

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 1, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 1, 2010.

Closed Session

3:00 p.m. Property and litigation

Work Session

5:00 p.m. Council questions/comments

5:10 p.m. Budget update

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5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Google You Tube Video

**III WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 11, 2010
AND MARCH 18, 2010**

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

V RESIGNATIONS AND APPOINTMENTS

Appointment of Planning Commissioner to fill an unexpired term to July 1, 2010

VI NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

Consideration of an Ordinance amending the Land Management Code of Park City, Utah, revising Sections 15-1, 15-2.3, 15-6, 15-10, 15-11, and 15-12 regarding development regulations and master planned developments in the HR-2 and HCB Districts, streamlining the Historic Design Review process for minor projects, and clarifying the appeals process for land within all zoning districts

P. 41 - 128

(a) Public hearing

(b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Wireless internet service available in Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 8, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, April 8, 2010.

Posted: 03/29/10

See www.parkcity.org

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

April 2010

- 8 **Candy, Dana and Tom gone**
No meeting
- 15 Carrying capacity – market analysis survey
Quarterly goal update (40 min)
Authorization to the City Manager to enter into real estate purchase contracts for
the sale of the Snow Creek Cottages, in a form approved by the City Attorney
Appeal of staff's determination to reject considering the selection of ____ for the
construction of the Park City Recreation Center, based upon Park City's Request
for Qualifications process
- 22 Final bond issue – public hearing/action
Norfolk reconstruction project (30 min – KC)
Sundance debrief
BOA interviews (3:45 – 5:45 p.m.)
Anti-discrimination ordinance
Ordinance – 100 Marsac Avenue one year extension
- 29 **Alex and Cindy gone**
No meeting

May 2010

- 6 Presentation of budget – work
PC Heights annexation
- 13 **Dana gone**
No meeting
- 20 Budget - work
- 27 Budget – work

June 2010

- 3
- 10
- 17
- 24

July 2010

- 1
- 8 **No meeting**
- 15
- 22
- 29

Pending Items:

Resolution approving a Memorandum of Understanding with the Park City School District for the SR248 Tunnel

Outdoor dining on Main Street – encroachment permits
Transportation master plan – MC
MFL and special event Code amendments
Open space maintenance
U S Postal Service gang boxes in Old Town - MC
Quinn's WTP Building Construction Contract – TT
Special event prioritization – work
Performance measures (work)
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing
Guidelines and Standards for Park City, Utah
Wild land interface issues



City Council Staff Report

Subject: Financial Update & Budget Preview
Author: Bret Howser
Department: Budget, Debt, & Grants
Date: April 1, 2010
Type of Item: Informational

Summary Recommendations:

This item is informational only. Staff has no recommendations for action at this time. Official staff recommendations on topics discussed here will be presented during the budget process beginning May 6, 2010.

Topic/Description:

Financial Update & Budget Preview

Background:

During Council Visioning session in January, the Budget Department gave Council a presentation outlining the current financial condition of the City and provided Council with an update FIAR report detailing long-term financial issues. At that time, Council affirmed the City to be at the "Minor" level according to the City's Recession & Revenue Shortfall Policy (attached). Council directed staff to return once more prior to the budget hearings with an update on the short-term financial picture.

Analysis:

During work session on April 1, 2010, the Budget Department will present and discuss the latest national, industry, and local economic trends impacting the City's financial condition. Staff will also update Council on major general fund revenues, including sales tax, and the proposed budget shortfall recovery plan for FY 2010. Finally, staff will give Council a preview of major budget issues for FY 2011 as well as the new integrated financial planning and service level strategy which will be employed as part of this year's budget process.

Highlights of this presentation are provided below, and a hard copy of the presentation is attached:

General Economic Trends

Gross Domestic Product – Two consecutive quarters of increase signal that the broader economic recovery is likely underway. The 5.9% GDP increase in the 4th quarter of 2009 is the largest increase seen since 2003.

Unemployment – National joblessness is down to 9.7% from a peak of 10.1% in October, 2009. The post-holiday-season spike that some feared did not materialize, creating some optimism that employment gains may outperform expectations. This rate is expected to trickle down during 2010.

Consumer Confidence – After seeing a healthy rebound in early 2009, this index has bounced around and leveled out. Consumer sentiment about the future continues to outpace an index of present economic situation, which reflects a certain level of optimism, a necessary precursor to increased consumer spending.

Index of Leading Economic Indicators – Currently stands at 107.4, and showed a 0.3% increase in January, the tenth consecutive month-over-month increase and seventh consecutive year-over-year increase. While January's increase was more meager than prior months, the continued upward climb of this index should dispel fears of a double-dip recession and reduce fears of a prolonged U-shaped recovery.

Hotel Bookings – The Mountain Travel Research Program (MTRiP) Fill Analysis shows lead times are lengthening. This is a key indicator of demand returning. Winter bookings were strong, and average daily rates crept back up. Summer bookings are erratic, but average daily rates show year-over-year increases for the summer months (as high as 23% in July).

Park City General Fund Revenue Projections

Sales Tax – Current FY 2010 projection is down 5.7% (or \$460,000) from budgeted levels. Chamber Bureau reports that January visitor nights were about even with the prior year. However January sales tax was up 5% (third consecutive month of year-over-year increase and the largest increase since May 2008), indicating that visitors are spending more than they did last year. If this trend translates to February and March, then sales tax receipts may outperform current projections.

Development Fees – Building, Planning, & Engineering Fees continue to perform at about half the rate at which they're budgeted, which projects at about \$640,000 below budgeted levels. These fees rarely follow a predictable pattern and are likely to be largely influenced by the ability for builders to secure credit this spring.

Other Revenues – Property Tax is projected down about 2% (or \$170,000) largely due to depressed valuations of new growth hitting the tax rolls this year. Franchise Tax is projected down 8% (or \$230,000). Other fees, charges, and transfers are up around 2%.

Shortfall Planning

The current projected shortfall is about \$1.5 M, down from the \$1.8 M shortfall projected in January. This is a 6% shortfall, which would still qualify as a "Minor" shortfall according to the City's Recession Policy.

To recover from this shortfall in FY 2010, staff would continue to propose a strategy similar to that proposed in January. This strategy includes 5% operating budget cuts already implemented (see attachment) over the second half of the fiscal year (or 2.5% of the annual budget) for a savings of about \$500,000. These reductions have resulted in little to no service level impacts. In addition, \$650,000 would be de-obligated from the

Asset Management CIP to reduce the 2010 General Fund transfer to the Capital Fund. Finally, \$350,000 of the Transit Fund portion of the Resort Sales Tax would be diverted to the General Fund. The following matrix shows recommended strategies if projections change. At this point, staff believes that the City can move forward with performance bonuses according to existing policy for the current six month review period if the economic situation continues its pace of improvement.

Shortfall Recovery Matrix

Projection	Shortfall	% of Bud	Revenue	Capital	Operating	Bonuses	Reserves	Net +/-
November Projection	-\$700,000	-2.81%	\$0	\$200,000	\$500,000	\$0	\$0	\$0
Current Projection	-\$1,510,130	-6.07%	\$350,000	\$650,000	\$500,000	\$0	\$0	-\$10,130
January Projection	-\$1,860,302	-7.48%	\$500,000	\$650,000	\$500,000	\$193,000	\$0	-\$17,302
50% More Severe	-\$2,790,453	-11.22%	\$750,000	\$850,000	\$500,000	\$193,000	\$500,000	\$2,547
100% More Severe	-\$3,720,604	-14.96%	\$1,000,000	\$1,000,000	\$500,000	\$193,000	\$1,000,000	-\$27,604
			<i>Transit RST</i>	<i>Asset Mgt</i>	<i>5% Cuts</i>	<i>Lump Merits</i>	<i>GF Balance</i>	

FY 2011 Budget Preview

During the FY 2011 Budget Process, staff will present an integrated financial planning strategy which will enhance and conjoin the existing short-term budgeting process and the City's long-term financial projections. This new approach will utilize a revenue mix analysis to sculpt, rather than simply project, the City's revenue portfolio in the long-term. The analysis will also generate a road map which can show staff and Council how to balance the budget in the short-term in a manner consistent with the long-term financial plan.

A critical component of this integrated financial planning strategy involves an analysis of existing service levels as well as requested service levels in the context of the City's performance data. The attached presentation includes a chart detailing the recent 2010 SLAC Update, which gives a snapshot of the nature of operating budget increases over the last 10 years, breaking the increases up into inflation, demand growth, and council-directed categories. From this year moving forward, staff will present operating budget options to Council broken down into these same categories. Performance data will be used to establish recommendations on the latter two categories, and a funding strategy consisting of a mix of expenditure offsets, existing revenue growth, and new revenue sources will be recommended, consistent with long-term revenue mix goals. Slides 23 through 27 of the attached presentation illustrate this concept in flowcharts and graphs. A detailed verbal description with reference to the charts will be provided during work session on April 1.

Other issues for which Council should be prepared to discuss during the upcoming budget process:

- Tax/Fee Levels
 - o Potential Property Tax Increase & Truth in Taxation Hearing
 - o Building, Planning & Engineering Fees
 - o Special Event Fees
 - o Administrative Interfund Transfers
- Operating Budget Cuts
- Personnel Expense Issues

- o Market Pay Levels
- o Utah Retirements System
- o Health Insurance Increase
- o Continuation of Performance Bonuses
- Capital Requests & Cuts
 - o Racquet Club Remodel
 - o Old Town Street Reconstruction
 - o Fleet Replacement Contributions
 - o Debt Levels

Staff does not intend to go into detail on these topics nor make recommendations at this point. This is simply a list of topics for which staff anticipates making significant recommendations as part of the City Manager's Recommended Budget.

Department Review:

Budget, Debt, & Grants; City Manager; Legal

Alternatives:

A. Approve:

This item is informational. There is no action recommended or direction being sought at this point.

B. Deny:

C. Modify:

D. Continue the Item:

E. Do Nothing:

Significant Impacts:

This item is informational. There is no action recommended or direction being sought at this point.

Consequences of not taking the recommended action:

This item is informational. There is no action recommended or direction being sought at this point.

Recommendation:

This item is informational only. Staff has no recommendations for action at this time. Official staff recommendations on topics discussed here will be presented during the budget process.

Attachments:

- A – Presentation: "Pre-Budget Financial Update"
- B – Recession Revenue Shortfall Policy
- C – List of 2010 Operating Budget Reductions



LAST CALL: PRE-BUDGET FINANCIAL UPDATE

City Council Work Session
April 1, 2010



OUTLINE OF DISCUSSION

- ▶ General Economic Trends
 - National Indicators
 - Ski Industry & Resort Economy Indicators
 - Key Park City Revenue Projections
- ▶ Shortfall Planning
 - FY 2010 Projected Deficit
 - Recession/Revenue Shortfall Plan
 - Shortfall Recovery Matrix

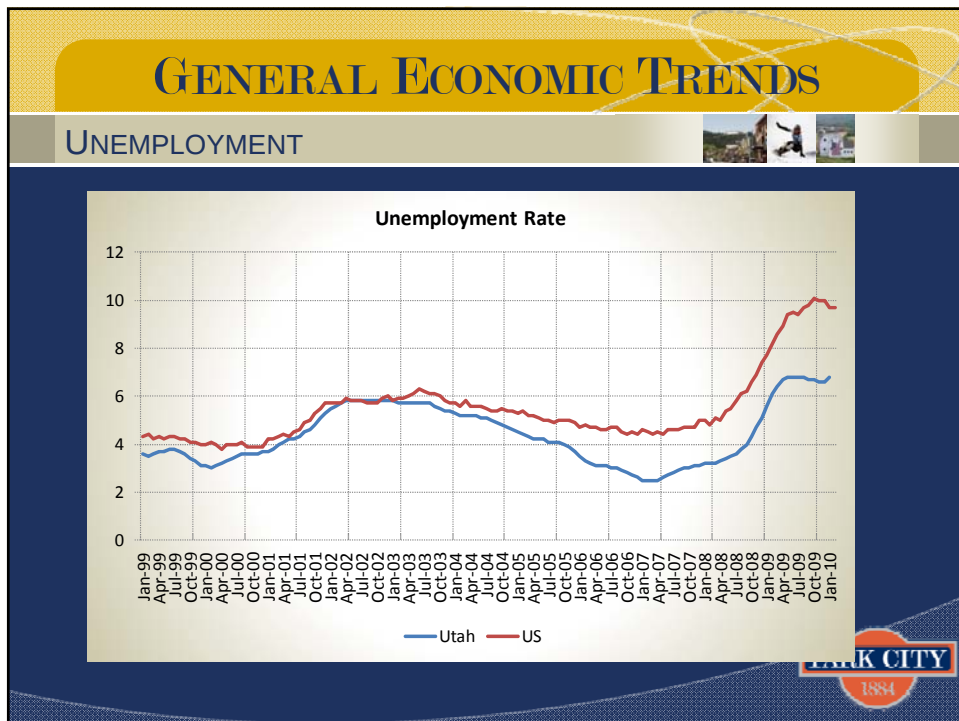
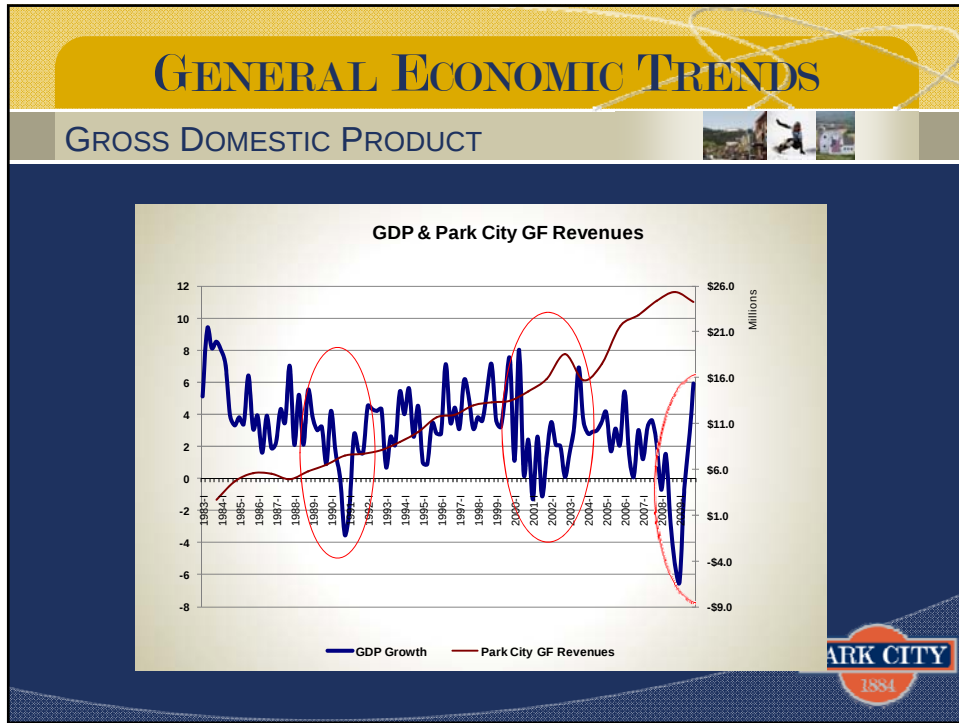


