<u>\$250,000</u>
Total	\$923,000

In the fall of 2008 Jack Johnson completed a survey of the area proposed for construction in anticipation of the City's Request for Proposals for the engineering design of the project. The Request for Proposals were advertised in the Park Record on February 25 and February 28, 2009 in the Park Record and the Salt Lake Tribune as well as posted on the City's website.

A selection committee was formed with the following participants:

Jonathan Weidenhamer – Economic Development Manager

Heinrich Deters- Trails Coordinator

Matt Twombly –Parks Planner and Project Manager

Kent Cashel - Transportation Manager

Troy Dayley –Streets

Matt Cassel – City Engineer
Todd Touchard – Water Dept.

There were nine firms who responded and their proposals are as follows:

Alliance Engineering	\$35,000
PEPG Engineers	\$41,200
Jack Johnson	\$65,000
Horrocks Engineers	\$66,019
Stantec Engineering	\$72,976
Bush and Gudgeon	\$78,455
Forsgren Engineering	\$80,230
Alta Engineering	\$80,500
Sargent Engineers	\$93,100

Analysis:

Selection of a firm was based on the following criteria:

1. Experience with Roadway design, engineering and consulting services to municipalities
2. Experience with walking and biking infrastructure design
3. Ability to be responsive and available to City Staff and the affected neighborhoods
4. Cost Effectiveness in providing the desired services/product.
5. Thoroughness of the firm's "approach" to the requested scope of services.
6. Overall firm experience and availability of staff.
7. Consistent with City policy, subject to federal, state and local procurement laws, that Park City Municipal Corporation will make reasonable attempts to support Park City business by purchasing goods and services through local vendors and service providers.

Alliance engineering was selected in response to all of the criteria. Their ability to be responsive and available to City staff and the affected neighborhood, and the cost effectiveness were positive attributes to their proposal. Work will begin immediately upon execution of the contract. The scope of the engineering briefly entails: Preliminary Design, Design and Construction Documents, Project Bidding, Construction Management. Upon completion of the construction drawings the City in conjunction with Alliance Engineering will publicly bid the project for construction. Staff will return to City Council after the bid opening for the award for the Construction contract. The tentative schedule anticipates construction completion by November 1, 2009.

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

Alternatives:

- A. Approve the request, and authorize the City Manager to execute the service provider agreement as attached: (Staff recommendation)**
- B. Modify the request: Council could choose to modify the agreement, which would likely delay the schedule of the project.
- C. Deny the request: Council could choose to not continue with the project at this time.
- D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.

E. Do Nothing: Same effect as continuance.

Significant Impacts:

There is currently approximately \$923,000 budgeted for the Little Kate Sidewalk project in WALC bond funds based on WALC recommendations. Sustainability and on a limited basis other City staff resources will be required to complete the project.

Staff Recommendations:

Authorize The City Manager to enter into a service provider agreement with Alliance Engineering, Inc., for the Little Kate Sidewalk Engineering Project in the amount of \$35,000 in a form approved by the City Attorney.

Exhibits:

Exhibit A - Professional Services Provider Agreement

Exhibit A

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____, 2009, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and Alliance Engineering, Inc., a Utah corporation ("Service Provider").

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Addendum A" and the Request for Proposals and incorporated herein (the "Project"). The total fee for the Project shall not exceed **\$35,330** Dollars.

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate on January 1, 2009 or earlier, unless extended by mutual written agreement of the Parties.

3. COMPENSATION AND METHOD OF PAYMENT.

- A. Payments for services provided hereunder shall be made monthly following the performance of such services.
- B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.
- C. For all "extra" work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as "Addendum B," or if none is attached, as subsequently agreed to by both parties in writing.

- D. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.
- E. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

4. REPORTS AND INSPECTIONS.

- A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.
- B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider's activities, which relate directly or indirectly, to this Agreement.

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

- A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.
- B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. SERVICE PROVIDER EMPLOYEE/AGENTS.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. HOLD HARMLESS INDEMNIFICATION.

A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing: *(amend the following insurance requirements as applicable)*

A. General Liability insurance written on an occurrence basis with limits no less than two million dollars (\$2,000,000) combined single limit per occurrence and four

Eden Construction Contract No. _____

Project: _____

7

million dollars (\$4,000,000) aggregate for personal injury, bodily injury and property damage.