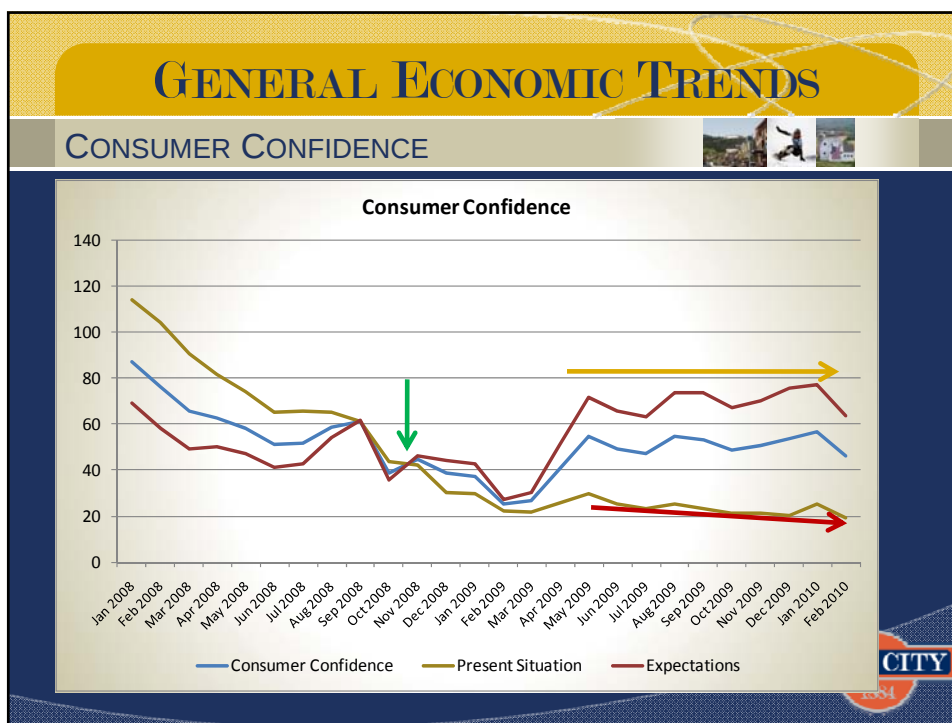
OUTLINE OF DISCUSSION

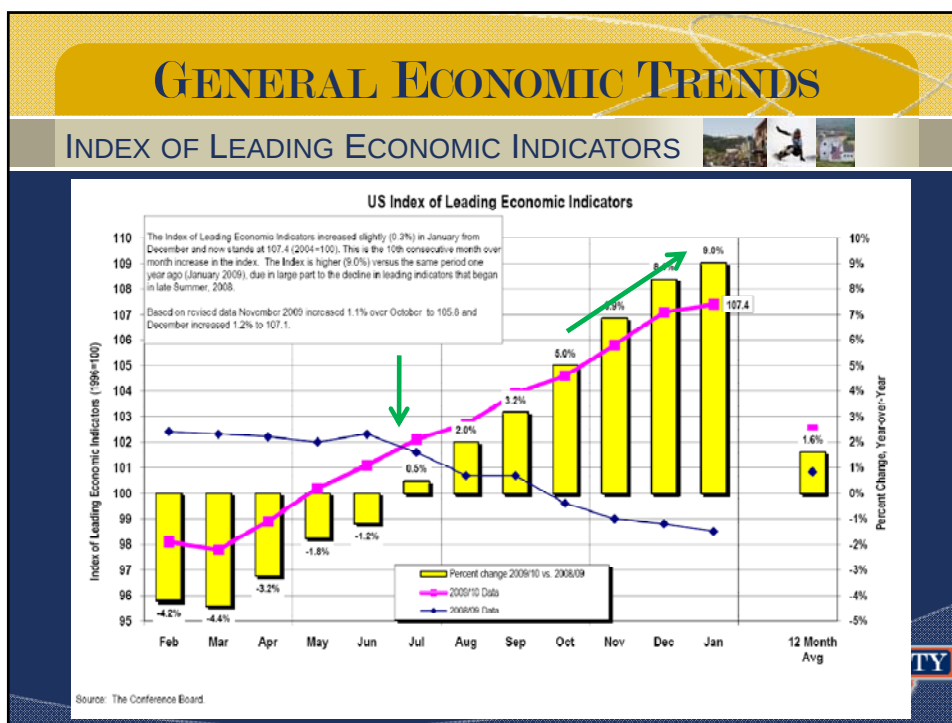
- ▶ 2011 Budget Process Preview
 - Integrated Financial Planning
 - New Expenditure Funding Strategy
 - Long-term Financial Projections
 - Revenue Mix Analysis
 - Major 2011 Budget Issues



GENERAL ECONOMIC TRENDS: ECONOMIC RECOVERY







GENERAL ECONOMIC TRENDS

SKI/RESORT INDUSTRY

- Issues with Recovery in Resort Towns
 - Spending per Visitor
 - Bookings Lead Times

PARK CITY
1884

GENERAL ECONOMIC TRENDS

SKI/RESORT INDUSTRY



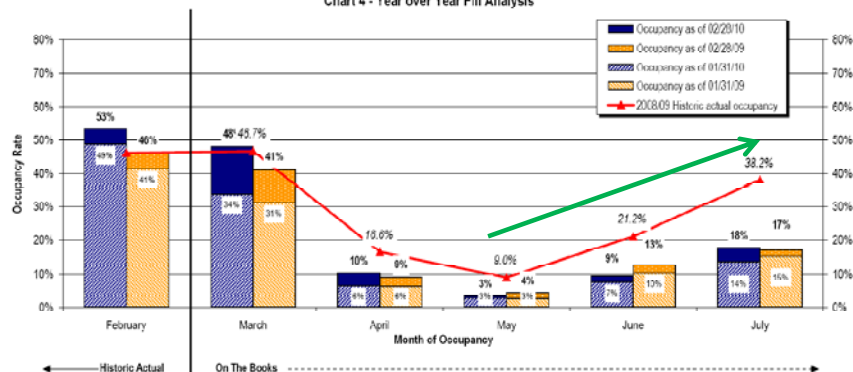
RESERVATIONS ACTIVITY REPORT

SECTION 4 - FILL ANALYSIS

Occupancy Pace as of Feb 28, 2010 and Jan. 31, 2010 versus same period 2008/09 Occupancy Pace

NOTE: This is not a forecast of bookings. Data presented in this report represents Occupancy on the books as of the date noted above

Chart 4 - Year over Year Fill Analysis



GENERAL ECONOMIC TRENDS

SKI/RESORT INDUSTRY



Chart 1.1 - Occupancy Rate

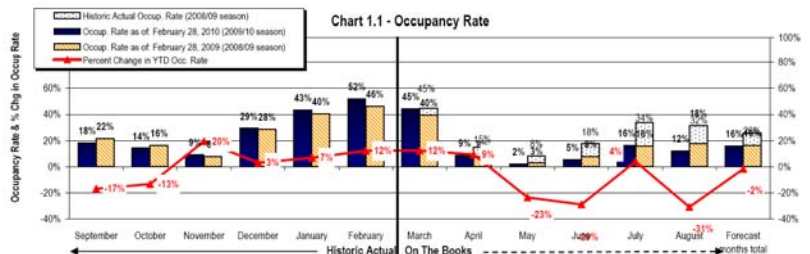
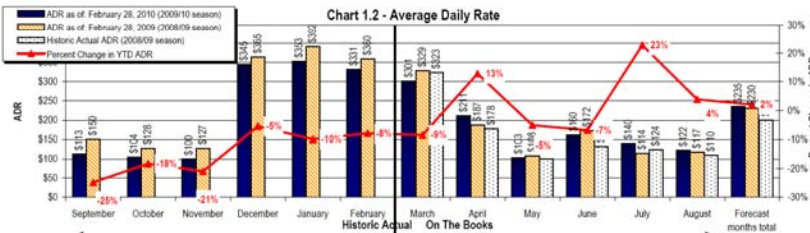
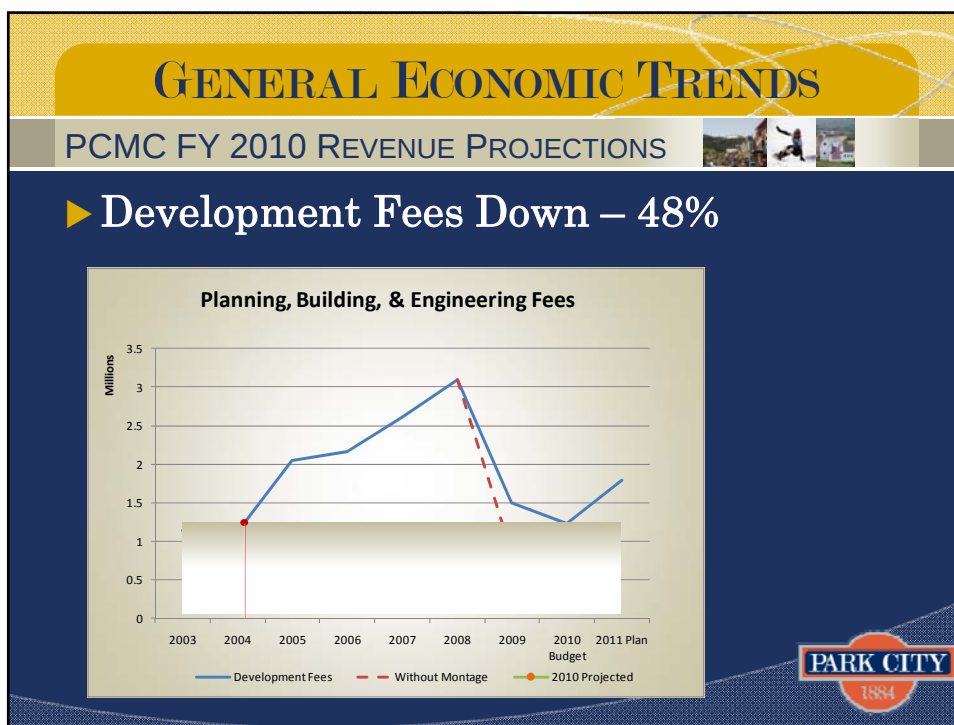
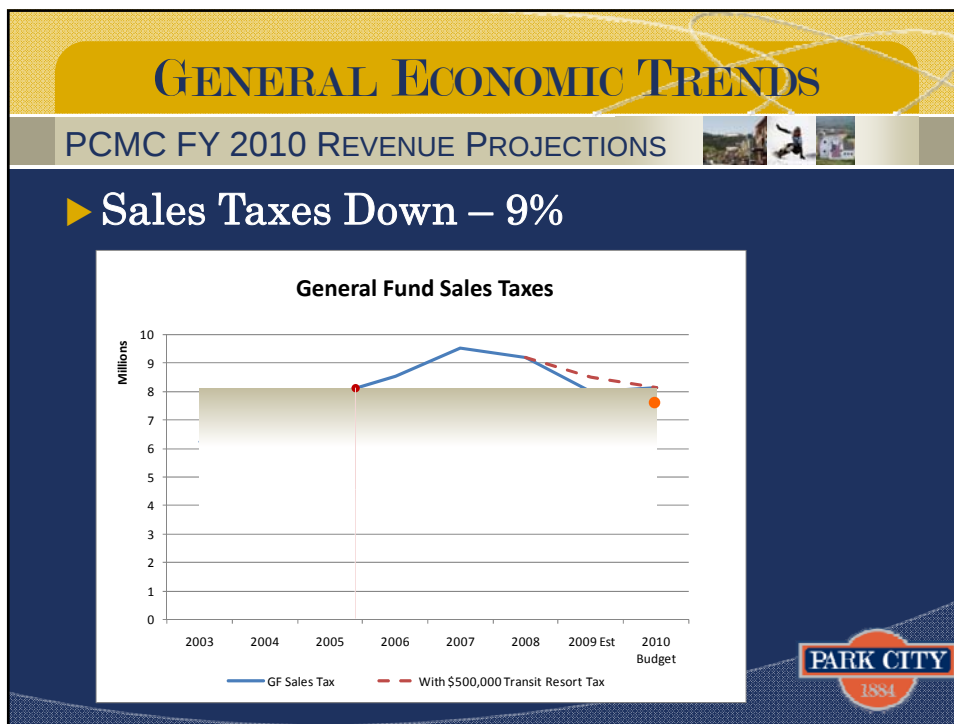


Chart 1.2 - Average Daily Rate





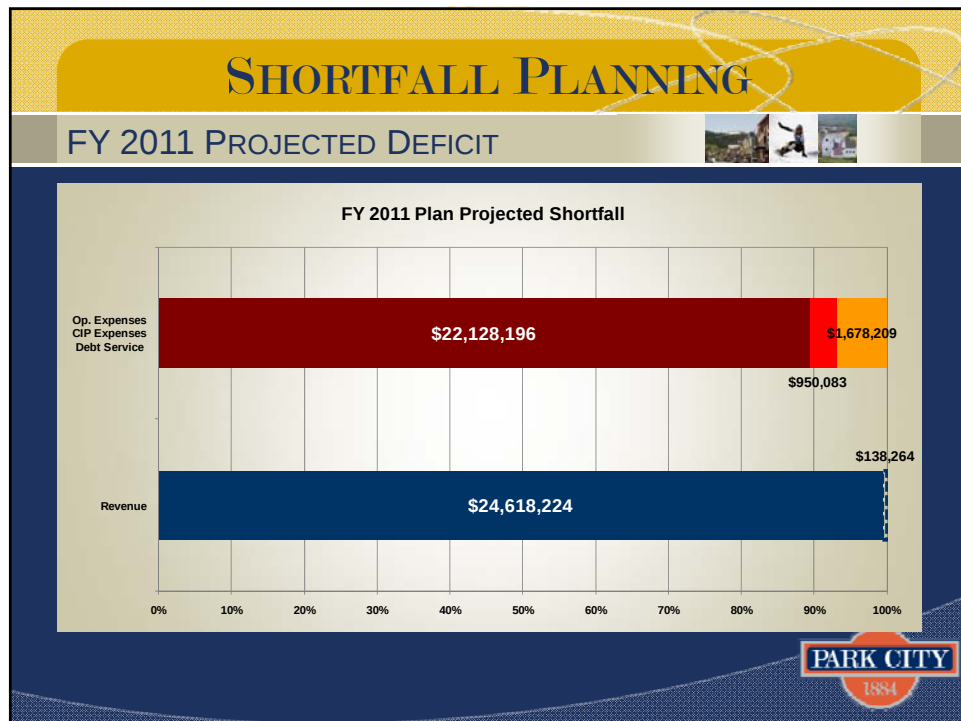
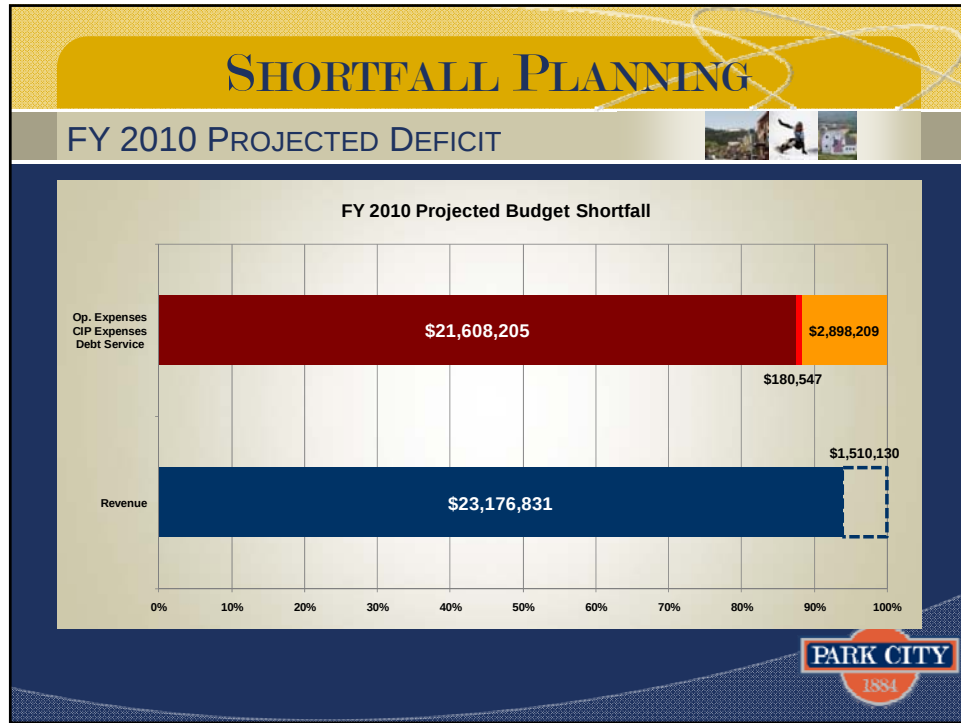
GENERAL ECONOMIC TRENDS

PCMC FY 2010 REVENUE PROJECTIONS

- ▶ Other Revenues
 - Property Tax: Down 2%
 - Franchise Taxes: Down 8%
 - Fees/Charges/Transfers: Up 2%



SHORTFALL PLANNING: SURVIVING THE RECOVERY



SHORTFALL PLANNING

RECESSION/REVENUE SHORTFALL POLICY

No Projected Shortfall from Original Budget

Alert Level (1%-5%):

- o Delaying expenditures where reasonably possible
- o Same level of service
- o Tighter Budget Monitoring

Minor Level (5%-15%):

- o Still same level of service
- o Budget Dept Review of CIP Expenses
- o Soft Hiring Freeze (Only fill critical vacancies)
- o 5% Cuts
- o Reprioritize CIP – De-obligate Non-Critical CIP's Drawing from Surplus

Moderate Level (15%-30%):

- o Begin cutting service levels
- o 10% Operating Cuts
- o Reduce CIP appropriations

Major (30%-50%):

- o Major service cuts
- o Hiring Freeze
- o Reduce PT/Seasonal workforce
- o Defer wage increases
- o Reduce capital expenses

Crisis (50%+):

- o Reduction in force
- o Eliminate Programs
- o Eliminate Capital Expenses

SHORTFALL PLANNING

SHORTFALL RECOVERY MATRIX

Projection	Shortfall	% of Bud	Revenue	Capital	Operating	Bonuses	Reserves	Net +/-
November Projection	-\$700	-2.81%	\$0	\$200	\$500	\$0	\$0	\$0
Current Projection	-\$1,510	-6.07%	\$150	\$650	\$500	\$193	\$0	-\$17
January Projection	-\$1,860	-7.48%	\$500	\$650	\$500	\$193	\$0	-\$17
50% More Severe	-\$2,790	-11.22%	\$750	\$850	\$500	\$193	\$500	\$3
100% More Severe	-\$3,721	-14.96%	\$1,000	\$1,000	\$500	\$193	\$1,000	-\$28

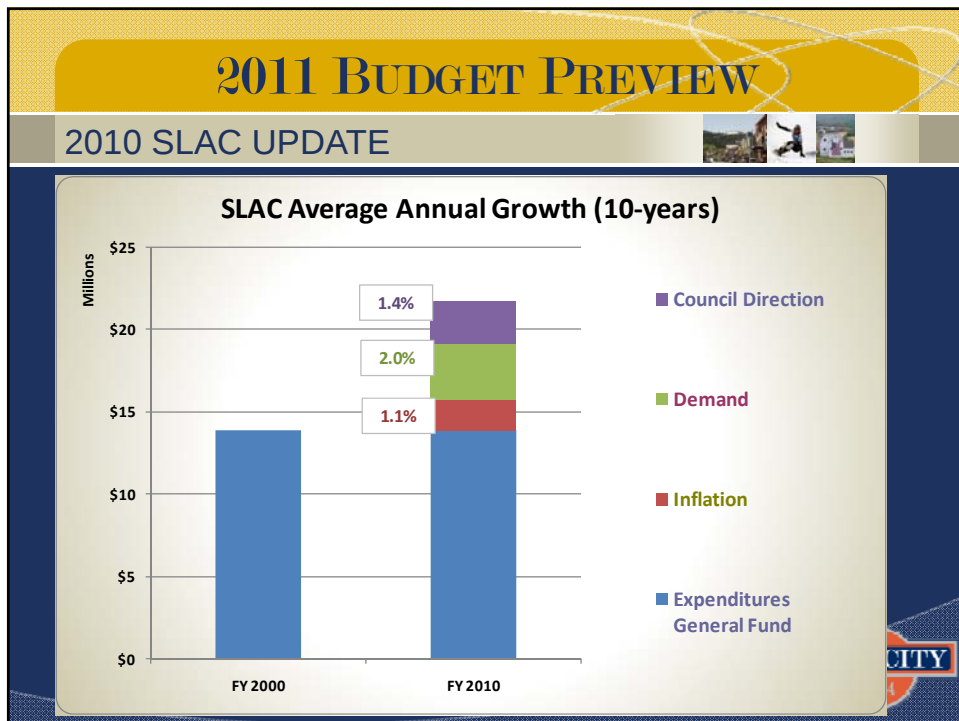
Transit RST Asset Mgt 5% Cuts Lump Merits GF Balance

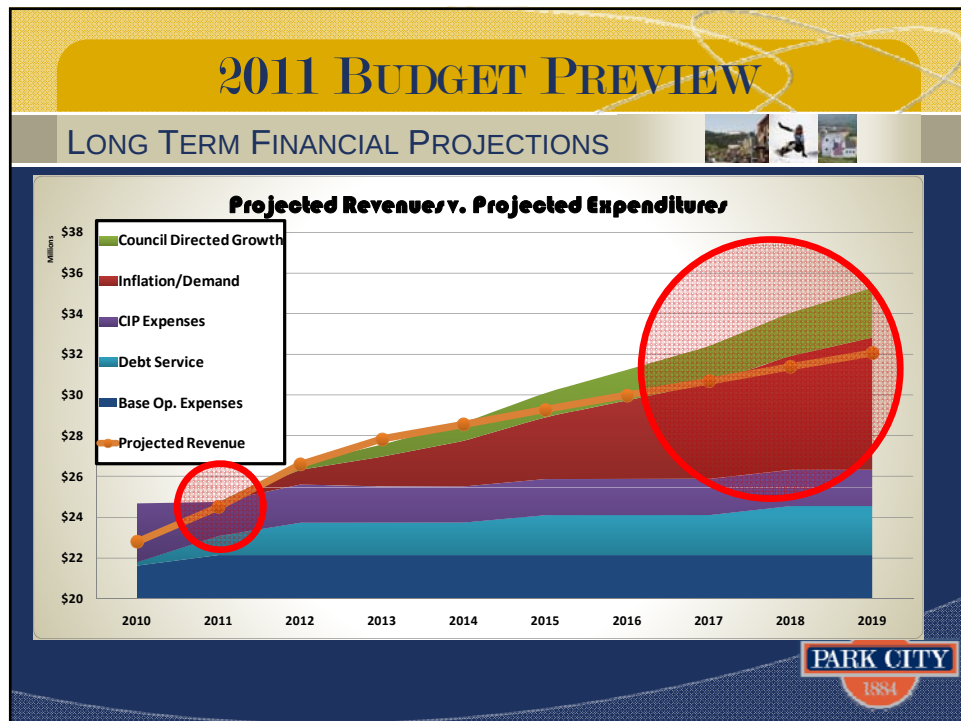
All Numbers in Thousands



2011 BUDGET PROCESS PREVIEW

Highlights of Major Considerations in the
Upcoming Budget Discussions







2011 BUDGET PREVIEW

MAJOR 2011 BUDGET ISSUES



- ▶ **Tax/Fee Levels**
 - Property Tax & Truth in Taxation
 - Building, Planning & Engineering Fee Update
 - Special Event Fee Update
 - Administrative Interfund Transfer Update
- ▶ **Operating Budget Cuts**



2011 BUDGET PREVIEW

MAJOR 2011 BUDGET ISSUES



- ▶ **Personnel Expense Issues**
 - Pay Plan
 - Utah Retirement Systems Increase
 - Health Insurance Premium Increase
 - Budget for Lump Merit Increases
- ▶ **Capital Requests & Cuts**
 - Racquet Club Remodel
 - Old Town Street Reconstruction
 - Fleet Replacement Contribution
 - Debt Levels



PART III - VENTURE FUND

In each of the Budgets since FY1990, the City Council has authorized a sum of money to encourage innovation and to realize opportunities not anticipated in the regular program budgets. The current budget includes \$50,000 in each of the next two years for this purpose. The City Manager is to administer the money, awarding it to programs or projects within the municipal structure (the money is not to be made available to outside groups or agencies). Generally, employees are to propose expenditures that could save the City money or improve the delivery of services. The City Manager will evaluate the proposal based on the likelihood of a positive return on the "investment," the availability of matching money from the department, and the advantage of immediate action. Proposals requiring more than \$10,000 from the Venture Fund must be approved by the City Council prior to expenditure.

PART IV - RECESSION/ REVENUE SHORTFALL PLAN

A. The City has established a plan, including definitions, policies, and procedures to address financial conditions that could result in a net shortfall of resources as compared to requirements. The Plan is divided into the following three components:

1. **Indicators** which serve as warnings that potential budgetary impacts are increasing in probability. The City will monitor key revenue sources such as sales tax, property tax, and building activity, as well as inflation factors and national and state trends.
2. **Phases** which will serve to classify and communicate the severity of the situation, as well as identify the actions to be taken at the given phase.
3. **Actions** which are the preplanned steps to be taken in order to prudently address and counteract the anticipated shortfall.

B. The recession plan and classification of the severity of the economic downturn will be used in conjunction with the City's policy regarding the importance of maintaining revenues to address economic uncertainties. As always, the City will look to ensure that revenues are calculated adequately to provide an appropriate level of city services. As any recessionary impact reduces the City's projected revenues, corrective action will increase proportionately. Following is a summary of the phase classifications and the corresponding actions to be taken.

1. **ALERT: An anticipated net reduction in available projected revenues from 1% up to 5%.** The actions associated with this phase would best be described as delaying expenditures where reasonably possible, while maintaining the "Same Level" of service. Each department will be responsible for monitoring its individual budgets to ensure only essential expenditures are made.
2. **MINOR: A reduction in projected revenues in excess of 5%, but less than 15%.** The objective at this level is still to maintain "Same Level" of service where possible. Actions associated with this level would be as follows:
 - a. Implementing the previously determined "Same Level" Budget.

POLICIES & OBJECTIVES

- b. Intensifying the review process for large items such as contract services, consulting services, and capital expenditures, including capital improvements. Previously approved capital project expenditures which rely on General Fund surplus for funding should be subject to review by the Budget Department.
 - c. Closely scrutinizing hiring for vacant positions, delaying the recruitment process, and using temporary help to fill in where possible (soft freeze).
 - d. Closely monitoring and reducing expenditures for travel, seminars, retreats, and bonuses.
 - e. Identifying expenditures that would result in a 5% cut to departmental operating budgets while still maintaining the same level of service where possible.
 - f. Reprioritizing capital projects with the intent to de-obligate non-critical capital projects.
 - g. Limit access to contingency funds.
 - 3. **MODERATE: A reduction in projected revenues in excess of 15%, but less than 30%.** Initiating cuts of service levels by doing the following:
 - a. Requiring greater justification for large expenditures.
 - b. Deferring non-critical capital expenditures.
 - c. Reducing CIP appropriations from the affected fund.
 - d. Hiring to fill vacant positions only with special justification and authorization.
 - e. Identifying expenditures that would result in a 10% cut to departmental operating budgets while trying to minimize service level impacts where possible.
 - f. Eliminate access to contingency funds.
 - 4. **MAJOR: A reduction in projected revenues of 30% to 50%.** Implementation of major service cuts.
 - a. Instituting a hiring freeze.
 - b. Reducing the Part-time Non-Benefited and Seasonal work force.
 - c. Deferring merit wage increases.
 - d. Further reducing capital expenditures.
 - e. Preparing a strategy for reduction in force.
 - 5. **CRISIS: A reduction in projected revenues in excess of 50%.**
 - a. Implementing reduction in force or other personnel cost-reduction strategies.
 - b. Eliminating programs.
 - c. Deferring indefinitely capital improvements.
- C. If an economic uncertainty is expected to last for consecutive years, the cumulative effect of the projected reduction in reserves will be used for determining the appropriate phase and corresponding actions.

Row Labels	011	012	051	055	057	062
COMMUNITY DEVELOPMENT	- \$76,612					
BUILDING DEPT.	- \$34,479					
Building-Training Reduction - High impact for required training	- \$10,000					
Building-Meetings - Moderate impact	- \$10,000					
Building-Software licenses - Moderate impact	- \$7,000					
Building-Equipment - Moderate impact	- \$2,000					
Building-Computer equip. - Moderate impact	- \$5,479					
ENGINEERING	- \$18,500					
Engineering Services Reduction - Moderate impact for completion of storm water MP	- \$18,500					
PLANNING DEPT.	- \$23,633					
Miscellaneous Contract Services - Moderate impact - reduces funds to provide special studies/analysis for the General Plan	- \$23,633					
EXECUTIVE	- \$41,902					
CITY MANAGER	- \$13,700					
Books - Low Internal Impact	- \$300					
Subscriptions - Low Internal Impact	- \$300					
Photo Copy - Low Internal Impact	- \$500					
Misc Cont - Emerg Mgmt - Moderate Internal Impact	- \$12,600					
LEGAL	- \$20,202					
Legal Training and Meetings - Low	- \$2,785					
Reduce Intern Hours - High Internal Impact	- \$17,417					
SPECIAL MEETINGS	- \$5,000					
Special Meetings - Moderate Internal Impact	- \$5,000					
VENTURE FUND	- \$3,000					
Venture Fund - High Internal Impact (this fund is used to supplement other department programs)	- \$3,000					
FLEET SERVICES						- \$56,332
FLEET SERVICES DEPT						- \$56,332
Reduce Overtime - Hold Mechanics to 40 Hours						- \$12,707
Materials and Supplies Efficiency - Tightly manage materials and supplies						- \$8,000
Inventory Efficiency - Tightly manageparts inventory						- \$30,625
Delay Equipment Purchase - Delay equipment purchases						- \$5,000
GOLF SERVICES				- \$17,000		
GOLF MAINTENANCE				- \$17,000		
Staffing Cut - This will cut one seasonal position .5 Parks II. This				- \$16,000		
Department Supplies - Cut cleaning supplies.				- \$1,000		
INTERNAL SERVICES	- \$74,525					
BUDGET, DEBT & GRANTS	- \$6,300					
No more public notices - Low Impact	- \$300					
Forgo desk chair replacements - Low Impact	- \$300					
Cut publications - Moderate Impact	- \$1,300					
Reduce Contract Services - Severe Impact	- \$4,400					
FINANCE	- \$17,150					
BOOKS - Low Impact	- \$200					
MEMBERSHIPS - Low Impact	- \$200					
MILEAGE REIMB - Low Impact	- \$750					
AUDITING AND ACCOUNTING - Low Impact	- \$4,200					
IRS PENALTY - Low Impact	- \$1,000					
SOFTWARE LICENSES - Low Impact	- \$1,750					
COMPUTER MAINTENANCE - Low Impact	- \$5,000					
MEETINGS/CONF. TRAVEL - Moderate Internal Impact	- \$2,000					
RECRUITMENT & TRAIN - Moderate Internal Impact	- \$1,500					
OFFICE EQUIP REPAIRS & M - Moderate Internal Impact	- \$550					
HUMAN RESOURCES	- \$15,075					
Department Supplies - Department Supplies	- \$500					
Educational Assistance - Educational Assistance	- \$5,000					
Meetings/Conference/Travel - Meetings/Conference/Travel	- \$1,000					
Misc. Contract Services - Misc. Contract Services	- \$7,000					
Office Supplies - Office Supplies	- \$500					
Recruitment/Training - Recruitment/Training	- \$1,000					
Subscriptions - Subscriptions	- \$75					
TECHNICAL & CUSTOMER SERVICES	- \$36,000					
CTAR- SOFTWARE MAINTENANCE - Moderate Internal Impact	- \$12,000					
CTAR- DEPARTMENT SUPPLIES - Moderate Internal Impact	- \$5,000					
CTAR- MEETINGS CONFERENCE TRAVEL - Moderate Internal Impact	- \$7,000					
CTAR- UTILITIES - Moderate Internal Impact	- \$12,000					

Row Labels	011	012	051	055	057	062
LIBRARY & RECREATION						
CITY RECREATION						
Spring Swim Lessons - Due to the renovation we are not openig the pools until school is out. We will not hold spring swim lessons or masters. There is an impact but it is related to the renovation of the RC						
Fitness Center Staff - Due to the renovation & relocation of facilities to Ironhorse we will no longer need the same level of staffing in the fitness center. There is an impact but it is related to the renovation of the RC						
ICE FACILITY						
PT non-benefitted - Reduced PT hours will result in lower levels of cleanliness and fewer maintenance items being completed overtime - Minimal.						
Subscriptions - none						
Mileage Reimbursement - staff may not be able to attend as many meetings ie. State hockey association meetings in SLC						
Meet/Conf/Travel - untrained staff will not be as competent						
Training - untrained staff will not be as competent						
Postage - minimal						
Natural Gas (propane) - less comfortable public /work spaces						
Cellular - currently using one fewer phone than budgeted due to GM vacancy; no impact						
Cleaning and Maintenance supplies - any cut to this budget will result in lack of cleaning and maintenance supplies, a less clean and operational facility						
Leagues - minimal impact to leagues' ability to operate						
Purch/Retail Sale - impact to revenue generation						
Marketing - impact to making public aware of facility and recreational opportunities. Harms growth potential but not current service level						
Bank Charges - none						
Equipment - minimal, some equipment expenses may be covered by CRRF						
Office Equipment - minimal, office equipment is currently in good repair.						
LIBRARY						
Kids Catalog-software for kids to search card catalog - Low-kids can utilize adult card catalog to find items						
Reference USA Database-reduce subscription to only U.S. business listings - Low-the most often utilized portion of this d-base is US businesses						
Reciprocal Borrowing for Summit County Residents Living outside of Park City Limits - None-this program was not funded by the County and will not be implemented.						
Part-time hours-reduce part time hours. - Moderate Internal-part time hours will be reduced for opening duties & in terms of total hours worked. Duties will be covered by full-time staff. will be used to						
Programming-Reduce adult programs budget \$750 and childrens \$250 - Moderate-fewer authors, guest speakers & summer programs will be offered.						
TENNIS						
Pro Shop Inventory & Staff - Due to the renovation we will be liquidating the inventory and closing the shop which will reduce inventory purchasesd and personnel. There is an impact but it is related to the renovation of the RC						
Reduce Tennis Pro Staffing - There will be 4 less tennis courts this summer due to the renovation. There is an impact but it is related to the renovation of the RC although other courts in the coommunity may be able to be utilized.						
PUBLIC SAFETY						
POLICE						
FTE police officer - severe						
PT non-benefitted - moderate						
Overtime - severe						
Training admin - moderate						
Recruitment & training - moderate						
Department supplies - low						
Uniforms & clothing - moderate						