The Service Provider shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

- B. Automobile Liability insurance with limits no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- C. Professional Liability (Errors and Omissions) insurance written on claims made basis with limits no less than one million dollars (\$1,000,000) combined single limit per occurrence.
- D. Workers Compensation insurance limits written as follows:
Bodily Injury by Accident \$1,000,000 each accident;
Bodily Injury by Disease \$1,000,000 each employee, \$1,000,000 policy limit
- E. The City shall be named as an additional insured on the insurance policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.
- F. The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

9. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS.

- A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services. Unless otherwise exempt, the Service Provider is required to have a valid Park City Business License.

- B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

11. NONDISCRIMINATION.

- A. The City is an equal opportunity employer.
- B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.
- C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.
- D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. ASSIGNMENTS/SUBCONTRACTING.

- A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

- B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.
- C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. MAINTENANCE AND INSPECTION OF RECORDS.

- A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.
- B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

- A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.

- B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an "extra" pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.
- C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. TERMINATION.

- A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.
- B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

19. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. JURISDICTION AND VENUE.

- A. This Agreement has been and shall be construed as having been made and delivered within the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

- B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. SEVERABILITY.

- A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
- B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

PARK CITY MUNICIPAL CORPORATION

1354 Park Avenue
Post Office Box 1480
Park City UT 84060-1480

Tom Bakaly, City Manager

Attest:

Jan Scott, City Recorder

Approved as to form:

Polly Samuels McLean Assistant City Attorney

Alliance Engineering
323 Main Street
Park City, UT. 84060

Tax ID#: _____

Signature

Printed name

Title

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 2009, John Demkowitz personally appeared before me _____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he is the President of Alliance Engineering, Inc., by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged that he signed it voluntarily for its stated purpose as President of Alliance Engineering, Inc., a Utah corporation.

Notary Public

ADDENDUM A

SCOPE OF SERVICES

PUBLIC INVOLVEMENT EXPERIENCE

Alliance has recently designed and administered several projects in Park City with respect to road, sidewalks, and utility reconstruction. Part of those projects required the advertising and hosting of neighborhood meetings during design development and pre-construction. The Alliance staff brought a personal familiarity and empathy to these meetings as many of our staff lives in the neighborhoods that were affected by these construction projects. The Alliance staff understands the importance of effectively mediating public concerns in a timely and respectable manner.

SCOPE OF SERVICES/ PROJECT UNDERSTANDING AND APPROACH

It is our understanding that PCMC seeks to improve the walk-ability and bike-ability along Little Kate from Holiday Ranch Loop, at its key intersections with Monitor and Lucky John, and along Lucky John to the school drop-off pathway. The WALC study March 2007 indicated the need for improved pedestrian access along these roads linking the Racquet Club and the schools. Little Kate and Lucky John generate a fair amount of vehicular and pedestrian traffic resulting from its role as an important thoroughfare for much of Park Meadows. The sidewalk improvements will provide a needed buffer to separate vehicular traffic from pedestrian mobility and thereby improve public safety.

Our overall project approach is to work with PCMC staff, the residents affected by the project, and within the guidelines established by PCMC and the WALC study to create a safe bicycle and pedestrian environment. We will do so in a cost-effective manner, while minimizing impacts to the neighborhood.

The project includes replacing the existing rolled gutters with a high-back curb and gutter, construction of a sidewalk, realignment of concerned intersections and installation of signage and crosswalks. There may be opportunities for improved bus stops, landscape features, and bicycle lanes as well. The improvements will provide for enhancements to the existing storm water drainage system. **In order to meet the scope of services outlined by PCMC, we anticipate employing our expertise in entitlements, civil engineering, landscape architecture, surveying, and construction management.**

We understand that this project will require relocations of some existing underground utilities, alterations of landscape features, and impact traffic flow during construction. We further understand that the **Racquet Club renovations** will occur during this time-period and must be **coordinated with this project**. We will work with PCMC staff and the residents to mitigate the overall impacts and concerns.

Alliance will maintain a high degree of sensitivity as to how this project will visually integrate and enhance the streetscape of this important portion of the Park Meadows neighborhood. **Aesthetic considerations will be an important component of this project, but only as an enhancement to better accommodate pedestrians and improve the safety of the neighborhood.**

TENTATIVE PROJECT SCHEDULE	FEES
Task 1 (30 days)	\$ 5,200
Task 2 (60 days)	\$ 13,000
Task 3 (45 days)	\$ 3,200
Task 4 completion by November 1	\$ 13,600
TOTAL PROJECT COST	\$35,000

DETAILED WORK PLAN

The scope of services for this project includes 4 major tasks. These tasks begin with the preliminary design phase and lead to final construction plans, bid documents, and construction management, inspection and payment approvals.