Row Labels	011	012	051	055	057	062
Vehicle repair/mainten. - low	-\$1,000					
Vehicle car wash - low	-\$1,000					
Photo copy admin - low	-\$2,000					
Investigations - moderate	-\$3,000					
Cont serv special sr - moderate	-\$10,000					
Special events - moderate	-\$3,000					
Equipment admin - low	-\$10,000					
Commun equip - low	-\$15,000					
DARE activities admin - low	-\$3,000					
PUBLIC WORKS						
BLDG MAINT ADM	-\$124,523					
	-\$26,800					
Reduce Budget for Electrical Service - Reduce Budget for Electrical Service	-\$2,300					
Reduce Budget for Sewer Services - Reduce Budget for Sewer Services	-\$2,000					
Eliminate Recruitment & Training - Staff will postpone future training. (11-40091-2370)	-\$500					
Reduce Rugs & Cleaning - Staff will remove rugs from some city building along with reducing cleaning supplies. (11-40091-5151)	-\$10,000					
Eliminate Pools Maintenance at Racquet - Staff will turn over pool maintenance responsibilities to the Racquet club staff. Building Maintenance staff will refocus their efforts on repairs verses outsourcing. (11-40091-7211)	-\$10,000					
Remove City Building Dumpsters - Staff will remove the dumpster from	-\$2,000					
FIELDS	-\$2,300					
target trees & shrubs - \$2,300 will reduce our tree or shrub replacement program. (11-40096-5735)	-\$2,300					
PARKS & CEMETERY	-\$35,000					
Reduce Overtime - This will impact our snow removal service to sidewalks, weekends and call outs. Walks will be cleared within 48 hours instead of 24 hours. No one will be called out to assist during snow events. (11-40412-4520). This needs to be implem	-\$10,000					
Cut Planters - The planter at the bottom of the Main Street light poles	-\$9,000					
Cut annual flowers - This will primarily target the entrance to Miners	-\$6,000					
Trail Maintenance - This option will cut out hiring contractor to prune	-\$5,000					
Trees Spray Program - This option will reduce our tree maintenance.	-\$5,000					
PUBLIC WORKS ADMIN.	-\$7,213					
Art work – Admin - Art work – Admin	-\$500					
Department Supplies - Department Supplies	-\$1,000					
Furniture – Admin - Furniture – Admin	-\$500					
Meetings/conference - Meetings/conference	-\$1,000					
Office equipment – Admin - Office equipment – Admin	-\$1,213					
Office Supplies - Office Supplies	-\$1,000					
Postage - Admin - Postage - Admin	-\$1,000					
Recruitment/Training - Recruitment/Training	-\$1,000					
STREET LIGHTS/SIGN	-\$3,100					
Street Light Replacement - Delay light replacement utilizing existing inventory for repairs, delay painting and improvements.	-\$3,100					
STREET MAINTENANCE	-\$46,500					
Contract Services Special SR - Contract Services Special SR	-\$3,500					
Recruitment and Training - Reduce outside training services	-\$2,000					
Departmental Supplies - Deplete remaining inventory of departmental supplies.	-\$2,000					
Contract Services - This option will reduce and/or delay the following projects:						
o Stream channel pruning and maintenance						
o Sidewalk and gutter replacement						
o Street striping.	-\$38,000					
Barrier Repair- - Utilize remaining inventory, replace only sections that are deemed a safety hazard.	-\$1,000					
SWEDE ALLEY PARKING STRUCT.	-\$3,610					
Contract Services - Future contracting will be limited to repair and maintenance of trash compactors.	-\$1,110					
Chemicals - Reduction of odor counteract at trash compactor rooms.	-\$1,000					
Street Signs - Replacement of regulatory signs only all other signs will be repaired, cleaned and reused.	-\$1,500					

Row Labels	011	012	051	055	057	062
SUSTAINABILITY						
COMMUNITY & ENVIRONMENT						
Contract Services - low -- defer design and printing of sustainability annual report, reduced scope of Brendle						
Computer Equipment - low -- defer equipment replacement						
Subscriptions - low						
Memberships - low						
Printing - low - modify scale of Citizens Guide						
ECONOMY						
Departmental Supplies - low						
Computer Equipment - low - defer computer replacement						
Contract Services - low -- Cut in contract services						
SPEC. SRVC. CNTRT./LDRSHP 2000						
Meetings, Conf. Travel - medium - reduced scope of leadership program						
TRANSPORTATION						
TRANSPORTATION OPER						
Eliminate Kamas Service - Elimnate Kamas Service (No Service Impact as this determination was made last fall)						
Reduce Capital Outlay - Reduce expenditures on vehicles and equipment until economic conditions improve						
Reduce Contract Services - Reduce Scope of Traffic Studies						
Reduce Recruitment & Training - Recruitment & Training Cost Reductions due to improved hiring environment						
Reduced Radio Repairs - Reduce radio repairs based on new 800 MHZ system						
Reduced Uniforms - Reduce uniform replacement costs						
WATER OPERATIONS						
WATER OPERATIONS						
Capital Outlay - Equipment - Capital Outlay - Equipment						
Professional & Consulting - Professional & Consulting						
Grand Total	-\$512,091	-\$20,591	-\$77,237	-\$1,000	-\$168,585	-\$56,332

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 11, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 11, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto. Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Michael Kovacs, Assistant City Manager; Katie Cattan, Planner; Matt Cassel, City Engineer; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council comments – Candace Erickson announced that she attended her last ULCT meeting before the end of the legislative session. As liaison to Mountainlands Community Housing Trust again, she commented on the success this organization has experienced over the decade. Alex Butwinski reported on the Public Art Advisory and Planning Commission meetings. The Mayor thanked Tom Bakaly, Michael Kovacs and Candace Erickson for their hard work at the state legislature this year.

2. Legislative update – Michael Kovacs discussed last minute issues including charter schools. One hundred thirteen million dollars was removed from the road fund to be used to bond for higher education facilities. Many bills passed that were supported by Park City. He commented on the state retirement, MIDA, environmental, building code bills, and other legislation of interest. He reported on proposals that were suppressed this year and issues that will likely return. Mr. Kovacs felt 2010 was a pretty good session with no negative economic impacts to the City.

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

None.

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”*)

Candace Erickson, “I move approval of Consent Agenda Items 1 and 2”. Alex Butwinski seconded. Motion carried.

1. Consideration of a Resolution honoring Park City and all Utah Athletes for their outstanding performances at the 2010 Vancouver Winter Olympic Games – See Resolution; staff recommends approval.

2. Consideration of Contract Modification No. 3 to UDOT Consultant Service Agreement with H.W. Lochner, Inc. for design services for the Bonanza Drive Reconstruction Project in an amount not to exceed \$32,988 in a form approved by the City Attorney – See staff report; staff recommends approval.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

V NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of UDOT Consultant Services Agreement with Stanley Consultants for Construction Engineering Services for Phase 2 of the Bonanza Drive Reconstruction Project in an amount not to exceed \$450,558 in a form approved by the City Attorney – Matt Cassel explained that federal money and state processes are involved, complicating the project, and staff selected this contractor from the UDOT consultant pool list where Stanley is highly rated. He relayed that Stanley did a very good job on Phase 1 of the Bonanza Drive reconstruction project and recommended that this contract be awarded to Stanley for Phase 2. State provisions require that this contract be in place before the City is allowed to begin the bidding process and Council authorization is requested.

The Mayor invited public input; there was none. Alex Butwinski, “I move to authorize the City Manager to execute the UDOT Consultant Services Agreement with Stanley Consultants Inc. for construction management services related to the construction of Phase 2 of Bonanza Drive in an amount not to exceed \$450,558”. Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

2. Consideration of an Ordinance approving the Snow Creek Crossing Lot No. 9B Subdivision two-lot subdivision located within Sections 8 and 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah – Planner Katie Cattin explained that both the police facility and Snow Creek Cottages, which are currently under construction, are located on 9B and the parcel should be subdivided. The Mayor opened the public hearing and with no comments, closed the hearing. Candace Erickson, “I move we approve an Ordinance creating a two-lot subdivision on Lot 9B, located within Sections 8 and 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian”. Joe Kernan seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

3. Consideration of an Ordinance approving the condominium plat for the Snow Creek Cottages Condominiums, located within Sections 8 and 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah – Katie Cattan explained that approval would allow the units within the Snow Creek Cottages to be sold individually. The Mayor opened the public hearing and with no input from the audience, the public hearing was closed. Joe Kernan, “I move we approve the Ordinance concerning the condominium plat for the Snow Creek Cottages, located within Sections 8 and 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah”. Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 5 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto. Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Alex Butwinski, “I move to close the meeting to discuss personnel”. Cindy Matsumoto seconded. Motion carried. The meeting opened at approximately 6 p.m. Candace Erickson, “I move to open the meeting”. Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 18, 2010**

Present: Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney, Diane Foster, Sustainability Manager; Tyler Poulson, Sustainability Analyst; Scott Robinson, IT Manager; and Michael Kovacs, Assistant City Manager

Karen Wolfe, Wes Smith, Curtis Allen, John Zeugschmidt, John Kleiman, Tim Loftis, and Mark Thomas, Utah State University - Energy Dynamics Laboratory

1. Council questions/comments. Cindy Matsumoto reported on attending the Peace House, School Board and Library Board meetings. The Library Board intends to name a meeting room at the Library after Roger Harlan. Alex Butwinski spoke about the HMBA meeting where sidewalk dining was discussed. Candace Erickson commented on the Board of Health meeting and hiring a new director. Liza Simpson discussed a number of projects under review by the HPB. Dana Williams reported on the HMBA meeting and a trip planned to Washington DC next week to meet with our congressional delegation.

2. Renewable Energy Feasibility Study. Diane Foster introduced members of the Energy Dynamics Laboratory team of Utah State University. She explained that the group conducted a feasibility study for the City to look at alternative technologies that may apply to municipalities, residents, and local businesses. Karen Wolfe of Utah State explained that the study represents a top level analysis of a handful of programs which vary in complexity. USTAR donated \$60,000 to cover the cost of the study.

Curtis Allen explained that micro hydro is a system that produces 100 kilowatts or less of power and uses pre-existing infrastructure and water systems. It is an economical source of renewable energy that uses no fossil fuels. Micro wind turbines are quiet and can begin to produce power at five to six mph. He discussed solar applications, specifically day-lighting techniques. John Zeugschmidt explained how micro hydro works. He pointed out that Park City has unique features as there are already over 120 pressure reduction valves within the culinary system. Several of these PRVs could possibly be used as power generation locations and the state of Utah is very interested in micro hydro applications. One of the main challenges Park City faces is the lack of data on the existing PRV system and on the commercial and residential sides; Mr. Zeugschmidt noted environmental and water rights issues.

Mr. Allen interjected that eight sites were identified including Quinns Junction Water Treatment Facility which would produce about 2100 gallons per minute and an

estimated \$51,125 per year. The other seven are PRV stations. Micro hydro project sites require a flow of 600 gallons per minute and 200 feet of head or vertical drop. The four PRV locations listed would not be ideal, based on current technology, but he explained developing technology which will handle alternating flows. The turbines are much smaller and easier to install which increases the number of feasible sites and a state micro hydro program is underway on the Wasatch Front. Curtis Allen added that the Quinns Water Treatment Plant is a great resource because of its capacity at 2100 gallons per minute or 3,000,000 gallons a day. Micro wind turbines produce 25 kilowatts of power or less and have a horizontal axis or a vertical axis which is a newer technology. Mr. Zeugschmidt explained that Park City's average wind speed is seven to ten mph throughout the year which is ideal for the micro wind systems which only require five to six mph in order to generate electricity. He felt these types of applications should be highly considered and described payback schedules for residential and commercial scenarios.

Mr. Allen explained that the ValidWind system was developed by the Energy Dynamics Lab to measure wind patterns to decide where to place wind turbines. It is an affordable technology and no anemometers are used. He described the favorable conditions in Park City to support solar applications, however, the payback period is longer than with other technologies and he cited other challenges. However, equipment costs are dropping. Mr. Allen felt that day-lighting is a great way to use solar; some benefits are increased worker productivity, reduced energy costs, and a short payback period for new buildings. He warned that retro-fitting a building may be costly. Skylights are typically used for residential units. There are funding opportunities on federal, state and utility levels, and incentives for hydro wind and solar applications; Rocky Mountain Power's Blue Sky Program continues to benefit Park City.

Mr. Zeugschmidt emphasized that simple changes can make big differences and spoke about helpful information available to the public on the parkcitygreen.org website. [Energystar.gov](http://energystar.gov) is another great resource and he spoke about a variety of improvements that Park City Mountain Resort has made from snow-making equipment to LED Christmas lights. Income level is not a factor with regard to environmental and fiscal responsibility.

Karen Wolfe relayed that a more detailed cost analysis will be available next week. She explained biodigestion which is the breakdown of carbon-based material to biogas which can be burned to produce heat and electricity or refined to fuel. Brown grease from restaurants can be combined with manure tripling the level of methane. Park City has over 100 restaurants and there are six dairies in the area, but the economics didn't pencil because of transportation costs to a single biodigester, infrastructure costs for dairies, and an extended payback of 25 years.

Tim Loftis reviewed converting the transit system to natural gas; currently 29 vehicles run on biodiesel. Natural gas vehicles have been increasing in popularity over the world but the US has been slow to catch up. Some of the best opportunities lie in large vehicles, particularly transit situations and there are over 11,000 NGVs on the road.

Over 20% of new buses have been NGVs and using them over diesel can decrease carbon monoxide emissions by up to 89%. Mr. Loftis acknowledged the costs associated with conversions but pointed out the funding assistance available and the fuel savings compared to biodiesel. Utah has the best costs for natural gas across the country averaging about \$.76. Mr. Loftis noted that buses have a life of about 12 years and he encouraged slowly initiating a pilot program in tandem with the replacement schedule. Once the fleet grows, a fueling station will become necessary at an estimated cost of \$900,000 but federal tax incentives will bring this cost down to about \$150,000. He encouraged starting a program with one bus and relayed that the return is about 19.7% in an eight year payback period.

Dan Kleiman presented funding options including finding a taxable partner, bonding, or joining a consortium like UAMPS. He explained that taxable partners reap the tax benefits of investing in renewable energy. The private partner typically sets up a special purpose entity, buys the power generating equipment, and leases it directly to the city. The city can operate the equipment, use all of the power generated and the value of the lease payments is less than the city would have had to pay through a standard bond issue.

He discussed different types bond issues. The clean renewable energy bonds are locally issued bonds for a project that is approved by the federal government. The bonds pay zero interest and the investor receives tax credits from the federal government. Qualified energy conservation bonds are very similar except the state controls the project and the issuances are designed for municipalities of 100,000 or more. Property issued clean energy bonds are not currently legal in Utah as the legislation was defeated this year. With this approach, home owners borrow but the city issues a municipal bond and the property owners receive the revenue. Repayments appear as a line item on property taxes and runs with the property. Mr. Kleiman described UAMPS which focuses on power, but not necessarily renewable power. UAMPS doesn't address funding needs and tax benefits are unclear.

Karen Wolfe described innovative technologies including intuitive lighting and fiber optic day-lighting applications. Wes Smith spoke about the location of Utah State's campuses and pointed out that the Vernal facility is working on oil shell extraction and a clean coal project is underway in Price. He suggested that Park City be the University's renewable energy hub as the group already has a small office at the Swaner Eco Center. Utah State is very interested in working in Park City and would like to use this area as a test bed facility.

Mark Thomas encouraged the City to support a new version of SB194 and to further study water resources for micro hydro. He also recommended pursuing a study for micro wind sites and working with USU to create a sustainable energy institute. Continued development of the parkcitygreen.org site and purchase of a single natural gas bus for a test period are additional suggestions.

Alex Butwinski commented on the quality of the presentation and the Mayor agreed. Mayor Williams spoke about accomplishing the intent of SB194 with taxable bonds, without the state. He suggested that this presentation be given to the Summit County Council of Governments and commented about government leading by example as the benefits are not always about the return. Municipal codes are being re-written to better accommodate these technologies and the community is very supportive of renewable energy efforts.

Cindy Matsumoto supported the idea of forming a partnership with Utah State. In response to a question from Ms. Matsumoto about converting to NGVs, Ms. Wolfe explained that caution is advised so that other biofuels and technologies are explored by Park City before committing to natural gas. However, Mr. Loftis emphasized that he feels natural gas is a very strong technology and there are many opportunities because of Utah's natural resources. Discussion ensued on fuel pricing. Mayor Williams felt it wise to explore micro hydro. Equivalent measurements in the data were explained as well as the performance of natural gas vehicles.

2. Review of regular meeting – Google Resolution – Scott Robinson described the application process for the competition, the March 26, 2010 deadline, and featuring the project on Facebook. Input has been favorable and community support is valuable. Michael Kovacs explained that Google is offering communities a high speed network which is about 100 times faster than broadband; Summit County has endorsed Park City's application. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 18, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 18, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager and Tom Daley, Deputy City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

III WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 25, 2010 AND MARCH 4, 2010

Alex Butwinski stated that he has already relayed a few clerical corrections to the City Recorder but referred to Mr. Weidenhamer's statement in the February 25, 2010 Work Session Notes regarding allocation of funding associated with the PSSM proposal. He requested that its accuracy be confirmed before publishing the minutes.

Joe Kernan, "I move we approve the minutes of the meetings of February 25, 2010, as corrected, and March 4, 2010". Cindy Matsumoto seconded. Motion unanimously carried.

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

Main Street outdoor dining - Steve McComb, owner of Bistro 412 and Ciseros, described a plan to install temporary decks for outdoor dining at his Main Street establishments. He felt that Ciseros can not compete with other businesses without a deck and hoped that outdoor dining will help revitalize his businesses. The modular units will provide access for handicap patrons. He stated that he would like to operate from mid-May to mid-September and acknowledged that an encroachment agreement with the City is required.

Dana Williams indicated that he heard about these decks at the HMBA meeting, but understood that the Board was intending to present this idea as a Main Street project. If too many businesses are interested, street parking will be limited. Mr. McComb didn't believe this is an issue and answered a question from Liza Simpson about DABC compliance. Candace Erickson felt this is a great idea and believes outdoor dining will add a lot to the street. Mr. McComb believed the deck will be attractive and compatible with the building. Joe Kernan indicated that he would like to see more outdoor dining on

Main Street. Alex Butwinski emphasized that the HMBA Board was very interested in this concept but the plan was to approach the City in April.

Steve McComb indicated that he wants to get his *ducks in a row* before getting more restaurants on board. Two deck kits probably total as much as \$30,000. He described the dimensions of the deck and asked what he should do next. Tom Bakaly advised that he should work with Jon Weidenhamer and the HMBA and this will probably return to Council on April 15.

V 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”)*

Joe Kernan, “I move we approve Consent Agenda Items 1, 2, 3 and 4”. Liza Simpson seconded. Motion unanimously carried,

1. Consideration of a Resolution supporting Google’s request for information for a community 1000 gigabit fiber network in Park City, Utah – See staff report.

2. Consideration of a professional service provider contract for the construction materials testing and visual inspection of the Ironhorse Transit Facility construction in a form approved by the City Attorneys Office with Consolidated Engineering Laboratories in an amount not to exceed \$55,263 – See staff report.

3. Consideration of grant of access, water service and sewer lateral easement across City property to benefit 2300 Meadows Drive in a form approved by the City Attorney -

4. Consideration of a Resolution authorizing the issuance and sale of up to \$9,000,000 aggregate principal amount of general obligation bonds of the City; fixing certain maximum terms for the Bonds; and providing for related matters – See staff report.

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

Consideration of authorization to the Mayor to: 1) effectuate the dismissal of pending litigation between Park City Municipal Corporation and Iron Mountain Associates, LLC; 2) convey an open space easement on approximately 329 acres of open space; and 3) execute a restrictive covenant which limits activities on approximately 300 acres – Tom Daley explained that the initial 1998 proposal included 600 acres of open space which was confusing because recreational uses were permitted and the definition of open space was never clear. Through illustration of a map, Mr. Daley pointed out the open space parcels to be conveyed, reflecting *true open space* with passive uses, consistent with other City open space property. He pointed

out other uses on the balance of the 600 acres including ski runs and resort related support, totaling 436 acres. The settlement agreement provides the City with discretion on construction activity in the restrictive covenant area, limiting building height to 12 feet and size to 500 square feet or less. Each parcel in the 328 open space acreage will be successively conveyed in 2010, 2011 and 2012 but all will be held in escrow.

Mr. Daley spoke about the good working relationship with the new officers of IMA. John O'Connell of IMA described the mid-mountain trail connection plan. There will be access during construction and the project will be an improvement to the overall system.

Liza Simpson, "I move we authorize the Mayor to effectuate the dismissal of pending litigation between Park City Municipal Corporation and Iron Mountain Associates, LLC; convey an open space easement on approximately 329 acres of open space; and execute a restrictive covenant which limits activities on approximately 300 acres". Cindy Matsumoto seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager and Tom Daley, Deputy City Attorney. Alex Butwinski, "I move to close the meeting to discuss personnel". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Alex Butwinski, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council Staff Report



Planning Department

Subject: Land Management Code (LMC)
Amendments
Author: Kirsten Whetstone, AICP
Thomas Eddington, AICP
Date: April 1, 2010
Type of Item: Legislative
Project Number: PL-09-00784

Summary Recommendations

The City Council should review and discuss proposed amendments to the Land Management Code for:

- Chapter 1 General Provisions and Procedures
- Chapter 2.3 Historic Residential HR-2
- Chapter 6 Master Planned Developments
- Chapter 10 Board of Adjustment
- Chapter 11 Historic Preservation
- Chapter 12 Planning Commission

Staff recommends the City Council conduct a public hearing, consider input, and consider approving the proposed Land Management Code amendments and adopting the attached Ordinance.

Topic

Project Name: LMC Amendments for Chapters 1, 2.3, 6, 10, 11, and 12
Applicant: Planning Department
Proposal: Revisions to the Land Management Code (LMC)

Background

On March 24, 2010, the Planning Commission conducted a public hearing and forwarded to the City Council Land Management Code (LMC) amendments to address 1) planning and zoning issues that have arisen in the past year, 2) development and design issues for the east side of upper Park Avenue in the HR-2 zoning district, and 3) procedural issues related to appeals of Planning Commission decisions to City Council (Exhibits A-F).

Previous public hearings and discussions occurred on June 11, 2008, September 23, 2009, November 11, 2009, January 20th and February 24th, 2010. (Planning Commission meeting minutes are available at the following link on the Park City web site: www.parkcity.org/index.aspx?page=541&parent=3350) A public open house to review the proposed amendments was conducted by the Planning Staff on October 27th (See summary of neighborhood concerns in Exhibit G).

Analysis

The following amendments are proposed:

- **Chapter 1 (General Provisions and Procedures)-** Procedural amendment: Allows the City Council to designate an independent appeal authority (typically called a hearing officer or administrative law judge) for appeals and call-ups for land in all zones under certain circumstances.

The amendment enables the City Council to designate a Hearing Officer as the appeal authority for appeals and call-ups of Planning Commission decisions for land in all zones (Section 15-1-18 (C)) where the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of a process free of conflicts of interest in any appeal. The Planning Commission process remains unchanged. Only in the event of an appeal (or call-up which the Council will retain the ability to do) the Hearing Officer would replace the City Council in hearing the appeal or call up and will have the same scope and standard of review. Whether to expand the scope of the appeal or allow public input in the appeal will still be determined by the City Council pursuant to LMC 15-1-18 (I). Similar to an administrative law judge, a hearing officer would preside over any appeal or call up in an open and noticed meeting, review factual matters de novo (anew), and determine whether the Planning Commission correctly applied the LMC to proposed project based upon the testimony and record. The Hearing Officer would step into the shoes of the Council in hearing an appeal or call up.

Is staff recommending that the City Council utilize this Hearing Officer option for Treasure Hill/Sweeney CUP?

Yes, if the Council adopts the Ordinance, staff recommends that the Council direct staff to return on April 15th with an agenda item to refer any Treasure Hill CUP appeal to a Hearing Officer and that the Council designate two members (including potentially the Mayor) as liaisons to work with the City Manager in future discussions with the Sweeneys. It will be up to the Sweeneys whether to continue to process or amend their application.

Why?

- o Under state law and local ordinance, the Council's role in hearing an appeal is very limited- determining if the Planning Commission correctly applied the Code to the project. Utah State Code prohibits the Council from participating in any decision that it will be the appeal authority on. Due to overlapping issues resulting from the role of the Council as owner and/or Redevelopment Authority (RDA) in relation to possible alternatives for the Treasure Hill project, such as buying down density or transferring density to another site, it would be difficult for the City Council to proactively negotiate for such changes while remaining objective and disinterested as an appeal authority in the regulatory process.

- o Regardless of their merit or lack thereof, potential claims of conflict, due process, or predetermined disposition may cause the Mayor and Council to further limit their efforts to seek the best possible outcome for the applicant, neighbors and community as a whole.
- o The length and complexity of the public process before the Planning Commission: After over six years of public and technical review, the public, the applicants and the planning/engineering professionals have presented and reviewed relevant information, debated and provided testimony, and such will continue in the remaining hearings before the Planning Commission. A Hearing Officer potentially offers a better balance between the independent accountability needed for an administrative remedy, and the increased efficiency and technical capabilities better served for such an appeal limited to technical correctness.

The Planning Commission recommended adding Ordinance language which insures an open and public process and specifies minimum criteria for the Hearing Officer. The Commission discussed whether to make Park City or Summit County residency a mandatory requirement but alternatively decided to make residency just a weighted preference, but not a singularly determinative criterion. (Council may still select a non-resident if Council finds other qualifications outweigh local residency). The Planning Commission's additional language is included in the attached draft Ordinance.

City Council Accountability

Both the Planning Commission and public input focused on the pivotal question of Council accountability. Ultimately, the Commission determined that the pros outweighed the cons and that their own frustrations with the limits of their reactive, regulatory role were sufficient reasons to try an out-of-the-box approach. A sheet with "Pros and Cons of Using Hearing Examiners" from the state of Washington where there is a high use of the process is attached as Exhibit H.

For staff, the key question for Council is what role/decision provides the Council more opportunity to possibly effect the end result of the project, and as a result, ultimately more accountability. Given perhaps a limited window of alternatives and the Sweeney's current position of re-examining their current plan, staff strongly finds that the opportunity is now to embark on a new, parallel track outside the limitations which bind all sides in the traditional regulatory process. Accordingly, staff recommends that the Council adopt the Ordinance as proposed.

Fiscal Impacts

At the Planning Commission, the question of cost of a Hearing Officer was also raised. It is hard to estimate the cost of a Hearing Officer without knowing the exact nature of a potential appeal, if any. The City has several sources of funding for this expense, since the City currently may incur similar expenses in

the Utah Private Property Ombudsman process and/or litigation. The potential cost would be indirectly offset by resources and Council time needed to hear such an appeal before the City Council.

- **Chapter 2.3 (HR-2 Zoning District)** - Additional regulations for Conditional Use Permits and Master Planned Developments within HR-2 Subzone A.

The properties along the east side of Park Avenue are unique in that they front on a residential street, yet back to the businesses on Main Street. The lots are also quite steep given the grade difference between Main Street and Park Avenue. To strengthen existing regulations that protect the west side while allowing for incentives and better designs to be presented for the east side, Planning Staff has drafted these amendments.

Graphics illustrating potential development scenarios at three Main Street locations are included in Exhibit I. The three locations are 1) 333 Main Street (Main Street Mall), 449 Main Street, and 614 Main Street (Claim jumper). The graphics are cross sections looking south (up Main Street) and illustrate the change in grade between Main Street and Park Avenue and how the subterranean commercial space could be located below residential structures on Park Avenue.

At the Planning Commission hearings there was specific public input regarding concerns for height exceptions, maximum above grade house widths, compatibility language for the historic fabric of the neighborhood, and mitigation of impacts of the HCB uses (mechanical, access, parking, etc.) on residential uses in the HR-2 and HR-1 zones. The proposed code language in Exhibit B, as recommended by the Planning Commission, includes revisions that address these neighborhood concerns, including no height exceptions are permitted for MPDs in the HR-2 zone.

- **Chapter 6 (MPD).** Clarification of the how the 5% Support Commercial Floor Area and 5% Meeting Space Floor Area is calculated for Master Planned Developments and specific regulations for Master Planned Developments (MPD) within the HR-2 zoning district.
- **Chapter 11 (Historic Preservation).** Clarification and streamlining of the Historic Design Review process for minor projects within the Historic District or Sites (Section 15-11-12(A)). Compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites continues to be a requirement for all projects within the Historic district and at historic sites.
- **Chapters 10 and 12 (BOA and Planning Commission).** Specifies 45 day time frame for hearing of appeals to Planning Commission and the Board of Adjustment and clarifies that call-ups from City Council on City Development projects may be heard by the BOA if requested by City Council. These

amendments provide consistency with regulations in Chapter One and apply to land in all zones.

Department Review

These amendments have been reviewed by the City's Planning, Engineering, Building, and Legal Departments.

Process

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

Notice

Notice was published in the Park Record and posted according to requirements of the Land Management Code. Courtesy notice was mailed to property owners within HR-2 Subzone A.

Public Input

Public input was received at an open house on October 27th, as outlined in Exhibit G, and at the public hearings as documented in meeting minutes available at the Planning Department or at the City's website: www.parkcity.org/index.aspx?page=541&parent=3350

Alternatives

- Conduct a public hearing on the LMC amendments and approve the amendments as describe herein, or
- Conduct a public hearing and deny the proposed LMC amendments, or
- Continue action on all or a portion of the LMC amendments to a date certain and approve the remaining portions.

Significant Impacts

There are no significant negative fiscal impacts on the City as a result of these amendments. The amendments provide clarifications of processes and procedures in the historic district, consistency of code application between Chapters, and are consistent with City's goals to: preserve Park City's character, maintain and protect Park City's residential neighborhoods, and promote economic development within the Main Street business district. The amendments to Chapter One ensure fair due process for all affected parties and to preserve the appearance of fairness in any appeal. The amendments to Chapter 2.3 may provide fiscal benefits in the future.

Consequences of not taking the Suggested Recommendation

Not taking the suggested recommendation will leave the LMC unchanged and may result in lack of clarity or consistency regarding processes and procedures, definitions, LMC section references, and specific interpretation of sections of the Code. Not taking suggested recommendations may result in continued negative impacts on the Park Avenue neighborhood from adjacent Main Street businesses and activity.

Recommendation

Staff recommends the City Council conduct a public hearing, consider input, and consider approving the proposed Land Management Code amendments and adopting the attached Ordinance for the following LMC Chapters.

- Chapter 1- General Provisions and Procedures (Exhibit A)
- Chapter 2.3- Historic Residential 2 (Exhibit B)
- Chapter 6- Master Planned Developments (Exhibit C)
- Chapter 10- Board of Adjustment (Exhibit D)
- Chapter 11- Historic Preservation (Exhibit E)
- Chapter 12- Planning Commission (Exhibit F)

Exhibits

Ordinance

Exhibits to report and Ordinance:

Exhibit A- Chapter 1- General Provisions and Procedures

Exhibit B- Chapter 2.3- Historic Residential 2

Exhibit C- Chapter 6- Master Planned Developments

Exhibit D- Chapter 10- Board of Adjustment

Exhibit E- Chapter 11- Historic Preservation

Exhibit F- Chapter 12- Planning Commission

Additional Exhibits to report

Exhibit G- Summary of Neighborhood Open House on the HR-2 District amendments

Exhibit H- Hearing Officer Pros and Cons handout

Exhibit I- Vicinity maps and graphics for the HR-2 zone amendments

Ordinance - 10

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, REVISING SECTIONS 15-1, 15-2.3, 15-6, 15-10, 15-11, and
15-12 REGARDING DEVELOPMENT REGULATIONS AND MASTER PLANNED
DEVELOPMENTS IN THE HR-2 AND HCB DISTRICTS, STREAMLINING THE
HISTORIC DESIGN REVIEW PROCESS FOR MINOR PROJECTS, CLARIFYING THE
APPEALS PROCESS FOR LAND WITHIN ALL ZONING DISTRICTS, AND
REQUIRING A 45 DAY TIMEFRAME FOR APPEALS TO BE HEARD BY THE
BOARD OF ADJUSTMENT AND PLANNING COMMISSION**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owner's of Park City;

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, and to align the Code with the Council's goals;

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods;

WHEREAS, the City's goals include maintaining effective transportation and parking, maintaining the resort community regarding economic development, and enhancing the economic viability of Park City's Main Street Business District; and

WHEREAS, Chapter 1, General Provisions and Procedures, provides a description of general requirements, provisions and procedures and the City desires to clarify and revise these requirements, provisions and procedures regarding appeals of Planning Commission decisions in all zoning districts, as outlined in the staff report; and

WHEREAS, Chapter 2.3, Historic Residential-2 Zoning District, provides a description of requirements, provisions and procedures specific to Subzone A of the HR-2 zoning district, specifically for the east side of upper Park Avenue south of Heber Avenue and the City desires to clarify and revise these requirements, provisions and procedures as outlined in the staff report; and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures as they pertain to 1) development in the HR-2 and HCB Zoning Districts and 2) calculation of Support Commercial and Meeting Space within Master Planned Developments as outlined in the staff report; and

WHEREAS, Chapter 10 - Board of Adjustment, provides regulations and procedural requirements for the Board of Adjustment, and the City desires to clarify and revise these regulations regarding the timeframe by which an appeal shall be heard by the Board of Adjustment and clarify the scope of BOA review of City Council call-ups of Planning Commission action items, as outlined in the staff report; and

WHEREAS, Chapter 11 – Historic Preservation, provides regulations and procedural requirements for the Historic Preservation Board and for administrative actions regarding historic preservation in Park City and the City desires to clarify, revise and streamline the administrative process for historic design review, as outlined in the staff report; and

WHEREAS, Chapter 12 - Planning Commission, provides regulations and procedural requirements for the Planning Commission and the City desires to clarify and revise these regulations regarding the timeframe by which an appeal shall be heard by the Planning Commission, as outlined in the staff report; and

WHEREAS, these amendments are changes identified during the 2009 annual review of the Land Management Code that provide clarifications of processes and procedures, and interpretations of the Code for streamlined review and consistency of application between Sections.

WHEREAS, the Planning Department held a neighborhood information meeting on October 27, 2009 and the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on November 11 and December 16, 2009 and January 20th, February 24th, and March 24th, 2010 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on April 1, 2010; 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 Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the Upper Park Avenue residential neighborhood, preserve historic sites and structures, preserve the historic character of neighborhoods in the Historic District, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1- Section 15-1-18. The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.3. The recitals above are incorporated herein as findings of fact. Chapter 15-2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 10- Board of Adjustment. The recitals above are incorporated herein as findings of fact. Chapter 10 of the Land Management Code is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 12- Planning Commission. The recitals above are incorporated herein as findings of fact. Chapter 12 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 7. SEVERABILITY OF ORDINANCE. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this first day of April, 2010

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures

15-1-16

affecting their interests, provided that the plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. LICENSING.

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. VESTING.

(A) An Applicant is entitled to approval of a land Use Application if the Application conforms to the requirements of an applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

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

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

(B) The municipality shall process an Application without regard to proceedings initiated to amend the municipality's ordinances if:

(1) 180 days have passed since the proceedings were initiated; and

(2) the proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.

(C) An Application for a land Use approval is considered submitted and complete when the Application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

(D) The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.

(B) A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

(Amended by Ord. No. 06-22)

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E). All appeals must be filed with the Planning Department within ten (10) days of Final Action.

There shall be no additional notice for appeal of the staff determination other than listing the matter on the agenda, unless

notice of the staff review was provided in which case the same notice must be given for the appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB).** Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION.** Final Actions by the Planning Commission on appeals of Staff action may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint a hearing officer as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The hearing officer will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

(1) **HEARING OFFICER QUALIFICATIONS.** The decision to appoint and the appointment of a Hearing Officer shall be made by the City Council at a duly noticed public meeting after publicly noticed

request for qualifications. Qualifications shall include a weighted priority for the following: Park City or area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. The Hearing Officer shall have the ability to:

(a) Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.

(b) Follow complex oral and written arguments and identify key issues of local concern.