Task 1 is the preliminary design. At this first stage, a study of the right-of-way mapping, along with on-site visits of the existing conditions, and meetings with Park City staff will be necessary to prepare a preliminary layout and assess neighboring property impact issues. **The preliminary layout will include WALC study recommendations, improve the existing drainage, identify utility conflicts and provide relocation solutions.** This project will need to coordinate with the Racquet Club Remodel. We will work with PCMC staff to develop a realistic timeline for the project and an initial cost estimate. When the preliminary layout and design is established and approved by PCMC staff, it will be presented to PCMC, neighboring property owners and the general public for additional input. **Task 1 deliverables include conceptual plan, timeline, assessment of impacts and presentation materials for public input.**

Task 2 will take into consideration all public, neighboring property owners, and PCMC staff suggestions, received in Task 1, to provide a **final design and construction documents.** At this time we will engage with the appropriate utility providers to determine the best solution for relocation of existing power, telephone and cable television boxes. Utilities, sidewalk, high back gutter, and intersection shaping will be detailed in the construction plans. The contract documents will include a schedule of items with bid quantities and detailed specifications for each item. Final review by PCMC staff will complete the construction plans and the contract documents for the next task of bidding the project. **Task 2 deliverables include construction plans, specifications and engineer's cost estimate.**

Task 3 includes advertising for bid. PCMC will coordinate the advertisement and Alliance will provide the construction plans and contract documents to the bidders in electronic form, and administer the bid. We will **conduct the pre-bid meeting**, answer questions raised by bidding contractors, and issue addendums as necessary. **We will assist PCMC staff with evaluating the bids and help select the awarded contractor.**

Task 4 includes the construction management of the project. **Prior to commencement of work, we will conduct a pre-construction conference with PCMC staff, utility representatives, and the contractor to make sure all parties understand the project goals and implementation strategy.** When the contractor receives the notice to proceed, our firm will be involved with inspecting the project twice a week, administer the contract throughout

construction, verify and approve payment requests, review and evaluate possible change orders, and communicate with PCMC staff and concerned neighbors. **Alliance will coordinate with the PCMC hired independent testing agency to ensure proper compaction effort and material installation.** When the project reaches completion, we will close out the project, including a final inspection, generating punch-list items, determining substantial completion, reviewing the contractor's as-built drawings, and recommending final payment.

RELATED PROJECT EXPERIENCE AND CONTACTS (partial list)

- **McPolin Elementary School & Park City High School Addition (1990)-**
The project consisted of site and utility design, sidewalks and asphalt paths, parking lot layout and grading, as well as water, sewer, and storm drain connections as part of the architectural design package. **The school paths built with McPolin are the existing connections to this new Little Kate and Lucky John sidewalk project.**

Client: Park City School District/ Design West
Contact: Design West Architects

- **Woodside Ave. / Norfolk Ave. Reconstruction (2007-2008)-** The project consisted of reconstruction of existing Old Town streets from the underground utilities to the finish asphalt and landscaping. The project included full utility reconstruction of a live sewer and water system, introduction of a storm drain network, surface features including curb and gutter, sidewalk, existing driveway connections, and off street parking stalls. Alliance was responsible for all inspection services for Park City Municipal and Synderville Basin Water Reclamation District. **Alliance designed and oversaw the construction of two sidewalks projects from the March 2007 WALC study.** The Olympic Plaza sidewalk linking Squatters to the Park City Market and the sidewalk bulb-out at the LDS Church on Lucky John Drive was included in our contract.

Client: Park City Municipal Corporation
Contact: Matt Cassel, Park City Engineer 435-615-5000

- **Kearns Blvd. Sidewalk (2002/03)-** Alliance prepared construction plans for a new sidewalk along Kearns Blvd. west of Monitor Drive and adjacent to the PC Cemetery.
- **Albertsons Bus Turn-Out (2002) & Kearns Blvd Bus Turn-Out (2007)**
Alliance prepared construction plans for a new bus turn-out and sidewalk realignment along Park Ave. in front of Albertsons and along Kearns Blvd, west of Comstock Ave.