(c) Master non-legal concepts required to analyze specific situations, render findings and determinations.

(d) Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.

(2) **PROCESS.** Any hearing before a Hearing Officer shall be publically noticed and meet all requirements of the Utah Open and Public Meetings Act. The Hearing Officer shall have the same authority and follow the same procedures as designated for the "City Council" in this section 15-1-18 (G-I). The City Council may decide to appoint a

Hearing Officer for a particular matter at any time an application is pending but the appointment of the individual shall not occur until an actual appeal or call up is pending.

(D) **STANDING TO APPEAL.** The following has standing to appeal a Final Action:

- (1) Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
- (2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed

with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority below.

(H) **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

(I) **CITY COUNCIL ACTION ON APPEALS.**

(1) The City Council, with the consultation of the appellant, shall set a date for the appeal.

(2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.

(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) **CITY COUNCIL CALL-UP.**

Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City

Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1 -12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(K) **NOTICE.** Notice of all appeals to City Council or call-ups shall be given by:

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

(2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action. The City Recorder shall provide noticing for Council call-ups.

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL.** Upon the filing of an appeal, any approval granted by the Planning Commission will be suspended until the City Council has acted on the appeal.

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(M) **APPEAL FROM THE CITY COUNCIL.** The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it, unless and until the court enters an interlocutory or final order modifying the decision.

(N) **RECONSIDERATION.** The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(O) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

(Amended by Ord. Nos. 06-22; 09-10; 09-23)

15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council

and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE.** Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES.** The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

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Comment [kaw1]: Administrative clean up of language-typo grammar- no substantive change.

(C) **APPEAL.** Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) **TAKINGS APPEAL BOARD.** There is hereby created a three (3) member Takings Appeal Board. The City Manager shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection (C), the City Manager shall appoint a member or sufficient members to fill the vacancies.

15-1 -20. EXACTIONS.

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

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

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

(Created by Ord. No. 06-22)

15-1 -21. NOTICE MATRIX.

(See following pages)

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:
 (A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

- (1) Upper Main Street;
- (2) Upper Swede Alley; and
- (3) Grant Avenue,

(B) encourage and provide incentives for the preservation and renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts by allowing Master Planned Developments in the HR-2 Subzone A,

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

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

Historic Structures and the historic character of surrounding residential neighborhoods, and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

(F) provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue.

(G) ensure improved livability of residential areas around the historic commercial core,

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is compatible with the historic character of the surrounding residential neighborhood,

(I) encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,

Comment [kaw1]: Highlights indicate new language since the Feb 24 PC meeting

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Comment [kaw2]: Added purpose statements to provide clarification and direction regarding the purpose and uniqueness of the HR-2 District.

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(K) minimize impacts of Commercial Uses on surrounding residential neighborhoods.

15-2.3-2. USES.

Uses in the HR-2 District are limited to the following:

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental²
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting³
- (6) Child Care, Family³
- (7) Child Care, Family Group³
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure with four (4) or fewer spaces
- (12) Recreation Facility, Private

(B) CONDITIONAL USES.

- (1) Duplex Dwelling
- (2) Secondary Living Quarters
- (3) Accessory Apartment⁴

¹Nightly Rental of Lockout Units requires a Conditional Use Permit

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

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

⁴See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

- (4) Group Care Facility
- (5) Child Care Center
- (6) Public or Quasi-Public Institution, church or School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁵
- (9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter⁶
- (10) Bed & Breakfast Inn⁷
- (11) Boarding House, Hostel⁷
- (12) Hotel, Minor, fewer than sixteen (16) rooms⁷
- (13) Office, General⁸
- (14) Office, Moderate Intensive⁸
- (15) Office and Clinic, Medical⁸
- (16) Retail and Service Commercial, Minor⁸
- (17) Retail and Service Commercial, personal improvement⁸
- (18) Cafe or Deli⁸
- (19) Restaurant, General⁸
- (20) Restaurant, Outdoor Dining⁹

⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷In Historic Structures only

⁸In Historic Structures and within Sub-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

- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility¹⁰
- (25) Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- (26) Recreation Facility, Private
- (27) Fences greater than six feet (6') in height from Final Grade¹¹
- (28) Limited Commercial expansion necessary for compliance with Building and Fire Code egress and Accessibility requirements and Support Uses associated with HCB Commercial Use¹²

(Amended by Ord. Nos. 06-56; 09-10)

(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.

Sub-Zone B only, subject to requirements in Section 15-2.3-9.

¹⁰ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

¹¹ See LMC Chapter 15-4-2, Fences and Walls

¹² Subject to compliance with the criteria set forth in Section 15-2.3-8(B).

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 Design Guidelines for Park City's Historic Districts and Historic Sites. 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 Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4, and the Historic Preservation Board's recommendation.

(B) The Applicant may not alter an Historic Structure to minimize the residential character of the Building.

(C) Dedication of a Facade Preservation Easement for Historic Structures is required to assure preservation of Historic Structures and the Historic fabric of the surrounding neighborhood.

(D) New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures, in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted

Comment [kaw4]: Replace Historic District Design Guidelines with title of current Guidelines

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Comment [kaw3]: Removed Private Residence Club ownership of a condominium unit

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Comment [kaw5]: Emphasize compatibility with the surrounding neighborhood. Deleted 1 ½ and 2 story height because it conflicts with the Building Height Section and 3 stories allowed in the HR-2 District.

Deleted: 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 ½) Stories at the Street

Deleted: 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.

City Council fees in effect at the time a complete application is received. The

Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

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

(G) Fencing and Screening between residential and Commercial Uses may be required along common Property Lines.

(H) All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.

(Amended by Ord. No. 06-56)

15-2.3-4. LOT AND SITE REQUIREMENTS

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur with exceptions as allowed in Section 15-2.3-4.

(C) **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;

Comment [kaw6]: Allows flexibility in parking requirements. In lieu fees are determined by the Council and subject to change.

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Comment [kaw7]: Fencing and screening may not be possible along the HR-2/HCB property line

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(e) Chimneys; (f) Sidewalks, pathways, and steps; (g) Screened hot tubs; and (h) Landscaping. (2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that: (a) provides increased architectural interest consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites; and (b) maintains the intent of this section to provide horizontal and vertical Building articulation. (D) <u>BUILDING FOOTPRINT (HR-2 DISTRICT).</u>	(1) The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet. (2) See Section 15-6-5 (B) for maximum allowed Building Footprint for Master Planned Developments within the HR-2 District.
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Comment [kaw8]: Refers to the MPD Chapter where Building Footprint is allowed to be calculated based on the number of original lots and/or on any conditions of the plat amendment or subdivision. This allows development compatible with the surrounding neighborhood.

Deleted: Historic District Design Guidelines

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

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

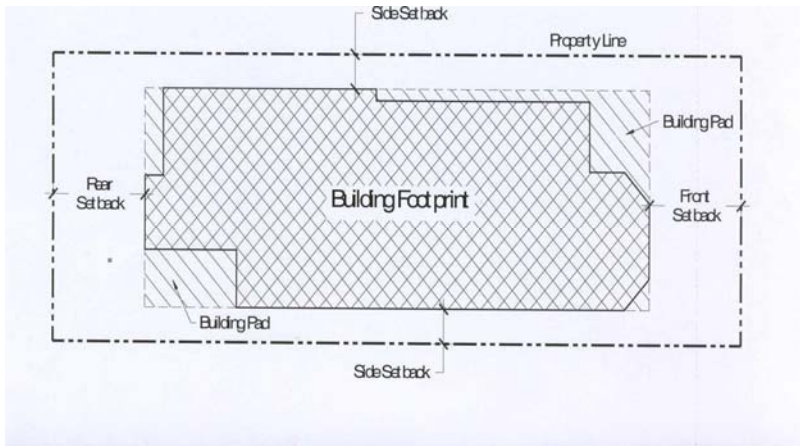
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

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

* for Lots > 75' in depth use footprint formula and Table 15-2.3a for Front and Rear Setbacks.



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

TABLE 15-2.3.a

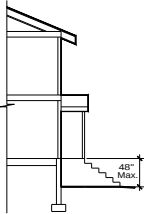
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(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.



Front Yard

(3) Decks, porches, or Bay Windows not more than ten feet (10') wide projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Yard.

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(5) Sidewalks and pathways.

(6) Driveways leading to a Garage or Parking Area. No portion of a Front Yard except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

(7) Single car detached Garages approved as part of a Master Planned Development in Subzone A.

(G) REAR YARD EXCEPTIONS. The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Rear Yard.

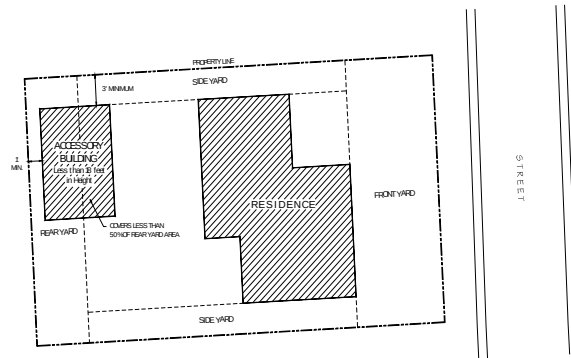
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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

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

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(6) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

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

(10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in width, as per Table 15-2.3 above.

(2) On Corner Lots, the minimum Side Yard that faces a side Street or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the

Side Yard.¹²

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹²

(5) Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.

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

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

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

(10) Detached Accessory

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

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.

(L) **MASTER PLANNED DEVELOPMENTS.** The Planning Commission may increase or decrease Setbacks in Master Planned Developments in accordance with Section 15-6-5 (C); however the above Grade spacing between houses shall be consistent with the spacing that would result from required Setbacks of the Zone and shall be compatible with the historic character of the surrounding residential neighborhood. The Planning Commission may increase or decrease Maximum Building Footprint in Master Planned Developments in accordance with Section 15-6-5 (B).

(Amended by Ord. Nos. 06-56; 09-10)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings, including detached single car Garages.

Comment [kaw9]: Title of new Historic Guidelines

Deleted: Historic District Design Guidelines

Comment [kaw10]: Allow exceptions to setbacks for detached single car garages as an incentive to see this building form return to Park City.

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition, Garage, and/or driveway location is Compatible with the historic character of the surrounding residential neighborhood and the existing Historic Structure,

(3) When the new construction, complies with all other provisions of this Chapter, and

Deleted: addition

(4) When the new construction, complies with the Uniform Building and Fire Codes and snow shedding and snow

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storage issues are mitigated.

15-2.3-6 BUILDING HEIGHT.

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

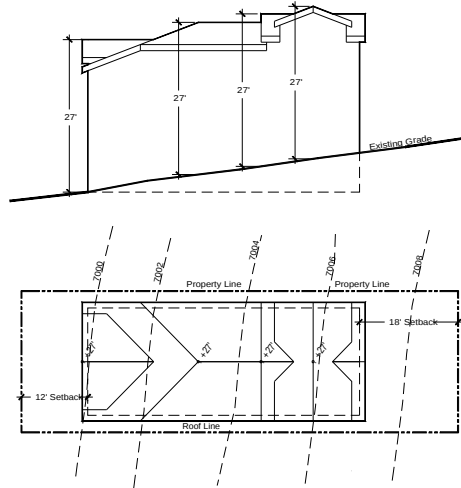
Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

(A) A Structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. Attics that are not Habitable Space do not count as a Story. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with the MPD requirements of Section 15-6-5(F). On a Structure in which the First Story is located completely under finish Grade, a side or rear

entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

(C) **ROOF PITCH.** Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.



Comment [kaw11]: Previous height exception language deleted.

(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

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- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(3) ELEVATOR ACCESS.

The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

- (a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
- (b) The proposed option is the only feasible option for the elevator on the Site.
- (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) GARAGE ON

DOWNHILL LOT. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from existing Grade.

(Amended by Ord. Nos. 06-56; 09-10' 09-14; 09-40)

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the [Design Guidelines for Park City's Historic Districts and Historic Sites, and](#) Chapter 15-5.

Deleted: Historic District Design Guidelines

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use Permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and driveway.

The Planning Department shall review all Conditional Use permit applications and forward a recommendation to the Planning Commission. The Planning Commission may review Conditional Use permit Applications as Consent Calendar items. Conditional Use permit Applications shall be subject to the following criteria:

- (1) **LOCATION OF DEVELOPMENT.** Development is

located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities

for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed

Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-2 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.3-6. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between the proposed Structure and the historic character of the neighborhood's existing residential Structures.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply. The Owner is not vested for the maximum.

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(Amended by Ord. Nos. 06-56; 09-10)

15-2.3-8. SPECIAL REQUIREMENTS FOR MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS IN SUB-ZONE A.

(A) **SUB-ZONE A.** Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.

(B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned Lot with an adjacent Park Avenue, HR-2 zoned Lot, or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park

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Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

(1) All Commercial Uses extending from Main Street into the HR-2 Zone are subject to Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue.

(2) All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5 (C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements.

(3) All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6.

(4) Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 B (1).

(5) A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.

(6) The number of residential units allowed in the HR-2 portion of the development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.

(7) All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.

(8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the

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Comment [kaw12]: Require CUP or MPD for extending Main Street business uses into HR2 zone. Such uses must be located below the grade of Park Avenue.

adjacent Residential Uses. Impacts include such things as noise, odor, and glare, intensity of activity, parking, signs, lighting, access, and aesthetics.

(9) No loading docks, service yards, mechanical equipment, exterior trash compounds, outdoor storage, ADA access, or other similar Uses associated with the HCB Uses, are allowed within the HR-2 portion of the Property and all such Uses shall be screened for visual and noise impacts.

(10) The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development.

(11) Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation.

(12) Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development.

(13) The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and historic character of the surrounding residential neighborhood.

(14) No Density transfer from the

HCB property to the HR-2 property is allowed.

(15) Maximum allowed Building Footprint is subject to Section 15-6-5 (B).

15-2.3-9. SPECIAL REQUIREMENTS FOR SUB-ZONE B.

(A) Sub Zone B consists of Lots in the HR-2 District that are located in the following Areas:

(1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and

(2) West of Main Street within Block 13 and fronting on Main Street.

(B) The following special requirements apply only to those Commercial Uses as listed in Section 15-2.3-2 for Sub Zone B:

(1) These Commercial Uses are allowed as a Conditional Use permit review requirements in Section 15-1-10.

(2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the Property and its environment. New additions shall be subordinate to the existing Structure.

Comment [kaw14]: Refers to the MPD Chapter where Building Footprint is allowed to be calculated based on the number of original lots and/or on any conditions of the plat amendment or subdivision. This allows development compatible with the surrounding neighborhood.

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Comment [kaw13]: The intent is that houses fronting on Park Avenue need to maintain the pattern of building façade and spacing typical of and compatible with the surrounding residential neighborhood.

(3) Adaptive reuse of residential Historic Structures for commercial Uses may impose only minimal changes to the defining Architectural Detail.

(4) New Construction must be residential in character and comply with the [Design Guidelines for Park City's Historic Districts and Historic Sites](#) for residential construction and all Lot and Site requirements of Section 15-2.3-4.

(5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.

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

(7) Any adjoining Historic Structures, under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit.

(8) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use permit.

15-2.3-10. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the

Historic District.

(B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

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(1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Section 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street Parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(H) Parking Areas with five (5) or more spaces within Subzone A shall be accessed from a Street other than Park Avenue if the Parking Area also serves HCB Uses, and Ssuch Parking Areas shall be below the grade of Park Avenue and beneath residential structures facing and fronting on Park Avenue.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.3-11. ARCHITECTURAL REVIEW.

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

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

(Amended by Ord. Nos. 06-56; 09-10; 09-23)

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.

Comment [kaw15]: Deleted Commercial Uses

(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.

Comment [kaw16]: Deleted Commercial Uses

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the inn. The Planning Commission may waive the parking requirement for Historic Structures, if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structures or Site, including removal of existing Significant Vegetation, and all alternatives for proximate

parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.3-13. MECHANICAL SERVICE.

No free standing mechanical equipment is allowed in the HR-2 zone with the exception of individual residential mechanical units serving Single family and Duplex Dwelling units within the HR-2 District, subject to the Lot and Site Requirements of Section 15-2.3-4. The Planning Department will review all Development Applications to assure that all mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view and does not exceed the allowable decibel levels of the City's Noise Ordinance from nearby residential Properties.

Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration to adjoining Properties. Refuse collection and storage Areas must be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

(Amended by Ord. No. 06-56)

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

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or

Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall to window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.3-14(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission. These Commercial outdoor uses are not allowed within Subzone A.

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(1) **OUTDOOR DINING.**
Outdoor Dining is subject to the following criteria:

(a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli Use.

(b) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or

landscaping.

(c) The proposed seating Area does not impede pedestrian circulation.

(d) The proposed seating Area does not impede emergency Access or circulation.

(e) The proposed furniture is Compatible with the Streetscape.

(f) No music or noise in excess of the City Noise Ordinance, Title 6.

(g) No Use after 10:00 p.m.

(h) No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) OUTDOOR GRILLS/ BEVERAGE SERVICE

STATIONS. Commercial Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is located within Sub-Zone B only.

(b) The Use is on private Property or leased public Property and does not diminish parking or landscaping.

(c) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(d) The Use is Compatible with the neighborhood.

(e) The proposed service station does not impede pedestrian circulation.

(f) The proposed service station does not impede emergency Access or circulation.

(g) Design of the service station is Compatible with adjacent Buildings and Streetscape.

(h) No violation of the City Noise Ordinance, Title 6.

(i) Compliance with the City Sign Code, Title 12.

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

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes for Commercial purposes is subject to the following criteria:

(a) Located within the Sub-Zone B only.

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| <p>(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.</p> <p>(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.</p> <p>(d) No more than a total of three (3) pieces of equipment may be displayed.</p> <p>(e) Outdoor display is allowed only during Business hours.</p> <p>(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.</p> <p>(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</p> | <p>and written description of the event, addressing the following:</p> <p>(a) Notification of adjacent Property Owners.</p> <p>(b) No violation of the City Noise Ordinance, Title 6.</p> <p>(c) Impacts on adjacent Residential Uses.</p> <p>(d) Proposed plans for music, lighting, Structures, electrical, signs, etc needs.</p> <p>(e) Parking demand and impacts on neighboring Properties.</p> <p>(f) Duration and hours of operation.</p> <p>(g) Impacts on emergency Access and circulation.</p> <p>(5) DISPLAY OF MERCHANDISE. Display of outdoor merchandise is subject to the following criteria:</p> <p>(a) The display is immediately available for purchase at the Business displaying the item.</p> <p>(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as</p> |
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the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. Allowed in Subzone B only. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian

circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-56)

15-2.3-15. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 5.

(Amended by Ord. 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.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D) [and 15-5](#).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-11.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. Section 15-3-6.

(Amended by Ord. No. 06-56)

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

**CHAPTER 6 - MASTER PLANNED
DEVELOPMENTS (MPD)**

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to

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reduce impacts of the automobile on the community.

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1), and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations. ~~meet the following criteria:~~

- ~~(1) The Property two (2) or more zoning designations.~~
- (2) The Property has significant Historic Structures that either have been restored or are proposed to be restored as part of the MPD; and

~~(3) The proposed Master Planned Development includes reduced surface parking.~~

(C) MPDs are The Master Planned Development process is allowed in Historic Residential (HR-1) and (HR-2) zones only when:

- (1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties ~~as part of an allowed MPD, see criteria above;~~ or
- (2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. Nos. 04-08; 06-22)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project

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which better meets the goals set forth in Section 15-6-1 herein, except that Density transfers are not allowed between the HR-2 and HCB Zoning Districts. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

(Amended by Ord. No. 06-22)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment

in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

Comment [kaw1]: No Density transfer between HR-2 and HCB.

(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written

findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

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

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developers agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement.

The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) LENGTH OF APPROVAL.

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) MPD MODIFICATIONS.

Changes in a Master Planned Development,

which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) SITE SPECIFIC APPROVALS.

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

(Amended by Ord. Nos. 06-22; 09-10)

15-6 -5. MPD REQUIREMENTS.

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

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project that better meets the goals set forth in Section 15-6-1. Except that Density transfers between the HR-2 and HCB Zoning Districts are not allowed.

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another

unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/ Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 and HR-2 DISTRICTS.**

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building

Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat, or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade Parking in the HR-1 and HR-2 zones, shall not count against the maximum Building Footprint.

(b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint.

(c) The maximum FAR of the HCB zoning district continues to apply to the HCB zoned portion and may be reduced as part of a Master Planned Development

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an

MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features, to create an adequate buffer to adjacent Uses, or to meet historic compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**
All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

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Deleted: . The maximum Building Footprint calculation for Properties within the Historic District do not apply to common underground Parking Structures or non-Residential Floor Area that is an extension of a Main Street Business in the HR-2 Subzone A. Maximum Building Footprint shall be approved as part of a Master Planned Development.

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Comment [kaw2]: Section reformatted.

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation of Historic Structures.

(2) **TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

(E) **OFF-STREET PARKING.**

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

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The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT**. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1 and HR-2 Zoning Districts

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The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

Deleted: unless said Property meets the criteria of Development on Steep Slopes, Section 15-2-6.

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under

the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

(6) The additional Building height does not negatively impact the surrounding neighborhood or adjacent Buildings in terms of

aesthetics, mass, scale, and volume and the proposed Building or Buildings are Compatible with the surrounding neighborhood.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Comment [kaw3]: Revised to be compatible with the neighborhood. However not always residential and not always historic in MPD section.

Comment [kaw4]: This was deleted because the Steep Slope CUP section does not allow height exceptions.

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(6) Structures within the HR-1 District which meet the standards of Development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

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(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for

dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET SCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and

conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(Amended by Ord. Nos. 04-08; 06-22; 09-10)

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

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

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

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

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

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;

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(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) The MPD incorporates best planning practices for sustainable development, including energy efficient design and construction.

(Amended by Ord. No. 06-22)

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance

incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation

facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

(Amended by Ord. Nos. 06-22; 09-10)

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and size of Structures built within a project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1) Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint

and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) <u>SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.</u> Within a Hotel or Nightly Rental Condominium project, <u>Support Commercial Floor Area may not exceed</u> five percent (5%) of the total <u>Floor Area of the approved Residential Unit Equivalents.</u> <u>Any unused Support Commercial Floor Area may be utilized for Meeting Space Floor Area.</u>	<u>Unit.</u> Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses <u>as:</u> - Ski/Equipment lockers - Lobbies - Registration - Concierge - Bell stand/luggage storage - Maintenance Areas - Mechanical rooms <u>and shafts</u> - Laundry facilities and storage - Employee facilities - Common pools, saunas and hot tubs not open to the public - Telephone Areas <u>Guest business centers</u> - Public restrooms - Administrative offices - Hallways and circulation - Elevators and stairways	Deleted: u Comment [kaw5]: Staff is conducting research to determine a maximum floor area for these types of back of house uses. Deleted: up to Deleted: Gross Floor Area
(D) <u>MEETING SPACE.</u> Within a Hotel or Condominium project, <u>Meeting Space Floor Area may not exceed</u> five percent (5%) of the total <u>Floor Area of the approved Residential Unit Equivalents.</u> <u>Any unused Meeting Space Floor Area may be utilized for Support Commercial Floor Area within a Hotel or Nightly Rental Condominium project.</u>	(G) <u>RESORT ACCESSORY USES.</u> The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include such Uses as: - Information - Lost and found - First Aid - Mountain patrol - Administration	Deleted: Support Commercial Uses, which shall not count against any allotted commercial Unit Equivalents approved as part of the MPD. Any Support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor area can be support Commercial Uses, and no other Commercial Uses will be allowed.¶ Deleted: up to Deleted: Gross Floor Area Deleted: , may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total Gross Floor Area, excluding Parking Areas, will be counted as commercial Unit Equivalents. Deleted: Any square footage, which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Deleted: Back of house Uses¶ Deleted: Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas are spaces normally associated with and necessary to serve meeting and banquet activities and Uses. These accessory meeting spaces do not require the use of Unit Equivalents.¶ Deleted: those Deleted: which Deleted: inside the
(E) <u>COMMERCIAL UNIT EQUIVALENTS.</u> Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.	(F) <u>RESIDENTIAL ACCESSORY USES.</u> Residential Accessory Uses include <u>typical back of house uses and administration</u> facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project, <u>and that</u>, are common to the residential project and are not <u>locate within any</u> individual <u>Residential</u>	Deleted: up to Deleted: Gross Floor Area Deleted: , may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total Gross Floor Area, excluding Parking Areas, will be counted as commercial Unit Equivalents. Deleted: Any square footage, which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Deleted: Back of house Uses¶ Deleted: Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas are spaces normally associated with and necessary to serve meeting and banquet activities and Uses. These accessory meeting spaces do not require the use of Unit Equivalents.¶ Deleted: those Deleted: which Deleted: inside the

Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms and Areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

(Amended by Ord. Nos. 06-22; 09-10)

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 10 - Board of Adjustment
15-10-1



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 10 - BOARD OF ADJUSTMENT

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

15-10-2. TERM OF OFFICE.

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each

year on June 1. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(Amended by Ord. No. 09-10)

15-10-3. POWERS AND DUTIES.

(A) The Board of Adjustment shall hear and decide:

- (1) Appeals from zoning decisions applying Title 15, Land Management Code;
- (2) Special exceptions to the terms of the Land Management Code; and
- (3) Variances from the terms of the Land Management Code.
- (4) [Appeals and Call-ups of Final Action by the Planning Commission at the request of the City Council for City Development.](#)

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the

Planning Department, as provided in Title 15, Chapter 9.

(Amended by Ord. No. 06-35)

**15-10-4. GROUND FOR
REMOVAL.**

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

(Amended by Ord. No. 06-35)

15-10-5. ORGANIZATION.

(A) **CHAIR.** The Board of Adjustment shall elect one of its members to serve as Chair for a term of two (2) years at its first meeting following the date of expiration of terms in June. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely at that meeting.

(B) **QUORUM.** No business shall be conducted unless at least three (3) members

of the Board, not counting the alternate, are present.

(Amended by Ord. No. 09-10)

15-10-6. MEETINGS.

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.

(A) **WITNESSES.** The Chair of the Board of Adjustment or in his absence, the Chair Pro Tem, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES.** Written minutes shall be kept of all Board meetings. Such minutes shall include:

(1) The date, time and place of the meeting.

(2) The names of members present and absent.

(3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

(4) The names of all citizens who appeared and the substance in brief of their testimony.

(5) Any other information that any member requests be entered in the minutes.

The minutes are public records and shall be available within a reasonable time after the meeting.

(Amended by Ord. No. 09-10)

15-10-7. APPEALS.

Also see Section 15-1-18. The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement, decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council, unless specifically requested by the City Council for City Development.

Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment on the record made before the Historic Preservation Board or Planning Commission. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land Use authority in its interpretation and application of the land Use ordinance.

The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority. Appeals shall be heard by the Board of Adjustment within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(Amended by Ord. Nos. 06-35; 09-10)

15-10-8. SPECIAL EXCEPTIONS.

The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

(A) The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

(B) The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.

(C) The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.

(D) The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.

(E) The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.

(F) The proposed Use and Development will not cause material air, water, soil or noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited

to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

(Amended by Ord. Nos. 06-20; 06-20)

15-10-9. VARIANCE.

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

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| <p>(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;</p> <p>(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;</p> <p>(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;</p> <p>(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and</p> <p>(5) The spirit of the Land Management Code is observed and substantial justice done.</p> <p>(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.</p> | <p>(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.</p> <p>(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.</p> <p>The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.</p> <p>(F) Variances run with the land.</p> <p>(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void.</p> <p>(H) The Board of Adjustment and any other body may not grant a Use variance.</p> <p>(I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:</p> <p style="padding-left: 40px;">(1) mitigate any harmful affects of the variance; or</p> |
|---|---|

(2) serve the purpose of the standard or requirement that is waived or modified.

(Amended by Ord. No. 06-35)

15-10-10. PERSONS ENTITLED TO APPEAR.

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the Application.

15-10-11. DECISION.

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

15-10-12. VOTE NECESSARY.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

15-10-13. JUDICIAL REVIEW OF BOARD DECISION.

The City or any Person adversely affected by any decision of the Board of Adjustment

may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment decision was arbitrary, capricious, or illegal.

(Amended by Ord. No. 09-10)

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Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sties Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. Nos. 09-05; 09-23)

15-11-11. DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES.

The HPB shall promulgate and update as necessary Design Guidelines for Use in the

Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

(Amended by Ord. No. 09-23)

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

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed or Conditional Use associated with a Building Permit to build, locate, construct, remodel, alter, or modify any Building, accessory Building ~~or~~ Structure located within the Park City Historic Districts or Historic Sites.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the

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Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) **PRE-APPLICATION CONFERENCE.**

(1) The Owner and/or Owner's representative shall be required to attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines ~~that~~, because of the scope of the proposed Development, ~~certain guidelines are not applicable.~~

If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to

understand the requirements of the Application.

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

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

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

(a) For Non-Historic Structures and Sites- minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors, trim, lighting, mechanical equipment, paths, driveways, retaining walls, landscaping, interior remodels, temporary improvements, and similar work.

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(b) For Significant Historic Structures and Sites- minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical equipment located in a rear yard area or rear facade, paths, driveways, repair of existing retaining walls, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites- minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood, the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railings, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear facade, repair of paths, driveways, and existing retaining walls; landscaping, interior remodels, temporary improvements, and similar work.

(B) **COMPLETE APPLICATION.**

The Owner and/or Applicant for any Property shall be required to submit a Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) **DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code. The Planning Department staff shall make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure

on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this

Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Historic Preservation Board decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. No. 09-23)

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

- (5) failure to provide normal tenants improvements.

(C) DECISION. The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

- (1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or
- (2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and
- (3) The Building, Structure or Site cannot be feasibly Reconstructed or relocated.

(D) APPROVAL. If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of

approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include a complete history, photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) DENIAL. If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(E) APPEAL. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's

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decision was arbitrary, capricious, or illegal.
The petition is barred unless it is filed within
thirty (30) days after the date of the CAD
Hearing Board's decision.

(Amended by Ord. Nos. 09-10; 09-23)

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

**15-12-1. PLANNING
COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

(Amended by Ord. No. 06-35)

**15-12-2. TERMS AND
ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Wednesday in July. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have

resigned when they move their residences outside the City limits.

(Amended by Ord. No. 08-07)

**15-12-3. GROUNDS FOR
REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**15-12-4. COMMUNITY
REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as

amended, and such other powers as are conferred on it by the City Council.

15-12-6. CHAIR.

The Planning Commission shall on or after the second Wednesday in July each year, after appointment of new members, elect one of its members to serve as Chair for a term of one (1) year. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. The Chair may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

(Amended by Ord. No. 09-10)

15-12-7. STAFF.

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

(Amended by Ord. No. 06-35)

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically

requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(D) The names of all citizens who appeared and the substance in brief of their testimony; and

(E) Any other information that any member requests be entered in the minutes. The minutes are public record and shall be available within a reasonable time after the meeting.

15-12-12. DECISIONS.

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

15-12-13. QUORUM REQUIREMENT.

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chair for computation purposes.

(Amended by Ord. No. 09-10)

15-12-14. VOTING.

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chair shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chair Pro Tem shall, at all times, be entitled to cast his or her vote as a member

of the Commission, including those occasions on which he or she is acting as Chair Pro Tem. All votes shall be a simple majority.

(Amended by Ord. No. 09-10)

15-12-15. REVIEW BY PLANNING COMMISSION.

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation and zoning review with recommendation to City Council;
- (3) Land Management Code and re-zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;

(8) Review of appeals of Planning Directors interpretation of the Land Management Code and decisions;

(9) Subdivision and record of survey plat and plat amendment review with recommendation to City Council;

(10) Formal termination of inactive applications;

(11) Sensitive Lands review; and

(12) Extension of Conditional Use permit and Master Planned Development approvals.

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-

401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND REZONING REVIEW.**

The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the

purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

(6) RATIFICATION OF CONDITIONAL USE PERMITS.

The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

(7) CONSENT AGENDA ITEMS. The following items may be placed on the consent agenda, if the Application is uncontested, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use permits;

- (b) Plat and plat amendment approvals;

- (c) Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.

- (d) Other items of a perfunctory nature, which the Chair directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Applicant requests the item be continued in order to prepare additional information to respond to the Commissions concerns.

(8) REVIEW OF APPEALS OF THE PLANNING ~~STAFF'S~~ INTERPRETATION OF THE LAND MANAGEMENT CODE.

The Owner, Applicant, or any non-Owner with standing as defined in Section 15-1-18(D) of this Code may request that Planning ~~Staff~~ Final

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Action on a project be reviewed by the Planning Commission. The standard of review by the Planning Commission shall be the same as the scope of review at the Staff level.

Appeal process shall be in accordance with Section 15-1-18.

Appeals shall be heard by the Planning Commission within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(9) SUBDIVISION AND RECORD OF SURVEY PLAT AND PLAT AMENDMENT REVIEW. The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

(10) TERMINATION OF INACTIVE APPLICATIONS. See Termination of Projects, Section 15-1-14.

(11) SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

(12) EXTENSION OF CUP AND MPD APPROVAL. See extension of Conditional Use Permit, Section 15-1-10(G) and MPD Section 15-6-4(H), Length of Approval.

(Amended by Ord. Nos. 06-35; 09-10)

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Meeting Notes from October 27, 2009 Open House on Upper Park Avenue LMC Amendments.

On October 27th, Staff hosted an open-house/public neighborhood meeting to discuss the proposed LMC changes and to get input from the neighborhood on a variety of issues. There were approximately 12 attendees. In general, the attendees were favorable to the amendments. The primary issues and concerns of the neighbors are the lack of enforcement of the code and conditions of project approvals and the impacts of Main Street businesses and activity on their neighborhood and quality of life. The following summarizes items of concern raised and discussed at the neighborhood open house meeting:

- Current lack of enforcement of service delivery, use of Park Avenue for Main Street uses.
- Overhead power lines - options to underground - constraints to this.
- Noise from commercial fans and other mechanical equipment - how to ensure the impacts are mitigated.
- Street design of Park Avenue - physical look east side lacking sidewalks, curbs, parking, trees, and of course residential structures. Vacant lots are a problem.
- Elevator requirements for Main Street business to stop the access to Park Avenue under guise of ADA. Access creates parking issues.
- Trash delivery seems to be resolved; one or two businesses may still be a problem.
- Some concern about the amendments being an incentive to development of houses on east side (which will increase the density on the street).
- Parking options - under houses, lessen requirements; try to get front porches and no garages - like the three houses at the lower end of the street before Heber Avenue. In-lieu fees for some or all parking could work if better design results.
- Steep Slope CUP and Historic Design Guidelines still apply to all lots in HR2.
- How to ensure that commercial use (e.g. for storage, office, bathrooms, secondary use for Main Street business) does not impact Park Avenue in any way – parking and access to parking for any commercial/office use can not be on Park Avenue. Require it to

be primarily buried and beneath the residential structure as per the HR2 requirements. With no direct access to Park Avenue.