Client: Park City Municipal Corporation
Contact: Eric Nasset 435-615-5356



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

Hourly Rate Schedule

(Effective June 1, 2008 through May 31, 2009)

<u>Service</u>	<u>Per Hour Rate</u>
Principal Engineer	\$145.00
Principal Land Planner	\$145.00
Senior Project Engineer	\$120.00
Senior Land Planner	\$95.00
Landscape Architect	\$95.00
Associate Engineer	\$95.00
CAD Draftsman	\$60.00 - \$90.00
Secretarial	\$52.50
3 Man Survey Crew	\$180.00
2 Man Survey Crew	\$150.00
1 Man GPS Survey Crew	\$120.00
Office Surveyor	\$95.00
Reimbursable Expenses	Cost + 10%
Mileage (out of town jobs)	.65 per mile

Computers and plotters are included in the rates listed above. Rates are effective through May 31, 2009.

X:\AAE\General\Office\Billings\2008\Rate Schedule through May 2009.doc

ADDENDUM A

SCOPE OF SERVICES

PUBLIC INVOLVEMENT EXPERIENCE

Alliance has recently designed and administered several projects in Park City with respect to road, sidewalks, and utility reconstruction. Part of those projects required the advertising and hosting of neighborhood meetings during design development and pre-construction. The Alliance staff brought a personal familiarity and empathy to these meetings as many of our staff lives in the neighborhoods that were affected by these construction projects. The Alliance staff understands the importance of effectively mediating public concerns in a timely and respectable manner.

SCOPE OF SERVICES/ PROJECT UNDERSTANDING AND APPROACH

It is our understanding that PCMC seeks to improve the walk-ability and bike-ability along Little Kate from Holiday Ranch Loop, at its key intersections with Monitor and Lucky John, and along Lucky John to the school drop-off pathway. The WALC study March 2007 indicated the need for improved pedestrian access along these roads linking the Racquet Club and the schools. Little Kate and Lucky John generate a fair amount of vehicular and pedestrian traffic resulting from its role as an important thoroughfare for much of Park Meadows. The sidewalk improvements will provide a needed buffer to separate vehicular traffic from pedestrian mobility and thereby improve public safety.

Our overall project approach is to work with PCMC staff, the residents affected by the project, and within the guidelines established by PCMC and the WALC study to create a safe bicycle and pedestrian environment. We will do so in a cost-effective manner, while minimizing impacts to the neighborhood.

The project includes replacing the existing rolled gutters with a high-back curb and gutter, construction of a sidewalk, realignment of concerned intersections and installation of signage and crosswalks. There may be opportunities for improved bus stops, landscape features, and bicycle lanes as well. The improvements will provide for enhancements to the existing storm water drainage system. **In order to meet the scope of services outlined by PCMC, we anticipate employing our expertise in entitlements, civil engineering, landscape architecture, surveying, and construction management.**

We understand that this project will require relocations of some existing underground utilities, alterations of landscape features, and impact traffic flow during construction. We further understand that the **Racquet Club renovations** will occur during this time-period and must be **coordinated with this project**. We will work with PCMC staff and the residents to mitigate the overall impacts and concerns.

Alliance will maintain a high degree of sensitivity as to how this project will visually integrate and enhance the streetscape of this important portion of the Park Meadows neighborhood. **Aesthetic considerations will be an important component of this project, but only as an enhancement to better accommodate pedestrians and improve the safety of the neighborhood.**

TENTATIVE PROJECT SCHEDULE	FEES
Task 1 (30 days)	\$ 5,200
Task 2 (60 days)	\$ 13,000
Task 3 (45 days)	\$ 3,200
Task 4 completion by November 1	\$ 13,600
TOTAL PROJECT COST	\$35,000

DETAILED WORK PLAN

The scope of services for this project includes 4 major tasks. These tasks begin with the preliminary design phase and lead to final construction plans, bid documents, and construction management, inspection and payment approvals.