- Some neighbors believe that some incentives are necessary - they have waited 18 years for property owners to develop houses on east side of Park but they are still looking at vacant lots, parking lots, and backs of Main Street businesses. More comfortable taking out the date required for plat amendments if this will provide incentive to get houses on the east side.
- Development of 1 to 1 1/2 story houses (1/2 story meaning the second floor is generally within the roof area) would provide a buffer for Park Avenue residents from the activity on Main Street. Rear elevations could be 2 to 3 stories backing to Main Street as long as Park Avenue façades are compatible with the historic scale of the smaller historic houses on Park Avenue.

Pros and Cons of Using Hearing Examiners

Pros

- More professional and timely decisions insuring fairness and consistency.

A professional hearing examiner prepares for and conducts hearings in a manner insuring procedural fairness. Hearings are less emotional and more expeditious. Hearing examiners develop a high level of expertise and specialization, saving time in making decisions and improving their quality and consistency.

- Time-saving for legislative body, freeing legislators to focus on legislative policy and other priority issues.

Conducting public hearings and making quasi-judicial decisions is time-consuming. Local legislators can free themselves from many of their hearing duties by delegating them to a hearing examiner. The local legislative body can still choose to make final decisions or to hear appeals of the examiner's decisions, and those appeals will be facilitated by a thorough and organized record. The use of hearing examiners is especially time-saving for routine decisions and for complex land use decisions requiring formal hearings, citizen participation, and subject matter expertise.

- Separation of policy-making or advisory functions from quasi-judicial functions.

Use of hearing examiners for quasi-judicial hearings separates legislative and administrative functions from quasi-judicial functions. This can improve decision-making by clarifying roles and avoiding conflicts. For jurisdictions with planning commissions, use of a hearing examiner system allows the planning commission to function as an advisory body. The legislative body can focus on policy-making while the planning department concentrates on administration. For counties with three-member boards of commissioners, use of a hearing examiner to conduct quasi-judicial proceedings can greatly assist commissioners who already responsible for a number of legislative and administrative functions.

- Improved compliance with legal requirements, including due process, appearance of fairness, and record preparation.

Hearing examiners have special expertise in managing legal procedural requirements and avoiding appearance of fairness and conflict of interest

issues. The hearing examiner assures procedural fairness, especially in cases where one side is represented by an attorney while the other side is not. Participants are often more satisfied with the proceedings, regardless of the outcome. A properly conducted hearing also results in a complete and well organized written record

- Reduced liability relating to land use decisions and/or procedural challenges to decisions.

Using a hearing examiner system has been shown to reduce land use liability exposure. Improved hearing procedures, better records, and more consistent and documented decisions are typical of professional hearing examiners. At least one local government insurance authority has officially endorsed the use of hearing examiners for land use decisions based on a survey providing evidence of a lower risk profile for jurisdictions using a hearing examiner system for land use proceedings.

- Improved land development review integration under chapter 36.70B RCW (ESSB 1724).

A number of jurisdictions have adopted hearing examiner systems since the 1995 regulatory reform legislation mandating integration and consolidation of environmental and land use regulatory review for development projects. Use of a specialized land use hearing examiner is an effective method of consolidating and coordinating multiple review processes. For jurisdictions with a mandatory board of adjustment, adoption of a hearing examiner system eliminates the requirement for a board of adjustment.

- Opportunity for feedback to improve plans and regulations from professional hearing officer familiar with comprehensive plans and development regulations.

A professional hearing examiner has familiarity with the local comprehensive plan and development regulations and possibly those of other jurisdictions. Areas where plans, regulations, and policies are weak or inconsistent can be identified and referred to the planning staff, planning commission, or legislative body, providing feedback for continuous improvement.

- Removal of quasi-judicial decision-making from the political arena.

It may be difficult for elected local government officials to entirely eliminate political considerations from their quasi-judicial decision-making. Professional hearing examiners should be immune from political pressures.

Cons

- Cost to county or city for hiring a hearing examiner and staff.

There are costs in hiring hearing examiners and, if necessary, support staff. Counties and cities should consider whether savings in council and commission time, improvements in decision-making, and reduced liability justify the costs. Alternatives such as use of personal service contracts for hearing examiners can reduce costs.

- Increased cost to the parties due to more formal decision-making procedures.

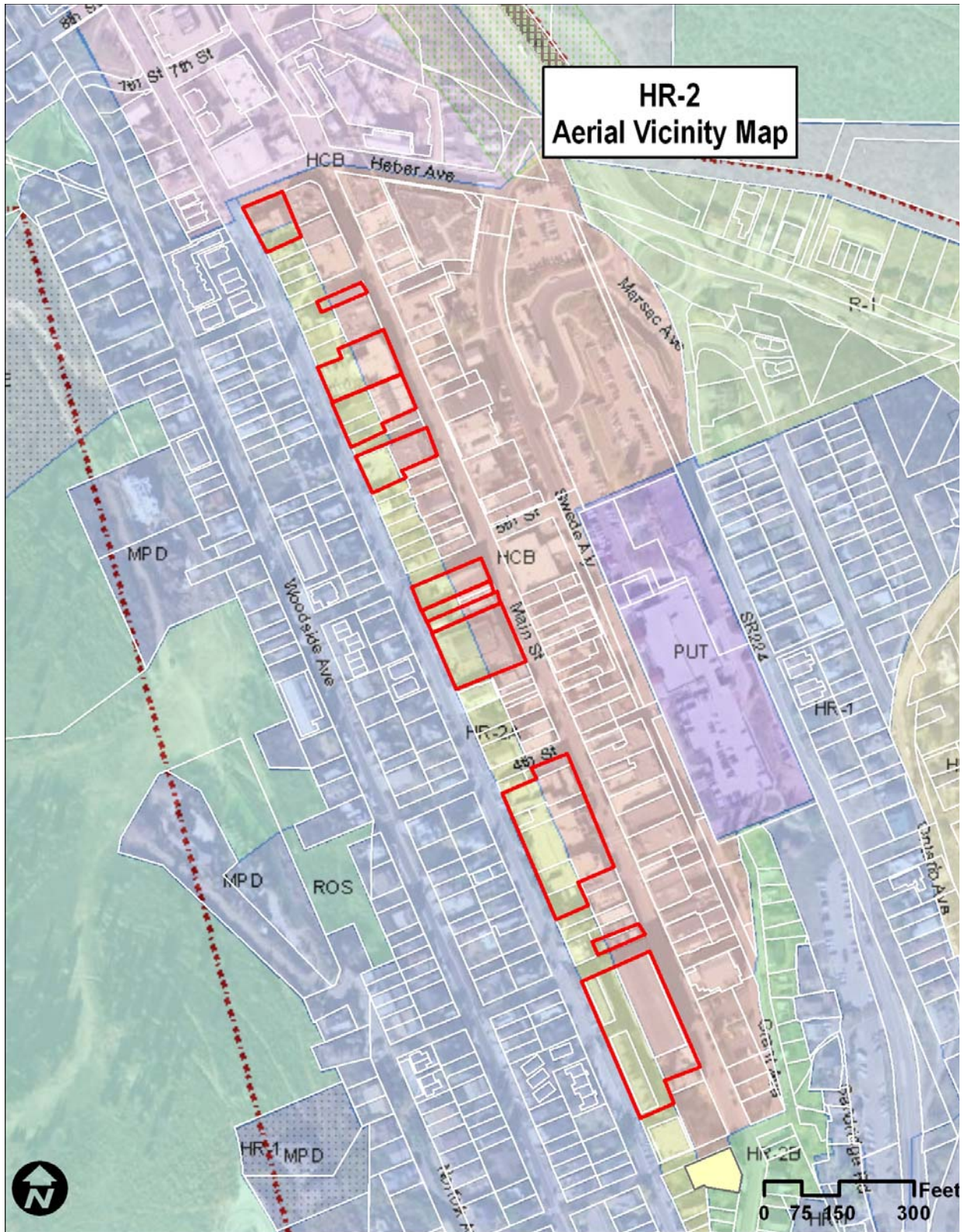
Hearing examiners can increase the formality of the hearing process, although many of the procedural requirements and formalities are already required under state law. This formality can provide the advantage of increased appearance of fairness and impartiality in decision-making.

- Lack of accountability to voters for appointed hearing examiner making decisions or hearing administrative appeals.

Some people maintain that important decisions should be made by elected officials who are accountable to the voters. However, these concerns can be addressed by making the hearing examiner's decision a recommendation to the council or commissioners or by providing for an administrative appeal to the legislative body.

Options for Efficient and Effective Use of Hearing Examiners for Smaller Counties and Cities

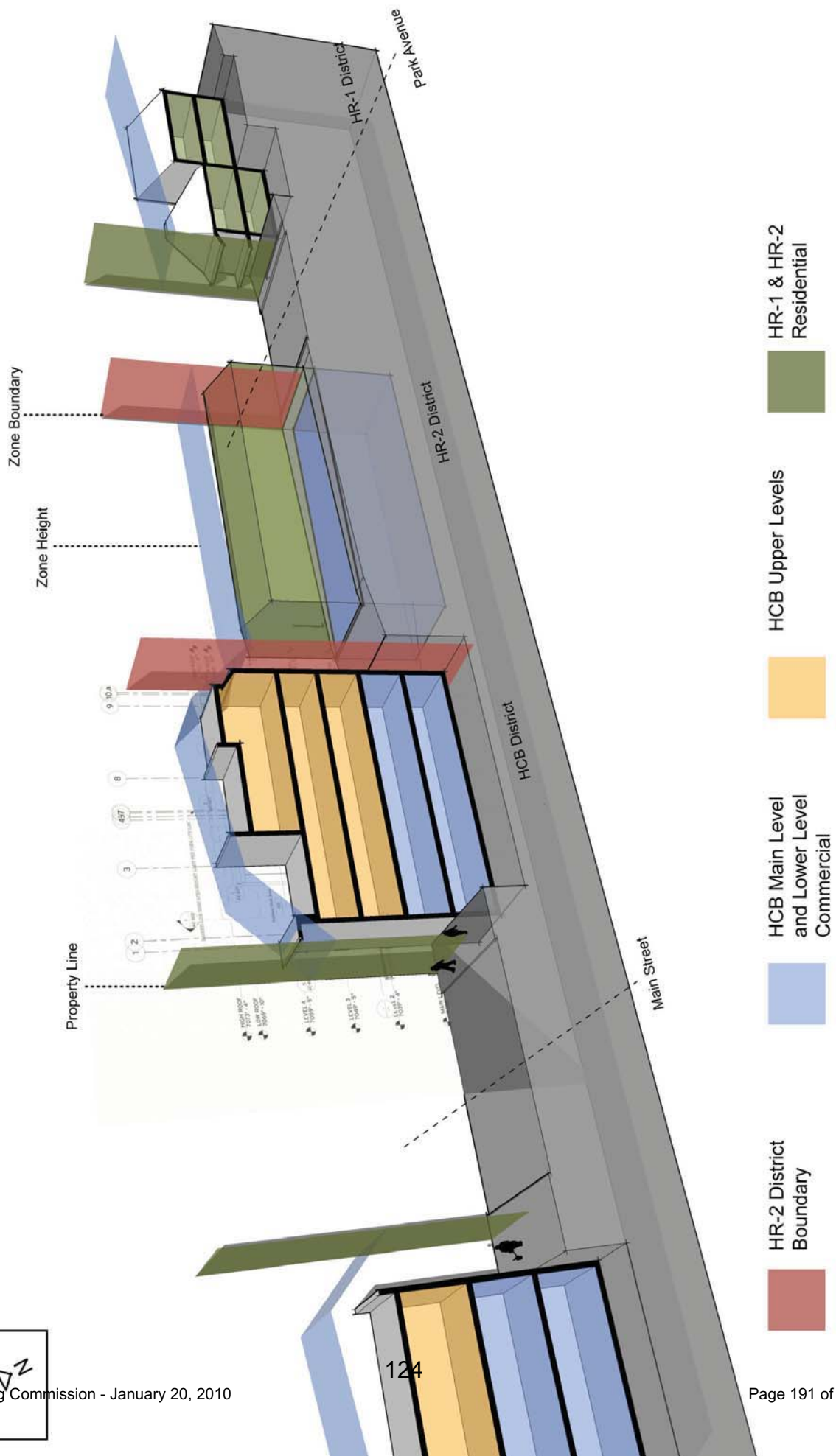
Smaller local governments may be reluctant to establish a hearing examiner system because of cost considerations and concerns about whether there will be enough occasions to justify using a hearing examiner. Here are some ideas about addressing these concerns:







614 Main Street - Proposed Zoning



HR-2 District
Boundary



HCB Main Level
and Lower Level
Commercial



HCB Upper Levels



HR-1 & HR-2
Residential

Planning Comm

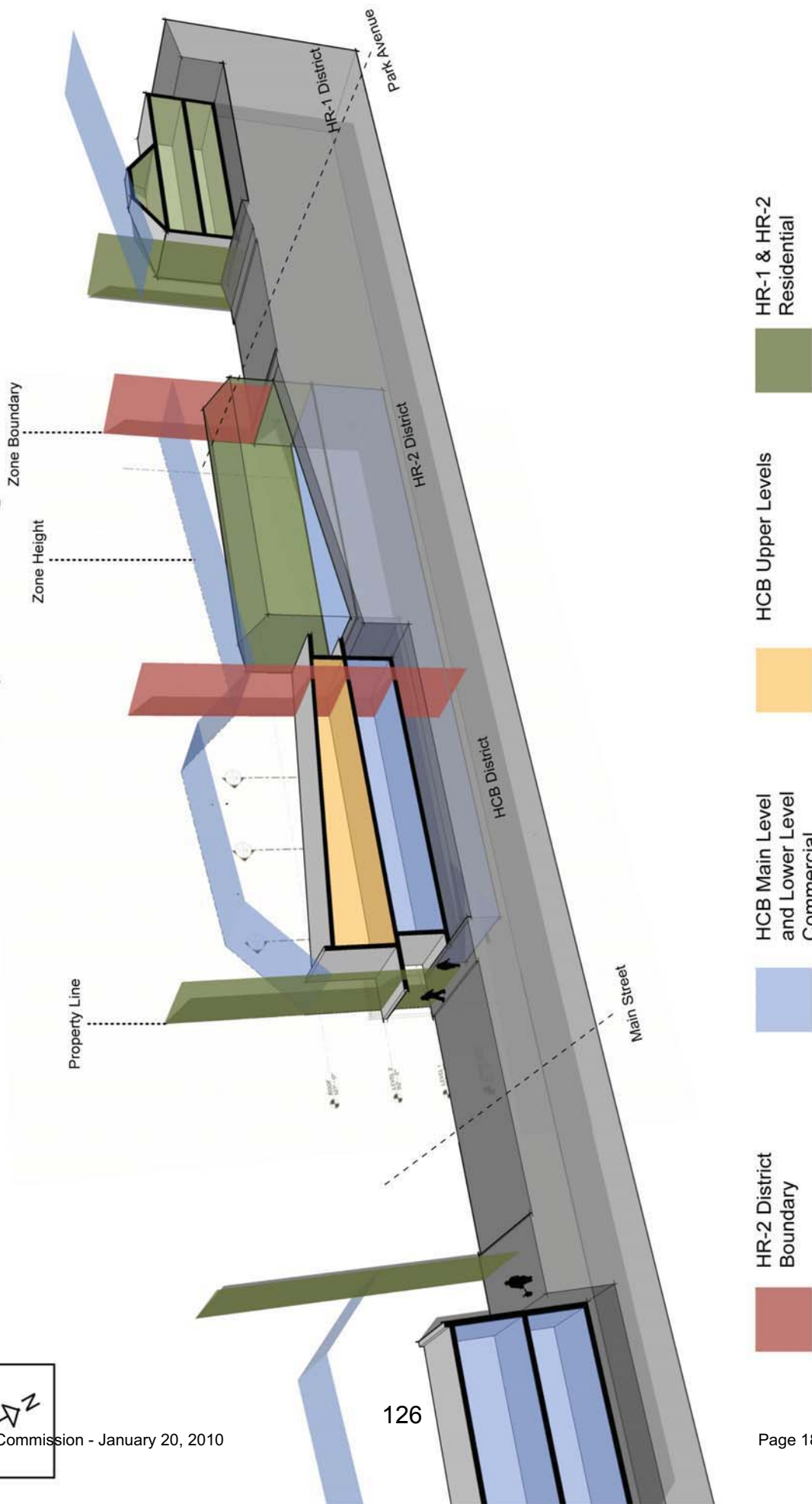
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449 Main Street - Proposed Zoning



Planning Commission - January 20, 2010



HR-1 & HR-2
Residential

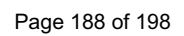
HCB Upper Levels

HCB Main Level
and Lower Level
Commercial

HR-2 District
Boundary

Planning Comr

127



333 Main Street - Proposed Zoning