Task 1 is the preliminary design. At this first stage, a study of the right-of-way mapping, along with on-site visits of the existing conditions, and meetings with Park City staff will be necessary to prepare a preliminary layout and assess neighboring property impact issues. **The preliminary layout will include WALC study recommendations, improve the existing drainage, identify utility conflicts and provide relocation solutions.** This project will need to coordinate with the Racquet Club Remodel. We will work with PCMC staff to develop a realistic timeline for the project and an initial cost estimate. When the preliminary layout and design is established and approved by PCMC staff, it will be presented to PCMC, neighboring property owners and the general public for additional input. **Task 1 deliverables include conceptual plan, timeline, assessment of impacts and presentation materials for public input.**

Task 2 will take into consideration all public, neighboring property owners, and PCMC staff suggestions, received in Task 1, to provide a **final design and construction documents.** At this time we will engage with the appropriate utility providers to determine the best solution for relocation of existing power, telephone and cable television boxes. Utilities, sidewalk, high back gutter, and intersection shaping will be detailed in the construction plans. The contract documents will include a schedule of items with bid quantities and detailed specifications for each item. Final review by PCMC staff will complete the construction plans and the contract documents for the next task of bidding the project. **Task 2 deliverables include construction plans, specifications and engineer's cost estimate.**

Task 3 includes advertising for bid. PCMC will coordinate the advertisement and Alliance will provide the construction plans and contract documents to the bidders in electronic form, and administer the bid. We will **conduct the pre-bid meeting**, answer questions raised by bidding contractors, and issue addendums as necessary. **We will assist PCMC staff with evaluating the bids and help select the awarded contractor.**

Task 4 includes the construction management of the project. **Prior to commencement of work, we will conduct a pre-construction conference with PCMC staff, utility representatives, and the contractor to make sure all parties understand the project goals and implementation strategy.** When the contractor receives the notice to proceed, our firm will be involved with inspecting the project twice a week, administer the contract throughout

construction, verify and approve payment requests, review and evaluate possible change orders, and communicate with PCMC staff and concerned neighbors. **Alliance will coordinate with the PCMC hired independent testing agency to ensure proper compaction effort and material installation.** When the project reaches completion, we will close out the project, including a final inspection, generating punch-list items, determining substantial completion, reviewing the contractor's as-built drawings, and recommending final payment.

RELATED PROJECT EXPERIENCE AND CONTACTS (partial list)

- **McPolin Elementary School & Park City High School Addition (1990)-**
The project consisted of site and utility design, sidewalks and asphalt paths, parking lot layout and grading, as well as water, sewer, and storm drain connections as part of the architectural design package. **The school paths built with McPolin are the existing connections to this new Little Kate and Lucky John sidewalk project.**

Client: Park City School District/ Design West
Contact: Design West Architects

- **Woodside Ave. / Norfolk Ave. Reconstruction (2007-2008)-** The project consisted of reconstruction of existing Old Town streets from the underground utilities to the finish asphalt and landscaping. The project included full utility reconstruction of a live sewer and water system, introduction of a storm drain network, surface features including curb and gutter, sidewalk, existing driveway connections, and off street parking stalls. Alliance was responsible for all inspection services for Park City Municipal and Synderville Basin Water Reclamation District. **Alliance designed and oversaw the construction of two sidewalks projects from the March 2007 WALC study.** The Olympic Plaza sidewalk linking Squatters to the Park City Market and the sidewalk bulb-out at the LDS Church on Lucky John Drive was included in our contract.

Client: Park City Municipal Corporation
Contact: Matt Cassel, Park City Engineer 435-615-5000

- **Kearns Blvd. Sidewalk (2002/03)-** Alliance prepared construction plans for a new sidewalk along Kearns Blvd. west of Monitor Drive and adjacent to the PC Cemetery.
- **Albertsons Bus Turn-Out (2002) & Kearns Blvd Bus Turn-Out (2007)**
Alliance prepared construction plans for a new bus turn-out and sidewalk realignment along Park Ave. in front of Albertsons and along Kearns Blvd, west of Comstock Ave.

Client: Park City Municipal Corporation
Contact: Eric Nasset 435-615-5356



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

Hourly Rate Schedule

(Effective June 1, 2008 through May 31, 2009)

<u>Service</u>	<u>Per Hour Rate</u>
Principal Engineer	\$145.00
Principal Land Planner	\$145.00
Senior Project Engineer	\$120.00
Senior Land Planner	\$95.00
Landscape Architect	\$95.00
Associate Engineer	\$95.00
CAD Draftsman	\$60.00 - \$90.00
Secretarial	\$52.50
3 Man Survey Crew	\$180.00
2 Man Survey Crew	\$150.00
1 Man GPS Survey Crew	\$120.00
Office Surveyor	\$95.00
Reimbursable Expenses	Cost + 10%
Mileage (out of town jobs)	.65 per mile

Computers and plotters are included in the rates listed above. Rates are effective through May 31, 2009.

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